THEORIZING FRANCE'S MINISTRY OF IMMIGRATION: BORDERS,
POPULATION AND NATIONAL IDENTITY IN POSTCOLONIAL EUROPE

by

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A Dissertation
Submitted to the
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of
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DEDICATION

This dissertation is dedicated to the memory of my beloved father, Kâni Ocak, who has been the biggest inspiration in my life. I am thankful to him for teaching me the value of profound thinking, concentration and a clear conscience early on. He always wanted me to pursue a PhD degree. Here is to you *babacim*, I wish you were here!

ACKNOWLEDGEMENTS

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ABSTRACT

Theorizing France's Ministry of Immigration: Borders, Population and National Identity in Postcolonial Europe

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This dissertation explores the ways in which immigration and national identity are conceived of and governed in France through an examination of the French Ministry of Immigration, Integration, National Identity and Codevelopment created in 2007 by the Sarkozy government. Combining a genealogical and political economic analysis, I suggest that the immigration problem emerged in France within the colonial welfare mechanisms of integration and development with the purpose of governing the former colonized subjects in the metropole in the absence of formal colonial relations. Against this backdrop, my dissertation examines how the neoliberalization of the immigration dispositif reconfigures the ways in which Europe thinks and acts upon the rest of the world. I trace the consequences of this transformation in individual chapters on integration, development and identity. First, analyzing the political economy of the immigration problem and the new meanings of development, I detail how the landmark

EU Council decisions on the management of migration embed the security industry's demands and market logic within the EU level policy making and research and enterprise programs. Focusing on the French context, I discuss the implications of these changes in the long-established link between development and immigration. Through the immigration problem, I suggest, France today enlists its former African colonies in the management of migration, turning them into markets for European defense and security technologies under the rubric of codevelopment. In the chapter on integration, I examine the changing mechanisms and rationale that delegate the responsibility of integration onto the immigrants. Drawing attention to the increasing legal interventions in the realm of integration, I view the criminalization of the "failure" to integrate and accompanying practices of detention and expulsion as consequences of neoliberal governmentality. Finally, I dedicate a chapter to exploring the national identity debate the French Ministry launched in 2009, suggesting that the French state seeks to channel the anxiety of its citizens, which results from the crumbling of the welfare state, toward the invented enemy of the "unwanted" immigrant. Thus complicating the dominant view that reduces contemporary French and wider European immigration politics to increasing anti-immigrant hostility, I examine the changing rationale behind the mechanisms and institutions in and through which immigration is problematized, the strategic purposes the immigration problem serves today and the ways in which the immigrants, sending countries, and the French state and citizens are implicated in these processes.

INTRODUCTION

Realizing a presidential campaign promise, Nicolas Sarkozy established, two days
after he was elected (May 2007), the most controversial ministry in the history of France:
The Ministry of Immigration, Integration, National Identity and Co-development
(MIINID).[1] When he announced the new cabinet, it turned out that he appointed Brice
Hortefeux to this newly created position—one of his most loyal political allies and
personal friend—attesting to the significance the president attributed to this ministry.[2]
The Ministry was officially born on June 1st when the relevant decree appeared in the
Official Journal with the title Decree no 2007-999 of 31 Mai 2007 relative to the merits
of Ministry of Immigration, Integration, National Identity and Codevelopment:

> *Article 1: The Minister of Immigration, Integration, National Identity and*
>
> *Codevelopment prepares and implements the government's politics of*
>
> *immigration, asylum, and integration of the immigrant populations, promotion*
>
> *of the national identity and of codevelopment. It prepares and implements the*

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[1] The ministry later was renamed as the Ministry of Immigration, Integration, National Identity and Shared
Development. To simplify, throughout this dissertation I will call it shortly the Ministry of Immigration or
MIINID.

[2] As a matter of fact, their friendship remained so strong in all these years that Hortefeux currently leads an
association called "friends of Sarkozy" apparently established to promote and defend Sarkozy term's
political legacy. It is thought also that Nicolas Sarkozy is actually planning to make a comeback at the
2017 elections and his friends are preparing for the fight: See www.amisdenicolassarkozy.fr

regulations relative to the conditions of the entry, residence and exercise of a

professional activity of the foreign nationals.[3]

Immigration, integration of the immigrants and codevelopment had been central political issues in France for decades but had been dealt with by various ministries. In that sense, not much was novel in terms of the issues MIINID was set out to address. Similarly, the Ministry's creation was presented officially as "an outcome of the plans that have been made in the last twenty years to gather in one structure various aspects of immigration policy, which had been until then split up between the ministries of Interior, Foreign Affairs, Social Affairs and Justice."[4] Indeed, the Lettre de mission[5] (mission letter) addressed to Brice Hortefeux, describes the main principle of Sarkozy's presidential project of immigration: "recognizing the interest of both our country and the country of origin in authorizing a certain number of immigrants to establish in France, while demanding from them to respect our values, in order to control the scale of migratory flows."[6] Toward this end, Sarkozy assigned two important missions to the ministry: "To reinforce and deepen the selective immigration politics and to involve the partners in the management of the migratory flows at European and international levels."[7] Below, I will briefly describe these objectives.

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[3] Décret n° 2007-999 du 31 mai 2007 relatif aux attributions du ministre de l'immigration, de l'intégration, de l'identité nationale et du codéveloppement. http://legifrance.gouv.fr/eli/decret/2007/5/31/2007-999/jo/texte

[4] The statement on the official webpage of the ministry. Accessed in 2009.

[5] This letter doesn't have a juridical value and thus was not published officially. Lettre de mission de M. Nicolas Sarkozy, président de la République, adressée a M. Brice Hortefeux, ministère de l'immigration, de l'intégration, de l'identité nationale et du codéveloppement, sur les priorités en matière de politique d'immigration. Retrieved from http://discours.vie-publique.fr/notices/077002185.html.

[6] Lettre de mission. All translations are mine unless noted otherwise

[7] Ibid.

To begin with, selective immigration was a key piece of Sarkozy's landmark project on immigration, which he had already launched in 2005 when he was the Interior Minister and the president of the center-right UMP (Union for a Popular Movement). Central to selective immigration politics is the creation of a dichotomy between the selected, good immigrants (immigration choisi), who supposedly immigrate for economic purposes only versus the undesirable immigrants (immigration subie), who migrate into France through abuse of the family reunification programs. Declaring a fight against the latter, Sarkozy wanted to convey two messages. The first message was that he was not entirely opposed to immigration; unlike the far right party Front National he was not proposing a zero immigration policy. The second message was that France reserves the right to decide who to allow into France and under what conditions. As such, selective immigration was put forth by Sarkozy to manage in novel ways the long-standing problems of illegal immigration, the family reunification programs and the integration of the 'good' immigrants. In the subsequent chapters, I will examine in detail the new rationale set out by the selective immigration approach and the implications of this for the immigrants.

As for the second objective of the Ministry—creating a European and international scale migration management policies—Sarkozy both endorsed a common immigration policy designed by the EU member states and the creation of a dialogue with the immigrant sending countries to engage them in the management of migratory flows. As he also delineated in the mission letter, the former entails the generalization of biometric identification technologies and the creation of a European border police. It

should be noted that since the Treaty of Amsterdam wherein the European Union defined itself as an Area of Freedom, Security and Justice, immigration is defined as a problem for European community. In other words, border management in Europe was organized at the supranational level. As I examine in detail in the subsequent chapters, France played a crucial role in shaping the EU level immigration policies; it was during France's EU presidency and Hortefeux's term as Minister of Immigration that the European Pact of Immigration and Asylum was signed in Paris. In line with the missions of the Ministry of Immigration, central to this pact was a twofold politics: stricter controls on migratory flows and a codevelopment (later redefined as shared development) approach that engages the immigrant sending countries in the management of migratory flows. The term codevelopment signifies the paradigm in which France—along with Europe—establishes its relations with the immigrant sending countries, countries who, importantly, were its former colonies in Africa.

The Ministry also had the objective of promoting national identity. "Identity crisis" and the remedies to overcome it were major themes in Sarkozy's presidential campaign. He once stated explicitly: France goes through an identity crisis…at the root of the crisis, there is cultural renunciation."[8] He offered as a solution "to build confidence in and to return to the values, which unite the populations."[9] Foregrounding the Christian aspects of French identity, he invoked in this regard "France of the cathedrals, crusades, human rights and Revolution."[10] The Ministry also claimed an

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[8] *Nouvel Observateur*, 15 march 2007.
[9] Ibid.
[10] Ibid.

intimate link between immigration and national identity.[11] As Brice Hortefeux argues, "with the creation of this ministry, we recognize officially, for the first time that immigration is constitutive of our identity. This ministry allows weaving over the link between nation and immigration which has been loosened."[12] In 2009, the Ministry launched a national identity debate with the goal to "consolidate the French national identity and reaffirm its republican values and the pride of being French."[13] In the words of Eric Besson, the second minister after Hortefeux, the national identity debate had the objective of inviting "all French citizens to reflect on what it means to be French at the beginning of 21st century."[14] The timing of the debate is crucial—it was launched after the controversies created around wearing burqa (full-face Islamic veil) in public. In an attempt to highlight the Christian aspects of French identity and thus the incompatibility between French and Islamic/Maghrebin lifestyles, the national identity debate was posited as "a response to increasing communitarianism in France, to which Burqa affair is one of the illustration."[15] Soon after the debate, wearing burqa in public was banned by the French state.

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[11] *"The Ministry of Immigration, Integration, National Identity and Codevelopment prepares and implements the government's politics of immigration, asylum, and integration of the immigrant populations, promotion of the national identity and of codevelopment. It prepares and implements the regulations relative to the conditions of the entry, residence and exercise of a professional activity of the foreign nationals." "Decree no 2007-999 of 31 Mai 2007 relative to the merits of Ministry of Immigration, Integration, National Identity and Codevelopment"

[12] "« Ma Vision de L'identité Nationale »," http://service.vigile.quebec/Ma-vision-de-l-identite-nationale.Libération, 27 Juillet 2007). My translation.

[13] "Circulaire IMIK0900089C Du 2 Novembre 2009 Relative À L'organisation Du Grand Débat Sur L'identité Nationale - cir_29805.pdf," accessed October 26, 2013, http://circulaire.legifrance.gouv.fr/pdf/2009/11/cir_29805.pdf

[14] Ibid.

[15] Ibid.

As I hope to have intimidated here, the creation of this Ministry in France is a microcosm, of large-scale social dynamics in France and in Europe more broadly. In this dissertation I examine in detail the political economic conditions and the rationale that enabled the creation of this Ministry, shaped its objectives and missions and the ways in which the immigrants, the immigrants sending countries as well as the French state and citizens are implicated by these processes. Using a genealogical and political economic analysis, I explore how France's colonial background—from its "civilizing mission" to colonial developmentalism—plays out in the current problematization of immigration and how this positions France to enact a global rationality in the absence of formal colonial relations. As clearly seen in the objectives of the Ministry, France's immigration politics is closely tied with the EU level border security policies. In this dissertation, I examine how the neoliberal restructuring of Europe shapes the current problematization of immigration situating it within the longer history of Europe's relations with the rest of the world. I analyze the transformation of the development paradigm and its articulation with the management of migration within this context. Furthermore, I will argue that the claims of identity crisis and the attempts to establish a link between immigration and national identity are related with the neoliberal restructuring of Europe. I will discuss the purposes the immigration problem serves in France in terms of channeling the anxieties of French citizens caused by the dismantling of the welfare state. Ultimately, in this dissertation I examine how the problematization of immigration or what I will call the "immigration dispositif" enables France to enact a global governmental rationality that is compatible with the neoliberal restructuring in Europe.

The Ministry of Immigration, Integration, National Identity and Codevelopment has been subject to severe criticism from the left, both by academic and public intellectuals. The first negative reaction came from the historians who have worked since the 1990's for the creation of the first immigration museum (Cité National de L'Histoire et de L'Immigration, CNHI) in France, which was scheduled to open its doors also in 2007. The museum, as I will describe below, was designed explicitly to counter the anti-immigration sentiment that had come to dominate the political debate. On the day of the announcement of the Ministry they resigned to protest Sarkozy and then also launched a petition to demand its abolition. In their resignation statement they suggested the CNHI's purpose is "to change the perspective modern society has on immigration, by reminding our contemporaries that over the past two centuries subsequent periods of immigration have helped develop, transform, and benefit France as a whole. By accepting and understanding the diversity of histories as well as individual and collective memories in France, by bringing together a history for everyone, including both the proud and the shameful moments, will help overcome *stereotypes and preconceived notions*."[16] They believed that Sarkozy's Ministry calls these objectives into question because "in politics, words serve as symbols and they serve as weapons. It is not the responsibility of a democratic state to define identity. The association of these issues is interwoven in a broader discourse that stigmatizes immigration and in a historical tradition of a nationalism based on a distrust and hostility toward foreigners, particularly in times of

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[16]Quoted in "France: Immigration History Museum Opens without Official Inauguration - World Socialist Web Site," accessed October 20, 2013, http://www.wsws.org/en/articles/2007/11/immi-n05.html?view=print.

crisis."[17] Similarly, they stated in their petition: "Associating immigration and national identity in a common ministry has no precedent in history of the French Republic. It is the founding act of the new presidency, defining immigration as a problem for France and for the French in its essence. As citizens, this link worries us because it would only reinforce the negative prejudices towards the immigrants."[18]

Furthermore, after the launching of the national identity debate in 2009, they made a call to refuse the debate declaring, "we will not debate."[19] Signed by more than 45.000 people including prominent intellectuals and political figures, the main point of the call was an invitation "to protect the political principles of the French Republic against Sarkozy's attempts that discredit these principles by assigning a fixed national identity to it."[20] Eventually, in 2010, Sarkozy came to acknowledge that he was wrong to create a Ministry of Immigration and National Identity and that his nationwide debate on what it means to be French had led to tension and misunderstanding.[21] Following a reshuffling of the cabinet, the ministry was abolished, the national identity tag was dropped and immigration was brought back under the auspices of the Minister of Interior.

Sarkozy was a well-known political figure at the time he created the Ministry of Immigration. Starting from the early 2000's he had gained a well-deserved reputation for

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[17] Ibid.

[18] "Non Au Ministère â L'immigration et de L'identité Nationale' Pétition," *Planete Non-violence Guerre à La Guerre Information Alternative Nationale Internationale*, accessed October 20, 2013, http://www.planetenonviolence.org/Non-au-Ministere-de-l-immigration-et-de-l-identite-nationale-Petition_a1268.html. (*Translation mine*)

[19] "L'Appel de Mediapart: «Nous Ne Débattrons Pas» - Page 1 | Mediapart," http://www.mediapart.fr/journal/france/021209/lappel-de-mediapart-nous-ne-debattrons-pas.

[20] Ibid.

[21] Angelique Chrisafis in Paris, "Nicolas Sarkozy Says Sorry for National Identity Ministry," *The Guardian*, accessed June 19, 2015, http://www.theguardian.com/world/2010/nov/17/nicolas-sarkozy-immigration-apology.

his unreserved embrace of colonial history, use of an openly racist discriminatory rhetoric, overemphasis on national identity etc., which were infuriating for the French left and academics. So, in this regard, it is understandable why the creation of the MIINID was received in this way. However, as clearly seen by its objectives and missions, the reality and power relations ordered by the Ministry goes beyond the territories of the French nation-state and implicates the EU as well as African countries. In this sense, I am proposing that by reducing the Ministry of Immigration to the national identity/immigration link, the national identity debate, and anti-immigrant racism, that is, the tensions it created within the domestic sphere, these critiques leave much of the work done by the ministry unexamined.

Furthermore, the CNHI overstates the role of the Ministry of Immigration by attributing it the power to define immigration as a problem—as if the term immigration is inherently neutral. In contradistinction to what the CNHI suggests, I will argue that neither the creation nor the abolition of the Ministry of Immigration actually made a big difference in terms of the rationale, discourses and mechanisms in and through which immigration is governed. In this regard, the work of this dissertation will be to treat the Ministry of Immigration, Integration, National Identity and Codevelopment as an entity that embodies the rationale behind the contemporary government of immigration in France and in Europe, revealed in the link created between immigration and national identity, integration and codevelopment.

In the subsequent pages, I will examine, first, the controversy between Sarkozy and the leftists and academics by contextualizing their respective positions within the rise

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of anti-immigrant racism in France, the birth of the immigration museum project as a response to this and the historical background of Sarkozy's political career. I take this this controversy as significant in itself but also as a chance to read into how these critiques of Sarkozy conceive of the immigration problem. Ultimately, I present my genealogical methodology as a strategy to overcome the problems related with the historians' approach to immigration.

Contextualizing the birth of the CNHI and Sarkozy's political background

It is commonly accepted that a new way of thinking about immigration emerged in France in the 1980's, which blames immigrants for all the problems facing French society.[22] Furthermore, it is also recognized that although the far right National Front is seen as the pioneer of this new platform, all the political parties, including the Socialists, followed the lead of the National Front in questioning whether immigrants might be the source of socio-economic difficulties.[23] A wide consensus was reached in the 1980's that immigrants from the former colonies, because of their origin (Africa), and their religion (Muslim) caused specific problems for integration and furthermore that French traditions and culture were under threat. It is worth remembering at this point an infamous quote of center-right Chirac, from when he was the Mayor of Paris in 1991, which encapsulates the main themes of immigration debate—religious practices as incompatible with the Republican principles, family reunification, burden on French welfare state—suggesting

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[22] Gérard Noiriel, *The French Melting Pot: Immigration, Citizenship, and National Identity* (Minneapolis: University of Minnesota Press, 1996).
[23] Didier Fassin, "The Biopolitics of Otherness: Undocumented Foreigners and Racial Discrimination in French Public Debate," *Anthropology Today* 17, no. 1 (February 1, 2001): 3–7.

that there is no substantial difference between far-right and center-right when it comes to immigration:

> *"How do you want a French worker who works with his wife, who earn together about 15.000FF and who sees next to his council house, a piled-up family with a father, three or four spouses and twenty children earning 50.000FF via benefits, naturally without working…If you add to that the noise and the smell, well the French worker, he goes crazy. And it is not racist to say this. We no longer have the means of honoring the family reunification (policy), and we need to finally start the essential debate in this country, as to whether it is moral and normal that foreigners should profit to the same extent as French people, from a national solidarity to which they don't participate, as they pay no income taxes."*[24]

In fact, these sentiments were pervasive. In the 1990's, a series of studies, investigations, legal actions and public interventions by human rights and anti-racist groups showed that racial discrimination in France was burgeoning in neighbourhoods, schools, factories, courts, hospitals and night clubs, mostly targeting people of African origin. For the first time in France the existence of such racial discrimination was addressed officially by a report of the High Council on Integration (Haut Conseil a

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[24] This speech has become so famous that there is a Wikipedia entry of 'Le Bruit et l'odeur' (The noise and the smell). In 1995 the French music band Zebda appropriated this infamous phrase 'le bruit et l'odeur' as the title of their hit, released in the album with the same name. "Le Bruit et L'odeur," *Wikipedia, the Free Encyclopedia*, November 23, 2013,
https://en.wikipedia.org/w/index.php?title=Le_bruit_et_l%27odeur&oldid=582936888.Chirac's speech can be reached at this link: https://www.youtube.com/watch?v=e4pun9Cdp6Q

l'integration).[25] The scholarly works produced in these years that dwelled on the rising

hostility and xenophobia against the immigrants described this new situation in various

ways such as cultural fundamentalism, differentialist racism or racism without races.

According to Verena Stolcke, the anti-immigrant rhetoric draws upon the idea of a reified

notion of bounded and distinct, localized national–cultural identity that creates a radical

opposition between the nationals and immigrants as foreigners.[26] What Stolcke defines as

cultural fundamentalism is a new racism for Pierre-André Taguieff,[27] which builds on the

idea of the incompatibility of life-styles and the fundamental differences between

cultures. Etienne Balibar similarly argues that this new racism is different from the

biological racism, positing instead essential cultural differences.[28] As Balibar also notes,

the category of the "immigrant" operates as the substitute for the notion of race in this

new racism and it signifies an ultimate Other who is non-European, non-Christian and of

the global South. In other words, immigrant signifies an ultimate distance from the

national/European culture—regardless of the birthplace or the juridical status.

    The idea to build an immigration museum to combat the rising anti-immigrant

racism emerged within this context when a group of academics and activists including

Pierre Milza, Gérard Noiriel, Dominique Schnapper, Emile Temime and Patrick Weil

came together and organized an association for an immigration museum that would

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[25] Fassin, "The Biopolitics of Otherness," 3.

[26] Verena Stolcke, "Talking Culture: New Boundaries, New Rhetorics of Exclusion in Europe," *Current Anthropology* 36, no. 1 (February 1, 1995): 1–24.

[27] Pierre-André Taguieff, *The Force of Prejudice: On Racism and Its Doubles* (U of Minnesota Press, 2001).

[28] Etienne Balibar and Immanuel Wallerstein, *Race, Nation, Class* (Verso, 1991).

celebrate the immigrants and recognize their contribution to the Republic.[29] The CNHI's

narrative of immigration was shaped and informed largely by Gérard Noiriel, who

published his groundbreaking *The French Melting Pot* in 1996 in which he offered a new

approach to immigration. For Noiriel, anti-immigrant racism in France had to do

ultimately with the mis-representation of immigration, for which he held the sociological

analysis that dominated the studies on immigration from 1960's onward, responsible.

Informed by intellectual celebration of difference and radical foreignness of the Other,

and the condemnation of the evils of the integration mechanism, sociologists, Noiriel

argued, constructed the immigrant as ultimately the ex-colonial, North African and in

particular as the Algerian worker characterizing him as an individual living between

parentheses.[30] The goal of the CNHI was thus to offer a more accurate representation of

immigration and thereby "mending the social contract."[31] The museum project was

initiated in 2001 by then Socialist Prime Minister Lionel Jospin, though it was put aside

until Chirac revivified it in 2004. I will look at Noiriel's thesis and how this is reflected

in the museum in more detail in a bit but before that I would like to introduce Sarkozy's

background within this context.

Anti-immigrant racism kept growing in France into the 2000's. As such, the 2002

presidential elections, where the immigration was one of the top issues brought electoral

success to the far right party, Front National. Winning 16.86% of the votes in the first

round, Jean-Marie Le Pen—contrary to the expectations—faced Chirac in the second

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[29] "Le Projet | Musée de L'histoire de L'immigration," accessed October 20, 2013, http://www.histoire-immigration.fr/la-cite/le-projet-de-la-cite.
[30] Noiriel, *The French Melting Pot*, 27.
[31] N. L. Green, "A French Ellis Island? Museums, Memory and History in France and the United States," *History Workshop Journal* 63, no. 1 (January 1, 2007): 251, doi:10.1093/hwj/dbm011.

round. Following the first round of the elections, there were protests all over France

directed against Le Pen and his xenophobic and racist discourse epitomized by their

slogan "France for French."[32] Ironically, Jacques Chirac—famous with the la bruit et

l'odeur speech—was elected president winning 82.21% of the votes thanks to the

solidarity of the Socialist Party, the Communist Party and the Greens who supported him

against racist Le Pen. Sarkozy's political career started when Chirac appointed him as the

Minister of Interior in 2002.

Sarkozy gained a reputation for passing two immigration laws as the Minister of

Interior within one single parliamentary term since 1974. Known as Sarkozy Law I

(2003),[33] and Sarkozy Law II (2006),[34] these brought new criteria for the conditions of

entry and residence.[35] Aiming mainly at the Islamic/African immigrants, the 2003 law

called for "republican integration" and restrictions on polygamy, which was further

developed in 2006 into a mandatory integration contract that the new immigrants had to

sign. In the same spirit, he reignited the long-established headscarf controversy in 2003

insisting that Muslim women pose bareheaded for official identity photographs. Soon the

schools became an issue and in 2004 the French government passed a law that banned the

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[32] The protesters would shout "F for Fascism, N for Nazi" (FN are the initials of the Front National) and "We are all the children of immigrants! First Second Third Generation!"

[33] Loi N° 2003-1119 Du 26 Novembre 2003 Relative à La Maîtrise de L'immigration, Au Séjour Des étrangers En France et à La Nationalité, 2003-1119, 2003.

[34] Loi N° 2006-911 Du 24 Juillet 2006 Relative à L'immigration et à L'intégration, n.d., accessed July 22, 2015.

[35] The law of 2003 passed by Sarkozy during his term as Minister of Interior brings important changes in terms of the entry to the French territory, the access to residence card, the rules of family reunification, conditions of expulsions, confinement, right to work, marriage and naturalization. Other remarkable points of the law are the extension of the administrative retention from 12 days to 32, the extension from 3 years to 5 years the time period to apply for a residence card. The law indicates also that a residence card can be accorded to those foreigners who have a French child (younger than 18) and who have resided in France regularly for at least two years unless they don't practice polygamy. Article 21 of the law.

wearing of "conspicuous signs" of religious affiliation in public schools.[36] As I stated

earlier, Sarkozy brought the veil issue back in 2010 passing a law that banned wearing

burqa (full-face Islamic veils) in public. Furthermore, in 2005, Sarkozy also launched his

selective immigration politics as the leader of the center-right UMP, targeting ultimately

those who came into France via family reunification programs.

In France, the banlieu riots of 2005, which were led and worsened by Sarkozy's

remarks, reignited the debate on the immigrants with colonial, Islamic and/or African

origin. On June 20, Sarkozy visited the "Cité des 4000" housing project outside Paris,

claiming that he would "clean it out with a high pressure hose." Later, during a visit to

the Argenteuil banlieu on October 25, he promised one resident he would rid the project

of its "scum" (racailles). These comments further exacerbated tensions between banlieu

residents and the authorities. Riots ensued when a fifteen-year-old boy named Bouna and

seventeen-year-old Zyed were electrocuted at Clichy-sous-Bois in a power plant as they

ran from police officers on October 27. Their deaths sparked nearly three weeks of

rioting in 274 towns throughout the Paris region and beyond. The rioters, mostly

unemployed teenagers from suburban housing projects (the cités, HLM) caused over 200

million Euros in damage as they torched nearly 9000 cars and dozens of buildings,

daycare centers, and schools.[37] Echoing colonial racist stereotypes and conflating the

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[36] For an analysis of the veil debate see in particular Joan Wallach Scott, *The Politics of the Veil Publisher: Princeton University Press*, n.d. For an anthropological analysis of the meaning of the veil in the context of the 2003 debate, see Talal Asad, "French Secularism and the Islamic Veil Affair", *The Hedgehog Review*, 8 (1-2), 93-106. For the critique of French state laicism see Etienne Balibar, "Dissonances within Laïcité," *Constellations* 11, no. 3 (September 1, 2004): 353–67, doi:10.1111/j.1351-0487.2004.00382.x.
[37] For an analysis of the 2005 riots in France see in particular the web essays provided by prominent scholars including Peter Sahlins, Riva Kastoryano, Alec G. Hargreaves, Olivier Roy and Michel Wieviorka brought together by SSRC at http://riotsfrance.ssrc.org/ For an analysis of racism that became visible in

categories of origin and religion Sarkozy associated the riots with illegal immigration, the Muslim/immigrant identity of the rioters, and even the prevalence of polygamy among the African population. He stated for instance: "There are more problems for a child of an immigrant of black or of North Africa than for a son of a Swede, a Dane or a Hungarian, because culture, because polygamy, because social origins contribute to more hardships for him."[38] Another government official, Gérard Larcher, said in an interview that polygamous families produced "anti-social behavior"[39] though he added that unemployment was a more important cause of the violence. It should be noted that the far-right refused to consider any sociological explanations. A very well known representative of this position, Alain Finkelfraut suggested, "In France, some would like to reduce the riots to their sociological level. To see them as a revolt of suburban youth against their situation, against the discrimination from which they suffer and against unemployment. The problem is that most of these young people are Black or Arab and identify themselves as Muslim. There are in fact in France other immigrants in a difficult position –Chinese, Vietnamese, Portuguese—and they did not partake in the riots. It is therefore clear that this revolt has an ethnic-religious character."[40]

The colonial logic was not only repeated in the racist argument that certain cultural and religious practices are incompatible with Republican ideals. The response to

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2005 events see also Didier Fassin and Éric Fassin, *De la question sociale à la question raciale ?* (Paris: La Découverte, 2009).
[38] Elaine Sciolino, "Citing of Polygamy as a Cause of French Riots Causes Uproar," *The New York Times*, November 17, 2005, sec. International / Europe, http://www.nytimes.com/2005/11/17/international/europe/17cnd-france.html.
[39] ibid.
[40] Alain Finkelfraut quoted in Franck Poupeau "French Sociology Under Fire: A Preliminary Diagnosis of the November 2005 'urban Riots," http://riotsfrance.ssrc.org/Poupeau/. http://riotsfrance.ssrc.org/Poupeau/

the banlieu crisis repeated the techniques of colonial administration as well. To restore

order, the French government declared a state of emergency on November 8th and

resorted to a 50-year-old law, dating from the Algerian war, which authorizes local

officials to enforce nighttime curfews for up to 12 days.[41] Indeed, Sarkozy's appeal to

colonialism was not limited to mobilizing the old discourse and techniques of power. He

took yet another inflammatory step with the so-called French law on colonialism, which

paid homage to the men and women who participated in the oeuvre accomplished by

France in its old departments including Algeria, Morocco, Tunisia and Indochina.[42]

Introduced by the UMP parliament members, Article 4 of the law stipulated "the

university research should give to the study of the French presence overseas, particularly

in North Africa, the place that it deserves."[43] The second paragraph of the article asked

further that teachers should teach *the positive role of the French presence overseas*,

especially in North Africa and give appropriate recognition to the sacrifices of the French

army. The law caused serious uproar and opposition in France as well as in Algeria.

Eventually, President Chirac had to repeal the second paragraph of the Article 4 in early

2006. However, as I will examine in detail, Sarkozy would reiterate his belief in the

benefits of colonialism on several occasions.

    It is against this background that Sarkozy was elected president in 2007 and

created the Ministry of Immigration. As an irony of history, the creation of the CNHI,

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[41] Black France. Mark Landler, "France Declares State of Emergency to Curb Crisis," *The New York Times*, November 8, 2005, sec. International / Europe, http://www.nytimes.com/2005/11/08/international/europe/08cnd-france.html.
[42] "Loi N° 2005-158 Du 23 Février 2005 Portant Reconnaissance de La Nation et Contribution Nationale En Faveur Des Français Rapatriés (1)
," http://admi.net/jo/20050224/DEFX0300218L.html.
[43] Ibid.

though it dates back to the 1990's, was officially approved only in 2004 with a scheduled

opening for April 2007.[44] As I stated earlier, the historians of the CNHI resigned as a

reaction towards the creation of the Ministry of Immigration and demanded the abolition

of it. In the following section, I will discuss the CNHI's approach to immigration in

more detail to discuss the methodological problems it raises.

Methodology of the CNHI: Historicizing immigration and mending the social contract

According to the CNHI's narrative, immigration is an old phenomenon dating

back to the 19th century, which began with the movement of European immigrants

(Italians, Portuguese, Russians etc.) into metropolitan France (Hexagon). Furthermore,

once upon a time, those European immigrants were also seen as a problem for the French

society, but eventually they were successfully integrated and came to be the constitutive

members of the French Republic. Ignoring this long history of European immigration

(old immigration) and associating immigration with the immigrants from Maghreb and

Sub-Saharan Africa (new immigration) is not only a misrepresentation of reality but also,

Noiriel suggests, contributes to the far right anti-immigrant rhetoric, which has

successfully manipulated the "right to difference" maxim as "France aux Français"

(France to the French). Historicizing immigration would thus not only set the record

straight but would also help to celebrate the Maghrebin/African immigrants by

convincing the French public that one day the new immigrants will integrate as well, like

the old immigrants eventually did.

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[44] Nancy L. Green, "Le Melting-Pot: Made in America, Produced in France," *The Journal of American History* 86, no. 3 (December 1, 1999): 1188–1208, doi:10.2307/2568611.

The Museum is worth looking at in detail, because it exposes the problems of historicism. The first problem with the CNHI's approach, to which I would like to draw attention, is that they are trying to reconstruct the history of immigration by equating it with the movement into France and dating it back to the 19th century. The Ministry is evil according to the CNHI, because it is taken as the locus of the mis-representation of immigration, the abolition of which presumably would change the connotation of immigration. As a matter of fact, soon after the creation of the Ministry of Immigration, Hortefeux invited all the historians, including those who resigned, along with the president of the CNHI for a meeting in his office. From the press release of the meeting we understand that the historians wanted the name of the ministry to be changed. As a response, Hortefeux reiterated the objective of the ministry as "managing immigration and fighting illegal immigration in favor of the development of origin countries to reassure the integration of the immigrants in the national community."[45] Even from Hortefeux's short press release, it is possible to glean the elements of the ways in which immigration is problematized in present.   It is clearly in and through the mechanisms of development vis a vis the origin countries, the fight against illegal immigration and the integration of the immigrants that immigration is constructed as a problem. By focusing on the past, the CNHI overlooks how the immigration problem is produced today and how it implicates the immigrants and immigrants sending counties.

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[45] "Musée de L'immigration : Des Historiens Reçus - Le Nouvel Observateur," accessed October 20, 2013, http://tempsreel.nouvelobs.com/elections-2007/20070529.OBS9275/musee-de-l-immigration-des-historiens-recus.html.

But the CNHI's methodology does not only lead to a reductive take on the

Ministry of Immigration. Its main premises prove to be unsustainable and self-

deconstructive as well. In order to disassociate immigration from integration and thus the

colonial connotations of the term, the CNHI uses the "mobility into the Hexagon" as the

referent to narrate the immigration. This way, the aim of the museum is to establish

continuity between the "old" and "new" immigrants on the basis of mobility and rescue

the connotation of immigration from its dominant conceptualization as a colonial and

postcolonial phenomenon and thus *change the significance* of the word.[46]

However, using the mobility as the referent of immigration fell short in defining

the immigrant as a category, as the historians involved admit. According to Nancy

Green, the historians found themselves embroiled in a debate once they hit this simple

question: *Who is the immigrant?* In fact, the definition of the immigrant has been integral

to an ongoing discussion surrounding the museum, which is not entirely resolved.[47] The

debate revolved around questions such as: Before the independence of Algeria, Algerians

who lived in the metropole had French citizenship. Are they immigrants in France or

not? Also, what about the movement from French overseas departments to the

metropole? Are those from Antilles or Reunion for example immigrants or not? After

long debates, the historians of the CNHI decided to define the immigrant by the juridical

category of the "foreigner/étranger" thus considering only the foreign nationals that live

in France as the immigrants. According to this definition, French citizens could not be

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[46] N. L. Green, "A French Ellis Island? Museums, Memory and History in France and the United States," *History Workshop Journal* 63, no. 1 (January 1, 2007): 239–253.
[47] Ibid., 248.

immigrants. This definition clashes with the mobility thesis because it does not count

those foreigners who moved into France and acquired French citizenship. At present, the

CNHI endorses the definition of the immigrant as developed by the National Institute of

Statistics and Economic Studies (INSEE) in the 1990's: "an immigrant is a person who is

born a foreigner and abroad, and resides in France."[48]It is a matter of debate of course if

defining the immigrant as such would help the main goal of the CNHI, that of praising

the immigrant by changing the signification of it. It is somewhat unlikely, as the anti-

immigrant racist discourse does not think of the immigrant in the way as the CNHI does.

Repressing the colonial associations of immigration turned into a more scandalous

paradox with the selection of the building to host the CNHI. With the main goal of

undoing the colonial associations of immigration and immigrants by privileging mobility

over integration, the *Palais de la Porte Doree* –the building founded in 1931 for the first

colonial exhibition in France—was selected to host the museum. So, the visitors, before

climbing upstairs for the permanent collection are welcomed by the big hall surrounded

by walls carved with colonial frescos, which narrate and celebrate the civilizing mission

of French Empire. The intentions was to *change the signification of the building*: from

the place of glorifying the French civilizing mission, to a cultural institution that would

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[48] Persons who were born abroad and of French nationality and live in France are therefore not counted.
Conversely, certain immigrants may have become French while others remain foreign. The foreign and
immigrant populations are therefore not quite the same: an immigrant is not necessarily foreign and certain
foreigners were born in France (mainly minors). Immigrant status is permanent: an individual will
continue to belong to the immigrant population even if they acquire French nationality. It is the country of
birth, and not nationality at birth that defines the geographical origin of an immigrant." "Insee - Definitions
and Methods - Immigrant," http://www.insee.fr/en/methodes/default.asp?page=definitions/immigre.htm.

make all French people conscious of the crucial contribution of the European and colonial immigrants to the construction of national identity.'[49]

We should ask why the history of immigration couldn't be told using the mobility as the referent? Why is it impossible to disassociate immigration from colonialism/postcolonialism? Why does the colonial background keep haunting back the CNHI's narrative in spite of its attempts to erase the link between immigration and colonialism? I suggest that the reason for all these self-deconstructive moments is ultimately the CNHI's methodology, which was primarily concerned with finding a referent to immigration. To overcome the issues deriving from the attempts of finding the origins of immigration, I propose a genealogical methodology conceiving immigration as a dispositif.

Methodology: Immigration as a dispositif

I have been using the notion of "problematization," which is key to Foucault's methodology. I would like to unpack this notion and explain how I employ it in the analysis of immigration. Foucault employs problematization in two ways. The first one refers to the processes in which certain things (behavior, phenomena, process) became a problem. Foucault suggests "problematization doesn't mean representation of a preexisting object, nor the creation by discourse of an object that does not exist. It is the totality of discursive or non-discursive practices that introduces something into the play of true and false and constitutes it as an object for thought (whether in the form of moral

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[49] "Le Projet | Musée de L'histoire de L'immigration."

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reflection, scientific knowledge, political analysis, etc.)."[50] That is to say, unlike the

conventional accounts on madness for example, Foucault rejects the idea that madness

has a fixed essence. He suggests instead that the terms madness or sexuality are simply

the names that one attributes to certain situations in particular society. His point is not to

deny the reality of such phenomena. What matters to him is that only certain things and

not others are characterized as mental illness. "Madness" emerges as an answer to a

concrete situation, which is real. In other words, the meaning of madness does not derive

from its correspondence to reality but it emerges in the process of problematization. As

Foucault puts it: "There is a relation between the thing which is problematized and the

process of problematization. The problematization is an answer to a concrete situation,

which is real."[51]

A crucial concept for genealogical analysis is the dispositif, by which Foucault

means "a thoroughly heterogeneous ensemble consisting of discourses, institutions,

architectural forms, regulatory decisions, laws, administrative measures, scientific

statements, philosophical, moral and philanthropic propositions—in short, the said as

much as the unsaid."[52] The production of any political problem or project becomes

possible by the systemic relation between these heterogeneous elements. Furthermore,

the most important aspect of the dispositif is the strategic purpose it serves. As Foucault

suggests, the term dispositif refers to "a sort of formation which has as its major function

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[50] Michel Foucault and Lawrence D Kritzman, *Politics, Philosophy, Culture: Interviews and Other Writings, 1977-1984* (New York: Routledge, 1988), 257.
[51] Michel Foucault Discourse and Truth: the problematization of Parrhesia (six lectures given by Michel Foucault at the University of California at Berkeley, October-November 1983) available at http://foucault.info/system/files/pdf/DiscourseAndTruth_MichelFoucault_1983_0.pdf
[52] Michel Foucault, *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977*, ed. Colin Gordon, 1st American Ed edition (New York: Vintage, 1980), 194.

that of responding to an urgent need. The dispositif has a dominant strategic function."[53] The dispositives of sexuality and madness for example served the strategic purposes for a mercantilist economy that had to assimilate a floating population.

The second way Foucault uses problematization is to describe his method of analysis: producing a history of the present. Different from conventional historical analyses, which according to Foucault go back in time to restore an unbroken continuity, genealogical analysis starts with problematizing a present day practice and analyzing the historical moments in which it is constructed as a problem. Therefore, genealogy is motivated not by a historical concern to understand the past but instead by a critical concern to understand the present. As Foucault himself put it: "I set out from a problem expressed in the terms current today and I try to work out its genealogy…Genealogy means that I begin my analysis from a question posed in the present."[54] In the words of David Garland, genealogy aims to trace the forces that gave birth to our present-day practices and to identify the historical conditions upon which they still depend. Its point is to use historical materials to rethink the present.[55] Michael Roth suggests in this regard that writing a history of the present means writing history in the present; self-consciously writing in a field of power relations and political struggle.[56]

In the light of these analytics, instead of searching for the origins of the immigration problem, I am offering a genealogical approach to understand first and

[53] Ibid., 195.
[54] Foucault and Kritzman, *Politics, Philosophy, Culture*, 262.
[55] David Garland, "What Is a 'history of the Present'? On Foucault's Genealogies and Their Critical Preconditions," *Punishment & Society* 16, no. 4 (October 1, 2014): 373, doi:10.1177/1462474514541711.
[56] Michael S. Roth, "Foucault's 'History of the Present,'" *History and Theory* 20, no. 1 (February 1, 1981): 32–46, doi:10.2307/2504643.

foremost the current relations created by the immigration dispositif. I seek to understand why only some mobility (mainly from Africa) but not the others (European) is conceptualized as immigration? Why do the integration measures concern only immigrants with certain religious and cultural affiliations? Why and how did the immigration came to be problematized at the European, as opposed to to the national, level and what does this shift entail in terms of the long-established relations between Europe and the rest of the world? How is the discourse of development is mobilized today in the management of migration? Starting with these questions about the current state of affairs, in this dissertation, I provide a genealogical analysis of how the immigration problem emerged and then how it changed and adjusted to the changing political economic contexts across time. That is, unlike the CNHI's attempt to find a referent to immigration, I examine the changing discourses, institutions and practices in which immigration has been problematized.

The history of colonialism plays a crucial role both in the birth of the immigration problem and in the current government of immigration, which, as I will argue, reproduces the colonial subject and economic relations in novel ways. And, it is this inerasable past that destabilizes the CNHI's account. I suggest that the immigration problem was constructed as a social and political problem in the 1960's, as a response to the presence of the ex-colonized subjects in the metropole. This is to suggest that, unlike what the CNHI wants to convince us, there is no such thing as old immigration, because the mobility of the European people to France in the 19th century was not coded as immigration. Immigration was produced as a political problem in and through the

colonial governmental mechanisms that have targeted/constituted the ex-colonial subjects after independence. However, as I will discuss in the course of this dissertation, there is no stable meaning of immigration. It emerged in the 1960's to govern the ex-colonized subjects in the metropole; in the 1970's—following the suspension of migratory flows— the immigration was problematized as a response to how to manage the migratory flows. And, from the 1990's onwards, immigration was problematized as a threat to the security of Europe following the creation of Europe as an Area of Freedom, Security and Justice. A genealogical analysis is necessary to understand this transformation in terms of the political economic rationale and the mechanisms and discourses it deploys. In this dissertation, using a genealogical and political economic analysis, I examine the current operation of the immigration dispositif, the neoliberal rationale behind it and the ways in which the colonial background plays out in the current power mechanisms and subject relations.

On the coloniality of the immigration problem

Accounting for the colonial background of the immigration problem is necessary to make sense of the current rationale behind the immigration problem as well the mechanisms that implicate the immigrant sending countries and immigrants. However, this should not lead to an essentialization of the immigration problem, by which I mean ascribing a stable meaning to it derived from its initial formulation. By considering the colonial background, I mean to explore how coloniality plays out in the current formulations of the immigration problem. In other words, I seek to understand the power relations created by the novel definitions and management of the immigration problem

that together serve the purposes of creating unequal economic and subject relations under postcolonial conditions. Below, I would like dwell briefly on how I understand the colonial background to be playing out in the current state of affairs. To do this, I will engage with the ideas of the Group Achac and the Parti des Indigènes de La Republic (PIR), which bring to light the persistence of colonial racist structures in postcolonial France.

The main pillars of colonialism are the creation of the unequal world market relations, an accompanying racism, and a strong national identification with the colonial project. As such, Jules Ferry, a champion of France's colonial expansion best described colonialism in his 1884 speech before the chamber of deputies: "The policy of colonial expansion is a political and economic system that can be connected to three sets of ideas: economic ideas; the most far-reaching ideas of civilization[57]; and ideas of a political and patriotic sort."[58] As postcolonial critics and theorists have rightfully noted, independence has not changed these colonial relations and all post-colonial societies are still subject to overt or subtle forms of neo-colonial domination. By examining issues such as migration, representation, race and gender, postcolonial studies discuss how these experiences are shaped and informed by colonial processes.

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[57] For an analysis of France's *mission civilisatrice* see in particular Alice L. Conklin, *A Mission to Civilize: The Republican Idea of Empire in France and West Africa, 1895-1930* (Stanford University Press, 1997).
[58] As Ferry delineated, in the area of economics, the justification for colonial expansion is the need for outlets for exports. In other words turning the world into a market is the ultimate objective of colonial order. This economic expansion goes hand in hand with the civilizing mission and creating hierarchical subject relations that become both the medium and justification for the colonial relations. And finally, a patriotic support of this endeavor is necessary in order to sustain the position of France in the midst of increasing competition between European nations. So, Eurocentric world market relations, accompanying racism as well as a strong national identification with the colonial project are the main pillars of colonialism. Paul Robiquet and Jules Ferry, *Discours Et Opinions De Jules Ferry: Le Second Empire. La Guerre Et La Commune - Primary Source Edition* (Nabu Press, 2013).

Remarkably, in spite of France's long colonial history and the influence of French thinkers in postcolonial studies, this academic field was never regarded highly or welcomed by French academia.[59] Actually, as Ann Stoler aptly notes, there is a deafening silence on colonialism in France, which she diagnosed as "colonial aphasia."[60] The colonial power relations and racial epistemologies are inscribed deeply in every aspect of immigration politics, but as I also discussed earlier—particularly in relation with the CNHI's approach—they are not recognized this way in France. This is exactly what is at issue with aphasia: a simultaneous presence of a thing and its absence, a presence and the misrecognition of it, or a difficulty in comprehending what is spoken.[61] There are some exceptions to this otherwise very widely dominant aphasic condition in France. The Group Achac—a research group composed of various prominent historians and intellectuals—deserves attention in this regard. Created in 1989, Group Achac published numerous works on colonialism, postcolonialism and immigration in France that attempt to overcome the silence on colonialism in French academia.[62] It is worth looking into how these works view colonialism playing out in France's immigration problem.

As I discussed earlier, Gerard Noiriel's take on immigration suggests an affinity between the mobility of European and North African/African people and hence argues

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[59] Ann Laura Stoler, "Colonial Aphasia: Race and Disabled Histories in France," *Public Culture* 23, no. 1 (December 21, 2011): 121–56, doi:10.1215/08992363-2010-018.Achille Mbembe, "Provincializing France?," *Public Culture* 23, no. 1 (December 21, 2011): 85–119, doi:10.1215/08992363-2010-017.For a response to Stoler and Mbembe and critique of postcolonial studies see Jean-François Bayart, "Postcolonial Studies: A Political Invention of Tradition?," *Public Culture* 23, no. 1 (December 21, 2011): 55–84, doi:10.1215/08992363-2010-016.
[60] Stoler, "Colonial Aphasia."
[61] Ibid., 145.
[62] See in particular Nicolas Bancel, Florence Bernault, Pascal Blanchard et. al. "Ruptures Postcoloniales," (Paris: La Découverte, 2010). Sandrine Lemaire, Olivie Nicolas Bancel, *La fracture coloniale : La société française au prisme de l'héritage colonial* (Paris: Cahiers Libres, 2005). Pascal Blanchard and Nicolas Bancel, *De l'indigène à l'immigré* (Paris: Gallimard, 1998).

that the latter will eventually integrate into French society as did the European

immigrants of the 19th century. Challenging Noiriel's melting pot analysis, Ahmed

Boubeker (Group Achac) for example argues that integration is possible only for

European immigrants and not African immigrants.[63] For Boubaker, African immigrants

are not regarded by the French state as equal with European immigrants; they are ex-

colonial subjects and thus treated differently by the French state. Pascal Blanchard

suggests in the same vein that the French state sees the immigration of African people as

a problem because of the persistent colonial racist structures.[64] Olivier Le Cour

Grandmaison draws attention to the regulations of mobility and continuity of the colonial

mechanisms in this field. He points to the similarity between current restrictions that

apply to the African populations and the old measures enforced to restrict colonized

subjects' mobility into the metropole.[65] Grandmaison suggests in this regard that the

origin of the Ministry of Immigration, Integration, Codevelopment and National Identity

is the institutionalization of state racism in France in the 1920's. I will discuss the

problems I see associated with these suggestions below but first I turn to the Parti des

Indigène de la Republic's take on postcolonial France.

      Unlike Group Achac, the PIR is a political group composed principally of French

youth of African, Arab, Muslim, Maghrebin origin, born and raised in France. Emerging

in the context of the banlieu riots in 2005, the PIR declared, "France is still a colonial

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[63] Ahmed Boubeker, "Le « creuset français », ou la légende noire de l'intégration," *Cahiers libres* (January 1, 2005): 183–190; Sandrine Lemaire, "Colonisation et immigration : des « points aveugles » de l'histoire à l'école ?," *Cahiers libres* (January 1, 2005): 93–104.

[64] Pascal Blanchard, "La France, entre deux immigrations," *Cahiers libres* (January 1, 2005): 173–182.

[65] Olivier Le Cour Grandmaison, "Colonisés-immigrés et « périls migratoires » : origines et permanence du racisme et d'une xénophobie d'Etat (1924-2007)," *Cultures & Conflits*, no. 69 (April 20, 2008): 19–32.

state" and "Decolonizing the Republic is a must!" Speaking as the subjects of racist discrimination the PIR argued "Discriminated against in hiring, housing and health, at school and even at leisure, people from the colonies, former and current, and of postcolonial immigration are the first victims of social exclusion and precariousness. Independent of their actual origins, the inhabitants of the quartiers are indigenized, relegated to the margins of society…The mechanisms of colonial administration of Islam are back on the agenda…Discriminatory, sexist and racist, the anti-headscarf law is a law of exception with colonial overtones." [66] Pointing thus to the colonial racist mechanisms at work in contemporary France, the PIR suggested "the figure of indigène/native continues to haunt political, administrative and judicial actions; it innervates and imbricates other logics of oppression, discrimination and social exploitation." [67]

Both Group Achac and the PIR's contributions are absolutely crucial in that they draw attention to the colonial racist structures at work in France. As I discussed earlier, in particular Sarkozy's time as Minister of Interior and President in France is full of attempts to spark a culture war, whether through the ban on the Islamic veil or debates on halal meat and other Islamic practices. I concur with the arguments of PIR and Group Achac that there is systematic discrimination against the people from the former colonies of France. I will thus examine in the next chapter the colonial mechanisms that racialized Islamic culture so that being a member of Islamic civilization was coded as the reason and justification for the colonial exploitation. However, the emphasis of Group Achac and the PIR on how the past colonial relations still continue to shape the way in which

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[66] http://www.decolonialtranslation.com/english/AppelEng.php
[67] Ibid.

the immigrants are treated by the French government leaves the reality ordered by the contemporary immigration problem under-examined. I suggest that both of these approaches ultimately essentialize colonialism and the immigration problem by ignoring the present power relations.

My critique of Group Achac is twofold; it concerns, first, their lack of attention to the changing political economy of the immigration problem and, linked to this, their limiting the effects of French colonialism to the domestic scale. By claiming that the origin of the Ministry of Immigration lies in the institutionalization of state racism in France in the 1920's, Grandmasion identifies for example a continuity between the restrictions applied to the colonized subjects' mobility in the 1920's and now but ignores the transformation of the political economic rationale behind the paradigms of civilization, development and codevelopment. In contrast, throughout this dissertation I will explore how the shift from welfare to neoliberal governmental rationality changes the ways in which the colonized subjects' mobility is defined and controlled, entailing new forms of racism.

Moreover, the claim that integration is only possible for the European immigrants but not the African—though it may sound reasonable at first glance—is highly problematic. It is either premised on the idea that the European immigrants were also a problem for the French state once upon a time, or it assumes that integration is a neutral term—outside of the power-knowledge relations that target the cultural practices of European and African immigrants. Both of these assumptions are flawed because, as I will examine in the subsequent chapters, integration emerged as a mechanism of power

that produced only certain cultural practices as a political problem and object of governmental regulations. That is to say, integration was never meant to eradicate those differences in the mind of the French state; it rather proliferates the sites of their production and regulation. The problem then is not that African immigrants are not integrated, but the opposite—only African immigrants are subject to mechanisms of integration.

Furthermore, the integration of African immigrants is not only an issue that pertains to those who have been living in France and discriminated against. As I will examine in the subsequent chapters of this dissertation, integration is still a crucial mechanism in the management of immigration both in France and in Europe as it is seen as the necessary counterpart to fighting against illegal immigration. Through the mechanisms of selective immigration politics including the integration contract— mandatory for only people from certain part of the world and predominantly for Africans—integration governs a field that exceeds the limits of French society. Integration policies and mechanisms order a broader reality beyond the territorial limits of French nation-state and the immigrants within these borders, thus constituting African populations as potential immigrants subject to the mechanisms of integration. In turn, the former colonies are defined as "immigrant sending countries" and managed by "developing" their capacity to manage migratory flows. In other words we see the articulation of integration and co-development across France and its former colonies, not simply the deployment of racist colonial practices against immigrants in

France. By taking the colonial background into consideration I mean to illuminate how the past shapes the present state of affairs without reifying colonialism

I criticize the PIR on the same ground: they too reify how colonialism is playing out in the current discrimination against the Islamic practices of African/Muslim communities in France. The PIR is a political group and in this sense it is understandable to a certain extent that they claim to be the natives of France in order to draw attention to the current discriminatory practices. However, as I will examine in the next chapter, the essence of "native" is not Islamic culture or practices per se. Native is ultimately a category—invented in Algeria and transferred across the imperial space—to define the colonized subjects as inferior and thus justify the colonial exploitation. Whereas in Algeria it was Islamic culture, in French Cambodia for instance it was the physiological make up that was constituted as nativity. The anti-colonial struggle then should target the rationale and purpose behind the "nativization" instead of carrying out an ideological struggle that reifies the identity constructed by capitalist colonialism. This requires, first, establishing the relation between different forms of nativity created across imperial space; and second, developing an understanding of the new ways of knowing and acting upon the rest of the world with the purpose of ordering the unequal economic and subject relations. The problem of the PIR is their lack of attention to the newly emerging categories and sites in which African countries are "known" and managed today by France. As I examine in this dissertation, the categories "immigrant" and the "immigrant sending country" produce new sites of global governmentality today.

Structure of the dissertation and chapter summaries
1. The Birth of the Immigration Problem

In the first chapter I trace the birth of the immigration problem in France in the

1960's. I examine the dispositif in and through which immigration is produced as a

political problem focusing on four historical moments: The first moment is the

establishment of the colonial mechanisms in the 19th century—within the initial colonial

paradigm of the "civilizing mission"—including the creation of the category of the native

subject and the naturalization mechanism. The second moment is the transfer of these

colonial mechanisms and institutions to the metropole, accompanying the mobility of the

colonized subjects across the imperial space after 1914. In the third, post-World War II

moment, a new truth regime and new mechanisms emerged that replaced the objectives

of civilization and assimilation with the development of colonial spaces and the

integration of the colonial subjects—defined as Français musulman—in the metropole.

The fourth and final moment that gave birth to the immigration problem is that of

decolonization, which turned the colonies into independent nation-states and the

colonized subjects into the citizens of these new states. Analyzing the discourses and

mechanisms that pertain to civilization, naturalization, identity, development and

integration, which served to ensure the unequal economic and hierarchical subject

relations I suggest that the immigration emerged in the 1960's with the strategic purpose

of governing the former colonized subjects in the metropole.

2. Governing Eurafrica through a joint immigration policy

After an examination of the initial birth of the immigration dispositif, I move on to analyzing its transformation over the course of decades and in congruence with the changing economic rationale, in particular neoliberalization in the EU. Analyzing the political economy of the immigration problem and the new meanings of development, I first detail how the landmark EU Council decisions on the management of migration—in particular the Global Approach to Migration—embed the security industry's demands and market logic within EU level policy making and research and enterprise programs. Through the immigration problem, I suggest, France today enlists its former African colonies in the fight against illegal immigration, turning them into markets for European defense and security technologies under the rubric of codevelopment

3. Neoliberal government of integration: governing by enterprise and law

In the chapter on integration, I examine the changing mechanisms and rationale that delegate the responsibility of integration onto the immigrants that are now conceived of as entrepreneurs. Drawing attention to the increasing legal interventions in the realm of integration, I view the criminalization of the "failure" to integrate and accompanying practices of detention and expulsion as consequences of neoliberal governmentality. I also take issue with the analyses conceptualizing the emerging spaces, such as detention centers, as "camp" where law is suspended. Instead, I argue that these spaces are the very products of the neoliberal rule of law, where systematic criminality is produced in order ultimately to engage the sending countries into the fight against illegal immigration.

4. National identity and immigration under neoliberalism: the national identity debate

In this chapter, I examine the link the ministry creates between immigration and national identity by situating it within the wider political economic context and a moment of crisis for the French government. I suggest that there is an intimate relation between the neoliberal restructuring in France and the abuse of national identity to counterbalance the crisis of the welfare state. Focusing on the so-called *selective immigration politics* and the *national identity debate,* I explore the ways in which neoliberalization hollows out the nation-state transforming the French state's relation vis-a-vis citizens and resulting in an increasing need to *perform* sovereignty to counterbalance the crisis of the welfare state. The articulation of the undesired immigrant figure and the project to engage the French citizens in the governing of the immigrant operate, I suggest, as tactics to smooth this transformation and *compensate* for the losses that the French citizens experience as a result of the reign of neoliberal policies.

THE BIRTH OF THE IMMIGRATION PROBLEM

In the Introduction, I argued that an understanding of the rationale behind the current immigration problem must take account of its colonial background. Focusing on the shortcomings of the CNHI's history of immigration qua mobility, I suggested that a critical history of immigration is necessary in order to make sense of why only certain mobility is treated as immigration, how it is that the object of racist discrimination is the immigrant—notwithstanding the actual mobility—and why and how the contemporary management of immigration engages the former colonies in the name of codevelopment. In this chapter I will examine the birth of the immigration problem from a genealogical perspective that illuminates the current power relations created by the management of immigration, the fight against illegal immigration, the integration policies and the implications of these processes for the immigrants and immigrant sending countries.

In contradistinction to the CNHI's interpretation, I am suggesting that the immigration problem was born in France in the 1960's and it was born as a response to the question of how to govern the ex-colonized subjects in the absence of formal colonial relations. Furthermore, I suggest that the conditions of the possibilities for the problematization of immigration are rooted in the long-established colonial mechanisms and institutions that served the purpose of ensuring the maintenance of French Empire. I will examine the dispositif in and through which immigration is produced as a political

problem focusing on four historical moments: the first moment is the establishment of the colonial mechanisms in the 19th century—within the initial colonial paradigm of the "civilizing mission"—including the creation of the category of the native subject and the naturalization mechanism. The second moment is the transfer of these colonial mechanisms and institutions to the metropole, accompanying the mobility of the colonized subjects across the imperial space after 1914. In the third, post-World War II moment, a new truth regime and new mechanisms emerged that replaced the objectives of civilization and assimilation with the development of colonial spaces and the integration of the colonial subjects—defined as Français musulman—in the metropole. The fourth and final moment that gave birth to the immigration problem is that of decolonization, which turned the colonies into independent nation-states and the colonized subjects into the citizens of these new states. The immigration problem is situated in the ensemble of long-established discourses and mechanisms that pertain to civilization, naturalization, identity, development and integration, which served ultimately to ensure the unequal economic and hierarchical subject relations—regardless of the formal colonial relations.

The birth of the colonial mechanisms: Production of unnatural subjects and naturalization mechanism

I begin with an examination of the birth of the colonial mechanisms in Algeria in the 19th century. The reason I choose Algeria is firstly that it served as a laboratory for colonial mechanisms as in the example of the invention of the native identity and the native code. The other reason is that the immigration from French Algeria to Hexagon is,

as Abdelmalek Sayad[68] put it, "an exemplary" immigration. As I will examine, the discrimination against the Islamic culture and practices are rooted in this colonial encounter.

The French colonial conquest of Algeria began on July 5, 1830 with the surrender of the dey of Algiers. Between 1830 and 1871, the French colonial army carried out a policy to eliminate all traditional economic and political relations employing unprecedented violence, including burning countless villages, slaughtering livestock and destroying the lands that provided peasants' livelihood. In 1871, when the last major insurrection failed, Algeria became the almost exclusive property of the colons that had settled in the country and became a mere continuation of France on the other side of the Mediterranean. The total annexation of the Algerian territory to France aimed to ensure the absolute and complete subjugation of the people to the needs and interests of colonization.[69]

One major thing that colonization did in Algeria was to introduce bourgeois private property relations, which were unknown before the arrival of Europeans. This meant simply seizing the lands that belonged to the dey, dividing them and distributing them among the French colons. Between 1871 and 1919, 215 million acres were thus handed over to the colons. By 1919, the Muslims had lost 18.5 million acres, which the state, individuals and major companies divided among themselves. The land decisions not only put the Muslim lands onto the free market but also destoyed the tribe system,

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[68] Abdelmalek Sayad, *The suffering of the immigrant* (Cambridge, UK; Malden, MA, USA: Polity, 2004).
[69] Benjamin Stora, *Algeria, 1830-2000: A Short History* (Ithaca: Cornell University Press, 2004); Robert Aldrich, *Greater France: A History of French Overseas Expansion* (Palgrave Macmillan, 1996).

which ensured the subsistence of the small farmers and created total dependency on moneylenders and credit merchants. [70]As Abdelmalek Sayad suggests, emigration to France began in the form of a local movement of the peasants to the farms of the colonists. So, the history of emigration fuses with the history of land seizures and the property laws, which destroyed the whole armature of the original society.[71]

The expropriation of land and resources under colonial rule was accompanied by the creation of corresponding hierarchical subject relations in the form of establishing the native subject/citizen distinction, which would give way in 1881 to the creation of the Code de L'Indigenat (Native Code) that introduced a different penitentiary regime for the colonial subjects. Ruled by this code, natives were subject to compulsory labor and head taxes, as well as strict limitations on their mobility.[72] It is worth examining the racist subjectivation mechanisms accompanying economic exploitation in French Algeria, because as I will show later, the mechanisms deployed in the government of immigration in the current conjuncture are grounded in these colonial structures pertaining to the initial colonial encounter and the ensuing emigration movement.

With the annexation of Algeria, pronounced by a royal ordinance of 24 February 1834, the inhabitants of Algeria—the Muslim and Jewish populations—were considered French *subjects.* At this time, they were not granted full French nationality and

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[70] Stora, *Algeria, 1830-2000*, 6.
[71] Sayad, *The suffering of the immigrant*, 65.
[72] For a detailed analysis of the Native code, see Olivier Le Cour Grandmaison, *De l'indigénat: anatomie d'un monstre juridique le droit colonial en Algérie et dans l'empire français*, 1 vols. (Paris: Zones-[Éd. la Découverte], 2010).

citizenship rights and neither was there a procedure to obtain it.[73] A court decision from

1862 explains the rationale for the fissure in Frenchness in the colonies. The court

argued that although it was a principle of international law that the subjects of conquered

countries are French to the same degree as French born on the soil of old France, this rule

admitted certain exceptions of necessity when the two populations are in no way

homogenous but differ profoundly as to *religion, mores, marriage customs and family

organizations*. The court also suggested "by deciding to maintain their religion, property,

commerce and industry, the high contracting parties agreed that though the various

members of this population became French, they would not be permitted to enjoy the

rights accruing to French citizens."[74]

This court decision is very important for revealing the intimate connection

between private law and public law and the constitution of culture as a determining factor

of citizenship rights, which is completely at odds with France's alleged universalism and

egalitarianism. The submission to the norms of French civility is coded as a necessary

condition for the exercise of French citizenship, and the Islamic and Jewish civil codes

were registered as the obstacles to this. As a result, the native subjects of the colonies

became French only in the minimal sense of being subject to French sovereignty for the

purposes of administrative practice without having any citizenship rights. A "nationality

without citizenship"[75] or a "denatured nationality"[76] was thus established in the colonies.

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[73] Patrick Weil and Catherine Porter, *How to Be French: Nationality in the Making since 1789* (Durham: Duke University Press, 2008).
[74] Emmanuelle Saada and Arthur Goldhammer, *Empire's Children: Race, Filiation, and Citizenship in the French Colonies* (Chicago: The University of Chicago Press, 2012), 100.
[75] Saada 102

In 1865, a decision was passed that somehow changed this situation and enabled the colonized subjects to enjoy political rights. This process was called *naturalization* and in line with the logic that intertwined public and private law, necessitated abandoning one's original private law and civil status. In other words, because it was the different mores, family organizations, marriage customs etc., that were seen as the obstacle to the enjoyment of political rights and rendered the native a denatured/unnatural subject, becoming French meant acquiring a nature so to speak through transforming one's *"culture."*

Before discussing the implications of the naturalization mechanism, I would like to point to the break the emergence of the native subject and individual naturalization introduces to the then dominant practice of legal assimilation in the colonies. As reflected in the civil code of Senegal of 1830 and also in the granting of voting rights in 1848 to former slaves in the Antilles, Reunion, and Guinea and natives from the French territories of India and Senegal, legal assimilation was a norm in the colonies. In all these cases, after the abolition of slavery, the colonized subjects were granted French citizenship, though the exercise of their political rights was limited to the territory of the colony.[77] That is to say, "culture" was not constituted at that time as the content of public law and hence the prerequisite of citizenship. It is after the conquest of Algeria that the earlier colonial dichotomy between "free" and "slave" was reformulated as "citizen" and "native subject" introducing culture as the main discriminatory element.

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[76] Patrick Weil describes the French nationality of the native as denatured in that their becoming citizen was always coded as the process of naturalization.

[77] See Weil and Porter, *How to Be French*, 216; Saada and Goldhammer, *Empire's Children*, 108; Todd Shepard, *The Invention of Decolonization: The Algerian War and the Remaking of France* (Ithaca, NY [u.a.: Cornell Univ. Press, 2008), 31.

Furthermore, in 1870, with the total annexation and assimilation of Algeria administratively to metropolitan France, things changed for the Jewish inhabitants when they were also (legally) assimilated and granted full citizenship rights by the Cremieux decree, the same was not true for the Muslim populations left out of this assimilationist move. According to Patrick Weil, this resulted partly from the Muslims' view of the rule of Napoleon III and the colons. When the French army was defeated by Prussia and Napoleon's rule came to an end in 1870, the Muslims lost a protector. The colonials' main concern was establishing the civil authority over territories formerly under military protection. The revolts by the Muslims against colonial rule gained pace and became threatening. In such a context, naturalization of the Muslim populations was deemed to be out of the question because as then Governor de Gueydon put it "one would be creating at a single stroke two million citizens amidst whom the French minority would be stifled. What would then become of the principle and the basis for our domination?"[78] So after 1870, it was only the natives, subject to the Islamic civil code, who were subjected to naturalization mechanisms in Algeria.

I suggest viewing the production of the native subject and individual naturalization as power/knowledge mechanisms that constitute Islamic culture and practices as problems that need to be regulated; so doing ensured the maintenance of colonial hierarchical subject relations, stated clearly by the governor de Gueydon in the above quote. It should be noted at this point that naturalization, as one way of acquiring French citizenship for foreigners, still serves as a mechanism in contemporary France and

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[78] Quoted in Weil and Porter, *How to Be French*, 212.

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studies show that it is mostly the Islamic veil that becomes an obstacle to naturalization.[79]

Furthermore, integration as an objective of contemporary French and European

immigration politics resonates with this colonial truth regime in seeing the Islamic

practices as incompatible with the French civil code. The main issues that come up in the

integration agreements and in the evaluations thereof echo the criteria of the individual

naturalization procedure in Algeria: polygamy, relationship between men and women etc.

Below, using Foucault's analytics of the "naturalness of the population" I will discuss the

implications of the naturalization mechanism in terms of the constitution of subject

relations, structured around the divide between colonizer/citizen and colonized/native.

This in turn will illuminate how these colonial mechanisms shape the current power

relations and the anti-immigrant discourse targeting Islamic culture and practices.

In the lectures *Security, Territory and Population*, Foucault posits the centrality of

the idea of "population" as key to the birth of modern government.[80] Starting from the

18th century, Foucault argues, the population came to be seen as a set of processes—to be

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[79] For studies on the current practices of naturalization in France see Didier Fassin and Sarah Mazouz, "What Is It to Become French ? Naturalization as a Republican Rite of Institution," *Revue Française de Sociologie* Vol. 50, no. 5 (December 17, 2009): 37–64; Abdellali Hajjat, "Les frontières de l'identité nationale: l'injonction à l'assimilation en France métropolitaine et coloniale" (la Découverte, 2011).

[80] According to Foucault, at the age of sovereignty, the relationship between the sovereign and its subjects was ruled by the juridico-legal mechanisms, which simply established what is lawful and what should be punished. The relationship between the sovereign and its subjects was characterized by obedience. In 17th century, this understanding that sees the population merely as the subject of the sovereign starts changing and the population comes to be seen as the source of wealth and the strength of state, on the condition of being effectively disciplined. The disciplinary mechanisms operate by first establishing the 'norms' and then ensuring that the people and actions conform to these norms. According to Foucault, the emergence of disciplinary mechanisms as a new modality of power does not signify a radical rupture in the way the population is conceived. Principally, it is still the subject of the sovereign who is seen now as capable to be made more effective if disciplined and trained to conform to the established norms. Michel Foucault, *Security, Territory, Population: Lectures at the College de France 1977--1978*, 1st ed. (Picador, 2009).

managed at the level and on the basis of what is *natural* in these processes.[81] Foucault

suggests that the naturalness of the population pertains, first, to its problematization in

thought and also in governmental practice as *a datum that depends on a set of variables*

and changes according to material conditions. That is, for the first time in history, the

penetrable naturalness of population appears as an idea and an object of power

mechanisms. The idea of naturalness transforms the power relations from a direct rule

and disciplining mechanisms to the mechanisms of calculation, reflection and

organization of the variables that are deemed to be influential on the nature of the

population. That is to say, it is no longer sufficient for the sovereign to establish the rules

to follow because the population is not transparent to the sovereign's direct action in the

form of law; *it has a nature* that cannot be changed by the will of the sovereign.

Secondly, the idea of the naturalness of the population refers to the constancy of

the phenomena that concern it. The population comes to be seen as a set of elements in

which one can note the constants and regularities and with regard to which one can

identify a number of modifiable variables on which it depends. Modern government is

then nothing but taking the effects specific to population into consideration, which

introduces *nature* into the field of techniques of power. Henceforth, there is no more

nature and a sovereign above or against it. The nature of population is such that the

sovereign must deploy reflected procedures of government *within this nature, with the*

help of it and with regard to it.[82] How can we make sense of the colonial situation—the

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[81] Ibid., 70.

[82] Foucault, *Security, Territory, Population*. Lecture 25 January 1978.

production of the denatured native subject and the naturalization mechanism—in the light of this analytics?

Foucault himself does not dwell on how modern governmentality and the emergence of the population as the subject-object of government played out in the colonies. Achille Mbembe takes up this question complementing Foucault with Arendt's views on slavery. Writing on slavery, Arendt stated "What made them (slaves) different from other human beings was not at all the color of their skin but the fact that they behaved like a part of nature, that they treated nature as their undisputed master, that they had not created a human world, a human reality, and therefore nature had remained, in all its majesty, the only overwhelming reality compared to which they appeared to be phantoms, unreal and ghostlike. They were, as it were, *natural* human beings who lacked the specifically human character, the specifically human reality, so that when European men massacred them they somehow were not aware that they had committed murder."[83]Following Arendt's insight, Mbembe thus characterizes the colony as the subjugation of life to the *power of death* and thus as the locus of the creation of the *living dead.* For Mbembe then, the ruling power paradigm of the colony—which he defines in terms of "topographies of cruelty"—is not that of modern government and biopower that manipulates and governs the population by bringing out its capacity. It is instead necropower, which operates by producing *death-worlds.*[84]

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[83] Hannah Arendt, *The Origins of Totalitarianism: Introduction by Samantha Power*, First Edition (Schocken, 2004), 192.
[84] Achille Mbembe, "Necropolitics," *Public Culture* 15, no. 1 (December 21, 2003): 11–40, doi:10.1215/08992363-15-1-11.

I concur with Mbembe that the colonized subjects do not really compose a population that becomes the subject-object of modern government in the Foucauldian sense. However, arguing against Mbembe and his idea of necropolitics, I suggest what is at stake in the colonies is the production of an identity, a political reality, and an originality that is not natural and thus *resists penetration.* That is to say, the individuals of the colonized territories are not deemed to be natural as Mbembe has it; rather they are constituted as unnatural/denatured subjects, manifested very well in the logic of naturalization. The colony thus does not produce death-worlds, but it produces, highlights certain cultures and civilizations—Islamic in the case of Algeria—as the antithesis of the modern subject and a problem or obstacle to full citizenship. In this regard, it is important to underline the fact that Muslim origin does not signify merely a religious identity. This quote from the court of appeals in Algiers is remarkable in this regard: "The meaning of the term Muslim is not purely confessional but it designates on the contrary the entire body of individuals of Muslim origin who, not having been granted full nationality rights, necessarily retain their Muslim personal status, without there being any need to distinguish whether they belonged to the Mahometan cult or not."[85]In fact, converting to Christianity was not even a way for the Muslim subject to escape from the power mechanisms and control, because in this case they were considered "Christian Muslim natives."[86]

It should be noted that renouncing one's civil status was not in and of itself enough to become a citizen. It was in the end the administrative procedure that judged

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[85] Quoted in Weil and Porter, *How to Be French*, 217., 217
[86] Saada and Goldhammer, *Empire's Children*, 108.

whether the application for citizenship should be allowed to go forward or not. In

practice, naturalization meant an obligation to respect the French civil code and thus to

refrain from practicing the five Islamic customs that were deemed to be incompatible

with that code: polygamy, the right of djebr, which allowed a Muslim father to marry off

his child until a certain age, the right of a husband to break the conjugal bond at his own

discretion, the theory of the "sleeping child" which made it possible to recognize the

legitimate filiation of a child born more than months ago and as long as five years after

the dissolution of a marriage and the male privilege in matters of inheritance.[87] Not

surprisingly, the individual naturalization procedure was from the start extremely difficult

and controlled, which required several certificates and administrative investigation into

the candidate's morality, their antecedents and family situation.[88] As I will discuss in the

subsequent chapters, the current criteria used to determine if an immigrant is integrated or

not echo to a great extent these long established markers of Islamic civilization.

The production of the native subject and the naturalization mechanism greatly

manifest the ambivalence of the colonial governmentality, described aptly by Homi

Bhabha. As Bhabha argues, colonial discourse produces "a reformed, recognizable

Other, as a subject of difference that is *almost the same, but not quite*.[89] Characterized by

such ambivalence, colonial governmentality on the one hand "knows" the native

population, recognizes the difference of race and culture and thus justifies the

discriminatory and authoritarian forms of political control. On the other hand though,

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[87] Weil and Porter, *How to Be French*, 217.
[88] Also, as Weil says, local administrators were exceptionally uncooperative and used delay and red tape to prevent the candidates from obtaining the citizenship they requested. Patrick Weil, 218.
[89] Homi K. Bhabha, *The Location of Culture*, 2 edition (London ; New York: Routledge, 2004), 85.

colonial power justifies itself with its Civilizing mission or the White Man's Burden and

its progressive "Western" forms of social and economic organization.[90] The colonial

subjects in Algeria are constituted in this vein at once as unnatural subjects who are

known very well by their impenetrable Islamic culture and also as subjects of the

"naturalization" mechanism, implying the transformation of this impenetrably thick

cultural formation. The individual naturalization mechanism thus reflects the ambivalent

character of colonial governmentality that on the one hand allows the assimilation—

creating resemblance—of the colonized subject, while on the other underlines the cultural

differences calling for intensified administrative control.

Up to this point I have discussed the subject relations in Algeria from a

Foucauldian perspective with a focus on the denatured identity ascribed to the native

subjects. When we take a look at the developments in terms of the French nationality

code that defines the criteria of what makes French, we see how the idea of race—

understood culturally—becomes key to the production of peoplehood in Algeria. It is

worth examining the different categorizations of people in the colony because they shed

light on the current state of affairs as to why is it only the immigrants with

African/Islamic origin—not the Europeans—who are racially discriminated against.

The criterion for possessing the quality of being French changed over time in line

with the changing political economic context. In the ancient regime, the principle

criterion was birth on French territory and allegiance to the king; this is known as the *jus*

soli principle. In 1803, the first modern nationality law after the Revolution was created

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[90] Homi K. Bhabha, "The Other Question…," *Screen* 24, no. 6 (November 1, 1983): 33, doi:10.1093/screen/24.6.18.

with the Civil Code that changed this feudal understanding and made nationality a right attached to the person like the family name. In 1889, a new nationality law was created that changed the 1803 code and brought the ancient regime's *jus soli* principle back, yet in a modified form. It was no longer personal allegiance to the king but the *upbringing within French society* that created the bond with the French nation. Based on *socialization* rather than a voluntary act, the new republican nationality law defined the markers of nationality *as social codes* more than origin or birthplace, which had important ramifications in the colonies.[91] According to the *jus soli* principle of 1889, any individual born in France to a foreign parent for example was granted French nationality at birth if the parent had also been born in France. However, the decree of 1897 applying the new civil code in the colonies eliminated all the provisions pertaining to *jus soli* to block access to French nationality of the colonized subjects, whose foreignness was deemed to be of a different nature than that of the foreigners (European) on metropolitan soil.

As Emmanuelle Saada argues, with the application of the new law, three different legal categories arose in the colonies: Frenchmen, foreign nationals (who are by definition only of European race or of the white race) and foreigners who were also "natives."[92] It is crucial to note that the natives were not registered as belonging to a different nationality but were also French. However they were French only in the minimal sense of being subject to French sovereignty. This statement from Henry Solus,

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[91] Weil and Porter, *How to Be French*, 52–53.
[92] Saada and Goldhammer, *Empire's Children*.

an eminent jurist of the time, explains the rationale of the emergence of the native, and is

thus worth quoting at length:

> *"In theory, foreigners in the French colonies should be treated in the same way*
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> *as foreigners in France are treated: they are deprived of political rights but*
>
> *enjoy civil rights as specified by the Civil Code…. This is strictly the case,*
>
> *however, only for foreigners of European race or of the white race, or at any*
>
> *rate foreigners whose civilization and social state correspond to ours. But*
>
> *when it comes to certain foreign citizens of states bordering on certain of our*
>
> *colonies, who therefore share with the natives of those colonies great affinities*
>
> *of race, mores, institutions, and in short, civilization, it has long been thought*
>
> *more rational to take a different conduct. Rather than decide that these*
>
> *foreigners in the colonies in question should be treated as foreigners are*
>
> *treated in France, it seemed logical to regard them as natives and assimilate*
>
> *them to natives, whence the expression used to characterize them: foreigners*
>
> *assimilated to natives."*[93]

As Saada argues, two interrelated arguments shape and inform the construction of

the native as a legal category and its exclusion from citizenship. The first one has to do

with the view that private and public laws were intertwined as discussed above. A more

crucial argument relies on the connection between race and law. For the jurists and legal

scholars, not only the civil code was produced by civilization but also that civilization

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[93] Ibid.

itself is the product of race.[94] Saada's work is crucial in showing that as opposed to the self-image of France and its official ideology—which sees French identity as a universalistic and civic one that does not connote any ethnic origin, race or religion—race is at the very center of French identity. Furthermore, race as a word was used as a legal category and not only to exclude others but also to designate those who belong to the community of citizens and thus to a specific race, that is the French race.

So, race—understood in cultural terms—has been key to the formation of French, European and native identities. We see the constitutive role of race thinking in the current debates. When Sarkozy says for example that the immigration problem concerns the immigrants from Africa, he is *right* in the sense that he points to the very reality created in the colonies, that is, the difference between French/European race and the race of the natives. This also explains why the term immigrant ultimately designates those from a different race/civility more than the mobility of the person. In this sense, the problem with the CNHI is exactly that it tries to equate European immigration with African immigration by avoiding the key role of racism in the creation of the immigration problem. Furthermore, it is this cultural understanding of race that shapes the discourse and mechanisms of integration. As such, it explains why it is mainly the African/Islamic immigrants who are subject to integration mechanisms.

A final point on the colonial racism that I want to pick up here concerns the spatial architecture of the colonial rule. Colonial racism invokes a linear, teleological understanding of History, which supposes a fundamental difference between the

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[94] This understanding of race was never a matter of pure biology but rather designates a population rooted in territory.

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colonizer and the colonized that can be overcome by the civilizing process. In the

mechanisms of integration and naturalization, one can detect the appeal to this sort of

temporality. Frantz Fanon's analysis is crucial in showing the spatiality in addition to

temporality of colonial racism. As he describes the colonial situation in his famous *The

Wretched of the Earth:* "The colonized world is a compartmentalized world...The

colonized world is a world divided in two. The dividing line, the border, is represented

by the barracks and the police stations." Fanon further describes graphically the life in the

mutually exclusive sectors of the native and the colonist: "The colonist's sector is a sector

built to last, all stone and steel. It is a sector of lights and paved roads, where the

trashcans constantly overflow with strange and wonderful garbage... The colonist's

sector is a white folk' sector, a sector of foreigners." The colonized sector on the other

hand, "the native quarters, the shantytown, the Medina, the reservation, is a disreputable

place inhabited by disreputable people. The colonized's sector is a famished sector,

hungry for bread, meat, shoes, coal and light..."[95]Fanon also describes the tension

between these racially, spatially divided worlds: "The gaze that the colonized subject

casts at the colonist's sector is a look of lust, a look of envy. Dreams of possession: of

sitting at the colonist's table and sleeping in his bed, preferably with his wife. The

colonized man is envious man. The colonist is aware of this as he catches the furtive

glance, and constantly on his guard, realizes bitterly that: They want to take our place."[96]

 To sum up, in this section I examined the main pillars of the colonial structure—a

racial, spatial and economic divide—focusing on Algeria. As I suggested, the economic

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[95] Frantz Fanon, *The Wretched of the Earth* (Grove Press, 1965), 3–4.
[96] Ibid., 5.

and sociopolitical transformations created by colonialism also structured the preconditions for emigration. In the next section I will examine the transfer of these colonial mechanisms, along with the fear of the colonized man described by Fanon, to the metropole once the natives start to migrate into France. As I will discuss, the transfer of the native subjects and the accompanying colonial mechanisms and institutions will give way to new forms of racism, consolidating the divide between the citizen (European) and native (African) in the metropole.

Algeria in Hexagon: Transfer of colonial institutions to the metropole

The first actual immigration of the native—the autochthones subject to Koranic law—to France started when France conscripted and recruited them as workers for the war industries or to dig trenches during the First World War.[97] According to a law passed on 15 July 1914 the natives became free to move between the metropole and colony. As I stated earlier, the natives were ruled in the colonies under the Native Code (Code de l'indigenat) that brought a different penitentiary regime with strict head and labor taxes etc. The free mobility of the native was thus unheard of in the colonies. Their freedom of mobility in the metropole thus created a serious concern in the colonial administration and also among the settlers. According to their perspective, the "danger" was that the natives breaking free from the coercive native regime and the mental chains of colonial hegemony in the metropole, would return to their villages with a radicalized experience and new ideas that would corrode and undermine the colonial order from

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[97] As Sayad says, 240 000 native, more than one third of the male population aged between twenty and forty, were mobilized or requisitioned. Ibid.

within.[98] As a result, restrictions on the mobility started in 1915 and eventually the deployment of colonial labor was totally systematized with the creation of Service de l'Organisation des Travailleurs Coloniaux (SOTC) by the Ministry of War in 1916.

Starting from this initial phase of the native's presence in the metropole, we see the transfer of the colonial rule with all its aspects—from spatial segregation to the strict police surveillance—to the colonized workers. The creation of the SOTC thus ensures the continuity of colonial economic and subject relations in the metropole. As Neil MacMaster explains, the SOTC liaised with other ministries, centralized the demand for labor in both state and private industry, and regulated the contracts which guaranteed, at least in principle, fair wage rates, accommodation and conditions of work. French administrators in the Algerian communes organized the transit of men to collection centers in the ports, where they were formed into militarized labor units under the command of army officers. On arrival in Marseilles the men were housed in wooden barracks, and after given medical inspection and photographed for identity cards, they were sent out to their destinations throughout France.[99] As we learn from MacMaster, the agents recruited among former soldiers of the Army of Africa or the administrators of Algerian communes policed the work camps. Selected for their knowledge of "native customs" they reproduced the native management techniques of the colonial regime in order to "maximize productivity, to "protect" naive and primitive natives from the moral dangers of urban society, and to segregate colonial labor from contact with the general

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[98] Neil MacMaster, *Colonial Migrants and Racism: Algerians in France, 1900-62* (New York: St. Martin's Press, 1997), 139.
[99] Ibid., 61–62.

milieu of the French working class, trade unionism and subversive political ideas and to prevent sexual relations with French women."[100]

Not satisfied with these strict measures, the colonial administration and the settlers ran a campaign throughout the 1920's to halt emigration. Besides these attempts to stop the migratory flows in the colony, there emerged a growing racism in the metropole that specifically targeted Algerians—more than the other Arab origin migrants from Morocco and Tunisia—representing them as threats to public health, law and order. The Algerian native came to be constituted as a man with a perverted sexuality, a carrier of both syphilis and violence. This quote underscores the colonial racist discourse at work in the metropole:

> *"In this way the native in France acquires deplorable habits: he, who only respects benevolent force and justice, finds himself treated with persuasive means as a "model citizen". He becomes vain, demanding and undisciplined...Through contact with the male and female population of the lower class (the only one he frequents) they become habitual drunks and learn to despise French women, who they respect in Algeria. When by chance they come into contact with the upper classes they are treated like spoilt children because of the unthinking attraction of the French for all that is exotic: the most humble of the "...Tribe", finding themselves called "Sidi" (Master), because the good people of Châlons-sur-Marne have heard that this is polite in Algeria, puff up with pride and accept the compliment. Also when the native returns to*

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[100] Ibid., 62.

work for the colon, who in spite of his benevolence has a different attitude

towards him, he rebels. It's the colon who has to suffer. The native returns to

France drawn by memories of his stay and by the illusion of high wages...but in

France you can't live off a watermelon or a few figs. So then he pillages, thieves

and murders. When its not from need, its from passion that he kills: these

impulsive beings, with their violent desires, far from their habitual ways and

religious leaders, are suddenly dominated by savage instincts."[101]

Between the two world wars, we see thus the creation of a twofold mechanism. On one side are the restrictions on emigration and the criminalization of the mobility of the native, and on the other side stricter controls and regulations for those who are already in the metropole. This twofold mechanism is conducted hand in hand with two main administrative organizations: one in the colony (Direction des Affaires Indigène, DAI), the other in the metropole (Direction des Affaires Algériens, DAA). The DAI determined the policy on emigration in the colony and also had great influence on the Ministry of Interior in Paris to shape the Muslim policy. Furthermore the DAI was also directly connected with the DAA, which dealt with all matters to do with the regulation and surveillance of migrants circulating between the colony and Algeria.[102] There is one point that I want to underline here about this collaboration between DAI and DAA. According to French historiography and also mainstream nationalism studies, the French nation-state is a model of correspondence between territory, population and state; and the

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[101]Quoted in Ibid., 141.
[102] Gary Wilder, *The French Imperial Nation-State: Negritude & Colonial Humanism between the Two World Wars* (Chicago: University of Chicago Press, 2005), 3.

colonies are external to this narration. However as Gary Wilder has argued, the French

nation-state has been always an imperial nation-state. That does not simply mean that the

metropole and its overseas colonies exercised a reciprocal influence upon one another.

The important fact Wilder underlines is that France's parliamentary republic was

articulated with its administrative empire to compose an expanded and disjointed political

formation.[103] The direct connection and collaboration between DAI and DAA is a clear

example of how the imperial nation-state runs. It sheds light also on the roots of the so-

called international immigration politics, which is made one of the objectives of the

Ministry of Immigration. As I will explore in the subsequent chapters, international

immigration politics creates, reorders and evokes this imperial space by directly engaging

the sending countries in the immigration politics.

Now I would like to turn to the mechanisms deployed to regulate the native in the

metropole, in other words the "colonisé/immigré" and the implications of these

mechanisms. The first important regulation that concerns the colonisé/immigré in France

passes on 8 October 1924, which put the liberty of circulation between the departments of

Algeria and the metropole into question. From then on, the authorities demanded that the

colonisé/immigré possess an accommodation certificate issued by the Ministry of Work

and a medical certificate.[104] This restriction created nothing but an increase in the number

of clandestine and more restrictive measures, which for example in 1928 took the form of

requiring immigrants to possess an identity card in addition to a justification of a certain

income that would cover the repatriation expenses if need arises. Parallel to these entry

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[103] Ibid.
[104] Grandmaison, "Colonisés-immigrés et « périls migratoires »," 20.

controls, we see the requirement to obtain the permission of the colonial governor, and not only to enter the metropole but also to leave other territories in Africa under French control.[105] The similarity between these measures and current visa regulations is striking.

Accompanying these measures concerning the entry and exit of the native were the mechanisms pertaining to accommodation, spatial segregation and surveillance. In 1925, the Services de Surveillance, Protection et Assistance des Indigenes Nord Africains (SAINA) was created in Paris and was later extended to the rest of France in 1928. It is important to note that the founders of this apparatus had all spent their formative years as native administrators, who claimed to understand the "native mentality" that enabled the import of colonial administration in the metropole.[106] The main concern of the SAINA was the presence of the natives outside of its administrative grasp. The identification and surveillance of the colonisé/immigré was a major concern and to this end a special police force, the North-African brigade, was created and carried out mainly night raids to check identity cards and to locate clandestine immigrants. Besides policing, the SAINA also conducted "welfare" functions such as the creation of a special hospital for the colonisé/immigré, establishment of immigrant hostels and also educational and advisory services.

Foucault's account of the birth of biopower in *Society Must be Defended* provides a way to make sense of this interwar racism in the metropole; biopower necessarily puts the man-as-species under State control and thus paves the way for a biological racism

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[105] Ibid., 21.

[106] Clifford D. Rosenberg, "The Colonial Politics of Health Care Provision in Interwar Paris," *French Historical Studies* 27, no. 3 (2004): 644; See also Neil MacMaster, *Colonial Migrants and Racism: Algerians in France, 1900-62* (New York: St. Martin's Press, 1997).

exposing all aspects of life under State control. The development of medicine whose

main function is public hygiene, the emergence of mechanisms concerning reproduction,

birth rate and also sexuality are all fundamental fields of intervention for biopolitical

racism. Simply put, racism according to Foucault is "a way of introducing a break into

the domain of life that is under power's control."[107] Racism operates first by creating

caesuras within the biological continuum, that is, to treat the population as different

races; and second as making killing or the imperative to kill acceptable to eliminate the

biological threat to and the improvement of the species or race.[108] Between the wars,

there is definitely a growing state racism in France that criminalizes and medicalizes the

colonisé/immigré. All the mechanisms that concern his health, accommodation and

identification/criminalization are actually power/knowledge mechanisms that intervene in

and regulate the very life of the Algerian worker. In this respect there is a remarkable

difference between the racism in the colony that invents mainly an Islamic Other who is

denatured, and the racism in the metropole, which sees the colonisé/immigré as a threat to

the social body. The colonisé/immigré becomes *part* of the population and his life a field

of intervention once he comes into the metropolitan space and hence out of the grip of the

draconian measures of Native code, which rely "more on the military force than the

modern policing techniques."[109]

It should be noted that while all these technologies of power are established in the

metropole to regulate and surveil the colonisé/immigré, there are also at the same time

[107] Michel Foucault, *"Society Must Be Defended": Lectures at the College de France, 1975-1976* (Picador, 2003), 254.
[108] Ibid., 255–256.
[109] Rosenberg, "The Colonial Politics of Health Care Provision in Interwar Paris," 64.

European immigrants, particularly Italian, Portuguese and Polish workers in France. However, none of the technologies targeting the native Algerian such as the special police force and other surveillance practices were called for to control the European immigrants. The colonisé/immigré and the European immigrants are the objects of different institutions, authorities and specifications. Historicizing immigration, equating it with the mobility to France and hence drawing parallels between the European immigrants and the colonized subjects, like the CNHI does, renders this double history invisible. Between the wars in France, what happened was actually the importation of the colonial system with the three-tier legal system composed of the native, the foreigner and the Frenchman and the accompanying control mechanisms.

This is not to suggest that European immigrants were not subjected to state racism at all. In fact, the founders of the native hospital also wanted to segregate the European immigrants who were portrayed also as biological threats: "who knows what sort of swarming germs will emerge from areas overflowing with immigrants, where no public hygiene service can establish a *cordon sanitaire?* Has it not been proven, moreover, that since France has become a country of immigration, with Paris the principal center of the phenomenon, extremely serious diseases, some of them unknown, from faraway places, have multiplied despite the desperate warnings and best effort of doctors and hygienists?"[110] If these plans failed, it is mainly because of the interventions of the foreign governments to prevent the abuse of their citizens.[111] This is the difference

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[110] Godin's argument for the creation of a special hospital for the European immigrants. Quoted in Ibid., 652.
[111] Ibid., 653.

between the colonisé/immigré and the European immigrants and as such it explains why "immigrant" signifies today as those who are not "represented by a sovereign state of equivalent power"[112]

The new imperial paradigm: from civilizing mission to development

The discourses, the institutions and the technologies of power that govern the colonisé/immigré in the Hexagon were under constant transformation due to the changing political economic context of economic depression and the World War II. The shift from the civilizing mission to the birth of the development paradigm is crucial in this regard. As Frederick Cooper argues, the war, the strike wave—which hit French Africa right after the war—and other conflicts within African and other colonies (notably Vietnam and North Africa) together with the changing international environment in the post-World War II era, put pressure on the French Government to implement a more progressive colonialism. Racial distinction and the civilizing mission were no longer a way for the leading colonial powers to establish their legitimacy. In order to reestablish their legitimacy and make their empires more orderly and productive, the colonial powers proclaimed a new policy of "development".[113] In the next chapter I examine in detail the emergence of colonial developmentalism in relation with the attempts to restructure Europe, such that it can regain its central role in the world in the postwar era.

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[112] Balibar points out to this fact as well. Etienne Balibar, *We, the People of Europe?: Reflections on Transnational Citizenship* (Princeton University Press, 2003), 39.

[113] Frederic Cooper 3. In Craig J Calhoun et al., *Lessons of Empire: Imperial Histories and American Power* (New York: New Press : Distributed by W.W. Norton, 2006). The creation of Union Française in 1946 is a major step in France's attempts to recast its role as an imperial power. The Union gestures at a form of federalism in which Paris maintained ultimate control and allowed for residents of the colonies to become French citizens. The 1956 constitution had instituted a distinction between territoires d'outre mer and departments d'outre mer.

Furthermore, I will discuss how France intervenes in the current conjuncture in the former colonies—immigrant-sending countries—this time in the name of codevelopment and thus recasting its imperial power. Here though I would like to limit the scope of my discussion to the ramifications of the development paradigm for the colonisé/immigré in the metropole. As I will discuss, from the beginning, the development and integration policies are closely tied such that the welfare and surveillance mechanisms deployed in the metropole to integrate the colonized subjects are the extensions of the development paradigm. The categorization of the colonized subject—the shift from the native subject to Français musulman—also responded to the shift from civilization to development.

To begin with the legal status of the native subjects, the paradigm shift from civilization to development had serious and important ramifications. In 1944, political rights were extended, by admitting that the diversity of civil statutes (French, Koranic, Mosaic) was compatible with a uniform French public law. Later, the law of 7 May 1946 further affirmed that all other Algerians with local status were French citizens.[114] Finally, on 20 September 1947, a new decision passed, which stated, "those Muslims residing in metropolitan France enjoy there all the rights attached to the quality of French citizenship."[115]From then on, the *native* became a subject bearing political rights, who has the right to vote in France like all other French citizens. Remarkably, this new subject was legally coded not as French as such but as *Francais musulman.*

Exploring the effects of formal equality created by the emergence of the category of "citizen" after the French Revolution, Immanuel Wallerstein suggests that the more

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[114] Shepard, *The Invention of Decolonization*, 39–40.
[115] Quoted in Ibid., 41.

equality was proclaimed as a moral principle, the more obstacles –political, economic and

cultural – were instituted to prevent its realization. The concept of "citizen" actually

crystallized a long list of binary distinctions between man and woman, white and black,

European and non-European and of course civilized and barbarian.[116] In the case of North

African immigrants, we see the distinction between colonized and colonizer reformulated

in the underlining of the Muslim origin in the legal identity of *Français musulman*. This

way, the French state simultaneously included the native subjects in political citizenship

while excluding them by highlighting their Muslim origin. So, what was once the

obstacle to French citizenship became now an "adjective" that complements French

identity. Not surprisingly, this sort of oxymoronic situation did not last long and with the

decolonization of Algeria, they became legally either French or Algerian citizens.

Besides this difference inscribed in the legal status, the Franco-Musulman was of

course also subject to new technologies of power that deployed the inclusion/exclusion

dialectics and inscribed the hierarchy in novel ways. As a matter of fact, as the historian

Emmanuel Blanchard also suggests, the ambition to treat the Franco-musulman as a

specific group never ceased even at the times when they were given the political rights.[117]

The institutions created to manage the colonized subjects in the postwar era were also

shaped and informed by the anticolonial movements that heightened the attempts to

maintain the imperial relationships. The Brigade of Aggression and Violence (BAV)

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[116] Immanuel Wallerstein, "Citizens All? Citizens Some! The Making of the Citizen," *Comparative Studies in Society and History* 45, no. 04 (2003): 651, doi:10.1017/S0010417503000318.
[117] Emmanuel Blanchard, "Police judiciaire et pratiques d'exception pendant la guerre d'Algérie," *Vingtième Siècle. Revue d'histoire* no90/2 (May 10, 2006): 61–72.

SONACOTRAL and FAS exemplify these attempts and the cooperation of welfare and surveillance.

With the new rights assigned to Franco-musulman, the Brigade North-African of the 1920's that managed the native subjects had to be dissolved.[118] However, in the meantime, anti-colonial resistance would develop in French Algeria and in Hexagon. Starting from 1951, an organization called Messali Hadj organized political meetings against colonization and for democratic liberties. Coding these political meetings as "riots" and the protesters as "delinquent" and "criminal", the French government justified at this time the creation of the BAV, a special judiciary police force that aimed to fight against this sort of "delinquency". In reality, the role of the BAV was conducting night raids, extensive identity controls, interpellations and filing at a time when these populations had full citizenship and the right to freely travel between Algeria and France.[119]

Soon after the creation of the BAV, "the events in Algeria"–as the French officials put it in a gesture to avoid naming it a war—started in November 1954 with a series of bomb blasts throughout Algeria that killed eight people and wounded four. A previously unknown political organization, the National Liberation Front (Front de Libération Nationale, FLN) and its military arm, the National Liberation Army (Armée de Libération Nationale, ALN) claimed responsibility for these acts. The demand was clear "the restoration of the Algerian state, sovereign, democratic and social, within a

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[118] Laura Belvis, « Français Musulman » ou sujet colonial : le statut des immigrés algériens » in Mathilde Pette, "Benjamin Stora, Linda Amiri (dir.), Algériens en France. 1954-1962 : la guerre, l'exil, la vie," (Paris, Autrement-Cité nationale de l'histoire de l'immigration, 2012).
[119] Blanchard, "Police judiciaire et pratiques d'exception pendant la guerre d'Algérie."

framework provided by Islamic principles."[120]The immediate response came from the Interior Minister Francois Mitterand: *Algeria is France*. In the 5th year of the war, Frantz Fanon would write: "Algeria is virtually independent. The Algerians already consider themselves sovereign. It remains for France to recognize her."[121] However, instead of recognizing Algeria's sovereignty, which would come about eventually in 1962, the French Government, in line with the new paradigm of development, initiated the Constantine Plan in Algeria with serious repercussions for the Francais-musulman in France.

The Constantine Plan was an ambitious development program inaugurated by de Gaulle in 1958 to lessen the economic, social and political disparity between the Hexagon and French Algeria. As Muriam Davis also notes, with this plan, France hoped to convince Algerians that prosperity would be found under the umbrella of French Algeria rather than with the FLN.[122] I mentioned above the cooperation between the DAI (Direction des Affaires Indigène) and the DAA (Direction des Affaires Algériens) to show how the French Republic was articulated with the French empire. Another example of this entwinement is the creation of FAS (Fond d'action Sociale pour les travailleurs algériens en metropole et leurs familles – Social Action Fund for the Algerian workers in metropole and their families), which acted as the metropolitan arm of the Constantine Plan. As Amelie Lyons suggests, this multifaceted social action aimed at improving Algerians' material conditions and French surveillance capabilities in order to combat the

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[120] Shepard, *The Invention of Decolonization*, 43.
[121] Frantz Fanon and Haakon Chevalier, *A Dying Colonialism* (New York, NY: Grove Press, 2007), 28.
[122] Muriam Haleh Davis, "Restaging Mise En Valeur: 'Postwar Imperialism' and The Plan de Constantine," *Review of Middle East Studies* 44, no. 2 (December 1, 2010): 176.

development of separatism. The welfare service was an indispensable counterpart to the repression carried out by the police.[123] The FAS continues to be one of the key mechanisms of contemporary immigration politics in France under the new name of FASILD (Fonds de soutien pour integration et la lutte contre les discriminations), which is responsible for integration of the immigrants and the fight against discrimination.

The FAS was created as a funding and administrative umbrella for various cultural and social associations targeting Algerian immigrants who were legally coded then as Franco-musulman. So, just as the republic officially extended full citizenship to all Algerians, the FAS enabled the special treatment of them by making the point that Algerians required "an indispensable transitional step in the form of separate social welfare programs that would permit them to integrate progressively into the economic and social life."[124] Emerging within the context of the Algerian War, the main political objective of FAS was to eliminate terrorism through social, educational and cultural action in Algeria and France, as well as to convince the public that, while "troublemakers lurked among the Algerian population in France, the majority consisted of good people who deserved to be welcomed with understanding and brotherly love."[125]

Providing special accommodation was one of the main roles of the FAS and therefore housing represented the largest percentage of FAS's budget (58% of its funds went on housing in 1959 in Paris, Lyons, Marseilles and eastern France). As housing projects were also the main sites of most of the welfare programs, FAS worked 1959

[123] Amelia H. Lyons, "Social Welfare, French Muslims and Decolonization in France: The Case of the Fonds D'action Sociale," *Patterns of Prejudice* 43, no. 1 (2009): 71, doi:10.1080/00313220802636072.
[124] Ibid., 68.
[125] Ibid., 69.

onwards jointly with SONACOTRAL (Societé Nationale pour les travailleurs algériens et

leurs familles, National Corporation for the Construction of Housing for Algerian

Workers and their Families)[126]that was created in 1956 during the Algerian war to

accommodate the Algerian workers. It is still in charge of housing in France with its new

name Adoma since 2007. The main goal of SONACOTRAL was the resettling of

Algerian immigrants from the bidonville (shantytowns), the first address of the Algerian

workers in metropolitan France. With the start of the anti-colonial war a *bidonville*

problem emerged because the terrible living conditions there were thought to create a

breeding ground for unrest that the FLN nurtured. The government announced it would

liquidate the bidonville problem and would move its resident "who were easy prey for

extremist movements" into the rent-controlled public housing known as Habitation a

Loyer Modere (HLM). Besides the improvement of the living conditions, this new public

housing system was favored because it would allow better surveillance than the

impenetrable maze of the bidonvilles.[127]

    Another motivation for providing family housing was to putting an end to single

male worker migration and instead encourage family settlement that would stabilize and

depoliticize the populations and ensure that Algerians did not marry the metropolitan

women in large numbers.[128] In her seminal work, Ann Stoler argues that the imperial

politics of race was articulated with the discourse of sexuality, which means that the

frontier of body politics was always defined in sexual terms and in relation with the

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[126] In 1963, it was renamed SONACOTRA –replacing 'Algerian workers' with 'workers' in the acronym.
[127] Lyons, "Social Welfare, French Muslims and Decolonization in France," 74.
[128] Lyons Amelia, *The Civilizing Mission in the Metropole: Algerian Families and the French Welfare State during Decolonization* (Stanford, California: Stanford University Press, 2013).

colonized body. Expanding on Foucault, Stoler suggests that the proper white European

identity was constituted in and through the gendered and racialized regulatory

mechanisms of the colonial state that intervenes in home-environments, childbearing

practices and sexual arrangements.[129] The creation of the family housing by the French

state shows how the welfare state takes on the responsibility of ensuring the protection of

sexual borders.

To sum up, by the 1960's the French state had accumulated knowledge and a

series of experiences in terms of how to govern the colonized subjects both in the

colonies and in the metropole. As I examined so far, none of the discourses and

mechanisms invented to this end were static; the French state adjusted its discourse and

mechanisms several times over decades to the changing political economic context such

as the transfer of the colonial mechanisms to the metropole accompanying the natives'

mobility, and the paradigm shift from civilization to development and welfare model. In

the final section, I discuss how this long established dispositif was adjusted to the

independence of the colonies enabling the formulation of the "immigration problem."

Immigration problem as a response to decolonization
The empire's collapse raised serious questions about what to do with the existing

institutions like FAS. Significant debates occurred whether they should be dismantled or

not after the independence of Algeria in 1962. If they were not to be dismantled, how

would their existence be justified after the end of colonialism? Given that Algerian

citizens were foreigners at this point, how could they be subject to these colonial

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[129] Ann Laura Stoler, *Race and the Education of Desire: Foucault's History of Sexuality and the Colonial Order of Things* (Duke University Press Books, 1995).

mechanisms? Also what would happen to the thousands of bureaucrats that had worked

in the colonies and were guaranteed employment on their return to the metropole?[130]

Such were the questions waiting to be answered by the French state. I suggest that the

production of the immigration problem was a response to these questions and as such

helped the French state to maintain the colonial rationale and mechanisms such as FAS

and SONACOTRAL in the absence of former colonial relations. As I examine below,

this shift necessitated some tweaks in the official discourse.

Michel Massenet, the head of the FAS since its inception, was the strongest

advocate for keeping the whole colonial mechanism functioning after independence. His

main argument was that Algerians would need monitoring and protection even more than

before because of intense animosity among parts of the general population. Another

justification for keeping the housing and educational services that teach Algerians how to

live in French society was the massive presence of Algerian families in France.

Massenet's recommendation to preserve the FAS passed with a slim majority in 1962. In

early 1963, Prime Minister Georges Pompidou announced that the FAS would continue

to operate at least three years as part of the transition outlined in the Evian Accords.[131]

Along with the separation of Algeria from France, a process of renaming and

reorienting the existing colonial mechanisms to cover all immigrants started.[132] When

Algeria was officially a department of France before 1962, the FAS had reported to the

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[130] Lyons, "Social Welfare, French Muslims and Decolonization in France," 79.

[131] Lyons, "Social Welfare, French Muslims and Decolonization in France"; MacMaster, *Colonial Migrants and Racism*; "Culture et Immigration ; de La Question Sociale à L'enjeu Politique, 1958-2007 - Angeline Escafre-Dublet," accessed June 15, 2015, http://www.lamartine.fr/9782753532670-culture-et-immigration-de-la-question-sociale-a-l-enjeu-politique-1958-2007-angeline-escafre-dublet/.

[132] Escafre Dublet, *Culture et immigration* (Rennes: P U De Rennes, 2014).

prime minister's office via the secretary general of Algerian affairs. After independence

and the dismantling of the office of Algerian affairs, first the FAS's name was changed

simply from Social Action Fund for Algerian Workers and their Families to Social

Action Fund for Foreign Workers, which did not change the acronym FAS. Similarly

SONACOTRAL was turned into SONACOTRA—replacing "Algerian workers" with

"workers" in the acronym. However, these developments changed neither the colonial

mentality of these mechanisms nor the effort to subject the Algerians to special treatment.

Even after all immigrants were incorporated into its mandate, the FAS maintained a

specific pattern in the management of former colonial subjects.

The special treatment of the Algerian immigrants in France was also manifested

in the French state's control of the immigrants' social and cultural activities. In the

1960's, all immigrants settled in France maintained strong links with their community

with the help of the authorities of their country of origin. For example, the Spanish

Catholic Mission, receiving funds from the Spanish consulate, and Italian Catholic

Mission organized cultural activities. When it comes to the Algerian consulates and the

representatives of other formerly colonized countries such as Mali, Senegal and

Madagascar, there was close surveillance by the French state. The French government, in

order to prevent potential political opposition developed by these immigrants, relied on

the implementation of social programs and literacy classes by government run

associations.[133]

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[133] Ibid.

It is after this short period of managing all the foreign workers using the former colonial mechanisms that the immigration problem was constructed in France. In the post-war era there was growing demand for labor in France and foreign workers were seen as indispensable to economic prosperity. Furthermore, the foreign workers were much more desired than the French workers. The rate of immigration began to accelerate in France in the post-war era, with a peak after the 1950's. Between 1955-1961 the main sources of immigration were the southern European countries, Italy, Spain and Portugal thanks to the bilateral agreements with these countries.[134] The emerging immigration problem was not about these European immigrants; their immigration was an object of economic and technocratic discourse and regulated largely by the employers more than the state.

What made the immigration problem possible was the dichotomy created between economic migration and social immigration and the socio-cultural differences the Algerian immigrants presented to the French society. As such, the immigration problem was from the outset a socio-cultural problem serving the purpose of differentiating the African/North African immigrants from the European immigrants. Massenet, the former head of the FAS, had a crucial role in shaping the new discourse on immigration. As the head of the Population and Migration section at the Ministry of Labor (1962-1968), he defined the problem as follows: "Not only has immigration ceased to be a marginal phenomenon, owing to increasing numbers of immigrants, but it has also ceased to be natural phenomenon, that is to say a process which gives rise to a spontaneous adaptation.

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[134] Maxim Silverman, *Deconstructing the Nation: Immigration, Racism and Citizenship in Modern France*, 1st ed. (Routledge, 1992), 43–44.

The problems that immigration poses to our society put at risk society's future cohesion."[135] In the same vein, the Calvez report of 1969 is also of key importance in the production of the problem. In May 1968, the Economic and Social Council asked Corentin Calvez to produce a report on "the problem of foreign workers". The report released with this name was presented to the council and adopted in February 1969. Here is a quote from this famous report: "In a general way, the immigrant presence in France leads us to recommend the precise studies carried out on the threshold of tolerance which should not be exceeded in the areas of housing, schools and the workplace; that is, thresholds necessary to maintain a suitable social balance, founded on the proportionate levels of foreigners, and variable according to the ethnic group. It is also necessary to be aware of the high fertility rates of Algerian families."[136]

In the 1970's, the problematization of immigration and the solutions that follow took the form of integrating the African immigrants who were already in France and controlling the flow of people from the former colonies. Minister of Labor, George Gorse's words summarize France's "new" immigration politics: "It is clear that in the present climate of expansion, immigration is necessary for France…But it must be controlled and organized if we want to offer to those foreign workers we receive on our soil decent work and living conditions comparable to those of the French and at the same time fulfill the needs of our own development. We must combat illegal and uncontrolled immigration."[137] As I examined in detail, none of these problems and solutions defined in

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[135] Massenet quoted in Ibid., 74.
[136] Quoted in Ibid., 75.
[137] George Gorse (1973) Quoted in Ibid., 85.

relation with the African/North African populations in France were actually new as the

French state had claimed. The French state's success relied in articulating these problems

within a new discourse and thus erasing the colonial background.

In the subsequent chapters of this dissertation, I examine the evolution of the

immigration problem, that is the integration/control of the migratory flows nexus. From

the 1970's onwards, the French state has used the development mechanisms in the

management of the migratory flows. In the next chapter I examine in detail the history of

this articulation between development and control of the migratory flows at different

moments including 1970's, 1990's and 2000's. I discuss how France orders its relations

with the former colonies in the name of management of migratory flows against this

background and situating the French immigration politics within the Europeanization and

neoliberalization of the immigration problem. In the following chapter, I will trace the

consequences of this transformation in the integration policies.

GOVERNING EURAFRICA THROUGH A JOINT IMMIGRATION POLICY

Colonization is not responsible for all the current difficulties of Africa...

Colonization was a huge mistake, but from it was born the embryo of a common destiny. Colonization was a mistake that changed and intertwined the destinies of Both Europe and Africa. The tragedy of Africa is that the African has not fully entered into history... This man never launched himself towards the future. The idea never came to him to get out of this repetition and to invent his own destiny...

I came to propose this Renaissance to you. I came to propose it to you so that we can achieve it together, because the African Renaissance depends to a large extent on the Renaissance of Europe and the Renaissance of the world...

I believe that the African youth leave, because, like all youth, they want to conquer the world. Like all youth they have a taste for adventure and the open sea. They want to go and see how the others live, think, work and study elsewhere. Africa will not achieve its Renaissance by cutting the wings of its youth...

What Africa wants is the same as what France wants: cooperation, association, a partnership between nations equal in rights and in duties. What France wants to do with Africa is co-development, that is to say shared development. What France wants to do with Africa is to design a joint strategy within the globalization process. What France wants to do with Africa is a jointly negotiated policy on immigration, decided

together so that African youth can be received in France and in all of Europe with

dignity and respect. What France wants to do with Africa is an alliance between

French and African youth so that the world of tomorrow will be a better one. What

France wants to do with Africa is to prepare the advent of Eurafrica, this great

common destiny that awaits Europe and Africa.

This long quote is from the speech delivered by then newly elected President Sarkozy on July 26, 2007 at the Université Cheikh Anta Diop in Dakar, Senegal.[138] Three overarching themes can be discerned within this address: 1. Colonialism is not responsible for all the current difficulties of Africa 2. The underlying reason for "African backwardness" is the "African culture" and 3. A jointly negotiated immigration policy between Europe and Africa is a path to shared development and the advent of Eurafrica.

Sarkozy's address can be criticized on account of its blunt racism and the temporal fixation of Africa yet again in a state of natural stagnation that denies progress and resists being part of History. Pointing to Sarkozy's racist stereotypes, Achille Mbembe suggests that his words reveal that not much has changed in the way French intellectuals and politicians have come to "understand" Africa since the 19th century.[139] The creation/definition of the Other through the repetition of racist stereotypes has always served to legitimize hierarchical subject and uneven economic relations. Therefore we should question what political economic relations Sarkozy attempts to justify by recourse to such racist stereotypes.

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[138] "The Unofficial English Translation of Sarkozy's Speech," http://www.africaresource.com/essays-a-reviews/essays-a-discussions/437-the-unofficial-english-translation-of-sarkozys-speech?showall=&limitstart=.
[139] Achille Mbembe, "Africultures - Chronique - L'Afrique de Nicolas Sarkozy," http://www.africultures.com/php/?nav=article&no=6784.

Indeed, Sarkozy's speech provides plenty of insight into this. Characterizing the African youth with the urge "to leave" and "to live and study elsewhere", he offers a vision of a jointly negotiated policy on immigration between Europe and Africa. Sarkozy thus resurrects the long-forgotten term –Eurafrica— in order to designate his model of win-win globalization, a shared development to be achieved by a joint immigration policy.

In the 1950's, the construction of Eurafrica was envisioned as a double process: European integration in the form of a common market, together with the association of the African colonies in this market through the use of developmental colonialism. Crucially, the creation of Eurafrica at this time also was a French agenda, seen as a means of simultaneously maintaining the French Empire and sharing the economic burden of its colonies with the other European states. The Eurafrica of the 1950's hence marks the shift from national colonialism—the management of African colonies by individual European national states—to a continental relationship between Europe and Africa within a common market. Given this historical and conceptual importance of Eurafrica in the 1950's, in this chapter I will take Sarkozy's use of the term seriously and discuss how the new Eurafrica transforms the two concomitant processes in and through which Europe shapes and governs itself and its external relations.

This chapter thus has two main objectives: The first objective is to theorize and understand historically the concept of Eurafrica, when it emerged, what realities it ordered, how it implicated Europe and Africa and which mechanisms it deployed. I foreground the concept of Eurafrica, first and foremost, because it offers a way to grasp

how the relationship between Europe and Africa is ordered without essentializing the mechanisms deployed to do so. Eurafrica, that is, helps to conceptualize the target and object of global government itself. In this sense, Eurafrica provides a suppler analytical lens than colonialism/neo-colonialism or post-colonialism for examining the changing rationale and mechanisms deployed to govern Europe and its relationship with Africa. In this way, the concept of Eurafrica enables a decentering of Europe, that it grasps itself as an object of government. Excavating a global governmental rationality that is underdeveloped in Foucault's thought, I will suggest that Eurafrica is the target of global governmentality.

The second objective of this chapter is to examine the production and management of the new Eurafrica, which is grounded in the link between immigration and shared development, epitomized also in the name of the Ministry of Immigration, National Identity, Integration and Codevelopment.[140] Tracing the changing political economic rationale behind the immigration problem and the development paradigm at three important moments, I suggest that the birth of the European immigration problem and the joint immigration policy does in fact order a new Eurafrica—a Eurafrica adjusted to the neoliberal rationale.

Introducing Eurafrica: Eurafrica as global governmentality

Foucault has been subject to severe criticism by postcolonial studies scholars for not considering race and colonialism. Robert Young for instance, argues that Foucault is

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[140] As a matter of fact, the Codevelopment tag in the name of the Ministry was changed to 'shared development' (développement solidaire) in 2008. I will examine in detail the difference between codevelopment and shared development and the implications of the shift in terms of the relations between Europe and Africa.

virtually silent on the ways in which power operates in the arenas of race and

colonialism. In a similar vein, Spivak suggests: "Sometimes it seems as if the very

brilliance of Foucault's analysis of the centuries of European imperialism produces a

miniature version of that heterogeneous phenomenon: management of space –but by

doctors; development of administrations—but in asylums; considerations of the

periphery—but in term of the insane, prisoners and children. The clinic, the asylum, the

prison, the university—all seem to be screen allegories that foreclose a reading of the

broader narratives of imperialism."[141] I do agree with the postcolonial criticism that

Foucault did not contribute greatly to our understanding of how modern governments

operated in the periphery. In the introduction to Canguilhem's *The Normal and the*

Pathological, Foucault suggests, "a "concept" must give access to a structure of

intelligibility."[142] The construction of the concept of "population" is thus central to his

analysis of the creation of new orders of knowledge, new objects of intervention, new

forms of subjectivity and governmentality etc.[143] Certainly, there is no global counterpart

to such a concept in Foucault's account of modern government he used to analyze the

reality created by global rationality.

However, although underdeveloped, there is definitely an idea of global

governmental rationality in Foucault, which I believe is ignored in many Foucauldian

works as well as the postcolonial critics of Foucault. Extending Foucault's thought, or

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[141] Gayatri Chakravorty Spivak, "Can the Subaltern Speak?," n.d., 86.

[142] Georges Canguilhem and Michel Foucault, *The Normal and the Pathological*, trans. Carolyn R. Fawcett (New York: Zone Books, 1991).

[143] For a detailed analysis of the development of population concept in Foucault's thought see also Bruce Curtis, "Foucault on Governmentality and Population: The Impossible Discovery," *The Canadian Journal of Sociology / Cahiers Canadiens de Sociologie* 27, no. 4 (October 1, 2002): 506, doi:10.2307/3341588.

stretching its potential, I will suggest that if population is the object and site of intervention for modern governments within Europe, the Eurocentric world order is the object and the site of intervention of Europe at the global level. In this regard, I argue that *Eurafrica* has roots in the birth of governmental reason in the 17th century as Foucault argues. It emerges as a concept that makes the Eurocentric world order intelligible at a time when that order was shattered.

Foucault suggests that since the 17th century, Europe constructs the *world* as a field of intervention while establishing and governing itself as the center of this world. The Eurocentric capitalist/colonialist world order is *sine qua non* for the birth of modern governmental reason as such. In the *Birth of Biopolitics* he argues that the emergence of the population, political economy and governmental reason would be impossible if the European states didn't come together at the Treaty of Westphalia in 1648 to form a particular idea of Europe, conceived of as a geographical entity and in a relation of economic domination with the world.[144] He suggests further that the birth of governmental reason, political economy and population are correlative to the capitalist colonialist ordering/division of the world. So, the shift from a juridical to a political economic understanding of power, which is so central to Foucauldian analysis, presumes the capitalist colonialist division of the world.

I differ from postcolonial studies in the sense that my critique of Foucault is to widen the analytical terrain of governmentality to the world-scale, which although latently present in his work, is not developed as an object of modern governmental

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[144] Michel Foucault, Michel Senellart, and Collège de France, *The Birth of Biopolitics: Lectures at the Collège de France, 1978-1979* (New York: Picador, 2010).

reason. In his analysis of mercantilism, for instance, he is concerned with the establishment of the capitalist colonialist *nomos*[145] of the world insofar as he sees it contextual to the birth and operation of power within Europe. Although he states that the only type of relationship that Europe begins to have with the rest of the world after the Treaty of Westphalia is that of economic domination—understood in terms of colonization or commercial utilization—he does not pose this world order as the target and terrain of governmentality.

Foucault brings in the world scale fully when he discusses liberalism compared to mercantilism, in the sense that he sees the turning of the world into a market for Europe not merely as a contextual backdrop anymore but as immanent to liberal rationality. As I suggested before, the concept of population is central to Foucault's analysis of the birth of modern governmental reason. According to Foucault, the reason for population's becoming the target of government is mainly *the naturalness* attributed to it. Crucially, naturalness as Foucault points out is not only a trait belonging to "population" but it is also attributed to the global commercialization and European expansion of market relations. Foucault reads the naturalness attributed to global market relations through Kant, who he deems to be a perfect representative of liberal global rationality. In *Perpetual Peace*, Kant states "perpetual peace is guaranteed by no less an authority than the great artist Nature herself."[146] Kant believes that it is ultimately trade between nations that compel them to enter into peaceful relations with one another, and thus achieve

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[145] I borrow the term from Schmitt to signify the spatial division of the world and the legal order that justifies and enables this division. See Carl Schmitt and G. L Ulmen, *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum* (New York: Telos Press, 2003).

[146] Immanuel Kant, Ted Humphrey, and Immanuel Kant, *Perpetual Peace, and Other Essays on Politics, History, and Morals* (Indianapolis: Hackett Pub. Co., 1983), 108.

mutual understanding, even with the most distant of their fellows.[147] As Foucault aptly

reads it, the guarantee of perpetual peace in Kant is nature and this guarantee is

manifested in the commercial relationships stretching across the whole world. The

guarantee of perpetual peace for Kant is therefore actually, Foucault states, commercial

globalization.[148]

As a result, Foucault suggests, with the birth of liberalism we confront the start of

"a new type of global calculation in European governmental practice, of a new form of

global rationality, of a new calculation on the scale of the world."[149] In the 18th century a

shift from mercantilist governmental reason to the liberal governmentality takes place

giving birth to a new idea of Europe, a Europe of collective enrichment, which he

anchors this time in the Congress of Vienna (1815). With liberalism, the economy comes

to be seen no longer as the non-zero sum game, as the mercantilists had it, but one of

competition and unlimited economic development. The liberal rationale posits the world

scale, as follows: "the whole world as summoned around Europe to exchange its own and

Europe's products in the European market." From then on, Foucault states, "the game is

in Europe, but the stake is the world." I take this statement as evidence to an

understanding of global governmental rationality in Foucault.

It is in the light of this understanding that I would like to approach Eurafrica.[150]

Eurafrica, I suggest, is the field of global intervention to guarantee commercial

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[147] Ibid., 111.
[148] Foucault, Senellart, and Collège de France, *The Birth of Biopolitics*, 58.
[149] Ibid., 56.
[150] According to some scholars Eurafrica is an ideology. Guy Martin for example argues that grounded in the concepts of complementarity and interdependence, Eurafrican ideology sees the fate of Europe and Africa naturally and inextricably linked at the political, economic, social, and cultural levels. It proposes

globalization, which means guaranteeing the game that takes place in Europe with the stake as the world. A vital aspect of global governmentality is that it has two interrelated processes as its object, in which of Europe itself is constituted in tandem with its external relations. As I examined, since the birth of governmental reason, we see the creation of different ideas of Europe, shaped in tandem with the external relations they have. The initial idea of a *balanced Europe,* a geographical entity composed of territorial sovereign states was born at the Treaty of Westphalia, together with a conception of the rest of the world in a relation of economic domination and political subjugation. Later at the congress of Vienna, a new idea of Europe emerges, this time *a Europe of competition* that takes the rest of the world as its market and natural extension. Eurafrica as a concept and a historical reality emerges in the 20th century in line with this long trajectory of global governmental rationality. It signifies yet another way of conceiving and organizing Europe and its new relations with Africa. This 20th century idea of Europe is an *integrated Europe,* which constitutes Africa as part of the European common market in the moment when colonial administration is no longer sustainable.

I argue that Eurafrica as a concept emerged after World War I to re-establish the shattered world order, again with a privileged Europe at the center. Below I examine how Eurafrica was initially constituted, contextualizing it within the birth of the development paradigm and the initial European integration process. This, in turn, grounds my

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mainly that Europe needs the raw material and market of Africa while Africa needs the capital, technology and know-how of Europe, and as such operates as a justification of the capitalist colonialist world order, based on unequal exchange and subject relations. See Guy Martin, "Africa and the Ideology of Eurafrica: Neo-Colonialism or Pan-Africanism?," *The Journal of Modern African Studies* 20, no. 2 (June 1, 1982): 221–38.

discussion of how the new Eurafrica proposed by Sarkozy operates, how it mobilizes and transforms the old discourses and mechanisms of development and EU level polices.

Eurafrica in the 1950's: Developing Africa, Integrating Europe

It is not known for sure who coined the term Eurafrica first but it is attributed to the post-WWI pan-European movement. The main problem of the pan-European movement was to establish Europe again as a world power among the rapidly growing economies of the US and the Soviet Union. The question was how to establish an integrated Europe given the Franco-German conflict reached a peak point when France assumed control of the Ruhr area to ensure Germany's payment of its war debts. In 1923, Richard Coudenhove-Kalergi, the leader of the Pan European movement published the famous pamphlet Paneuropa where he stated only a united Europe could gain its place as a dominant power. The idea of an integrated Europe gained support from numerous political figures including Winston Churchill and Konrad Adenauer etc.[151] Eurafrica was not only about a united Europe, it emerged also to conceive and order a geopolitical idea comprised by a special relationship between a united Europe and Africa. To put it in the words of Codenhove-Kalergi, only "Africa could provide Europe with raw materials for its industry, nutrition for its population, land for its overpopulation, labor for its unemployed, and markets for its products."[152]And furthermore, "the African problem thus brings us back to Europe. Africa cannot be made available, if Europe does not unite.''[153]

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[151] Peo Hansen and Stefan Jonsson, "Bringing Africa as a 'dowry to Europe,'" *Interventions* 13, no. 3 (September 1, 2011): 453, doi:10.1080/1369801X.2011.597600.
[152] Richard Coudenhove-Kalergi quoted in Ibid., 449.
[153] Quoted in Hansen and Jonsson, "Bringing Africa as a 'dowry to Europe.'"

However, a united Europe had to be postponed due to another imperial dream that haunted Europe –German Nazism. As Foucault argues, the birth of governmental reason required the disappearance of two universals –Christianity and Empire- that imposed themselves since the Middle Ages. Indeed what happened at the Treaty of Westphalia can be seen actually as the burial of these universals, which was a prerequisite for Europe as we know it to come to existence. It is possible to read the genealogy of governmental reason as a reply to the ruptures that bring the ghost of Empire back to the political scene. In this regard, if the Congress of Vienna is a rectification of global reason after Napoleon's comeback, Eurafrica is the political reason that puts the last imperial dream of Hitler to an ultimate end.

After the end of World War II, the attempts to create Eurafrica gained urgency, as the need to organize a united Europe that could use Africa more efficiently was seen as a vital part of its recovery from the war.[154] The first and the most dramatic manifestation of the postwar efforts to provide a crippled Europe with an effective formula for integration was the Congress of Europe gathered in the Hague. The Hague Congress (1948) proclaimed "The EU must include in its orbit the extensions, dependencies and associated territories of the European powers in Africa and elsewhere, and must preserve the existing constitutional ties which unite them…Europe as an entity will be viable only if the links which unite it with countries and dependent territories are taken into account. The era of national ownership of colonial territories is past…from now onwards a

[154] Sandro Guerrieri, "From the Hague Congress to the Council of Europe: Hopes, Achievements and Disappointments in the Parliamentary Way to European Integration (1948–51)," *Parliaments, Estates and Representation* 34, no. 2 (July 3, 2014): 216–27, doi:10.1080/02606755.2014.952133; Clarence C. Walton, "The Hague 'Congress of Europe': A Case Study of Public Opinion," *The Western Political Quarterly* 12, no. 3 (September 1, 1959): 738–52, doi:10.2307/443870.

common European policy of development for certain regions of Africa should be taken in hand."[155]

As revealed in the above quote, two interrelated strategies are adopted from the late 1940's onwards in the government of Eurafrica. On one side there are attempts to realize European integration, which is seen as the most efficient way of ensuring Europe's central role in the world. On the other side, and intertwined with the integration process, we see the birth of a new discourse -- that of development, in which Europe's new relationship with Africa is constituted. In what follows I will briefly examine the cornerstones in this process that culminate in the Treaty of Rome (1958), when Eurafrica was officially declared. In particular, I will discuss the French influence in this process, as Eurafrica meant the most for France given she had the greatest number of colonies in Africa, and the war in then French department Algeria. This historical context is crucial to understanding Sarkozy's Eurafrica, which was to be achieved through shared development and common immigration policy.

After World War II, the wave of strikes and other conflicts within African colonies, together with the turmoil in Vietnam and North Africa, put pressure on the French Government to implement a more progressive colonialism.[156] As then Socialist Party Minister for Overseas France and former Minster for Colonies accepted, due to the impact of World War II, as well as past errors in French colonial policy, the status quo

[155] Quoted in Alan Hick "The European Movement" in (eds) Walter Lipgens and Wilfried Loth, *Documents on the History of European Integration: The Struggle for European Union by Political Parties and Pressure Groups in Western European Countries, 1945-1950* (Walter de Gruyter, 1988).
[156] Frederic Cooper 3. In Calhoun et al., *Lessons of Empire*.

was no longer tenable.[157] With these concerns in mind and to find a way to maintain the colonies, in October 1946, the French Union was created as 'an entity formed by France and overseas countries and based in equality of rights and obligations without distinction of race or religion". Under this scheme the goal was to maintain French sovereignty, and hence hinder any independence movements. With the creation of the French Union, France put an official end to the category of indigène replacing it with the term Français musulman and local populations were empowered through a series of local assemblies, as well as various levels of representation in parliament and the French Union Assembly.[158]

The creation of the French Union signals also the shift to the new strategy of French colonialism. Now that old style colonialism based on racist discrimination was outmoded, development emerged as the more progressive strategy.[159] The creation of French Investment Fund for Economic and Social Development of 1946 exemplifies the new trend. To put it briefly, the closed economic and monetary system between France and its colonies worked as following: France gave a preferential treatment to a limited number of tropical products exported from the colonies through preferential tariffs, quantitative restrictions and elaborate systems of market organizations. This way the French consumer had to pay higher prices for imported goods than world-market prices. In return, the consumer in the French overseas territories had to pay higher prices for imported goods than world-market prices. The unequal exchange relations[160] created

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[157] Martin Evans, *Algeria: France's Undeclared War* (Oxford University Press, 2011), 194.
[158] Ibid., 281–282.
[159] Calhoun et al., *Lessons of Empire*; Davis, "Restaging Mise En Valeur."
[160] Arghiri Emmanuel, *Unequal Exchange: A Study of the Imperialism of Trade*, trans. Brian Pearce, 1st edition (New York: Monthly Review Press, 1972).

large trade deficits and commercial imbalance for the colonies, which was sustained by

French capital transfers, mostly destined for infrastructural investment, which in turn

created more export possibilities for French industry. Furthermore, the separation of a

franc zone, where the franc had a fixed value in French or metropolitan francs, from the

world market, and the overvaluation of the franc C.F.A hampered the development of

export-oriented industries in the overseas territories.[161] There is an extensive literature on

how development discourse and its categories of developed/underdeveloped help to

reproduce the colonial racist hierarchies and prepare the field of interventions.[162]

Escobar suggests that development, despite its more benign face, has partaken of a

"bloodily expropriative nature".[163] In a similar fashion, Frederick Cooper states, unlike

the older category of civilization, development focused on concrete changes and

potentially measurable progress. While the category of development marked a hierarchy

between those who achieved development and those who had not, it also constituted a

new lexicon in the name of which claims over resources could be phrased.[164]

　　　Alongside these attempts to maintain the colonies and hinder the independence

movements, France also had serious interests in European integration, which meant

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[161] Louis Sicking, "A Colonial Echo: France and the Colonial Dimension of the European Economic Community," *French Colonial History* 5 (January 1, 2004): 210–212.

[162] Arturo Escobar, "Anthropology and the Development Encounter: The Making and Marketing of Development Anthropology," *American Ethnologist* 18, no. 4 (November 1, 1991): 658–82, doi:10.1525/ae.1991.18.4.02a00020; Arturo Escobar, *Encountering Development: The Making and Unmaking of the Third World [New in Paper]* (Princeton University Press, 2011); Uma Kothari, "An Agenda for Thinking about 'race' in Development," *Progress in Development Studies* 6, no. 1 (January 1, 2006): 9–23, doi:10.1191/1464993406ps124oa; Immanuel Wallerstein, *The Capitalist World-Economy* (Cambridge University Press, 1979).

[163] Arturo Escobar, "Anthropology and the Development Encounter: The Making and Marketing of Development Anthropology," *American Ethnologist* 18, no. 4 (November 1, 1991): 661.

[164] Calhoun et al., *Lessons of Empire*, 7. See also Uma Kothari, "An Agenda for Thinking about 'race' in Development," *Progress in Development Studies* 6, no. 1 (January 1, 2006): 9–23.

ultimately restricting a powerful German economy within a wider, protective market.[165]

A crucial step towards integration was taken with the Schuman Declaration in 1950 to

impede any future Franco-German conflict. Presented by French Foreign Minister

Robert Schuman, the declaration announced the Franco-German aim to jointly regulate

extraction and production of coal and steel, which gave way to the creation of European

Coal and Steel Community.[166] Schuman stated: "The solidarity in production thus

established will make it plain that any war between France and Germany becomes not

merely unthinkable, but materially impossible." Schuman highlighted also the relation

anticipated between a united Europe and Africa: "This production will be offered to the

world as a whole without distinction or exception, with the aim of contributing to raising

living standards and to promoting peaceful achievements. *With increased resources*

Europe will be able to pursue the achievement of one of its essential tasks, namely, the

development of the African continent."[167] (emphasis mine)

Meanwhile developmental colonialism was in hardship. As Freederic Cooper

argues postwar colonialism was plagued by two main problems.[168] The imperial doctrine

long followed by both Britain and France was that colonies should pay the cost for their

own repression. However citizenship rights granted to the colonized subjects after 1946

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[165] Jonathan K. (Jonathan Keith) Gosnell, "France, Empire, Europe: Out of Africa?," *Comparative Studies of South Asia, Africa and the Middle East* 26, no. 2 (2006): 205.
[166] The Schuman Declaration proposed the creation of a European Coal and Steel Community, whose members would pool coal and steel production. The ECSC (founding members: France, West Germany, Italy, the Netherlands, Belgium and Luxembourg) was the first of a series of supranational European institutions that would ultimately become today's "European Union"."EUROPA - The Schuman Declaration – 9 May 1950," accessed July 22, 2015, http://europa.eu/about-eu/basic-information/symbols/europe-day/schuman-declaration/index_en.htm.
[167] http://europa.eu/about-eu/basic-information/symbols/europe-day/schuman-declaration/index_en.htm
[168] Calhoun et al., *Lessons of Empire*.

meant in practicality equality in wages, labor legislation, social security benefits, family

allowances –in brief, equality in standard of living. The first problem of

developmentalism was therefore that it was too expensive, which made empire a hard sell

domestically. By the mid-50's, the cost was being questioned in the press and legislature

in France. The second problem was in Africa. As Cooper notes, Africans turned the

modernization arguments into claims to resources, strikes and demonstrations. When the

logic of empire met the logic of the welfare state, and when racial distinction was no

longer available, the empire as whole became the responsibility of the state. Throughout

the empire, social and political organizations escalated their demands and raised issues of

equality, eventually forcing the cost-benefit calculation that led to the invention of

decolonization.[169] However until then France experimented with other ways to maintain

the colonies and share the burden of developmental colonialism.   Eurafrica was invented

at this point.

Eurafrica emerged in the midst of the colonial crises in Algeria (1954), Indochina

(1954) and in Suez (1956), which forced France to accept that its ambition to remain a

world power depended on a French-led European integration. [170] As Guy Mollet stated in

early 1957 "France is negotiating at this time with the European partners for the

organization of a vast common market, to which the Overseas Territories will be

associated. All of Europe will be called upon to help in the development of Africa, and

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[169] Shepard, *The Invention of Decolonization*.
[170] Peo Hansen, "European Integration, European Identity and the Colonial Connection," *European Journal of Social Theory* 5, no. 4 (November 1, 2002): 491., doi:10.1177/136843102760513875.

tomorrow Eurafrica may become one of the principal factors in world policy."[171]In other words, by creating Eurafrica, France would protect its colonial markets and guarantee supplies of primary products and share at the same time the economic burden of development with other European countries. Last but not least, it would secure the French sphere of influence in Africa. As Mollet's words reveal, France also hoped to hinder independence in the colonies –particularly in Algeria : "Isolated nations can no longer keep pace with the world. What would Algeria amount to by itself? On the other hand, what future might it have, as one of the foundations of the Eurafrican community now taking shape?"[172]

Thus, the European Economic Community established by the Treaty of Rome in 1958 abolished the customs and trade barriers between European countries. In spite of serious opposition from the Netherlands and Germany, France succeeded in associating the colonies in this free trade area thus finally forming Eurafrica. As Zartman explains, what happened with this instrument was that African colonies of European states were joined in a free trade area with the entire six-state European region (Belgium, Germany, France, Italy, Luxemburg, and the Netherlands), so that African and European products found unimpeded access to each other's market. At the same time, European states without colonies of their own were involved in sharing a small part of France's (and Belgium's and Italy's) colonial burden by subscribing to a European Overseas Development Fund (FEDOM) providing $581 million in aid per year for the African

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[171] Quoted in Evans, *Algeria*, 496.
[172] Ibid., 496.

colonies.[173] Upon the completion of the Treaty the French minister happily announced

the creation of Eurafrica: "I would like to insist upon the unity of Europe: it is now a fact.

A few days ago we jumped over the last hurdles that were on its way, and now an even

broader unity is being born; EURAFRICA, a close association in which we will work

together to promote progress, happiness and democracy in Africa.[174]

As a result, the birth of Eurafrica entailed a government of Europe –as a united

entity- and attempts to preserve colonial trade relations by a welfare logic and

developmentalism. To put it in a Foucaldian lexicon, Eurafrica of the Treaty of Rome

created the conditions of possibilities to think and act at on a global scale by deploying

the strategies of welfare/development and European integration. It should be noted that

the term Eurafrica disappeared from the lexicon with the independence of the colonies,

only to be resurrected by Sarkozy in his 2007 Dakar speech. In the final part of this

chapter, I will examine how the new Eurafrica operates. I will consider in particular how

the joint immigration policy corresponds to the double-process of Eurafrica, that is, the

governing of Europe in tandem with Europe's governing of Africa. Furthermore, I

consider why Sarkozy associates the new Eurafrica with shared development. However,

in order to properly tackle these questions, and for a better understanding of the current

paradigm, I will first discuss an important shift in the ways that the mechanisms of

development and immigration operated: the birth of the co-development paradigm in the

1990's.

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[173] I. William Zartman, "Europe and Africa: Decolonization or Dependency?," *Foreign Affairs*, January 1976, http://www.foreignaffairs.com/articles/25081/i-william-zartman/europe-and-africa-decolonization-or-dependency.
[174] Quoted in Hansen and Jonsson, "Bringing Africa as a 'dowry to Europe.'"

Merging of development and immigration problem: From development to co-development

In previous chapters, I examined the declaration of the immigration problem by the French bureaucracy in the late 60's and 70's in relation to the development paradigm and decolonization. As I discussed, the development paradigm of the 1940's had serious ramifications in the metropole. With the end of the native code and the granting of citizenship rights to the colonized subjects, the racist discriminatory practices of the 1920's came to an end. However, this did not mean of course that the French State abandoned its management of the colonized subjects in the metropole with a "special treatment." The welfare/surveillance mechanisms of integration emerged in this context as an extension of the development paradigm in the metropole. The main purposes of these mechanisms were to produce the cultural and spatial divide between the colonizer and the colonized –regardless of the citizenship status- while keeping them prosperous enough to stay outside the grip of anti-colonialist movements. After decolonization, these welfare/surveillance mechanisms were adjusted to manage all "immigrants", which de facto meant the ex-colonisé/immigré, who were now citizens of independent nation-states.

The dispositifs of development and immigration were from the beginning complementary but separate in the sense that whereas the former pertained to the management of the ex-colonial spaces, the latter concerned the ex-colonial subjects in the metropole. The problem of immigration was not about the migratory flows but rather of the integration and cultural difference of the ex-colonized subjects that, according to the official discourse, challenged the social cohesion in the metropole. The mechanisms of

immigration/integration and development thus existed side by side and reproduced the hierarchical subject and economic relations in different geographies until when they were merged in the 1990's.

The conditions of possibilities for this interarticulation of immigration and development mechanisms are the events in the 1970's that introduced a rupture in the production and management of the immigration problem. In the context of economic crisis and increasing unemployment rates, France for the first time in its history suspended immigration in 1974. The majority of the mainstream migration studies take this date as the start of the immigration problem as such. However, as I explained, the immigration problem actually emerged earlier than this. What changed in the 1970's, I suggest, is that the immigration dispositif gained a repressive character. That is to say, as a result of the economic crisis, the immigration problem came to concern not only the integration of immigrants in the metropole, but also the prevention of migratory flows into France. This crisis, I suggest, is an important condition of possibility for the articulation of development and immigration that would take place in the 1990's.

Besides managing the migratory flows, the French state at the time sought to remove those immigrants who were already in France, as well. To this end, State Secretary to Immigration and Manual Work, Lionel Stoleru, initiated French policy of voluntary return between 1977 and 1981. Focusing mainly on Maghrebi immigrants, the return policy operated by paying a certain amount of money to migrants who showed a willingness to return back home. However, the results were a massive failure, as only a

few migrants participated in these schemes.[175] The French state quickly realized that forcing "voluntary" return was not an efficient strategy in the management of immigration. The main reason for the failure of return migration policies was the lack of any consideration of what returned migrants would do once in their countries of origin. Thus, the scope of immigration management had to expand to the periphery, to the origin of the problem and thus merge with the development dispositif.

Meanwhile the development paradigm was being challenged as well. As I discussed above, the development paradigm emerged as a strategy in the postwar era to produce and govern the Third World. From the perspective of the West, the objective was to develop the Third World by planning, state intervention and through infrastructural transformation in order to sustain the colonial trade relations in the absence of the formal racist structures. The Third Worldist opposition and dependency theory suggested in return that underdevelopment of the South was not a failure of development policy but a function of unequal exchange relations rooted in the colonial trade structure.[176] In other words, the underdevelopment of the periphery was a function of development of the core of the world economic system. This structure of North-South trade relations––a circular process of importing raw materials from Southern countries and exporting manufactured goods to them—was so persistent that it gave both Third World demands and dependency theory a good deal of credibility until the 70's.[177]

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[175] Alec G. Hargreaves, *Multi-Ethnic France: Immigration, Politics, Culture and Society*, 2 edition (Routledge, 2007); Silverman, *Deconstructing the Nation*.
[176] Emmanuel, *Unequal Exchange*; Wallerstein, *The Capitalist World-Economy*.
[177] Mark Duffield, *Global Governance and the New Wars: The Merging of Development and Security*, Second Edition, New edition edition (Zed Books, 2014).

The birth of the "root causes"[178] explanation for the problems the Third World

encounters, changed this picture dramatically in the 1980's. Born within a context of

revolutionary or ethnic liberation struggles and ensuing refugee flows from Southern

Africa, Vietnam, Latin America, Afghanistan etc., the root causes explanation held the

view that conflict in these countries is a reflection of a developmental malaise.[179]

Underdevelopment thus came to be seen as an inherent condition of the Third world

countries, for which they were to assume responsibility. Furthermore, there was also a

merging of development and security, which coded underdevelopment as a security threat

to the North. That is to say, not only was underdevelopment a danger posed to the North,

but solving this problem was a responsibility of the Southern actors. The term co-

development emerges within this context in a conference in Leuven, Belgium in 1985.

The "co" signifies the shift to a new regime that entails the assumption/constitution of a

responsible Third World actor, which is supposed to be pro-active in its own

development.

It is against this background that the codevelopment and the immigration problem

came together. The immigration problem, already coded as an issue of migratory flow in

the 1970's, easily merged with this new development paradigm. Immigration was now a

consequence of underdevelopment in the origin countries that had to be solved at its root.

That is to say, instead of merely giving return aids to the immigrants, development

projects in the origin countries had to be implemented to curb migratory flows. But,

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[178] See Sadruddin Aga Khan, 'Study on human rights and massive exoduses', UN Commission on Human Rights, 38th Session, E/CN.4/1503, 1981.
[179] See also Aristide R. Zolberg, Astri Suhrke, and Sergio Aguayo, *Escape from Violence: Conflict and the Refugee Crisis in the Developing World* (Oxford University Press, 1989).

following the changes in the development paradigm, these co-development projects go

beyond the classic North-South transfers of development aid within the confines of

intergovernmental cooperation. Instead, co-development operates by the inclusion of the

NGO's, municipalities, and more importantly migrants and the migrant association

groups in development projects. As for the return migration, the new immigration/co-

development paradigm does not make the objective of return obsolete at all. Yet, it

changes the ways in which the return is framed by engaging the immigrants in the co-

development projects.

The Codevelopment tag in the name of Sarkozy's Ministry of Immigration is

rooted in this very history. It should be noted that the Codevelopment tag was replaced

with Shared development in 2008. In the subsequent sections of this chapter, I discuss

the difference between codevelopment and shared development, situating the latter in the

context of the construction of Europe as an Area of Freedom, Security and Justice since

the 1997 Amsterdam Treaty and the launch of Global Approach to Migration by the EU

in 2005. But before moving on to the current ways in which the migration and

development link is created and challenged, I briefly discuss how codevelopment initially

operated.

Codevelopment in France
France is the pioneer of the codevelopment paradigm and since the 1990's, it

introduced various mechanisms in order to manage migratory flows. In 1991, a special

inter-ministerial officer (chargé de mission) for reinsértion et cooperation was appointed

within the office of Prime Minister. In 1995, the Programme Devéloppement Local

Migration (PDLM) was established as the first concrete measure in the direction of codevelopment policies. As stated by de Haas, the novelty of the PDLM program was the dismissal of return migration as the prime objective of migration and development policies.[180] Instead of directly reversing the migration flows through stimulating return, the goal was now to stop flows through development in the origin countries. Furthermore, besides fostering the local development, this program had also the objective of urging the migrants (in this case from Senegal and Mali) to return and invest in their country of origin. Thus, central to this paradigm was the immigrant, who now had the role of contributing to the investments in his/her origin country.

Codevelopment gained a further official character in France when Sami Nair was appointed as adviser for integration and codevelopment issues to the Ministry of Interior in 1997. In 1998, the Interministerial Mission of Codevelopment and International Migrations (*Mission Interministerielle au Codeveloppement et aux Migrations Internationals,* MICOMI) was established in France, whose mission was to "propose orientations and measures to reinforce the collaboration of France with countries of emigration with the aim of agreeing with them in the perspective of co-development on an improved control of migration flows."[181]MICOMI also had a double objective of curbing migratory flows through development in the origin countries, and ensuring at the same time the return of the immigrants who were already in France. As for the latter,

[180] de Haas, Hein. 2006. "Engaging Diasporas, How Governments and Development Agencies Can Support Diaspora Involvement in the Development of Origin Countries."International Migration Institute, University of Oxford, Oxfam Novib Study.
[181] de Haas, Hein. 2006. "Engaging Diasporas, How Governments and Development Agencies Can Support Diaspora Involvement in the Development of Origin Countries."International Migration Institute, University of Oxford, Oxfam Novib Study. p.69.

MICOMI devised a broad-based financial aid and reintegration support system to create

incentives for undocumented migrants from Mali, Morocco and Senegal who were not

eligible for amnesties to voluntarily return home.[182] The Contracts of Reinsertion in the

Country of Origin (Contrat de Reinsertion dans le Pays d'Origine, CRPO) emerged as a

tool, whereby a migrant signed a contract with France that requires him or her to return to

the home country.   In return, the migrant obtained financial aid for reinsertion, in the

forms of credit funds, for the establishment of businesses, or training for returning to a

job. In the late 1990's France also organized diaspora organizations and brought them

together under an umbrella called the Organizations de Solidarité International Issue de

Migration, (OSIM). The OSIM's mandate was to report on the development actions in

home countries and in France.

      Several scholars as well as politicians point to a major failure of the

codevelopment programs developed in this period. As they argue, by bringing "ex-ante

migration management measures" side by side with "ex-post migration control, such as

return and reintegration support", the purpose of co-development was being diverted or at

worst abused to achieve restrictive immigration policies. According to de Haas, the

emphasis on the return of the undocumented immigrants was the reason for the failure of

MICOMI. He suggests the link with illegal immigration fuelled suspicion that the

development objective disguised the real goal of return migration.[183] Indeed, MICOMI

was dismantled and replaced by the Ambassadeur Delegue au Codeveloppement in 2002,

supposedly to distance codevelopment from the combating of undocumented migration.

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[182] Sonia Plaza and Dilip Ratha, *Diaspora for Development in Africa* (World Bank Publications, 2011).
[183] De Haas, p.25.

In a similar vein, in 2003, the Minister Delegate for Cooperation and Francaphony announced that the government had decided to give new impetus to the idea of co-development, while admitting that "since the beginning of the 1990, co-development had largely remained a concept and was primarily brought up in the framework of return migration and re-integration policies…The agenda of codevelopment is in fact broader and is not solely intended to encourage the re-employment of migrants in their origin countries."[184]

In 2003, the responsibilities for codevelopment shifted to the Ministry of Foreign Affairs, which alone became entrusted with the codevelopment portfolio. The Ministry of Foreign Affairs defined codevelopment as "assisting migrants who, individually or collectively, act as agents of development of their home countries. Primarily, codevelopment funding seeks collective investments by migrants. But it also relies on matching funds from NGO's international organizations, immigration associations, and the private sector as long as a project is related to migration. Furthermore, the Ministry of Foreign Affairs also "formalized" codevelopment funding by establishing transparent selection criteria and embedding codevelopment into France's Framework Partnership Documents, which centrally disbursed the funds as one part of Priority Solidarity Funding (PSF).[185] However, even after this date, and in spite of the attempts to distance "return" from codevelopment, the codevelopment paradigm was largely unsuccessful. Of the 123 projects established between 2003 and 2005 in the framework of codevelopment

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[184] quoted in de Haas "Engaging Diasporas"
[185] Plaza and Ratha, *Diaspora for Development in Africa*.

with Mali, for example, 60 percent have achieved sustainability, 20 percent were unsustainable, and 20 percent were dropped.[186]

When the Ministry of Immigration was created in 2007, it initially used the co-development tag defining it as "all development assistance projects involving migrants living in France, whatever they form they take." [187] Importantly, the term was replaced by "developpement solidaire", that is, "shared development" with the decree of 18 March 2008. According to the official definition, "shared development" encompasses in addition to codevelopment, "the sectoral development aid projects in countries of origin where there is a strong emigration towards France. These projects should contribute to the management of migration flows."[188]This opens, as I dicuss below in detail, the way for coding the use of migration management technologies as development.

Importantly, the Ministry explained the shift from codevelopment to shared development as entailing the adjustment of French politics to the principles of Global Approach to Migration accepted in 2005 by the European Council. Therefore, before going into the analysis of the French "shared development" paradigm, I will examine the Europeanization of the immigration problem and it's political economy, which I suggest, shaped and informed the birth of the shared development paradigm.

Governing Europe and Africa through a joint immigration policy
I started this chapter with an examination of Eurafrica as the object and field of intervention of global governmentality. As I discussed, global governmentality has as its

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[186] Ibid.
[187] See the CICI report, 2009.
[188] ibid

object two interrelated processes in which Europe itself is constituted in tandem with its external relations. The first attempts to create Eurafrica emerged in the late1940's to respond to both of these objectives by establishing the European Economic Community and associating the colonies within the European common market, through development as the main strategy of perpetuating colonial trade relations. In other words, the first Eurafrica was created by the integration of Europe as an economic community, concomitant with the association of Africa to Europe with the alleged purpose of "developing Africa." In this part, I will examine the conditions of possibility for Sarkozy's claim of the advent of a new Eurafrica, which he associated with a joint immigration policy and shared development and in his Dakar speech.

I traced the merging of the immigration problem and development and the birth of the codevelopment paradigm in the 1990's, and how this altered the ways in which immigration was problematized and managed. Importantly, even when migration and development merged in the 1990's, ultimately it was the discourse of development that was deployed to produce and manage Africa. According to the then dominant truth regime, it was the level of development that determined the migratory flow, and thus immigration was a consequence of underdevelopment, to be solved by developmental mechanisms. The management of migration thus never came to operate as the main mechanism in and through which Europe ordered its relation with Africa during this time.

The new Eurafrica reverses this old formulation. As revealed in Sarkozy's address in Dakar, the objective was no longer "development" in order to manage the migratory flows. The objective was the establishment of a joint immigration policy that

aimed to bring a shared development and win-win globalization. In other words, development was now secondary to immigration policy. That is, shared development— or the new Eurafrica—was to be achieved through this joint immigration policy. I should explain how this reversal came to existence and how the joint immigration policy restructured Europe and its external relations, and how this transformation changes the mechanisms and episteme of development.

This reversal became possible with Europe's self-definition as an Area of Freedom, Security and Justice (AFSJ), which introduced an important rupture in the mechanisms and truth regimes in which immigration is problematized. From then on, immigration was neither merely about the integration of the immigrants in the metropole nor the management of the migratory flows through development projects. Immigration this time emerged as a threat to the European AFSJ at large, the management of which demanded first of all Member States' joint immigration policy through the use of border security and surveillance technologies. However, this was necessary but not sufficient; the engagement of the origin countries in the fight against illegal immigration and border security measures was required as well. That is to say, a joint immigration policy was the constitutive element of not only the European AFSJ, but also Europe's external relations with Africa. This is why I take Sarkozy seriously when he claimed the advent of a new Eurafrica built on a joint immigration policy.

In what follows I first examine the birth of the new immigration problem and a joint immigration policy in the EU through an analysis of its constitutive texts, starting from the 1997 Amsterdam Treaty. After delineating the major principles of the European

immigration policy, I discuss the political economic rationale behind it and how the joint

immigration policy comes to constitute Eurafrica.

Europe as an Area of Freedom Security Justice: The birth of European immigration problem

As I examined above, the European integration process dates back to the creation

of the European Coals and Steel Community (ECSC) by the Treaty of Paris in 1951.

Following this defense cooperation, the Treaty of Rome[189]created the European

Economic Community (EEC) on 1 January 1958. However, when it comes to the matters

of police and judicial cooperation, the members of European states did not choose to

"communitize" these issues but dealt with them in an intergovernmental network.[190] This

situation changed slightly with the Maastricht Treaty (Treaty of Europe, TEU)[191], which

was signed in 1992 to establish the European Union. This way, for the first time in

history, the justice and home affairs (JHA) was brought together with the economic

dimension of the Union, though as a third pillar of inter-governmental cooperation.[192] A

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[189] Officially, the Treaty establishing the European Economic Community (TEEC)"Treaty of Rome," 2015, http://www.hri.org/docs/Rome57/.

[190] In 1976, then 12 member states of European Community created the intergovernmental network named TREVI (Terrorisme, Radicalesme, Extremisme et Violence Internationale) to counter terrorism and ensure police cooperation. The members of the TREVI network were national Ministers and officials from ministries of justice and the interior in the European Community set up by the European Council in Rome 1-2 December 1975. In 1985 the Schengen Agreement was signed by Belgium, the Netherlands, Luxemburg, Germany and France. In 1990, the Schengen Convention was signed to police the Schengen area by abolishing checks at their common borders. The convention covered the abolition of checks at internal borders and the movement of people (Title II) and covered visa, asylum and aliens, while Title III covered Police and Security (i.e.: mutual assistance, extradition, drugs and firearms). Title IV covered the role of the Schengen Information System (SI) database, which became operational in 1995. See Tony Bunyan. "How the EU works and Justice and Home Affairs decision-making" *Statewatch.* January 2013.

[191] Agreed in 1991, came into force in 1993. "Maastricht Treaty - Final Act," http://www.hri.org/docs/Maastricht92/.

[192] The European Union was established by the Treaty of Maastricht in 1992 as a three-pillar structure. The first pillar, the central one alludes to the Community dimension and comprises the arrangements set out in the European Community (EC), European Coal and Steel Community (ECSC) and European Atomic Energy Community (EURATOM) such as EU citizenship, customs union and single market, coal and steel

new era truly began with the Treaty of Amsterdam[193] in which the EU put as an objective "to maintain and develop the Union as an "area of freedom, security and justice", in which the free movement of persons is assured in conjunction with appropriate measures for external border controls, asylum, immigration and the prevention and combating of crime."[194] The Amsterdam Treaty amended the Maastricht Treaty in many ways, in particular by moving the JHA to the community pillar.[195] In other words, the Amsterdam Treaty saw to the European Commission's right to initiate in the government of "asylum policy, rules governing the crossing of the Union's external borders, immigration policy and policy regarding third country nationals." The political impetus to develop the AFSJ came by the Tampere European Council of 15 and 16 October 1999, which set out the first multi-annual program, the Tampere Program (1999-2004) to develop "the Union as an area of freedom, security and justice."[196]As a result, with the Tampere Program, Europe, after being produced as an economic and monetary union, was now about to be constituted also as an *area of freedom, security and justice.*

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industry and nuclear power. The other pillars were not based on supranational competences but in the intergovernmental cooperation among the governments. The second pillar is the Common foreign and security policy (CFSP) and the third one is the Police and judicial cooperation in criminal matters (PJCC). Immigration was seen as a Justice and Home Affairs and thus was under the responsibility of the third pillar, that is, a matter of intergovernmental cooperation. The Maastricht Treaty consists of 6 Titles. Titles V and VI define the second and the third pillar, which are intergovernmental. This is the first time that the economic and political dimensions of European integration were brought together in an institutionalized, structured way. Areas of common interest under the rubric of JHA comprised asylum policy, rules governing the crossing of the Union's external borders, immigration policy and policy regarding third country nationals, combating drug addiction and fraud on an international scale, judicial cooperation in civil and criminal matters and customs and police cooperation.

[193] Ratified in 1997, came into force in 1999.

[194] Article B of Amsterdam Treaty.

[195] Excluding the police and judicial cooperation in criminal matters.

[196] European Council Tampere 15-16.10.1999: Conclusions of the Presidency
http://www.europarl.europa.eu/summits/tam_en.htm.

The change in the ways in which immigration was problematized started with Tampere Programme. Different from earlier conceptions, immigration was now the problem of the European community at large, associated with the freedom of mobility bestowed to the European citizens and the potential security threat posed to this freedom. As the Tampere Council conclusions state: "The European Union now ensures the right to move freely throughout the Union, which can be enjoyed in conditions of security and justice accessible to all." It is this freedom that required the Union to develop "common policies on asylum and immigration, while taking into account the need for a consistent control of external borders to stop illegal immigration." The Tampere program also delineates the major points of the common EU asylum and migration policy.

At this point, we see actually two paradigms—the old and the emerging one—side by side in the EU. On the one hand we see the embrace of the French codevelopment approach that relies on the link between migration and development, which suggests more development would lessen the migration flow, at the European level: "The European Union needs a comprehensive approach to migration addressing political, human rights and development issues in countries and regions of origin and transit. This requires combating poverty, improving living conditions and job opportunities, preventing conflicts and consolidating democratic states and ensuring respect for human rights, in particular rights of minorities, women and children. Toward that end, the Union as well as Member States are invited to contribute, within their respective competence under the Treaties, to a greater coherence of internal and external

policies of the Union. Partnership with third countries concerned will also be a key

element for the success of such a policy, with a view to promoting codevelopment. ”[197]

On the other hand though, we see the emergence of a new discourse that

problematizes immigration in terms of legality/illegality and hence suggests as a way of

managing migration: "cooperation with countries of origin and transit, information

campaign on *actual possibilities for legal immigration*, common policy on visas and false

documents, *tackling illegal immigration* at its source, co-operation between member

states' *border control services*, promotion of voluntary return and conclusion of

readmission agreements with the origin and transit countries." (italics mine)

After September 2001, the concerns regarding border security and the fight

against illegal immigration flared up tremendously swinging the balance to the latter

approach. The first European Council meeting after 9/11, held in Laeken on 14-15

December 2001, foregrounded the emphasis on illegal immigration and the migration-

security link: "Better management of the Union's external borders will help in the fight

against terrorism, illegal immigration networks and the traffic in human beings."[198] The

Laeken Council also gave the European Commission the mandate to prepare

"arrangements for cooperation between services responsible for external border control

and to examine the conditions in which a mechanism or common services to control

external borders should be created."[199] Following the request, the Commission released a

communication on 7 May 2002 entitled "Towards integrated border management of the

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[197] Presidency Conclusions, Tampere European Council, 15 and 16 October, 1999.
[198]"Laeken European Council. 14-15 December 2001. Presidency Conclusions and Annexes," EU European Council, (2001), http://aei.pitt.edu/43344/.
[199] Ibid.

external borders of the member states of the European Union"[200]. In June 2002, the

Seville European Council decisions proposed more sophisticated measures including a

common identification system for visa data, the speeding up of the conclusion of

readmission agreements and a gradual integration of coordinated, integrated management

of external borders.[201]

The second multi-annual programme "the Hague Programme: Strengthening

Freedom, Security and Justice in the European Union" was agreed upon by the European

Council on 4-5 November 2004. The Hague Programme set a new policy agenda for next

five years (2004-2009), replacing the previous Tampere Programme (1999-2004). As

several scholars would suggest, the Hague Programme addressed the same topics, yet

compared to the Tampere Programme, shifted the balance between "freedom" and

"security" in a way that gave the priority to the latter. There are three rubrics of

orientations at the Hague Programme: 1. Strengthening Freedom, 2. Strengthening

Security and 3. Strengthening Justice. Remarkably, all the measures aimed at the

management of migratory flows –border checks and the fight against illegal immigration,

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[200] Communication to the Council and the European Parliament, Brussels, 7 May 2002, COM (2002) 233 final, 28p.
[201] The Seville Council also requested the Council, the Commission and the Member States "to implement before 2002, joint operations at external borders, pilot projects to all interested Member States; and before June 2003, preparation of a common risk analysis model (CARIM) in order to achieve common integrated risk assessment (IRA), establishment of a common core curriculum (CCC) for border guard training, and consolidation of European provisions concerning borders; a study by the Commission concerning burden-sharing between Member States and the Union for the management of external borders. Following the Council requests, the External Borders Practitioners Common Unit as a steering body was set-up in Autumn 2002. In January 2003 the common unit initiated the operation Ulysses in the northern part of Mediterranean Sea under the supervisions of Spain and with the participation of France, Germany, the United Kingdom, Italy and Portugal. In March 2003, the Triton operation was launched under the supervision of Greece in the North-Eastern part Mediterranean Sea. An evaluation report released in June 2003 by the Greek Presidency underlined the deficiencies of the existing framework for cooperation and necessity to establish a new institutional structure.

biometrics and information systems, visa policy— are listed under the heading of Freedom. In other words, the idea, which emerged at the Tampere Programme that freedom of mobility within the EU necessitates strengthening the security measures, is consolidated by the Hague Programme. This intimate link between freedom and security was also revealed in the Commission Communication on the implementation of The Hague Programme: "An integrated control of the access to the territory of the Union, based on an integrated management of external borders, and with the support of new technologies, including the use of biometric identifiers"[202] is a necessity to ensure the freedom bestowed to the European citizens.

As a result, a new immigration problem emerged with the creation of the European Union as an area of freedom, security and justice. It should be noted that beyond the earlier conceptualizations, the European immigration problem thus constructed pertains to the freedom and security of the European citizens, the management of which requires a joint immigration policy by the European states and their integrated management of borders. That is, it is neither limited to the integration of the immigrants in the metropole, nor the management of migratory flows through developmental projects in the origin countries. The European immigration problem is seen as a threat to the freedom and security of European people, which requires fighting against it by the use of border security measures.

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[202] European Commission, *Communication on the Hague Programme: Ten priorities for the next five years*, COM (2005) 184, (Brussels, 10 May 2005).

Security of what?

There is a vast literature on the emerging conception of immigration as a security issue in the EU, a phenomenon also referred to as the migration-security nexus.[203] One commonly held view is that the removal of the borders within Europe created feelings of insecurity and thus led to stricter border controls by the EU. According to this view, there is an inevitable dialectical relationship between debordering and rebordering and the territorizalization of the EU.[204] According to the Copenhagen School, the codification of immigration as a security problem is a discursive construct.[205] Their argument is that the end of cold war polarity transformed the concept of security and widened its scope to new sectors such as the political, the environmental and the societal.[206] This sort of discursive understanding of the security problem has been criticized for not embedding the discourses of security in social practices.[207] Employing a Foucauldian approach,

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[203] Thomas Faist, "The Migration-Security Nexus: International Migration and Security Before and After 9/11," in *Migration, Citizenship and Ethnos*, 2006, http://pub.uni-bielefeld.de/publication/2466525.
[204] Peter Andreas and Timothy Snyder, *The Wall around the West: State Borders and Immigration Controls in North America and Europe* (Lanham: Rowman & Littlefield, 2000).
[205] Michael Dillon, "Underwriting Security," *Security Dialogue* 39, no. 2–3 (April 1, 2008): 309–332; Marieke De Goede, "Beyond Risk: Premediation and the Post-9/11 Security Imagination," *Security Dialogue* 39, no. 2–3 (April 1, 2008): 155–176; Claudia Aradau, Luis Lobo-Guerrero, and Rens Van Munster, "Security, Technologies of Risk, and the Political: Guest Editors' Introduction," *Security Dialogue* 39, no. 2/3 (2008): 147; Rosalyn Diprose et al., "Governing the Future: The Paradigm of Prudence in Political Technologies of Risk Management," *Security Dialogue* 39, no. 2–3 (April 1, 2008): 267–288; Benjamin J. Muller, "Securing the Political Imagination: Popular Culture, the Security Dispositif and the Biometric State," *Security Dialogue* 39, no. 2–3 (April 1, 2008): 199–220.
[206] According to Copenhagen School, the immigration problem's construction as a new threat to security is nothing substantial. It is a "discursive process through which an intersubjective understanding is constructed within political community to treat something as an existential threat to a valued referent object, and to enable a call for urgent and exceptional measures to deal with the threat." See Barry Buzan and Ole Wæver, *Regions and Powers: The Structure of International Security* (Cambridge; New York: Cambridge University Press, 2003), 491; Barry Buzan, Ole Wæver, and Jaap de Wilde, *Security: A New Framework for Analysis* (Lynne Rienner Publishers, 1998).
[207] Jef Huysmans, "A Foucaultian View on Spill-over: Freedom and Security in the EU," *Journal of International Relations and Development* 7, no. 3 (October 1, 2004): 294–318, Jef Huysmans, "The European Union and the Securitization of Migration," *JCMS: Journal of Common Market Studies* 38, no. 5 (2000): 751–777; Anna Leander and Rens van Munster, "Private Security Contractors in the Debate about

several works have contributed to the understanding of the ways in which the

microphysics of governmentality operates through the use of biometry and surveillance

techniques at the airports, borders, visa systems etc.[208] Taking issue in particular with

certain Foucauldian approaches, I will point out to the political economic rationale

behind the new immigration problem in Europe.

To begin with, Huysmans rejects the view that increasing security measures are

signs of a fortress Europe. He concurs that the objective of the border technologies is

ultimately to prevent the unwanted or not-yet-wanted from arriving in the territory of the

Union. However, he suggests that these technologies do not simply establish a wall to

keep people out or to make entry more difficult. Through the use of various sophisticated

technologies, the EU, according to Huysmans, actually stratifies and categorizes mobility

and thus shapes and governs the European space of free movement. In other words, the

freedom of movement in Europe is actually produced and governed through the

implementation of security technologies. That is to say, it is the security technologies

themselves that produce free movement in the EU.

In his analysis, Huysmans draws on the security/freedom interplay, which

according to Foucault is key to liberalism. As oft cited, Foucault defines liberal

governmentality as "the ensemble of institutions, procedures … that allow the exercise of

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Darfur: Reflecting and Reinforcing Neo-Liberal Governmentality," *International Relations* 21, no. 2 (June 1, 2007): 201–216; Lene Hansen, *Security as Practice: Discourse Analysis and the Bosnian War* (Routledge, 2013).
[208] Ayse Ceyhan, "Technologization of Security: Management of Uncertainty and Risk in the Age of Biometrics," *Surveillance & Society* 5, no. 2 (January 9, 2002); Ayse Ceyhan, "Enjeux d'identification et de surveillance à l'heure de la biométrie," *Cultures & Conflits* no. 64 (December 20, 2006): 33–47; Mark B. Salter, "The Global Visa Regime and the Political Technologies of the International Self: Borders, Bodies, Biopolitics," *Alternatives: Global, Local, Political* 31, no. 2 (April 2006): 167–189.

this very specific, albeit very complex, power that has the population as its target, political economy as its major form of knowledge, and apparatuses of security as its essential technical instrument."[209]The crux of the liberal art of government is then "not to impede in the course of things, but to ensure the play of natural and necessary modes of regulations, which permit natural regulation to operate: *manipuler, sister, faciliter, laisser-faire*."[210]In other words, liberalism operates not by prevention but by deploying security mechanisms "in *order to obtain something that is considered to be pertinent in itself because situated at the level of population.*"[211]

I concur partly with Huysmans' reference to governmentality and think that his use of the Foucauldian security/freedom interplay is crucial as it shifts the frame of discussion from fortress Europe to what the security measures actually do. However, I see his use of the Foucauldian security/freedom interplay in the analysis of the EU somewhat problematic. Huysmans, as I showed above, emphasizes the liberogenic effects of the security technologies and the constitution of the EU as a space of freedom through these technologies. But the Foucauldian security/freedom nexus does not explain the link between freedom (of mobility within the EU) and security (threatened by the illegal migration) created by the EU because the security measures developed to protect the AFSJ cannot be really considered as security mechanisms a là Foucault.

Central to Foucault's analysis of liberalism is the notion of biopower, through which he calls attention to the role of the population as the subject-object of liberal

[209] Foucault, *Security, Territory, Population*, 108.
[210] Michel Foucault et al., *The Foucault Effect: Studies in Governmentality* (University of Chicago Press, 1991), 17.
[211] Foucault, *Security, Territory, Population*, 45.

government. Population is respected and targeted as an object of government thanks to its assumed naturalness. What is at stake in the EU's management of immigration, however, is the creation of immigration as a threat to the security of European population. The freedom in the AFSJ is managed not by respecting, taking into consideration of what is deemed to be internal to the population but rather it is associated with the fight against what is seen as external to it. To put it in other words, the border security technologies deployed in the fight against illegal immigration do not operate as security mechanisms, which manipulate, regulate and laisser-faire the mobility of the EU citizens. Therefore, I do not think there is a liberal rationale at work here as Huysmans claims. Instead, I will suggest a neoliberal rationale is operative in the production and management of the immigration problem.

Didier Bigo also provides a Foucauldian analysis of the European immigration problem. Combining Foucault's panopticon and Jean Luc Nancy's ban, he develops the notion of banopticon, by which he refers to a novel political technology that "permits specific groups to be blamed, even before they have done anything, simply by categorizing them, anticipating profiles of risk from previous trends, and projecting them by generalization upon the potential behavior of each individual pertaining to the risk category."[212] The securitization of immigration according to Bigo signals a broad shift from the panoptic form of governmentality in which global surveillance is placed upon the shoulders of everybody, to a form of banopticon in which the technologies of

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[212] Didier Bigo, "Security and Immigration: Toward a Critique of the Governmentality of Unease," *Alternatives: Global, Local, Political* 27, no. 1 suppl (February 1, 2002): 63–92, doi:10.1177/03043754020270S105.

surveillance sort out who needs to be under surveillance and who is free of surveillance. Neither sovereignty nor biopolitics, this political technology is based on proactive, anticipative, and morphing techniques and aims at mastering a chaotic future with minimalist management focusing only on risky groups (so-identified) or groups at risk.[213] I agree with Bigo that the EU's government of immigration can neither be characterized as a sovereign regime nor a biopolitical government. However, I part ways with him in his thesis that "mastering a chaotic future" is the main purpose of government.

Actually, what remains unquestioned in both of these analyses is the strategic purpose served by the problematization of immigration in terms of the political economy and market relations. This is quite odd given they draw on Foucault, for whom the main knowledge of governmentality is political economy. Insofar as they offer Foucauldian assessments they offer, both Huysmans and Bigo leave the political economy of the EU's immigration problem unexamined.

Excavating a global rationality, I extended Foucault's governmentality to a global scale, suggesting that the capitalist nomos of the world is the space-object of global government. That is to say, the political economic rationale has not only the population but also the capitalist hierarchical division of the world as its target and terrain. Using Eurafrica as an analytical lens, I examined the changing mechanisms and truth regimes in which Europe has governed itself in tandem with thinking and acting on the world:

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[213] Didier Bigo, "Security and Immigration: Toward a Critique of the Governmentality of Unease," *Alternatives: Global, Local, Political* 27, no. 1 suppl (February 1, 2002): 81–82. Bigo, Didier, Anastassi Tsoukala (Eds) (2006*). Illiberal Practices of Liberal Regimes: The (In)security Games*. A multilingual series. Paris, L'Harmattan.

"balanced Europe", "Europe of competition", "integrated Europe", the Africa yet-to-be-civilized, Africa yet-to-be-developed etc.   Now, I want to turn to how the new Eurafrica operates.

Since the Amsterdam Treaty we are faced with a new idea of Europe, which thinks of itself this time as an area of freedom, security and justice that should be protected by an integrated border management against the threats including illegal immigration. Unlike Huysmans and Bigo, I suggest that behind the creation of the European immigration problem, there is a global governmentality, which re-arranges the hierarchical order in line with a neoliberal political economic rationale. In what follows, I first examine the neoliberal restructuring of Europe as an area of security, freedom and justice.

Neoliberal restructuring of Eurafrica: Constitutionalizing the "capability approach"

There is an extensive literature on the neoliberalization of Third World countries and the UK and the US; however, there is a disproportionate silence on the neoliberal restructuring of continental Europe.[214] The most important reason for this relative absence is the ways in which the emergent European order is analyzed by the mainstream literature. The European integration of the 1990's is seen mainly from the angle of governance and state power, which confined the discussion to questions like whether

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[214] This is actually strange given the influence of the Foucauldian perspective in the analysis of neoliberal transformation. There is a mass literature on neoliberal governmentality in Britain, however the continental Europe is somehow off radar in spite of Foucault's pinning down the birth of the neoliberal idea in continental Europe and in ordo-liberal thought in Germany.   See Foucault, Senellart, and Collège de France, *The Birth of Biopolitics*.

European integration constitutes a supranational or international order, leaving the

neoliberalization of Europe unexamined.[215]

Challenging the mainstream accounts of the EU, the critical historical materialist

approach claims that European integration is actually a process in and through which the

neoliberal policies were adopted, circumventing and eroding the national welfare

models.[216] As a wide variety of authors have argued, neoliberalization, in this sense,

proceeds through fundamentally anti-democratic means. As Christoph Herman argues,

the creation of the Single market project, competition policy, Economic and Monetary

Union (EMU) and European employment strategy provided the institutional framework

for the neoliberal transformation within the EU. Employing a Gramscian perspective,

Gill argues similarly that neoliberalization in the EU was achieved through embedding

the neoliberal principles in the constitutive texts of the EU, which he defines as new

constitutionalism.[217] This "constitutionalism" for Gill, highlights the paradox that

neoliberal reforms do not happen outside the purview of states, yet are not subject to any

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[215] Alan W. Cafruny and Magnus Ryner, *A Ruined Fortress?: Neoliberal Hegemony and Transformation in Europe* (Lanham, Md: Rowman & Littlefield Publishers, 2003).

[216] Christoph Hermann, "Neoliberalism in the European Union," *Studies in Political Economy* 79, no. 79 (2007), http://spe.library.utoronto.ca/index.php/spe/article/view/5196.

[217] Defining this process as new constitutionalism, Gill explains in detail how the regulatory principles of neoliberalism were imposed on the governments in the EU starting f rom the Maastricht Treaty and the creation of the European Monetary Union. With these constitutive texts, according to Gill, the European governments were made to accept the rules of economic competition –privatization, deregulation, flexibilization, and deflationary monetary politics and de-socialized risk provision. And furthermore, like in a panopticon, governments' budgets and monetary policies are put in surveillance and rendered transparent to the operations of financial institutions that check on the credibility of the governments and ultimately prevent any deviance from neoliberal policies. See Stephen Gill, "New Constitutionalism, Democratisation and Global Political Economy∗," *Pacifica Review: Peace, Security & Global Change* 10, no. 1 (1998): 23–38, doi:10.1080/14781159808412845; Stephen Gill, "European Governance and New Constitutionalism: Economic and Monetary Union and Alternatives to Disciplinary Neoliberalism in Europe," *New Political Economy* 3, no. 1 (1998): 5–26, doi:10.1080/13563469808406330. Andreas Bieler, "Labour, New Social Movements and the Resistance to Neoliberal Restructuring in Europe," *New Political Economy* 16, no. 2 (2011): 163–83, doi:10.1080/13563461003789779.

form of democratic accountability. Accordingly, the Maastricht Treaty that constitutes

Europe and the creation the European Monetary Union are part of wider neoliberal

hegemony that is sought by a transnational capitalist bloc.[218]

Herman and Gill, in short, focus on the neoliberalization of Europe mainly as the

imposition of neoliberal principles of financialization—privatization, deregulation,

deflationary monetary politics—by a new hegemonic bloc on the European governments,

by way of the creation of EU policies and institutions. I extend the attention to this

characteristically anti-democratic neoliberal maneuver, which depoliticizes that which is

constitutionalized, to analyze how the creation of the AFSJ and the immigration problem

constitutionalizes the interests and market agenda of Europe's defense and security

industry.

Starting from the early 2000's onwards, Europe restructured itself gradually to

accommodate the defense industry's demands. The creation of the "Group of

Personalities in the field of Security Research"[219] (2003) is the beginning of a long and

noteworthy process of European self-government.   Created by the EU Commission, the

Group of Personalities (GoP) brought the defense manufacturers, the EU commissioners

and MEP's together with the primary mission "to propose principles and priorities of a

European Security Research Programme (ESRP) in line with the EU's foreign, security

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[218] Stephen Gill, "A Neo-Gramscian Approach to European Integration," in *A Ruined Fortress?: Neoliberal Hegemony and Transformation in Europe*, 2003.
[219] The personalities involved in the GoP comprise eight representatives of major defense companies and seven representatives of research institutions besides two commissioners from the European Commission, and four MEP's. The companies who have representatives in GoP are the giants of the industries; THALES, FINMECCANICA, BAE Systems, EADS, ERICSSON, INDRA, SIEMENS and DIEHL and they were all represented at the CEO level. Under the research institutions, we see the groups including Rand Corporation (SW), Greek Defense Ministry, Pasteur Institute (FR), Belgian Defense Ministry.

and defense policy objectives and its ambition to construct an area of freedom, security

and justice." Following the recommendation of the GoP, the European Security Research

Advisory Board (ESRAB) was created in 2005 to draw the strategic lines for European

security research and to advise on the principles and mechanisms for its implementation

within the Commission's seventh framework programme for research and technology

development (FP7) starting in 2007. The defense companies, which are represented both

in the GoP and later at the ESRAB to shape the European Security Research

Programme[220] are the giants of the sector including BAE Systems, Thales, Finmeccanica

and EADS.[221] These companies were mostly privatized in the 1980's and 1990's and

restructured by expanding in various areas and merging with a variety of companies

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[220] Following the recommendation of the GoP, the ESRAB was created to draw the strategic lines for European security research and to advise on the principles and mechanisms for its implementation within the Commssion's seventh framework programme for research and technology development (FP7) starting in 2007.

[221] BAE Systems, for example is Europe's largest defense company, which produces mainly fighter and trainer aircraft, warships, submarines, torpedoes, missiles, artillery and ammunition. Originally formed in 1977 as the state-owned company British Aerospace, the company was fully privatized in 1985. After privatization, British Aerospace steadily expanded its holdings with acquisitions ranging from the Rover Group in 1988 to the German arms company, Hecler&Koch, in 1991. After multiple restructurings, in 1999, the company was renamed BAE Systems following the acquisition of Marconi Electronic Systems (the defense arm of the UK electrical giant GEC). Thales Group is an electronics company that serves defense, aerospace and information technology markets. Their main military products are missiles, avionics, naval systems, radar and optronics. Formerly known as Thomson-CSF, Thales was established in France more than a century ago. It was nationalized in 1982 and partially re-privatized in October 1997 during a period of restructuring when the French government formed a strategic partnership bringing together Thomson-CSF, Alcatel Dassault Electronique and the satellite business of Aerospatiale. Between 1999 and 2000 the newly privatized group expanded into foreign defense markets acquiring a number of companies and equity interests outside of France. Finmeccanica is an Italian industrial group and Europe's fourth largest defense manufacturer and Italy's largest spender on research and development. The company designs, develops and produces missile systems, radar of air, land and sea, command and control systems, air traffic control systems, secure communication networks, unmanned vehicles for military and civil use, avionic systems and equipment and underwater weapons systems. Finally, the European Aeronautic Defense and Space Company (EADS), was founded in July 2000 with the merger of Aérospatiale-Matra of France, Dornier GmbH and DaimlerChrysler Aerospace AG (DASA) of Germany, and Construcciones Aeronáuticas SA (CASA) of Spain. EADS is the world's second largest aerospace company (behind Boeing) and Europe's second largest arms company (behind BAE Systems). The group is also the largest industrial partner for the European satellite navigation system.

becoming multinational corporations. They have a wide range of products ranging from information and surveillance technologies to heavier weaponry and military products.

In the early 2000s, these giants of the European defense industry had two main purposes: they wanted to create a secure market for their products, and furthermore, they wanted to be financed under some sort of "research funding." An important motive of the European producers at the time was their envy of the growing market share of the US companies in the security market and the R&D funding they receive. This quote reveals the mindset of the representatives of the industry: "There is no reason why European security research should not be funded at a level similar to the U.S. Calculated as a per capita investment, the U.S spends more than four dollars on security-related R&T for each citizen. Using the same reasoning, this would mean that an overall EU security R&T budget of 1.8 billion for 450 million would be desirable. Such an investment would be an important contribution towards bolstering an EU-wide area of freedom, security and justice."[222]

In other words, inspired by their American rivals, the European defense companies not only wanted to fund their production with the taxpayers' money but also sell these security technologies back to the member states and relevant EU-agencies. This required obviously a serious change in the ways in which security threats and solutions to manage them are identified. As it should be clear by now, they have had much success in turning the member states into "customers."

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[222] GoP, 27.

Central to the European Security Research Programme proposed by the GoP and the ESRAB is a *capability approach.* Capability-related research means defining all aspects of security policy—from the definition of the security threats, to the mission required to tackle these threats, then the capabilities needed to accomplish these missions, and finally the technologies that can provide the necessary capabilities. Given their product scale, it is no coincidence that the main mission they suggest to tackle any problem is "border control", which requires the capabilities of "detection, protection, surveillance & monitoring, and systems inter-operability, which in turn requires the use of the sensor, space and IT technologies including radar, laser, acoustic, thermal, infrared sensors, positioning and tracking systems, microwave feed systems etc." It should be noted here that the main motive behind creating a European Security Research Framework is not funding the emerging technologies. It is rather overcoming the main problem of the "absence of a single customer" and thus the lack of coherence between the supply and demand sides. Therefore, the capability approach by definition requires continuous dialogue between the producers and consumers and the need to "involve the customers from the very beginning of the process."[223]

To return to my overarching point, from the definition of immigration as a security threat that should be tackled with integrated border management with the use of biometric identifiers and other security technologies, the multi-annual programmes of Tampere and Hague can be seen as the constitutionalization of the capability approach, proposed by the European defense industry. Through the creation of the mechanisms like

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[223] ibid.

the GoP and the ESRAB, and the consolidation of a European Security Research Programme (ESRP), Europe actually restructured itself to embed and constitutionalize the interests of the security industry. This way, Europe constituted itself ultimately as the customer of the security industry.

According to Foucault, the relationship between state and market under liberal governmentality was one of laissez-faire: the market was a realm of freedom and veridiction, the limit of governmentality. However, for neo-liberals, this state was too laissez-faire, and they thus called for a more active state in relation to the market. What is most significant here, from the perspective of the political economy of "joint immigration policy" is the evolving dynamic between state and market in terms of Europe's defense and security industry: state owned defense corporations were privatized, only to be rearticulated with states, who become their main consumers and providers of research funding, via the embedding of the interests of industry in the constitutive texts of the EU's joint immigration policy. This powerfully illustrates the shift from liberal to neoliberal governmentality, as Foucault understands it—from "government because of the market" to "government for the market".

As a result, I suggest that the production and management of the AFSJ is an instance of Europe's self-government, following the "balanced Europe" of Treaty of Westphalia, "Europe of competition" of Congress of Vienna and "integrated Europe" of Treaty of Rome. As in all other instances of self-government, Europe of AFSJ is a product of the ways in which Europe thinks and acts on the world. Now I want to examine how this new Europe governs Africa.

Neoliberal restructuring of Eurafrica: From codevelopment to shared development

Africa has been produced and managed by Europe through various power/knowledge mechanisms since the first encounter: from "civilization" to "development" and later to "co-development". Concomitant to Europe's neoliberal restructuring, which I examined above, we are faced with a shift in the ways in which Europe thinks and acts upon Africa. Following Europe's self-government as AFSJ, Africa came to be conceived of mainly by the mobility it produces. Therefore the main mechanisms deployed in the government of Africa are no longer those of development and codevelopment. Africa is constituted as a responsible actor to manage migration with the use of the relevant technologies. Therefore, like Europe, Africa is also turned into the consumers of security technologies. In what follows I will discuss the shift from codevelopment to shared development as the constitutionalization of the "capability approach" in Europe's relation with Africa.

Migration management started to gain a higher priority in the European Community's external policy starting with the Seville European Council of 2002. The Seville Council suggested "any future cooperation, association or equivalent agreement, which the European Union or the European Community concludes with any country, should include a clause on joint management of migration flows and on compulsory readmission in the event of illegal immigration."[224] A further step in this direction was taken with the European Commission's Communication entitled "Integrating migration

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[224] Seville European Council.

issues in the European Union's relations with third countries."[225] The Commission

proposed here a three-tier strategy: a balanced approach which addresses the root causes

of migratory movements; integrating migration issues into the political dialogue with

third countries and regions; and assisting third countries in increasing their capacity in the

area of migration management.

It should be noted that the codevelopment approach of the 1990's –a balanced

approach, which addresses the root causes— remains at this point the top priority.

However, the efforts to engage the origin countries in migration management—

understood as increasing the capacity to manage migration by the use of integrated border

management and other security technologies—are also initiated at this point.

The Global Approach to Migration[226] launched by the European Council in 2005

is a major step that enables the shift from codevelopment to shared development.[227] The

Global Approach to Migration is an eight pages long document, where the European

Council stated first of all the need for concrete actions "to ensure migration works to the

benefit of all countries concerned." In particular the Council wanted action taken "to

reduce illegal migration flows, *build capacity to better manage migration* and ensure

safety at the migratory routes and safety at sea." (italics mine) In line with the earlier

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[225] European Commission Communication 3 December 2002.
[226] Council of the European Union. " Global Approach to migration: Priority actions focusing on Africa and the Mediterranean". Brussels, 13 December 2005.
[227] According to the widely held belief, the thrust for the global approach is the events that took place earlier that year. Several hundred migrants tried to climb the wire fences of Ceuta and Melilla enclaves in order to enter the European Union. Due to high publicity and the media coverage of the events, the UK Presidency organized a special meeting of heads of state and government in Hampton Court in October 2005, which is seen as a justification for the need to reconsider migration policy content and as the main impetus for the Global Approach to be prepared later that year.

efforts of integrating migration issues into the EU's external relations, a key part of this

approach was establishing dialogue among "countries of origin, destination and transit".

Following these guidelines, a series of dialogues, referred now as Rabat

Process[228]began in 2006. After the first meeting, which was held in Rabat in 2006,

France hosted the Second Euro-African Conference on Migration and Development[229]

during Sarkozy's presidency and Brice Hortefeux's term of Minister of Immigration,

Integration, National Identity and Co-development. The principles of the Euro-African

relations based on migration management were consolidated in these meetings. The Paris

Declaration released after the second Euro-African Ministerial Conference on Migration

and Development held in Paris outlined in detail what is understood by each of these

principles and adopted a Three-Year Cooperation Programme based on these.

As I suggested, France shifted from a model of codevelopment to one of shared

development to transpose these principles into French policies.   Under this renewed

politics, between 2008 and 2010 France signed bilateral agreements called migration

pacts with more than twenty countries.[230] As criticized by several organizations and

scholars, the negotiation process and the content of these migration pacts lacked

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[228] The details of the Rabat Process can be found at this official website:
http://www.processusderabat.net/web/index.php/process

[229] The participants of this conference are the Ministers in charge of migration and development issues, Ministers for Foreign Affairs of the following countries: Austria, Belgium, Benin, Bulgaria, Burkina Faso, Cameroon, Cape Verde, Chad, Cote D'Ivoire, Central African Republic, Congo, Cyprus, Czech Republic, Denmark, Equatorial Guinea, Estonia, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Guinea, Guinea Bissau, Hungary, Ireland, Italy, Latvia, Liberia, Libya, Lithuania, Luxembourg, Mali, Malta, Morocco, Mauritania, Netherlands, Niger, Nigeria, Norway, Poland, Portugal, Democratic Republic of Congo, Romania, Senegal, Sierra Leone, Slovakia, Slovenia, Spain, Switzerland, Sweden, Togo, Tunisia, United Kingdom and the European Commissioners in charge of migration, development and external relations.

[230] Benin, Brazil, Burkina Faso, Cameroon, Cape Verde, Egypt, Gabon, Haiti, Lebanon, Macedonia, Mali, Mauritius, Montenegro, Philippines, Republic of Congo, Russian Federation, Senegal, Serbia and Tunisia.

transparency by both parties. Even once signed, the agreements were difficult to

obtain.[231] More importantly, they argue that with the birth of the shared development

approach, development aid becomes instrumental to migration control. I am arguing that

we are faced with a more serious transformation. It is worth taking a look at these

principles and the proposed program, as these principles are building blocks of the

"shared development" paradigm in France.

To begin with, "strengthening of the synergies between migration and

development" is no more the primary principle of migration management. The

promotion of economic growth in the origin countries, promoting migrant remittances

and their use for development purposes, promoting development by strengthening the

links between diasporas, countries of origin and destination countries are still listed in the

to-do list. However, these codevelopment mechanisms are no longer the priority

measures.

The first and second principles of the Rabat process are respectively "Organizing

legal migration" and "The fight against irregular migration".   Legal migration is defined

mainly as labor and student migration and thus organizing legal migration means first and

foremost facilitating the emergence of legal migration opportunities. But more

interestingly, "supporting intra-African legal migration opportunities" through

"establishing regional integrated border management programmes" is also an item under

organizing legal migration. As for the second principle, improving the quality of civil

status registries and combat documentary fraud by using information technology and

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[231] Cimade. Concerted management agreements for migration flows and codevelopment. Briefing paper.
May 2009.

biotmetrics and strengthening the control of borders by implementing the integrated border management concept in African countries are seen as the main levers for reducing irregular migration.

As a result, through the Rabat process and the Global Approach to Migration, the "capability approach" constitutionalized Europe's relation with Africa, as well.   In other words, African countries are also turned into the consumers of the security products. As I discussed, the codevelopment paradigm operated with the involvement of migrants, migrant organizations and NGO's to "curbing the migratory flows through development". The shared development paradigm included the states back into the picture as the main actors. But the role delegated to them is no longer "curbing the migratory flows". Their responsibility is "developing the capacity to manage migration" and hence accept being the stake in this new European game.

The first Eurafrica that emerged in the 1950's operated as a twofold process: the construction of an integrated Europe around a common market, and associating the colonies into this Eurocentric order within the colonialist development paradigm. Given that the creation of this initial integrated Europe was grounded in the creation of the European Coal and Steel Community, the unequal market relations were established through the import of agricultural products and export of infrastructure, which was presented as "developing Africa." As I examined in detail, in the course of decades and through the various articulations between migration and development, the notion of development came to signify in the 2000's the capacity to manage the migratory flows and the fight against illegal immigration. I am suggesting that it is ultimately the shift

from infrastructural production to the the security and information technology

production, which shapes the new Europe as an area of freedom, security and justice.

Hence the new Eurafrica as a joint immigration policy and shared development.

NEOLIBERAL GOVERNMENT OF INTEGRATION: GOVERNING BY ENTERPRISE AND LAW

The Ministry of Immigration, Integration, National Identity and Codevelopment was established to serve two missions: to reinforce and deepen the selective immigration politics and to involve the partners in the management of the migratory flows at European and international levels. In the previous chapter I examined the latter mission with regard to the transformations it entails in the link between development and immigration politics. As I discussed, since the late 1990's—accompanying the neoliberal restructuring of Europe—there occurred a dramatic shift, such that development came to be seen no longer as a tool to curb migratory flows; instead, the establishment of a joint immigration policy was envisioned as bringing a shared development and a win-win globalization. In this chapter, I will examine the selective immigration politics in relation to this broader transformation and discuss how it changes the rationale and mechanisms deployed to integrate the immigrants.

As I discussed in the first chapter, the integration apparatus—as an extension of the colonial developmentalist paradigm—initially operated through the deployment of the welfare and surveillance mechanisms to manage the colonial subjects in the metropole. At that time, the main purpose of the colonial French republic was to maintain the imperial relations by improving both Algerians' material conditions and French surveillance capabilities in order to combat the development of separatism. Special

treatment of the colonized subjects took the form of social, educational and cultural action as well as the family settlement programs designed to ensure the reproduction of the colonial spatial divide and the sexual borders of the French nation. The subject of integration was conceived of as "the weak brother who needs brotherly love."

In this chapter I examine how neoliberalization of the immigration dispositif completely dismantles this welfare rationale, in turn delegating the responsibility of integration to the immigrant subject, conceived now as an entrepreneur who seeks a better life in France. Furthermore, family reunification—initially a regulatory mechanism of the welfare state—turns into a reward to be achieved by the successful immigrant. Starting from 2003, when he was the Minister of Interior, Sarkozy established new rules of integration by passing two major immigration laws (2003 and 2006). Analyzing these legal interventions—restrictions on the regulations of integration and family reunification—I will discuss the consequences of this reversal.

An important consequence of this transformation is the criminalization of the "failure" to integrate. Combined with expulsion ecstasy and also fascination with the numerical management of migratory flow, Sarkozy's administration was notorious for its practices of deportation and administrative retention, which led to the emergence of spaces such as waiting zones and detention centers. Considered largely through the lens of the analytic tools like "camp" and "exception", these spaces are interpreted in the literature as zones where law is suspended.[232] I will take issue with these dominant

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[232] Claudia Aradau, "Law Transformed: Guantánamo and the 'Other' Exception," *Third World Quarterly* 28, no. 3 (January 1, 2007): 489–501; Judith Butler, *Precarious Life: The Powers of Mourning and Violence*, Reprint edition (London ; New York: Verso, 2006); Mark B. Salter, "The Global Visa Regime

explanations, claiming that these spaces are actually the very products of the neoliberal rule of law, where systematic criminality is produced in order ultimately to engage the sending countries into the fight against illegal immigration. In what follows, I will first discuss in detail how I understand neoliberal governmentality. Following this, I will examine Sarkozy's selective immigration politics that created a dichotomy between selected immigrants (choisi) and unwanted immigrants (subie), with the effect of setting a new rationale for family reunification.

Neoliberalism as governmentality

Neoliberalism is understood and interpreted in various ways including as a hegemonic ideology and as a policy framework endorsing market deregulation.[233] The former emphasizes the ability of neoliberalism to constitute itself as the hegemonic form of discourse that appeals to a wide range of social positions. Stuart Hall for example, sees Thatcherism as a neoliberal ideology that "changed the currency of political thought and argument and marked the consolidation of a new ideological hegemony based on the tenets of neo-liberalism."[234] The conceptualization of neoliberalism as a policy framework on the other hand foregrounds the shift from Keynesian welfarism to deregulation in the markets endorsed by the Chicago School of political economy,[235]

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and the Political Technologies of the International Self: Borders, Bodies, Biopolitics," *Alternatives: Global, Local, Political* 31, no. 2 (April 2006): 167–89; Mark B. Salter, "When the Exception Becomes the Rule: Borders, Sovereignty, and Citizenship," *Citizenship Studies* 12, no. 4 (2008): 365–80.

[233] Wendy Larner, "Neo-Liberalism: Policy, Ideology, Governmentality," *Studies in Political Economy* 63, no. 0 (2000), http://spe.library.utoronto.ca/index.php/spe/article/view/6724.

[234] Stuart Hall, "The Toad in the Garden: Thatcherism among the Theorists," in *Marxism and the Interpretation of Culture*, ed. Cary Nelson and Lawrence Grossberg (Urbana: University of Illinois Press, 1988), p. 40. See also Stuart Hall, "The Neo-Liberal Revolution," *Cultural Studies* 25, no. 6 (2011): 705–28, doi:10.1080/09502386.2011.619886.

[235] Most notably Friedrich Hayek and Milton Friedman, who advised the leaders of the US and the UK. See Milton Friedman, *Capitalism and Freedom* (University of Chicago Press, 1962); Milton Friedman,

think-tanks and international institutions such as the IMF and the World Bank.[236] While

the interpretation of neoliberalism as a policy framework contributes to our

understanding of economic processes such as privatization, financialization and

dispossession endorsed and guided by transnational institutions, these explanations, as

Brown and Larner also claim, reduce the effects of neoliberalism to some economic

policies without explaining the political rationality that enabled such a massive social

transformation.[237]

The conception of neoliberalism as governmentality broadens the scope of the

analysis and asks how it is possible that society is formed around the principles of the

market, competition and enterprise and how the appropriate subjectivities are constituted

so that the neoliberal transformation is achieved. As such it asks how it is possible to

govern society while its welfare dimension is being dismantled, and explores the

mechanisms of this governmental intervention as well the implications of this new

rationality for the individuals. As Thomas Lemke[238] also suggests, the theoretical

advantage of the notion of neoliberal government comes from its conception of

government as a continuum, which extends from political government through to forms

of self-regulation, namely technologies of the self.

Why Government Is the Problem / Milton Friedman. ([Stanford, Calif.]: Hoover Institution on War, Revolution, and Peace, Stanford University, 1993). F. A. Hayek, *Individualism and Economic Order* (Chicago: University Of Chicago Press, 1996).

[236] Noam Chomsky, *Profit Over People: Neoliberalism and Global Order* (Seven Stories Press, 2011); David Harvey, *A Brief History of Neoliberalism* (Oxford; New York: Oxford University Press, 2005); Naomi Klein, *The Shock Doctrine: The Rise of Disaster Capitalism* (Random House LLC, 2009).

[237] Wendy Brown, "Neo-Liberalism and the End of Liberal Democracy," *Theory & Event* 7, no. 1 (2003), doi:10.1353/tae.2003.0020; Larner, "Neo-Liberalism."

[238] Thomas Lemke, "'The Birth of Bio-Politics': Michel Foucault's Lecture at the Collège de France on Neo-Liberal Governmentality," *Economy and Society* 30, no. 2 (2001): 190–207, doi:10.1080/03085140120042271; Thomas Lemke, "Foucault, Governmentality, and Critique," *Rethinking Marxism* 14, no. 3 (2002): 49–64, doi:10.1080/089356902101242288.

In the *Birth of Biopolitics*[239] Foucault discusses in detail how neoliberal

government transforms the welfare state and society. As he suggests, social policy in a

welfare economy operates as the counterpoint of economic processes and helps to

compensate for the destructive effects of these processes by two major instruments:

socialization of some elements of consumption like medical consumption, cultural

consumption etc. and transfer of elements of income in the form of family allowances.

Central to the welfare economy is the liberal idea of market defined as a natural field of

free exchange between rational individuals whose interaction must be respected without

the intervention of state authority. Neoliberalism challenges all these assumptions and

principles regarding the market, society, and the principles of government.

First of all, the neoliberals don't see the market as ruled by some natural and

intrinsic principles of exchange that need to be respected. The market, they suggest, is

regulated by the principle of competition, which needs to be cultivated and established in

society. Secondly, and in relation with this, society does not exist as such either; it is a

product of the governmental apparatus that created it. The welfare society then is simply

a product of the ensemble of the social security mechanisms, state education,

unemployment benefits etc. That is, for proponents of neoliberalism, the welfare society

is not inevitable and actually has become a very costly obstacle to economic performance

leading to an uncontrollable growth of the State. The neoliberal solution is dismantling

the welfare system by making enterprise and competition the formative power of society.

As Foucault notes, the neoliberals are aware that competition has deteriorating effects on

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[239] Foucault, Senellart, and Collège de France, *The Birth of Biopolitics*.

society. At stake then is how to govern society in spite of the dissolving effects of competition. This is the objective of neoliberal government, or vitalpolitics, as Foucault calls it borrowing from Alexander Rustow.[240]

From the standpoint of the individuals, vitalpolitics signals a whole new process of subjectification, where the individuals are forced to constitute themselves as appropriate subjectivities, as *homo œconomicus*, in the new sense of the term, that is, as an "enterprise man." The constitution of imminently governable neoliberal subjects has been widely discussed in the literature on governmentality. With the withdrawal of the welfare state, the social insurance gives way to privatization of risk management, where insurance against the future possibilities of unemployment, ill health, old age and the like becomes a private obligation. As a result, the citizen is enjoined to bring the future into the present and is educated in the ways of calculating the future consequences of actions, a situation described by governmentality scholars as responsibilization,[241] prudentialism or ethopolitics.[242] Furthermore, as Burchell suggests, neoliberal government impinges upon individuals in their very individuality, in their practical relationship to themselves in the conduct of their lives; it concerns them at the very heart of themselves by making its rationality the condition of their active freedom.[243] Rose writes similarly that

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[240] Lecture 14 Feb.

[241] David Garland, "THE LIMITS OF THE SOVEREIGN STATE Strategies of Crime Control in Contemporary Society," *British Journal of Criminology* 36, no. 4 (September 21, 1996): 445–71.

[242] Nikolas Rose, "Governing advanced liberal democracies" in Andrew Barry, Thomas Osborne, and Nikolas S. Rose, *Foucault and Political Reason: Liberalism, Neo-Liberalism, and Rationalities of Government* (University of Chicago Press, 1996). Nikolas Rose, "Government and Control," *British Journal of Criminology* 40, no. 2 (March 1, 2000): 321–39, doi:10.1093/bjc/40.2.321.

[243] Graham Burchell, "Liberal Government and Techniques of the Self," *Economy and Society* 22, no. 3 (1993): 267–82, doi:10.1080/03085149300000018; Barbara Cruikshank, "Revolutions within: Self-

neoliberalism entails the production of subjects as active individuals seeking to "enterprise themselves" to maximize their quality of life through acts of choice.[244]

The neoliberal transformation brings new responsibilities and assigns a more active role to those who govern as well. No longer limited to respecting and manipulating what is deemed to be natural, the government is expected to establish enterprise as the main behavior in the economic field. This does not mean creating enterprise as an institution, or to establish a purposeful economic-social control. According to the neoliberals, the economy is a game and the legal institution that frames it supplies its rules. The government thus is expected to act as a provider of rules, to secure the legal framework for a competitive market game in which the only players, the only real agents, must be individual entrepreneurs. The government should target the social environment, so that the rules of a competitive market economy become formative of society, and thus the subjects themselves are regulated by the market logic. As Foucault argues, different from liberal governmentality, neoliberal government governs *for* the market not because of the market.

As I will discuss below, Sarkozy's immigration policies signal a clear neoliberal transformation à la Foucault. This entails the withdrawal of the welfare mechanisms and the production of prudent/entrepreneurial individual immigrant subjects who are assumed to be responsible for integrating themselves into the French society and thus also held accountable for their failure to do so. The main governmental mechanism here is the

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Government and Self-Esteem," *Economy and Society* 22, no. 3 (1993): 327–44, doi:10.1080/03085149300000022.
[244] Nikolas Rose, "Government, Authority and Expertise in Advanced Liberalism," *Economy and Society* 22, no. 3 (1993): 283–99, doi:10.1080/03085149300000019.

legal intervention and new and stricter rules and regulations that apply to the third country nationals' stay and work in France. But the other side of this enterprise logic and legal interventionism is the codification of the failure to meet the integration criteria as a crime to be punished by the measures of detention and expulsion. In one of the lectures of *The Birth of Biopolitics*, Foucault dwells on the ways in which the understanding of crime changes under neoliberalism.[245] It is worth discussing his analysis of the neoliberal perspective on crime here as it illuminates the systematic illegality produced by new immigration policies, and the rationale of numeric management so central to Sarkozy's immigration politics.

Since the end of the 18th century, Foucault suggests, penal law was ultimately a question of political economy, in the sense that the concern of the reformers of penal law was to find the most economical solution for punishing people adequately and effectively dealing with delinquency. As a result, "crime" came to be defined as an infraction against law, so that there is no crime in the absence of law. The penalties were to be fixed by law and according to the degree of seriousness of the crime; furthermore, the courts were to apply a law to an established crime, which determined in advance what penalty the criminal must suffer. Although the *homo penalis* is a *homo œconomicus* strictly speaking, Foucault argues, because the fact that the law was indexed to the acts that needed to be punished, it created a paradoxical tendency to define the person on whom the law will be applied. As Foucault also analyzed elsewhere, a wide range of disciplines including psychology, sociology and anthropology conceived of the person on

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[245] Lecture 21 March 1979

whom the penal law was to be applied, shifting the *homo penalis* towards *homo criminalis*. In other words, the subject who committed a crime and who will be punished came to be seen increasingly as a criminal type, instead of as a *homo œconomicus*, which created a gap between *homo penalis* and *homo œconomicus*. From the perspective of neoliberals, in Foucault's reading, the problem with this penal mechanism is the replacement of the very economic mechanics of law by the anthropology of crime. Therefore, the fundamental task for neoliberals was to maintain the analysis of the problem of crime within a strictly economic problematic. This was done simply by changing the point of view in defining the crime. In the neoliberal analysis of penal law, a criminal act is no longer defined as "an act that is punished by law", but it is now "any action that makes the individual run the risk of being condemned to a penalty."[246] That is to say, according to the neoliberal conception, the subject is only *homo œconomicus;* the economic behavior is the only grid of intelligibility through which to know and govern the individual. The penal system then will not have to deal with criminals, but with those people –*homo œconomicus*- who produce that type of action; it will have to react to the supply of crime.[247]

This changing approach to crime and penal law also signifies a radical transformation in the conception of an ideal society. That is, the neoliberal government aims neither to discipline the population according to previously given norms, nor to normalize the society by way of regulatory mechanisms and the exclusion of those who cannot be normalized. The neoliberal government, according to Foucault, does not

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[246] Foucault, Senellart, and Collège de France, *The Birth of Biopolitics*, 251.
[247] Ibid., 252–253.

intervene at the level of society; it intervenes into the rules of the game, so to speak, rather than on individual players. It governs by legal intervention.[248] Foucault thus puts the central questions of neoliberal penal policy as, quoting Gary Becker: "How many offences should be permitted? How many offenders should go unpunished?"[249]I will examine the motto of the Sarkozy government's principle of numeric management and expulsion quotas in light of this analytics.

One last thing about neoliberalism is that it does not totally do away with society or with all the institutions that comprise it. Rather neoliberalism operates by fragmenting and remaking the society around the logic of competition, by excavating the substance of many features of liberal governmentality. Wendy Brown points out this aspect of neoliberalism with regards to its reverberations on the features of constitutional and representative democracy and how they have been "gutted, jettisoned, or end-run, even as they continue to be promulgated ideologically, serving as a foil and shield for their undoing and for the doing of death elsewhere."[250] When we look at the long established sites of integration and development, we see a similar situation. These sites continue to be invoked as if integration and development are still the political objectives in the same way. However, as I examined in detail in the previous chapter, what happens actually is that an entirely new rationale, new meaning and style of government replaces old mechanisms. Development and integration are no longer what they meant sixty years ago. They are, as Brown suggests, "living without substance."   I should note here that,

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[248] Ibid., 259–260.
[249] Ibid., 256.
[250] Wendy Brown, "Neo-Liberalism and the End of Liberal Democracy," *Theory & Event* 7, no. 1 (2003): 15.

unlike Brown, I do not perceive the transformation from liberal to neoliberal government as something to mourn. The integration/development nexus was the outcome of the hierarchical capitalist colonialist world order and liberal governmentality. Neoliberalization, I am suggesting, is changing the technologies of power and agency without altering the coloniality[251] of the power structures.

It is also worth to noting at this point that Sarkozy's integration policies were not entirely his invention. They were rather a reflection of the EU perspective on the matter,[252] illustrated in this quote from European Council: "If the flow of immigrants is orderly and well-managed, Member states reap many benefits…A critical aspect of managing migration is the successful integration of legally residing immigrants and their descendants."[253] In order to establish a vigorous integration policy across the community, the EU enacted two main legislative changes to establish a common legal framework concerning the right to family reunification and third-country nationals who are long-term residents. Sarkozy's selective immigration politics drew exactly on the rules and regulations identified in these legislations as well as the principles of integration identified by the Union**:** the respect for the basic values of the European Union, basic

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[251] The notion of coloniality grasps the continuity of colonial forms of domination after the end of colonial administrations, produced by colonial cultures and structures in the modern/colonial capitalist/patriarchal world-system. Coloniality of power refers to a crucial restructuring process in the modern/colonial world system that articulates peripheral locations in the international division of labor with the global/racial/ethnic hierarchy of metropolitan global cities. See Aníbal Quijano, "Coloniality and Modernity/Rationality," *Cultural Studies* 21, no. 2–3 (2007): 168–78, doi:10.1080/09502380601164353; Ramón Grosfoguel, "The Epistemic Decolonial Turn," *Cultural Studies* 21, no. 2–3 (2007): 211–23, doi:10.1080/09502380601162514.

[252] The fight against illegal immigration and the integration of those who reside regularly is the main dictum of European immigration politics since Tampere Programme. The Union's integration policy is further developed by Common Agenda for Integration in 2005, Hague Programme (2004), Stockholm Programme (2009) and also at every European Ministerial Conference on Integration.

[253] Press release 2618th Council meeting Justice and Home Affairs 146115/04.

knowledge of host society's language, history and institutions, and efforts in education

critical to preparing immigrants and particularly their descendants.

Selective immigration successful integration: the problem of family reunification

Sarkozy announced his project "selective immigration, successful integration"

(Une immigration choisi, une integration reussie) in 2005 at a UMP convention he

gathered as both the leader of the party and the Minister of Interior.[254] The timing of the

convention is significant, a mere ten days after the referendum that was held to decide

whether France should ratify the proposed constitution of the European Union. Seen as a

neoliberal attack on the European social model by leftists and socialist groups in France,

and thanks in part to their "No" campaign, the referendum was voted down with 55%

against.[255] Therefore, in the same speech, Sarkozy both delineated the principles of his

immigration politics and addressed the French public responding to their concerns

regarding the neoliberal path of the EU. Obviously, neoliberalization and the crippling of

the welfare state began earlier as did the immigration problem. Nevertheless, I see this

co-incidence as an important instance that invites us to recognize the political economy

of the immigration problem.

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[254]Accessible at
http://www.ump.org/sites/default/files/fichiers_joints/dates_cles/discours_nicolas_sarkozy_3.pdf
[255] As Jacques Nikonoff from the Association for the Taxation of Financial Transactions for the Aid of
Citizens (ATTAC) suggested in the non-campaign: "For ATTAC the upcoming referendum is of historic
significance. It offers the possibility to say no to a neo-liberal politics which has mistreated society for
more than 20 years…The 'non' victory represents an immense chance, not to be missed, to reconstruct
Europe from a new foundation" quoted in. For an analysis of the referendum results and the anti-neoliberal
stance in France see also Gilles Ivaldi, "Beyond France's 2005 Referendum on the European
Constitutional Treaty: Second-Order Model, Anti-Establishment Attitudes and the End of the Alternative
European Utopia," *West European Politics* 29, no. 1 (2006): 47–69, doi:10.1080/01402380500389232;
Henry Milner, "'YES to the Europe I Want; NO to This One.' Some Reflections on France's Rejection of
the EU Constitution," *Ps-Political Science & Politics - PS-POLIT SCI POLIT* 39, no. 02 (2006),
doi:10.1017/S1049096506060392.

With regards to the referendum results, Sarkozy's position was a clear expression

of the deepening enterprise logic. He was aware that the results were the expression of

the French public's disapproval of the neoliberal direction of the EU. As he said, the

results were the expression of "mistrust of the capacity of Europe to draw the best of

globalization while guaranteeing protection against unemployment, immigration subie ...

and mistrust of the capacity of France to take its place in the European competition."[256]

Yet, his reply was far from meeting the expectations. Instead he clearly signaled the

dismantling of the welfare state and end of the protectionist social state policies. With

respect to protection against unemployment, for example, he suggested that France does

not suffer from a deficit of employment but rather from an insufficiency of a collective

work ethic. He then went further to offer a neoliberal work ethic to French people, by

offering as a *solution, "*reforming the public employment service in a way to permit those

who want to work more to gain more, to do so."[257]

In relation with this neoliberal restructuring, he stated the following principles for

his immigration politics: "I want to establish a positive discourse on immigration. Zero-

immigration politics … has no economic sense and does not correspond to

reality…Immigration is a chance for our country...A closed country is a country that

becomes fossilized."[258] Furthermore: "I want to pass from immigration subie to

immigration choisi."[259] As his words suggest, the will to govern the immigration problem

by creating a dichotomy between good, economically efficient, selected immigrants

[256]http://www.ump.org/sites/default/files/fichiers_joints/dates_cles/discours_nicolas_sarkozy_3.pdf
[257] Ibid
[258] Ibid.
[259] Ibid

(immigration choisi) versus the unwelcomed, unwanted, bad immigrants who find a way to get in without being selected by the French state (immigration subie) is central to the selective immigration politics. According to the statistics Sarkozy cites, only 5% of the immigrants who come to France come for economic purposes, whereas the rest come into France mainly through family reunification programs. The main goal he thus put forward was to increase the rate of the economic migrants to 50% as in countries like Great Britain, Canada and Switzerland that he offered as the models to follow.

The dichotomy between economic versus non-economic immigration is not new, accurate, or purely French. Indeed, the categorical separation between economic versus other types of immigration is constitutive of the immigration problem as such. In France, the immigration problem was produced through the representation of a shift from temporary to permanent immigration after decolonization. This way, the former colonial subjects came to be viewed as permanent immigrants in the metropole. And writing decades ago on the initial categorization of economic versus other modes of migration, Abdelmalek Sayad aptly stated "economic immigration has always finished by becoming an immigration of settlement, and one can say that there has never been an immigration of so-called settlement which was not primarily an economic immigration.[260]As I suggested earlier, the temporary versus permanent or economic versus the other types of immigration ultimately hide the centrality of coloniality to the immigration problem.

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[260]See Emmanuelle Saada and Arthur Goldhammer, *Empire's Children: Race, Filiation, and Citizenship in the French Colonies* (Chicago: The University of Chicago Press, 2012). Sayad, *The suffering of the immigrant*, 40.

Writing about the US, Bonnie Honig argues that the use of the good and bad immigrant myths nurture a simultaneous xenophilia and xenophobia. The good immigrant myth serves to discipline and tame the domestic poor by giving the message "if he can do it …surely anyone can." However, this xenophilia nurtures xenophobia as it creates a resentment of foreigners for competing for scarce resources.[261] I think that the choisi/subie dichotomy is imbued with a similar ambivalent dynamic. Whereas the selected/economically efficient immigrant figure is invoked to tame the French worker at a time when they expect protectionist steps from the French state, the non-selected immigrant figure is presented as the real problem facing the French public. I will unpack in the next chapter how this generated and manipulated anxiety becomes an important site to articulate French identity against the neoliberal crippling of social citizenship.[262]

Criticizing Sarkozy's policies, Violaine Carrère rightfully points out that the choisi/subie categorization is totally arbitrary and flawed in that it does not register, for example, the work done by the spouses of those who hold a work-related residence card.[263] Since 2009, a skills assessment (bilan de competence) is mandatory for all

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[261] Bonnie Honig, *Democracy and the Foreigner* (Princeton University Press, 2009), 80.

[262] I borrow the term 'social citizenship from Thomas Humphrey Marshall. In his seminal essay, Marshall suggests that citizenship has three parts established gradually starting from the late 18th century: civic, political (19th century) and social (20th century). The civil element is composed of the rights necessary for individual freedom liberty of the person, freedom of speech, thought and faith, the right to own property and to conclude valid contracts, and the right to justice. The political element means the right to participate in the exercise of political power, as a member of a body invested with political authority or as an elector of the members of such a body. The corresponding institutions are Parliament and councils of local government. By the social element he means the whole range from the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilized being according to the standards prevailing in the society. The institutions most closely connected with it are the education system and the social services. See T.H. Marshall, *Class, Citizenship, and Social Development: Essays* (Westport, Conn: Praeger, 1973,148-149).

[263] Violaine Carrère, Immigration "choisi": un pseudo-pragmatisme in Claire Rodier and Emmanuel Terray Immigration: fantasmes et réalités (La Découverte, Paris, 2008).

signatories of the reception and integration contract.[264]. Organized by OFII, the

assessment is carried out before the end of the "reception and integration contract" to

help foreigners successfully enter the French labor market. The OFII can exchange

information with the Pole Emploi, the French Public Employment Service.[265] This alone

shows the arbitrariness of economic versus non-economic immigration and that the

government abuses this artificial dichotomy.

According to some French commentators, the invention of immigration subie was

a tactical move for the presidential campaign. According to this interpretation, by

formulating the notion of selective immigration, Sarkozy would on the one hand put a

distance between his politics and the zero immigration attitude of the National Front,

which he apparently opposed, and at the same time he could present his approach as a

more viable alternative than the "free circulation" politics he associated with the Socialist

Party and its laxness.[266] According to sociologist Eric Fassin, the reason for this

invention is simply that the number of the so-called *sans-papier*[267] was not enough at the

time to constitute immigration as a major problem. In order to organize the public debate

around the question of illegal immigration, it was necessary to reinvent the immigration

problem, extending it over to the principle source of it, namely, family reunification.[268]

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[264]Except students of less than 18 years of age, foreigners of more than 55 years of age, foreigners already active, or those who declare themselves inactive.

[265] IOM report Migration, Employment and Labor Market Integration Policies in The European Union (2011) p 130-131.

[266] See La crise de la politique d'immigration. Cette France-La. Vol2.p3.

[267] The French term used to denote the undocumented/irregular immigrants

[268] Eric Fassin, "L'invention de 'L'immigration Subie,'" accessed April 14, 2013, http://ecolloque.fondationmemoirealbertcohen.org/index.php?page=immigration#1.

I partially concur with Fassin that the selective immigration politics helps to reinvent the immigration problem around family reunification and draw more public attention to it. It is important to note in this respect that Sarkozy posited "immigration subie" as among the main problems French society faced when he tried to come to terms with the referendum results. I, however, am suggesting that beyond playing a symbolic role of manipulating public debate and channeling the anxieties of the French public, the production of *immigration subie* has real and constitutive effects in the management of family reunification and integration.

Neoliberal government of family reunification/integration nexus

As I discussed in the previous chapters, when they initially emerged, integration mechanisms targeted the colonized subjects in the metropole with the objective of reproducing the social, cultural and economic divide across the geography of French Empire. Through institutions like FAS and SONACOTRAL, the French government ensured the welfare and enabled the surveillance of the colonized subjects/Français Musulman by offering the services such as housing, unemployment aids and family benefits. This welfare paradigm was congruent with and actually an extension of the colonial developmentalist framework initiated by Charles de Gaulle in Constantine. Within this context, the family settlement programs were highly recommended by social welfare administrators to put an end to single male worker migration, with the goal of stabilizing and depoliticizing the population and also to ensure that Algerians did not

intermarry with metropolitan women in large numbers.[269] As I also discussed earlier, by taking on the responsibility of family resettlement, the French welfare state ensured the maintenance of the imperial politics of race and sexuality and the protection of the sexual borders of the French nation.

Family reunification concerns the marriage between a French national and a third country national, and their under-18 aged children. In his speech announcing selective immigration politics, Sarkozy outlined his approach to family reunification as follows: "On the one hand, family life is one of our values and constitutes a condition of integration. One the other hand, family reunification takes today a very important place in the equilibrium of migratory flows and is the root of numerous frauds (white or forced marriages, fraud against the state etc.)." Furthermore, he said: "Although family reunification is a right, it should … guarantee that those who want to establish themselves in France have the motivation and real chance of integration."[270] In the same vein, he suggested elsewhere "there will not be an absolute and unconditional right for all the families of the world to settle in France, without plans for integrating, without work, without proper housing, without a future. It is within this perspective that I see the reform of family reunification."[271]

Sarkozy's statements on family reunification signal first of all the dismantling of the welfare state and a delegation of the responsibility of integration to the immigrants

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[269] Amelia H. Lyons, "Social Welfare, French Muslims and Decolonization in France: The Case of the Fonds D'action Sociale," *Patterns of Prejudice* 43, no. 1 (2009): 65–89.
[270] "Discours Nicolas Sarkozy - Discours_nicolas_sarkozy_3.pdf," accessed April 23, 2013,http://www.ump.org/sites/default/files/fichiers_joints/dates_cles/discours_nicolas_sarkozy_3.pdf.
[271] "Sarkozy Répond Aux Eglises," *Réforme*, accessed May 26, 2014, http://www.reforme.net/journal/05032006-reforme-3174/actualites/societe/sarkozy-repond-aux-eglises.

themselves. Secondly, this understanding of integration also reverses the family

reunification/integration link such that the former becomes a reward to be achieved by

the immigrant, in return for his/her successful integration into the French society. This

way not only the financial burden of family reunification is delegated onto the immigrant,

but also any transgression of the sexual borders of the nation is criminalized. The family

reunification/integration nexus is still invoked to re-produce the sexual/racial borders

between the European and the third national subjects, however this time not through the

welfare/security mechanisms of liberal governmentality but through casting doubt on,

and associating family reunification with fraud. Below I will examine the transformation

of the rationale of integration and the details of the reversal of the link between family

reunification and integration.

The rationale and the mechanisms of integration changed radically in 2006 with

the introduction of the obligatory reception and integration contract (Contrat d'accueil et

d'intégration, CAI) for every third country national that wanted to settle down in France

including those who sought family reunification.[272] As the article L311-9 of CESEDA

(Code of Entry and Residence of the Foreigners and the Asylum Right) states, "to prepare

for his integration, the foreigner signs a contract with the state, which obliges him to

follow a civic formation also a linguistic formation if the need is established." [273]

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[272] The integration contract was put in practice first in 2003 and in 12 departments to experiment, then in 14 other departments in 2004. In 2005, it was generalized to the whole territory and finally was rendered obligatory with the decree dated 23 December 2006, which specified "starting on 1 January 2007, all aliens allowed into France who want to settle in the country must sign a "reception and integration contract."
[273] Accessible at
http://www.legifrance.gouv.fr/affichCode.do;jsessionid=E97821E933B726852BB4D9469A32870C.tpdjo0
9v_3?idSectionTA=LEGISCTA000006163227&cidTexte=LEGITEXT000006070158&dateTexte=201405
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According to the details of article R 311-22 of the relevant decree[274] civic training

includes an introduction to the institutions and values of the French republic, particularly

with regard to the equality between men and women, laicité, state of law, basic liberties

and safety of people and property as well as rights of citizenship that allow access to free,

compulsory education. Article R 311-25 of the decree stipulates that the contract

signatories also attend an information session on life in France designed around their

needs. These sessions provide the signatory with knowledge about practical life in

France and access to public services, notably with regards to training and employment,

housing, healthcare, childcare, school and school guidance, as well as volunteer

participation in non-profit association. It is important to note that the law stipulates that

the nationals from the European Union, European Economic Area and Switzerland are

exempt from signing a reception and integration contract.[275] That is, the immigrant is by

definition the non-European third country nationals who need to be integrated.

As I discussed earlier, neoliberal government is characterized by a homology

between the macro and micro levels of rule, meaning that the rationale by which social

authorities rule are reproduced in the intimate ways individuals govern themselves.[276]

Encouraging the governed to adopt an entrepreneurial attitude is one of the main dictums

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[274]Décret n° 2006-1791 du 23 décembre 2006 relatif au contrat d'accueil et d'intégration et au contrôle des connaissances en français d'un étranger souhaitant durablement s'installer en France et modifiant le code de l'entrée et du séjour des étrangers et du droit d'asile (partie réglementaire), NOR: SOCN0612582D, J.O. n° 303 du 31 décembre 2006 page 20346, texte n° 39.

[275] In the first of year of the contract, 43.1% of signatories were of Maghrebin origin, (20.8 from Algeria, 15.5% from Morocco and 6.8% from Tunisia), 14.8% from sub-Saharan Africa (mainly Cameroun, Congo, Cote d'Ivoire, Mali and Senegal), 6.3% were from Turkey, 4.4% from Russia and former Soviet countries, and 3.2% from China.

[276] Sam Binkley, "Happiness, Positive Psychology and the Program of Neoliberal Governmentality," *Subjectivity* 4, no. 4 (December 2011): 371–94, doi:10.1057/sub.2011.16.

of neoliberal government that is believed to increase the effectiveness of both the governed and the government. As Jacques Donzelot[277] and Burchell[278] also point out, the procedures of "contractual implications" are characteristic forms of relationships that develop between the state and the individual under neoliberalism. The main thrust of neoliberal government is "offering" individuals and also collectivities active involvement in action to resolve the kind of issues hitherto held to be the responsibility of the governmental mechanisms. Within this new environment, the individuals must assume responsibility for their activities, for carrying them out as well as for their outcomes. This is how the appropriate subjectivities of neoliberal government are created, by encouraging the individuals to develop techniques of the self to regulate individual conduct.

In this sense, I would argue that the integration contract is a technique of the self par excellence that constitutes the third country nationals in the metropole. As far as the republican/civic integration is concerned, the French state invokes the long established colonial episteme that produces the cultural divide between the colonizer and colonized. The criteria used to assess integration thus resonate with those used in the naturalization of the colonized subjects such as exemption from polygamy, men and women relationships and laicite etc. It is important to note, however, that this divide no longer assumes the weak, yet-to-be-integrated subject of the normalizing/regulatory mechanisms of the welfare state as in the 1940's. Central to the new understanding of integration is

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[277] Jacques Donzelot, "The Promotion of the Social ∗," *Economy and Society* 17, no. 3 (August 1988): 395–427, doi:10.1080/03085148800000016.
[278] Burchell, "Liberal Government and Techniques of Self," in *Focault and Political Reason: Liberalism, Neo-Liberalism and Rationalities of Government* (The University of Chicago Press, n.d.).

the *homo œconomicus*, who migrates to France for a better life. According to this new

rationale living and working in France—and in Europe or the metropole in general—is in

the *interest* of the foreign national and he/she aspires to settle down in the metropole to

make a better life. As the economic behavior of the third country national becomes the

main grid of intelligibility, the republican/civic integration is seen ultimately as an

investment of the immigrant subject's human capital for a better life.

The integration contract does not of course only assume and thereby construct the

entrepreneurial subject. If one side of the neoliberal management of integration is the

assumption of the entrepreneur—prudent subjects who take on the responsibility for

integrating themselves by way of developing the financial and cultural capacity required

by the French state—the counterpart of this enterprise logic is criminalizing the failure to

do so, which could result in punishment by detention and expulsion. Changing the rules

of the game, the new regulations of integration prepare the ground for the production of

illegality as well. The reception and integration contract is signed for a period of 12

months and can be extended for one year to allow the migrant to complete the French

learning process. Article 311-28 of the decree provides that the contract may be declared

terminated by the prefect of the third country national's place of residence, if there is

evidence of non-attendance or non-compliance with the contractual obligations. Failure

to integrate into French society, understood as a violation by the signatory of the

obligations of the CAI, will justify the application of sanctions including denial of

permanent residence permit the renewal of the temporary administrative status of stay,

and hence expulsion from the country. The sole deciders in these cases are the representatives of French administrative officers.

As I discussed earlier, the "rule of law" under neoliberalism establishes the rules of the game and regulates the environment—not the society—in such a way that the subjects, public authorities, collectivities etc. have to construct themselves according to the enterprise logic. The result of the dismantling of welfare state, and the replacement of the normalizing/regulatory mechanisms with legal interventions—stricter laws and regulations—turn the failure to integrate into a risk taken by the individual. Combined with Sarkzoy's numeric management principle, this rationale change along with the discretion given to the administrative officers, prepares the ground for the systematic production of illegality and the high number of expulsion. As I discussed earlier, this is so mainly because the ideal of a "normal" society is fading, meaning that the presence of illegality is not a problem for the neoliberal government. The main concern is finding economically the most useful and effective system of penalty and deciding numerically on how many offences—defined as a risk taken by the individual—should be allowed. I will discuss the ramification of the increasing numbers of illegality in a bit below, but before that I turn to the family reunification/integration nexus.

As I suggested earlier, one important consequence of the neoliberalization of integration is the reversal of the relation between family reunification and integration. As such, the welfare state not only delegates the responsibility of integration to the individual but also turns family reunification into a reward to be achieved by the immigrant. The subordination of family reunification to the condition of integration

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actually began in 2003, when Sarkozy passed an immigration law as the Minister of

Interior that stipulated "the delivery of the first residence card is subordinated to the

republican integration, in particular with regards to the knowledge of the French

language and the principles that govern the French Republic."[279]The same law also

indicated that a residence card could be accorded to those foreigners who have a French

child (younger than 18) and who have resided in France regularly for at least two years if

they refrained from polygamy.[280]

Republican/civic integration was only the first step. Delegating the financial

burden of family reunification to the immigrant as well, the 2006 immigration law

brought two new sets of conditions for family reunification: the capacity to support the

needs of the family exclusively through employment and the ability to attain housing that

corresponds to the size of the family. The accommodation condition is assessed on the

basis of the living area available and with regard to the size of the family. The law

stipulates that the accommodation must also meet the conditions of hygiene, comfort and

roominess as stated by appropriate regulations. These conditions concern the details such

as the composition and dimension of the housing, openings and ventilation, the layout of

the kitchen, bathroom and toilet, as well as gas, electricity and water supplies. The proof

of the accommodation condition is examined by the mayor of the town where the

applicant and the family member wish to reside. Furthermore, the mayor may ask the

competent authorities at the local level to conduct on-the-spot investigations to ensure

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[279] Loi no 2003-1119 article 8, GISTI, 2003, Controler, surveiller et punir.   Analyse de la reforme
Sarkozy : loi no 2003-1119 du 26 Novembre 2003 « relative a la maitrise de l'immigration, au sejour des
etrangers en France et a la nationalite ».
[280] Article 21 of the law 2003-1119.

that accommodation conditions are upheld. What is evaluated here is ultimately if the immigrant could live like a "civilized person", a long established practice that dates back to the French colonial administration. The difference is that this time these lifestyle, home-environment investigations are not done in the name of civilizing mission or development. The purpose is to decide whether the immigrant should be rewarded with the right to family reunification or not. With regards to the condition of income, it is important to note that the examination does not take into account the family benefits and social allowances that may be entitled by law, nor does it count extra money provided by third persons such as family members.

Furthermore, in the letter of mission, where he addressed Minister Hortefeux to outline the objectives of the Ministry of Immigration he had created, Sarkozy mentioned and celebrated all the measures hitherto taken concerning family reunification and integration. He wanted the Ministry of Immigration to take further steps to create a more restrictive and content-wise denser integration contract. Toward this end, the 2007 law passed by Hortefeux on 20 November brought important changes: first, foreigners between 16 and 64 years old had to pass a language test (in the country of origin or in France) that verifies their knowledge of French. Second, a family reunification application required a proof of financial resources proportional with the size of the family. Finally, a reception and integration contract had to be signed by the parents of the children accepted under family reunification provisions (Contrat d'acceuil et d'integration pour la famille-CAIF) that oblige them to receive training about their rights

and duties as parents in France, as well as to engage themselves in educating their children.

As a result, the subordination of the family reunification scheme to the conditions of financial, material and republican integration and the development of contractualism in integration reveal the double process of dismantling of the welfare mechanisms and the involvement of the individuals as active agents in their self-conduct. I will further examine the role of the administrative officers who have the sole discretion when it comes to the evaluation of the criteria with regard to integration and accommodation etc. But before that, I would like to examine the way in which Sarkozy associates the family reunification schemes with fraud casting doubt on and criminalizing the marriages that include a third country national.

Criminalization of family reunification: Fraudulent recognition, white and gray marriages

As stated by Sarkozy, the French government thinks that the family reunification scheme is abused as a migratory channel in three ways: through white marriage, through gray marriage and by fraudulent recognition of children. White marriages are those contracted for the mere purpose of obtaining a residence card or citizenship. The link between parents and children is also a matter of inquiry due to the "suspicion" of fraudulent recognition. Yet a more recent invention is the notion of gray marriage, coined in 2009, which refers to the abuse (détournement) of marriage for migratory purposes without the knowledge of the French spouse. In gray marriages, unlike in the white marriages, the third country national misleads the French citizen, too, for the purpose of getting a residence card. As such, it raises issues of the abuse of the good will

of the French citizens. As I will discuss below, French women, in particular, are thought

to be the victims of such marriages. The French government took several measures to

detect and prevent the abuse of the civil code for migratory purposes. It is worth looking

at them in detail.

To begin with, the 2006 immigration law and the "law relative to the control of

the validity of marriages" passed in November 2006 addressed the issue of fraud and

offered a way to prevent it. According to the law, the validity of the marriage and

intention to marry is assessed on a body of evidence. Command of a common language

to communicate in, knowledge of each other's personal information and the existence of

previous simulated marriages are some of the criteria used in the inquiry. With regards to

the recognition of children, the immigration law passed in 2007, after the creation of the

Ministry of Immigration, included an amendment on DNA testing to be used as proof of

filiation for immigrants and their children. The law was met with widespread criticism,

even from within President Sarkozy's own party. Fadela Amara, the Secretay of State for

Urban Affairs and the daughter of Algerian immigrants, threatened to resign over the

proposal.[281] The fiercest opponents said that the use of genetics as the basis for entry into

the country was reminiscent of the country's policies under Nazi occupation. Due to the

controversy it created, the decree necessary to launch such a procedure has never been

adopted.

According to the 2006 law, if the civil officer doubts the validity of the marriage,

she or he has to organize an interview with the future spouses, individually and in

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[281] Elaine Sciolino, "Proposal in France to Test Some Immigrants' DNA," *The New York Times*, October 11, 2007, sec. International / Europe, http://www.nytimes.com/2007/10/11/world/europe/11france.html.

common, in order to gather evidence. In cases where the marriage had taken place abroad (where the majority of fraud according to French officials takes place), the law of November 2006 introduced for the first time the right of the French consular or diplomatic agent to conduct a hearing with the future spouse with the aim of inspecting the sincerity and the validity of the marriage. Furthermore, the 2006 immigration requires a long- term visa from the spouses of the French nationals who seek family reunification. With the same law, it is possible for the consular to refuse the visa demand on the basis of suspicion. The invalid marriages can be also annulled anytime within thirty years after they take place. The law stipulates that entering into a family union for the sole purpose for obtaining a residence permit, for protection against expulsion or for acquiring French nationality is subject to a maximum of five years in prison and a 15,000 euros fine. In 2011, new sanctions were created with gray marriages as their target. In these cases, the misleading spouse is subject to five years in prison and a fine of up to 15,000 euros.

As a result, the family unions that consist of a third country national are managed by different power/knowledge mechanisms than those that apply to the French/European unions. By associating the marriages with a non-European subject with fraud and abuse the government casts doubt on the validity/intention of the marriages between French and third country nationals and constructs them as amoral, irregular, risky and as potential threats to the French society. The disappearance of the 10 years residency card, previously issued automatically to the spouses of French nationals, and the subjection of mixed marriages to the approval of the French administration at every step starting from

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the marriage ceremony to visa application etc. creates the conditions of possibility for criminalizing, expelling, detaining and ultimately imperiling the lives of the third country national.

The emergence in 2009, and subsequent regulation, of the gray marriage problem deserves special attention in that it perfectly reveals the neoliberal rationale of Sarkozy's government of integration. As I stated, gray marriages refer to those marriages where a third country national *misleads* the French citizen for migratory purposes. As in other cases of fraud discussed above, the appraisal of such a situation also requires the civil officer to decide whether the relationship at hand matches the norms of French conjugal love. Relying on the ethnographic works on immigration bureaucracy, Fassin suggests that the "contradictory" situations in these cases consists of those when "the French wife is much older than the foreign husband[282] and, more generally, if she appears less desirable than him (this concerns in particular *handsome* foreigners marrying *fat* French women)."[283] That is to suggest, the decision of family reunification in such cases is completely up to the administrative officer's opinion of whether the relation at hand fits with the supposed sexual norms of French society or not.

The invention of gray marriage can be seen as a perfect example of the gendered and racialized regulatory mechanisms that intervene in home-environments and sexual arrangements. As such, gray marriage controls the sexual/private lives of French women and thus secures the sexual/racial borders of the French nation. It is through the

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[282] It is noteworthy that the reverse does not appear to enter in contradiction with the norms of France or what Fassin calls 'sexual democracy'.

[283] Éric Fassin, "National Identities and Transnational Intimacies: Sexual Democracy and the Politics of Immigration in Europe," *Public Culture* 22, no. 3 (September 21, 2010): 527, doi:10.1215/08992363-2010-007.

construction of the undesired/fat/ugly French woman as a semi-external but ultimately internal subject that the dishonesty, amorality and criminality of the brown man is assumed and acted upon. In this regard, the fight against gray marriage is also a reformulation of the "white men saving brown women from brown men"[284] as "white men saving white women from brown men" that silences and victimizes the French woman. As Fassin also points out, this is quite ironic as French identity is more and more defined in terms of the freedom of French women as opposed to the enslaved Islamic woman figure and the forced marriages seen as a routine in the Other's culture.[285]

I see the emergence of the gray marriage problem as a symptom of the dismantling of the welfare state and the end of the endorsement of family reunification, because, what was secured by the governmental intervention mechanisms is delegated to the individual immigrant subject, who is seen as accountable for transgressing the borders of French nation. That is to say, what was the object of the welfare state's regulatory mechanisms now comes to be defined as the responsibility of the immigrants and hence its infraction as the *crime* committed by the third country national for his/her benefit.

I am suggesting that there is a clear neoliberalization in the government of integration/family reunification nexus. As Sarkozy made clear, the government sees the "fraud" in family reunification as an abuse of the civil code for migratory purposes. Such a perspective implies the assumption of a rational, entrepreneurial subject, who calculates and also takes on the risks of thus defined crime, yet still commits it in order to have a better life in France. As a product of the reigning neoliberal rationale and its mechanisms

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[284] Spivak, "Can the Subaltern Speak?," 297.
[285] Fassin, "National Identities and Transnational Intimacies."

of subjectification, the French government assumes a new subjectivity—defined through the economic behavior and risk-taking behavior—for the third country national. That does not mean to say of course a brand new third country national is assumed here. The conditions of possibilities for the constitution of the entrepreneurial third county national is the existing colonial epistemé or to use Anibal Quijano's term, the colonial power matrix.[286] This is why gray marriage, as I discussed above, resonates with the long established sexual regulatory mechanisms of the colonial state. Important to note here is the neoliberal transformation in the grid of intelligibility adopted to know and act upon the colonisé/immigré or the third country national today: from the "weak, yet to be developed younger brother" stereotype of the welfare/development paradigm to an entrepreneurial subject who seeks to maximize his life quality and take risks to that end.

At the other end of the continuum of the government there is an accompanying shift from normalizing/regulating welfare mechanisms to those of legal intervention, which is perfectly reflected by Sarkozy's fascination with the numeric management of migratory flow and the establishment of expulsion quotas. He stated clearly, "establishing the quantitative control of the migratory flow is an imperative condition to restore a positive vision to immigration and enable the integration of the immigrants."[287] That is to say, the objective of the government is no longer normalizing/regulating the third country nationals. It is rather deciding on how many criminals/irregulars should be produced/ allowed or tolerated. And this is exactly what the immigration officers do

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[286] Quijao in Mabel Moraña, Enrique D. Dussel, and Carlos A. Jáuregui, *Coloniality at Large: Latin America and the Postcolonial Debate* (Duke University Press, 2008).
[287] He stated proudly that between 2002 and 2004, the deportations were increased by 72%. For the year of 2005, his wish was another 50% increase in the number of expulsions. See the UMP convention in 2005.

when they use their discretionary power to evaluate the validity of marriages and fraud etc. Numerous works show that the immigration bureaucracy in France makes their decision based on the objective of meeting the increasing expulsion quotas put by Sarkozy.[288]

The result of Sarkozy's so called *politique de chiffres* is systematic creation of illegality, and increasing number of detentions and expulsions. Now, a majority of the theorists see the increasing restrictions on immigration as a sign of sovereign border control, and thus interpret the spaces like detentions centers, waiting zones etc. as spaces of exception where law is suspended. Unlike these theorists, I see the new legislation, rules and regulations as neoliberal legal interventions that increase the supply of the crime. Therefore, I suggest viewing the spaces of so called exception as places where law is enforced and illegality is actually produced. The mission of neoliberal government according to Foucault is that "one must govern for the market" meaning that market and enterprise logic should be made the formative power of society and state. Broadening the scope and reach of neoliberal government from the nation-state to the space of French Empire, I will examine how numeric management of migratory flow and systematic creation of illegality become a technology of power in governing the ex-colonies, which came to be known and acted upon now as immigrant sending countries that need to *cooperate* in the fight against illegal immigration. I will discuss the expulsions and detention centers from the perspective of global neoliberal governmentality.

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[288] See Alexis Spire, *Accueillir ou reconduire: enquête sur les guichets de l'immigration* (Paris: Raison d'agir éd., 2008).

Production of "illegal" third country nationals and transitional spaces: OQTF, detention centers, waiting zones

As I showed in detail, it is the administration and mainly the prefects who have the discretionary power to evaluate every aspect of the residence permit application, as it was the case in the evaluation of the validity of marriages and fraud associated with the family reunification scheme. According to the general secretary of CIMADE, Jerome Martinez, the autonomy of the prefects to issue a residence permit or not derives mainly from the fact that the integration criteria, such as "republican integration", are indefinite and indefinable. Furthermore, the autonomy of the prefects is also strengthened by the shortening of residence permits, which increases the frequency of the prefect's intervention, and the extension of the exceptional admission mechanism, which replaces the procedure of regularization based on objective criteria with a case-by-case examination.[289] Furthermore, it is also the case that this widening autonomy and the discretionary power is used to meet the expulsion quotas set by the government. As the previous head of the Syndicat de Magistrature (Syndicate of Judges) Daniele Lochak notes, setting up the numeric objective in the management of migratory flows, that is, deciding on how many people to expel every year and then imposing this as the evidence of the expression of the efficiency of the governmental politics led to changing the modes and motives of expulsion as well as restricting the chance of appeal to change the decision. Two important emerging practices are the generalization of OQTF (Obligation to leave the French territory) and the unprecedented numbers of identity controls and raids to chase the illegal third country nationals.

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[289] Cette France-la audit report.

The OQTF is an important reform in the expulsion methods introduced by the immigration law of 2006 and the decree dated 23 December 2006. According to the law, the administrative authority, which refuses the issuance or renewal of a residence permit to a foreigner or which decides to withdraw an existing permit, can accompany this decision with an obligation to leave the French territory (OQTF) with or without a voluntary departure period.[290] When someone is made the object of OQTF, there is an exactly one-month time period to leave the French territory voluntarily. After this period, the person in question can be arrested, put in a detention center and expelled based on the administrative decision. If the person is issued an immediate OQTF, the process starts right away. The most important result of this reform is that the administrative authority's autonomy to decide on the entry and residence of the foreigner is combined with its autonomy to decide on the expulsions. Importantly, the OQTF indicates also the country to which the foreigner in question will be sent since the expulsion requires the authorization of the readmission by the origin country or the transit countries.

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[290] For a detailed examination see Collective report by ADDE, CIMADE, FASTI, GISTI, LDH, MRAP Que faire après une OQTF. (January 2007) Accessible at www.rusftoulouse.info/spip.php?article9. In most of the cases, the foreigner who is made an object of OQTF tries to appeal to the prefecture to contest the decision of the prefect. And yet, most of the time, the prefect does not and in fact doesn't have to respond to the appeals in the period of one month. It is actually possible to appeal at the administrative court and the administrative court decides (3 magistrates) in 3 months after the appeal. However, after one month, if the foreigner is put in the retention center when the legal process is continuing, the procedure changes. In this case, his/her appeal is judged in 72 hours by a single judge of deportation. However, because the precipitation of the hearing doesn't allow the person in question to present the necessary documents, due to the intervention of a single judge and because the lawyer can't react in this short amount of time and can't assist in the hearing, the rights of the defense are reduced (Cimade rapport retention 2007). So, in most of the cases people are put in the detention centers awaiting to be sent to the country designated also by the OQTF notification. There are two types of OQTF: with or without a voluntary departure period. Also, besides OQTF, there are other types of deportation orders: the prefectural order of escort to the border (APRF), ban from French territory (ITF) and ban on returning to French territory (IRTF).

Another peculiarity of Sarkozy's time as minister and president was the prevalence of racial profiling even as it was forbidden in law. In order to meet the expulsion quotas, unprecedented numbers of identity controls and raids were carried out to chase those without a residence permit.[291] As Daniele Lochak points out, to optimize the results, the identity controls were aimed at the people "who have a more foreigner look than the others" and targeted the people at the desks of prefectures, in front of the humanitarian food aid organizations. Furthermore, although European law bans identity controls within 20 km distance of international train stations, airports etc., in order to chase people here, the police forces stop people to issue a fine for jaywalking for example so that the identity controls could have a legitimate cause. The numbers of identity controls show the level of enthusiasm for expulsions: from 55.000 in 2002 to 119.800 in 2008.[292]

The production of illegality does not only derive from the conditions of residence of the foreigner. The fight against *illegal immigration* of course takes place at the borders and concerns the conditions of entry as well. According to the articles L.211-1 and L.212-1 of CESEDA (Code of Entry and Residence of the Foreigners and the Asylum Right), in order to enter into France, all foreigners must be in possession of certain documents including visa, proof of accommodation, health insurance that covers medical and hospital dispenses and repatriation etc. Any person who does not meet these conditions may be subject to a refusal of entry in accordance with the article of L. 213-

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[291] The extremity of these controls was an important point of debate during the presidential elections in 2012. François Hollande's suggestion was to give a type of receipt to those who were subjected to an identity control in order to at least prevent consecutive identity controls that turn de facto into harassment.
[292] (cette-francela audit report 53).   My interview with Flor Tercero from ADDE

1.[293] Furthermore, the border police may choose not to authorize the entry of the foreigner if s/he suspects the authenticity of the documents (passport, visa, invitation from the enterprise etc).[294] As the association ANAFÉ (National Association for Border Assistance to Foreigners) states, the border police has great latitude with regards to the evaluation of the documents. It is common to see that people were not admitted although they had perfectly valid papers.[295] More importantly, the discretionary power given to the border police enables him to assess justifications and documentary evidence with respect to the conditions of residency and the purpose of an alien's visit. That is to say, the police in practice have the right of refusal, regardless of the alien's legality/illegality, based on their assessment of whether the person at the border would settle down in France or not. Chowra Makaremi relates an important anecdote: "In 2005, a group of 15 Bolivians travelling to Santiago de Compostela on pilgrimage were inspected during their transit at Roissy and expelled back to Bolivia. Their expulsion was not backed by any legal consideration, since they were heading to Spain, which does not require visas from Bolivian nationals, and crossing the borders of Schengen Area in Paris, where they were in transit. They were refused entry because French border police suspected them of *trying to migrate illegally*, based on the fact that, as mentioned on the refusal report,

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[293] ANAFÉ, mars 2008

[294] According to the statistics from the years of 2009 and 2010, the principle reasons for non-admission were absence of proof of accommodation (47.7 %), absence of return visa (28.7) and false documents (26.5 %).

[295] Anafe bilan 2009-2010.

"their socio-professional situation does not fit with the purpose of their visit'."[296] That is to say, the production of illegality is left to the discretion of the border police.

The statistics show how the production of illegality, the confinement of the "illegal subjects" in detention centers and waiting zones, and expulsions have become increasingly endorsed practices by the French government. According to the report of the Inter-Ministerial Committee of Immigration Control (CICI, 2011), the expulsion numbers showed a steady increase between 2001 and 2010: In 2001, 9227; in 2002, 10067; in 2003, 11692; in 2004, 16850; in 2005, 19481; in 2006, 23831; in 2007, 23196; in 2008, 29796; in 2009, 29332; and in 2010, 28026 people were expelled from the metropole only. Parallel to this increase in expulsions, France's detention capacity has expanded from 739 in 2003 to 1724 in 2007. The maximum length of detentions has also increased from 12 to 32 days. As for the waiting zones, the maximum length of confinement in these zones is 20 days and according to the statistics, in 2005, 16.736, in 2006 16.397 and in 2007, 16.318 people were held in such places.[297]

It may seem plausible to interpret the discretionary power used by the administrative officers and the immigration bureaucracy as instances of the sovereign decision regarding whom to include or exclude, whom to detain and deprive of freedom and rights etc. As a matter of fact, *sovereignty* and *right* discourse was appealed to by Sarkozy and his Minister Hortefux as well in the sense of the "right to choose" the good immigrants, which is key to the selective immigration politics. Consider for example

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[296] Chowra Makaremi, "Governing Borders in France: From Extraterritorial to Humanitarian Confinement," *Canadian Journal of Law and Society* 24, no. 3 (2009): 417.
[297] See "Statistiques Relatives Aux étrangers à La Frontière - Novembre 2008 - Anafé," accessed July 22, 2015, http://www.anafe.org/spip.php?article210.

Sarkozy's statement after passing the 2006 immigration law that translated the road map outlined in the convention of 2005 into a legal code: "Selective immigration is the expression of France's *sovereignty*. It is the *right* of our country, like all the great democracies of the world, to *choose* which foreigners it allows to reside on our *territory*." In a similar vein, Brice Hortefeux stated: "First of all, France has the *right to choose …* who it wants and who it can accept within its borders."[298] Moreover, the NGO's and the human rights associations do also speak this juridico-political discourse and criticize Sarkozy and the practices of detentions and expulsion as human right violations.

As a matter of fact, there is a growing literature on the border controls, detention centers and waiting zones that see the emerging situation through the lens of sovereignty and exception as well.[299] Relying on Schmitt's notion that the *sovereign* decides on the exceptional cases where law does not apply and Agamben's concepts of the *camp* and *homo sacer*, the detention centers, waiting zones and the borders are seen as spaces where a state of exception is created by the sovereign decision that *bans* the excluded from the

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[298] "«L'immigration Illégale Doit Baisser et Elle Baissera»," *Le Figaro*, accessed October 26, 2013, http://www.lefigaro.fr/politique/2010/12/07/01002-20101207ARTFIG00642-l-immigration-illegale-doit-baisser-et-elle-baissera.php.7 December 2010
[299] See for example the works of Aradau, "Law Transformed"; Tugba Basaran, "Security, Law, Borders: Spaces of Exclusion," *International Political Sociology* 2, no. 4 (2008): 339–54, doi:10.1111/j.1749-5687.2008.00055.x; Reece Jones, "Agents of Exception: Border Security and the Marginalization of Muslims in India," *Environment and Planning D: Society and Space* 27, no. 5 (2009): 879–97, doi:10.1068/d10108; Reece Jones, "Spaces of Refusal: Rethinking Sovereign Power and Resistance at the Border," *Annals of the Association of American Geographers* 102, no. 3 (2012): 685–99, doi:10.1080/00045608.2011.600193; Nikos Papastergiadis, "The Invasion Complex: The Abject Other and Spaces of Violence," *Geografiska Annaler: Series B, Human Geography* 88, no. 4 (December 1, 2006): 429–42, doi:10.1111/j.0435-3684.2006.00231.x; Salter, "The Global Visa Regime and the Political Technologies of the International Self"; Salter, "When the Exception Becomes the Rule"; Miriam I. Ticktin, *Casualties of Care: Immigration and the Politics of Humanitarianism in France* (University of California Press, 2011).

legal rights and political protection constituting them as *homo sacer* or bare life.[300] The

dire conditions in the detention centers and waiting zones are foregrounded in these

analyses as the evidence of the blurring distinction between life and death, which is

evoked as the principal character of *camp*.[301]

However, that reading of the immigration dispositif and its mechanisms in the

light of sovereignty and exception falls short in explaining the power mechanisms at

work today. In this regard, I agree with Judith Butler's critique that by repeating the key

terms of sovereignty and bare life, "we've actually subscribed to a heuristic that only lets

us make the same description time and again, which ends up taking on the perspective of

sovereignty and reiterating its terms."[302] Likewise, Federico Rahola criticizes the

exceptionalist view for focusing on the power that establishes these spaces but

overlooking how power operates and shapes these spaces.   He suggests instead that

attention should be paid to the immanent effects of such places and practices rather than a

transcendental sovereign decision that established these places.[303] Building on these, I

think we should adopt an analytics that enables us to account for the effects of the

illegality, the reality created by the new restrictions and the practices of detentions and

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[300] Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford, Calif: Stanford Univ. Press, 1998); Giorgio Agamben, *State of Exception*, trans. Kevin Attell, 1st ed. (University Of Chicago Press, 2005); Carl Schmitt and Conflict resolution collection, *The Concept of the Political* (Chicago: University of Chicago Press, 1996).
[301] See for example Miriam Ticktin, "Where Ethics and Politics Meet: The Violence of Humanitarianism in France," *American Ethnologist* 33, no. 1 (February 1, 2006): 33–49.
[302] Judith Butler and Gayatri Chakravorty Spivak, *Who Sings the Nation-State?: Language, Politics, Belonging* (Seagull Books, 2007).
[303] Federico Rahola "The Space of Camps: towards a genealogy of places of internment in the present" in eds. Alessandro Dal Lago and Salvatore Palidda. *Conflict, Security and the Reshaping of Society: The Civilization of War*, Routledge Studies in Liberty and Security (London ; New York: Routledge, 2010).

expulsions with regards to the operation of the immigration dispositif and therefore the global power relations.

Sovereign exception or law enforcement?

To begin with, I differ from the assumption that law and administrative discretion belong to distinct realms and the suspension of the former creates a law-less emergency situation, which establishes and strengthens sovereign rule. Inherent in this argument is the assumption that there is something like *the Law*, which could be suspended by the sovereign.[304] In order to take issue with this assumption, I will dwell in some detail on Foucault's approach to law, because the shift from sovereignty to the governmentality paradigm alludes to a serious transformation in the way law itself was conceptualized.[305]

To summarize briefly, for Foucault, there are two ways of constituting the regulation of public authorities by law, two conceptions of the law in the history of Europe, namely, the revolutionary or Rousseauist approach of public law and the English radicalism structured around governmental reason. The former starts with the problem of legitimacy and inalienable rights through an ideal society, state and government. The

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[304] Though critical of the sovereign exceptionalist analyses, Butler repeats the same assumption. In an attempt to challenge the sovereign exceptionalism, she suggests that what characterizes the current pedigree is rather a cooperation of governmentality and sovereignty. Drawing on Agamben and Foucault, Butler views the Guantanamo detention decisions on the one hand as operations of governmentality, since they rely on founding law as a *tactic,* something of *instrumental* value, and not *binding* by virtue of its status of as law. Yet this very use of law as something instrumental enables the suspension of it and as such heightens the discretionary power of those who are asked to rely on their own judgment to decide fundamental matters of justice, life and death. Therefore, for Butler, whereas the instrumentalization of law is a tactic of governmentality, the suspension of it also feeds into the resurgence of sovereignty and thus results in a merging of sovereign and governmental power relations. Butler, *Precarious Life*, 54–55.

[305] For a detailed analysis of law in Foucault's thought see also François Ewald, "Norms, Discipline, and the Law," *Representations*, no. 30 (April 1, 1990): 138–61, doi:10.2307/2928449; Ben Golder and Peter Fitzpatrick, *Foucault's Law* (Milton Park, Abingdon; New York: Routledge, 2009); Nikolas Rose and Mariana Valverde, "Governed By Law?," *Social & Legal Studies* 7, no. 4 (December 1, 1998): 541–51, doi:10.1177/096466399800700405.

latter though starts from the governmental practice and questions its legitimacy at every

moment and only in terms of utility but not from an original right perspective. It

conceives of law as the effect of a transaction that separates the sphere of intervention of

public authorities from that of the individual's independence. According to Foucault,

since the beginning of the 19th century, we have actually been living in an age in which

the problem of utility increasingly encompasses all the traditional problems of law. This

suggests that the legitimacy and the power of public authority comes to be defined in

relation with the utility of governmental intervention and its effects with regards to the

interplay of the interests between the individuals and the collectivity etc. The analytics of

governmentality therefore does not see law in the realm of the juridical but conceives of

it as a technology of government that is deployed to extend or limit the governmental

mechanisms and thus always intermixed with extra-legal processes and practices.[306]

In this regard, I am suggesting that the increasing role given to the immigration

bureaucracy, border police, prefects and so on used to produce illegality cannot be seen

as the strengthening of sovereign power because of the proliferation of extra-legal,

administrative decisions. I think that this argument actually essentializes law and fails to

see the governmentalization of it. Adopting the perspective of governmentality, I see the

strengthening of discretionary power not as a sign of sovereign decision and therefore not

in terms of the violation of original rights, but as an excessive supply of crime and in

terms of the utility of these legal interventions and the interests supposedly served as a

result. Therefore we should explore why and how the increasing illegality is useful for

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[306] See especially the lecture on 17 January in Foucault, Senellart, and Collège de France, *The Birth of Biopolitics*.

the government. To this end, we should go further into how the approach to law and utility changes with the birth of neoliberal governmentality.

As I discussed earlier, with the birth of the neoliberalism, crimes came to be seen from the perspective of the individuals and defined as actions that makes the individual run the risk of being punished. Furthermore, as the ideal of a normal society and the objective of the extinction of crime disappears, the objective of penal policy becomes finding a balance between supply of crime and negative demand, the cost of which must not exceed the cost of the supply of the criminality in question. There are two important points to note here. The first concerns the ways in which law is conceived. The law according to neoliberals pertains on the one hand to the formulation of the prohibition and thus implies a reality of parliament, discussions and the decisions. On the other hand though law is also about its enforcement, and thus is conceived of as a set of instruments "to give social and political reality to the act of prohibition in which the formulation of the law consists."[307] The quantity of punishment provided for each crime, the apparatus responsible for detecting crimes, the size and quality of the apparatus responsible for convicting criminals, how quickly judges make their judgments and so on are all elements of law enforcement and respond to the supply of criminal conduct. The second point that deserves attention is the fact that the penal policy under neoliberalism takes the cost of the negative demand created by law enforcement into account to define the utility of the penal policy. That is to say, according to the neoliberal penal policy, the cost of

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[307] Ibid.,254.

law enforcement, the social and political reality that gives force to law should not exceed the cost of criminality in question.

Thinking in the light of this analytical framework, I understand all the practices that emerge in and through the government of integration, such as the evaluation of integration by the immigration officers, the decisions of OQTF, the identity controls, detention centers and waiting zones etc. as elements and instruments of law enforcement, or in other words as practices in which the immigration and integration law gains force and its social and political reality is materialized. As opposed to the views that see these practices as cases where law is suspended, I see them as instances when law gains force and a political and social reality is created. Therefore the analysis should focus on the socio-political reality created by enforcement of law as well as its utility with regards to the balance between the supply of crime and negative demand.

Sarkozy's immigration and integration policies were audited by a series of experts in France who suggested that the social and political reality created by law enforcement in the government of integration is useless because the cost of it exceeds the criminality in question.[308] Their critique is directed to two main assumptions of Sarkozy government: if the immigration laws would be relaxed, all the misery of the world would flow into France, and the immigrants are expensive for the French state and they do bring additional cost to public budgets and have negative effect on salaries and employment. The experts are right in arguing against Sarkozy government's immigration politics on these grounds. However I suggest that the social and political reality created by legal

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[308]Cette-France-La audit report. Accessible at http://www.cettefrancela.net/IMG/pdf/CetteFranceLa-rapport_audit.pdf

interventions in the field of integration have broader implications that exceed the scope of national boundaries. In their audit report, the experts overlook the global political economic reality created by the management of immigration and integration.

In this chapter I have shown in detail that the government of integration in fact creates non-integrated and illegal subjects who failed in developing their financial and cultural capacity. If we look at the evaluation criteria of integration, it is true that the colonial economic and subject relations are the main themes invoked in the debate of integration. However, whereas the production and the government of this colonial difference were accomplished in and through the welfare/surveillance mechanisms, they are now coded as a matter of penal economy. That is to say, the government does not constitute the colonial difference as an object of regulatory mechanism, but it turns the colonial difference into something "owned" by the third country national, for the results of which s/he –and ultimately the origin countries –are now rendered responsible.

In the previous chapter, I examined how France and Europe engaged the immigrant sending countries in the migration management policies, which meant constituting Africa as a responsible actor to manage migration with the use of the relevant technologies. As I argued, neoliberal global governmental rationality turned the former colonies in Africa into markets for the border security and surveillance technologies in the name of developing their capacity to manage the migratory flows and the fight against illegal immigration. I am suggesting that the illegality created by the management of integration helps to enact such global governmentality. The social and political reality created by law enforcement in the field of integration helps to justify the shared

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development perspective. It is thanks to the production of systematic illegality that African countries can be constituted as immigrant sending countries and rendered responsible in the fight against it. From a global perspective then, the cost of law enforcement thus does not exceed the cost of criminality. It is the opposite; the production of illegality creates lucrative business ventures for the security technology producers, who shape European immigration politics.

IMMIGRATION AND NATIONAL IDENTITY UNDER NEOLIBERALISM

The promotion of national identity and strengthening of its link with immigration were among the main objectives of the Ministry of Immigration Integration National Identity and Codevelopment. The sense that there was an identity crisis and proposed remedies to overcome it, were major themes in Sarkozy's presidential campaign. He once stated explicitly: "France goes through an identity crisis…at the root of the crisis, there is cultural renunciation."[309] He offered as a solution "to build confidence in and to return to the values, which unite the populations."[310] Foregrounding the Christian aspects of French identity, he invoked in this regard "France of the cathedrals, crusades, human rights and Revolution."[311] With regard to the link between immigration and national identity, Brice Hortefeux argued "with the creation of this ministry, we recognize officially, for the first time that immigration is constitutive of our identity. This ministry allows tightening the link between nation and immigration which has been loosened." In 2009, the Ministry further launched a national identity debate with the goal to "consolidate the French national identity and reaffirm its republican values and the pride of being French."[312] In the words of Eric Besson, the second minister after Hortefeux, the

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[309] *Nouvel Observateur*, 15 march 2007.
[310] Ibid.
[311] Ibid.
[312] "Circulaire IMIK0900089C Du 2 Novembre 2009 Relative À L'organisation Du Grand Débat Sur L'identité Nationale - cir_29805.pdf," accessed October 26, 2013, http://circulaire.legifrance.gouv.fr/pdf/2009/11/cir_29805.pdf

national identity debate had the objective of getting "all French citizens to reflect on what it means to be French at the beginning of 21st century."[313]

As I discussed in the Introduction, these objectives were severely criticized by the historians of the Cité nationale de l'histoire et de l'immigration (CNHI). In their resignation statement, the historians explained that the museum's purpose was "to change the perspective modern society has on immigration, by reminding our contemporaries that over the past two centuries subsequent periods of immigration have helped develop, transform, and benefit France as a whole." They claimed that the new ministry calls these objectives into question because "in politics, words serve as symbols and they serve as weapons. It is not the responsibility of a democratic state to define 'identity.'" Furthermore, in their petition entitled "no to the Ministry of Immigration and National Identity" they argued: "Associating immigration and national identity in a common ministry has no precedent in history of the French Republic: it is a founding act of the new presidency, defining immigration as a problem for France and for the French in its essence. As citizens, this link worries us because it would only reinforce the negative prejudices towards immigrants. From our point of view, national identity constitutes, today, a synthesis of the pluralism and the diversity of the populations and could not be fixed in the scope of a ministry."[314] The Ministry of Immigration created further controversy when it launched the national identity debate in 2009. This time, a call was

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[313] Ibid.
[314] "Non Au Ministère de l'immigration et de l'identité nationale' Pétition," http://www.planetenonviolence.org/Non-au-Ministere-de-l-immigration-et-de-l-identite-nationale-Petition_a1268.html

made to refuse the debate declaring, "we will not debate."[315] The main point of the call

was an invitation to protect the political principles of the French Republic against the

attempts that discredit these very principles by assigning a fixed national identity to it.

All these critiques were undoubtedly very important and might have been

influential in the eventual abolition of the Ministry of Immigration in 2010. However,

other questions remain untouched in these reactions: Why is it that the French

government needs to link immigration and national identity? What purpose did this link

serve? And how should we make sense of the promotion of national identity in France in

relation with the other aspects of the immigration dispositif?

In the previous chapters of this dissertation I expanded on Foucault's thoughts to

discuss at length the birth of a global governmental rationality, through which I analyzed

the neoliberal restructuring of Eurafrica. In this chapter, I first examine the role of the

nation-form in the reproduction of the capitalist-colonialist world order, and in the light

of this analytics, I discuss the changing ways in which national identification is invoked

in the current global political economic context. Toward this end, I examine the link the

ministry creates between immigration and national identity by situating it within the

wider political economic context and the crisis for the French government. I suggest that

there is an intimate relation between the neoliberal restructuring of France and the abuse

of national identity, which is called for to counterbalance the crisis of the welfare state.

Focusing on the so-called *selective immigration politics* and the *national identity debate,*

I will explore the ways in which neoliberalization hollows out the nation-state

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[315] "« Ma Vision de L'identité Nationale »," accessed July 22, 2015, http://service.vigile.quebec/Ma-vision-de-l-identite-nationale.

transforming the French state's relation vis-a-vis citizens and resulting in an increasing

need to *perform* sovereignty to counterbalance the crisis of the welfare state. The

articulation of the undesired immigrant figure and the project to engage the French

citizens in the governing of that immigrant operate, I suggest, as tactics to smooth this

transformation and *compensate* for the losses that the French citizens experience as a

result of the reign of neoliberal policies. But before going into this debate I will begin by

examining the basis of the French intellectuals' frustration with Sarkozy's emphasis on

national identity. In this way, I discuss what I see as the myth of French universalistic

and civic identity.

The myth of the universalistic/civic French national identity

The literature of nationalism and national identity suggests a dichotomy between

civic and ethnic nationalisms.[316] Whereas civic nationalism is associated with the rise of

the bourgeoisie and the spread of Enlightenment ideas and thought to produce a

community of equal, rights-bearing citizens, united in patriotic attachment to a shared set

of patriotic practices and values, cultural nationalism is seen as a nationalism of common

language, blood and soil, a result of reacting against the Enlightenment and tending to

have an exclusivist, xenophobic, expansionist and oppressive character. The French

model is seen as the representative of the political, civic nationalism par excellence.

German nationalism, on the other hand, is doomed as the cultural and ethnic model of

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[316] Hans Kohn, *The Idea of Nationalism* (Collier Books, 1967); Ernest Gellner, *Nations and Nationalism*, 2nd ed. (Cornell University Press, 2009); Michael Ignatieff, *Blood and Belonging: Journeys into the New Nationalism* (Farrar, Straus and Giroux, 1995). Montserrat Guibernau (1996) *Nationalisms – The Nation State and Nationalism in the Twentieth Century.* Cambridge: Polity Press.

nationalism. According to Roger Brubaker,[317] the difference between French and German models derives from the fact that in the former, nation was conceived in relation with the already established state and hence constituted by political unity; in the latter, though, national feeling developed before the nation-state. Therefore, the pre-political German nation—the nation in search of a state—was conceived of not as the bearer of universal political values, but as an organic cultural, linguistic, or racial community.

This cultural/civic dichotomy is not only invoked to explain the historical differences in the national formations. The difference in the national models is also thought play a role in the way the immigrants are incorporated into the social body. Brubaker thus suggests that in France there is an expansive, universal, assimilationist approach towards the immigrants, which means the inclusion of the newcomers by extending citizenship to them. As opposed to the French assimilationist approach that grants citizenship to the foreigners on the basis of territoriality (jus soli), Germany has a differentialist model of citizenship that grants citizenship only based on descent, excluding non-German immigrants (jus sanguinis).

The French intellectuals' frustration with Sarkozy derives mainly from their belief in this dichotomy; Sarkozy, for them, betrays the universalistic civic traits of French identity. However, the civic/cultural dichotomy and the belief in the universalistic character of French identity, so dear to French leftists, are highly problematic. As Derrida rightfully argues "the value of universality is always linked to the values of exemplarity that inscribes the universal in the proper of a singularity, of an idiom or a culture, whether

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[317] Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge, Mass: Harvard University Press, 1992).

this singularity be individual, social, national, state, federal, confederal, or not.[318] If we

consider Jules Michelet's words—the most cited French writer who is thought to

represent precisely the progressive, universalist, civic character of French nationalism—it

becomes clear how this singularity/universality dichotomy operates. Michelet states:

"France incarnates humanity in humanity's most specifically human aspects… France is

a universal fatherland."[319] There is no wonder then "France is destined to be the pilot ship

of humanity as it leads the modern world down the mysterious road of the future" and

"No doubt every great nation represents an idea important to the human race. But great

God! How much more true is this for France!"[320] As Tzvetan Todorov argues, the image

that Michelet seeks to give France belongs to the purest ethnocentric tradition, which

consists in attributing superlative qualifications to one's own group, without attempting

to justify them.[321] Furthermore, as I discussed in the first chapter, race, as a category, has

been central to the alleged universalistic civic French identity; French civilization was

conceived of as a product of a particular race.

 Furthermore, the assimilationist/differentialist opposition that Brubaker

suggests—which he derives from the civic/ethnic dichotomy—with regard to the

inclusion of the Other in the social body does not really represent the reality either. As I

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[318] Jacques Derrida, *The Other Heading: Reflections on Today's Europe*, First Edition edition
(Bloomington: Indiana University Press, 1992), 23.

[319] Michelet quoted in Tzvetan Todorov, *On human diversity: nationalism, racism, and exoticism in French
thought* (Harvard Univ. Press, 1994), 209.

[320] It may be surprising that Michelet positions this universalism against cosmopolitanism or humanism.
But it should not be once we understand how Michelet conceives universalism as first and foremost as a
French worldview. To describe the most harmful act one can accomplish, Michelet says "from being a
Frenchman he falls to the level of a cosmopolitan, of just any man, and from there to the level of a
mollusk" (Michelet, quoted in Todorov, ibid).

[321] Todorov, *On human diversity*, 217.

discussed in the first chapter of this dissertation, the *jus soli* principle was never applied in the colonies as such. Furthermore, the *jus soli* principle itself gained a cultural meaning by turning territoriality into the cultural, social environment one is raised in. The colonies were excluded on this basis; they were territorially French, but this was not enough to make the colonial subjects French citizens because they were not raised with the principles and values of French civilization. Moreover, even when the colonized subjects were eventually included in the political citizenship in the 1940's, they were not rendered French as such but instead as Français musulman, which clearly manifests the motivation to differentiate them.

I thus would like to think about what Sarkozy aimed at by promoting national identity in terms other than his betrayal of the alleged French universalism. Instead of trying to ascribe some original characteristics to the French model, I will examine what purpose the formation of French national community served with regard to legitimizing global political economic relations. As I discussed in the previous chapters expanding on Foucault's thought, a global governmental rationality emerged in the 17th century, which enabled Europe to construct the world as a field of intervention while establishing and governing itself as the center of this world. Complementing his analytics with the world system approach, I would like to argue here that the nation-form and the transformation of European subjects into citizens was a necessary element of this capitalist/colonial ordering of the world. This in turn will help me to examine the purposes the nation-form serves in the current conjuncture of neoliberal restructuring.

According to world-system theorists, the sovereign nation-state system, or the

nomos[322] that arose at the Treaty of Westphalia is the political superstructure of a

capitalist world-economy.[323] As Wallerstein explains, the capitalist system requires a

very special relationship between economic producers and the holders of political power.

If the latter are too strong, as in a world empire, their interests override those of economic

producers, and the endless accumulation of capital ceases to be a priority.[324] What is

required for profit maximization and hence what is ideal for the capitalists is the

formation of monopolies or quasi-monopolies and hence a strong state machinery that

would secure this for the capitalists by establishing patent systems, restrictions on

imports and exports, as well as subsidies and tax benefits. The capitalist world economy,

originating in the long 16th century[325] in Europe is marked by this *axial division* of labor

between core-like production processes (highly monopolized) and peripheral production

processes, which resulted in an unequal exchange[326] favoring those involved in in the

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[322] Schmitt and Ulmen, *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum.*
[323] Immanuel Wallerstein, *The Modern World-System: Capitalist Agriculture and the Origins of the European World-Economy in the 16th Century.* (Academic Press, 1974); Immanuel Wallerstein, *The Capitalist World-Economy* (Cambridge University Press, 1979); Samir Amin, *Accumulation on a World Scale* (New York; London: Monthly Review Press, 1974).
[324] Immanuel Wallerstein, *The Capitalist World-Economy* (Cambridge University Press, 1979); Immanuel Wallerstein, *The Modern World-System: Capitalist Agriculture and the Origins of the European World-Economy in the 16th Century.* (Academic Press, 1974); Political Economy places: Global filed: The MRP Classics Series with re Gunder Franktopics: History, Imperialism, "Dependent Accumulation and Underdevelopment," *Monthly Review*, accessed January 27, 2015, http://monthlyreview.org/books/pb4922/; Samir Amin, *Accumulation on a World Scale* (New York; London: Monthly Review Press, 1974).
[325] Braudel's notion of long 16th century refers to the years between 1450 and 1640, which are divided as the first 16th century (1450-1559) and second 16th century (1560-1640). Fernand Braudel, *The Perspective of the World: Civilization and Capitalism 15Th-18th Century, Vol. 3*, First Edition (University of California Press, 1992).
[326] This term was invented by Arghiri Emmanuel in the 1950's to refute the concept of Comparative advantage of David Ricardo. Emmanuel argued that when products that had low labor costs (peripheral products) were exchanged with products that had high labor costs (core-like products), there was an unequal exchange going from periphery to core, involving the transfer of surplus value (Wallerstein, 2004,

former. Although the terms core and periphery are relational concepts that have to do mainly with differential cost structures of production, it refers also to the countries where core-like or peripheral processes dominate. In that sense, this axial division of labor aslo engendered a spatial of division of labor.[327] The world-system that has dominated since the second 16th century is a "capitalist world-economy whose core states (Northwest Europe) were to be intertwined in a state of constant economic and military tension, competing for the privilege of exploiting (and weakening the state machineries of) peripheral areas (Eastern Europe and Spanish America), and permitting certain entities to play a specialized, intermediary role as semiperipheral (Christian Mediterranean area) powers."[328]

The capitalist world-economy required the nation-form as its political superstructure for two main reasons. As Balibar argues, in the history of capitalism, state forms other than the national have emerged and have for a time competed with it, before finally being repressed or instrumentalized. If the national bourgeoisies finally won out, this is because they needed to use the armed forces of the existing states externally and internally and because they had to subject the peasantry to the new economic order and

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98). See Emmanuel, Arghiri (1972) *Unequal Exchange: A Study of the Imperialism of the Trade.* New York: Monthly Review.
[327] As Wallerstein explains, world-economies had existed before in history- that is, vast arenas within which a sophisticated division of labor existed based on a network of trade, both long-distance and local. But wherever such a world-economy had evolved previously, sooner or later an imperium expanded to fill the geographical space of this economy, a single political structure such as Rome, Byzantium, China (1979, 37). It became obvious by the end of the first 16th century, symbolically marked by the treaty of Cateau-Cambresisi (1559) that it was no longer feasible for a single state to conquer the entire European world economy and to establish an empire within Europe. It had simply become too expensive and states had not developed to a point where they were able to extract sufficient revenue to pursue such a project. In the second 16th century, military conflict would revolve more around 'direct conquest' of periphery sources of wealth than around trade centers in the core (1979: 37, 1974: 196-197).
[328] Wallerstein, *The Modern World-System*, 196–197.

penetrate the countryside, turning it into a market of consumers of manufactured goods and reserves of "free" labor. Locally, this form provided the social cohesion for the sovereign states, so that class conflict could be subordinated by promoting "national sentiments" and the claims of the groups who see advantage in using the state's legal powers could be legitimized.[329] Externally and with regards to the operation of the world-economy the nation-form enabled the creation of state bourgeoisies—both capable of political, economic and cultural hegemony and produced by that hegemony—so that control of the capital circulating in the whole accumulation space could be exercised from the core countries of this interstate system.[330]

Balibar thus suggests that the nation-form is an outcome of this imperialist division of the world by European powers. But this is only half of the story since, according to Balibar, the nation-form and nation as a community, are two distinct realities. The former refers to a type of *social formation*, that is, a mode of combination of economic and ideological structures and a model for the articulation of the administrative and symbolic functions of the state. But it is the individual nations or nationalities which are communities unified by sentiments, collective memories, political ideologies, structures, the administration, economic interests and so on.[331] This national community does not exist in itself according to Balibar. It has no given ethnic basis but is produced as a "fictive ethnicity" to sustain and reproduce the nation-form.[332] Therefore, the fundamental problem for this bourgeois social formation is to produce the

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[329] Balibar and Wallerstein, *Race, Nation, Class*, 90.
[330] Ibid., 85.
[331] Balibar, *We, the People of Europe?*, 17–20.
[332] See Balibar (1991, 86-105)

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people as a national community so that the people become the origin of political power and the basis of national sovereignty. In this sense, the production of the national community subordinates even the reproduction of labor power. As Balibar argues, building on Althusser, family and school together constitute *one* dominant ideological apparatus in bourgeois societies, which produce mainly a national community.[333]

Central to national sovereignty, Balibar argues, is the equation of nationality and citizenship, which is warranted with article 3 of the Declarations of the Rights of Man and the Citizen of 1789: "The principle of all sovereignty resides essentially in the Nation: no body, no individual can exercise any authority that does not expressly emanate from it."[334] This equation associates the two significations of the word people, that is, *demos* and *ethnos*. As *ethnos*, the notion of people signifies an imagined community of membership and filiation with a common historic-cultural character, and as *demos*, it signifies the subject of representation, decision making, and and hence the egalitarian constituent power.[335]

The results of this two-sided construction of people are as follows. As to the ethnos, it is clear that the creation of a national community serves to the suppress class conflict under general national interest. But the creation of a national community also results in the subjective interiorization of the idea of the border –the way individuals

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[333] Balibar and Wallerstein, *Race, Nation, Class*, 102. To explain the production of national community, Balibar refers to Althusser's *Ideological State Apparatuses*. As well known, Althusser argues that the family and school build the main Ideological State Apparatuses, whereby the individuals are interpellated as subjects to fulfill their role in class society and thus to contribute to the reproduction of the capitalist relations of production. Louis Althusser, Etienne Balibar, and Jacques Bidet, *On The Reproduction Of Capitalism: Ideology And Ideological State Apparatuses*, trans. G. M. Goshgarian (London ; New York: Verso, 2014).
[334] Balibar, *We, the People of Europe?*, 150.
[335] Balibar, *We, the People of Europe?*

represent their place in the world to themselves is by tracing in their imaginations impenetrable borders between groups to which they belong or subjectively appropriating borders assigned to them.[336] This way, not only the "dangerous classes" become part of the body of the nation but also they become, as Balibar puts it, real or imaginary *masters* or, more exactly, *foremen* of imperialist domination.[337] And as to the association of ethnos with demos, this double construction links the democratic universality of human rights—including the right to education, the right to political expression and assembly, the right to security and at least relative social protections- with a particular national belonging.[338] This is why, the equation of nationality and citizenship inevitably leads to systems of exclusion: it established a divide between majorities and minorities and more profoundly still, between populations considered native and those considered foreign, heterogeneous, and who are thus racially or culturally stigmatized.

In what follows, I will examine what happens to the link between ethnos and demos under the dismantling of the welfare state. What does the national identification— becoming a part of ethnos and thus the "foremen of imperialist domination"—offer to French citizens at a time when social protections are crumbling? I am suggesting that the selective immigration politics and the production of the unwanted immigrant figure play a crucial role in redefining and negotiating the deal between the French state and its citizens.

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[336] Ibid., 158.
[337] Etienne Balibar, "Propositions on Citizenship," *Ethics* 98, no. 4 (July 1, 1988): 726.
[338] Balibar, *We, the People of Europe?*, 8.

Selective immigration politics: Performing "the right to choose good immigrants" and "expel" the unwanted

The selective immigration politics that provided the backbone of the Ministry of Immigration date back to two years before the establishment of the Ministry when Nicolas Sarkozy was still the Minister of Interior. On 9 June 2005, as the Minister of Interior and also the leader of the Union pour un Mouvement Populaire (UMP), Sarkozy gathered a convention in the National Assembly devoted to his project entitled "Selective Immigration, Successful Integration" (Une immigration choisi, une integration reussie)." Sarkozy explained the rationale of selective immigration politics as a shift to a positive approach that pertains to creating a dichotomy between economic versus other types of immigration including family reunification. According to the statistics Sarkozy cites, only 5% of the immigrants who come to France come for economic purposes. The rest of the immigrants are mostly those who come through family reunification schemes, without being selected (immigration subie) by the French Government. The objective of Sarkozy's selective immigration is thus to increase the rate of economic immigrants as in countries such as Great Britain, Canada and Switzerland that he cites as models in this regard.

Notably, Sarkozy does not present the selective immigration only as rational and efficient but also as a perfectly just move. As he states, "the government and the parliament should have *the right to decide* on the number of immigrants, category by category, that would be allowed every year to establish themselves in French territory."[339] This theme of sovereignty and the right to choose came up at several times and was

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[339] Ibid.

articulated not only by Sarkozy but also the Minister Hortefeux. After passing the 2006

immigration law for example, which basically translated the road map outlined in the

convention of 2005 into a legal code, "selective immigration", Sarkozy stated, "...is the

expression of France's *sovereignty*. It is the right of our country, like all the great

democracies of the world, to *choose* which foreigners it allows to reside on our

territory."[340]In a similar vein, Hortefeux stated: "First of all, France has the right to

choose … who it wants and who it can accept within its borders."[341]

It should also be noted that Sarkozy delineates as the main priority of selective

immigration politics the quantitative management of migratory flows, which as he puts it,

is an "imperative condition to restore a positive vision of immigration and enable the

integration of the immigrants."[342]Expulsion quotas—deciding on the number of the

people to be expelled—and successfully reaching these numeric objectives are central to

the selective immigration politics. As Sarkozy proudly stated, between 2002 and 2004,

the expulsions were increased by 72% and for the year of 2005. His wish was another

50% increase in the numbers of expulsions. So, selective immigration is not only about

the right to choose the good immigrants, but also and more importantly the right to expel

the unwanted.

Selective immigration politics was Sarkozy's presidential project of immigration

and thus remained a main pillar of his presidential campaign. According to some

commentators, by inventing the notion of selective immigration, Sarkozy would on the

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[340] "France's New Law: Control Immigration Flows, Court the Highly Skilled," *The Migration Information Source*,http://www.migrationinformation.org/feature/display.cfm? ID=486.
[341] *Le Figaro*, 7 December 2010.
[342] "Discours Nicolas Sarkozy - Discours_nicolas_sarkozy_3.pdf," accessed April 23, 2013,http://www.ump.org/sites/default/files/fichiers_joints/dates_cles/discours_nicolas_sarkozy_3.pdf.

one hand put a distance between his politics and the zero immigration attitude of the

National Front, which he apparently opposes and on the other hand, present his approach

as a more viable alternative than the "free circulation" politics he associated with the

laxity of the Socialist Party.[343]According to sociologist Eric Fassin, what is at stake with

selective immigration politics is the invention of immigration subie. Because the number

of the irregular immigrants (*sans-papier)* was not enough to constitute immigration as a

major problem, Sarkozy had to reinvent the immigration problem, extending it over to the

principle source of it, namely, family reunification. Only this way, Fassin suggests, could

Sarkozy draw wider public attention.[344]

I concur with that Sarkozy's selective immigration politics was about

problematizing immigration in novel and peculiar ways that would make him a viable

president. As Fassin suggests, reinventing the immigration problem through family

reunification and thus targeting a bigger population was central to Sarkozy's project. For,

when we look at what is really done to put selective immigration politics into practice, we

see clearly that the actual selection of the good immigrants was not really the priority of

Sarkozy government. The immigration law of 24 July 2006, also known as Sarkozy Law

2, created "the competence and talent card" that would be issued to those who could

contribute in a significant and durable way to economic development or to the

intellectual, scientific, cultural, humanitarian or athletic excellence of both France and

their own annually on the entry permit quotas for each country, which are signed off on

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[343] *Cette France-là - Relié - Collectif - Livre*, 3.
[344] Eric Fassin, "L'invention de 'L'immigraion Subie',"
http://ecolloque.fondationmemoirealbertcohen.org/index.php?page=immigration#1.

also in the bilateral agreements with the relevant countries. Accordingly, 150 permits per year were included in the agreements with Mali, Congo-Brazzaville and Burkina Fasso. For Tunisia, the planned quota was 1500 and for Gabon and Senegal there were no quotas at all. It should be noted that these numbers were maximums and France didn't have any obligation to reach them. The real numbers are remarkable and they do not really reflect any motivation or success in increasing the rate work-related immigrants in a way to increase the rate of work related immigration from 5% to 50 %: Far from the set quotas, in the first half of 2008 only 44 permits were issued whilst the target was 2000.[345] So, the creation of *immigration subie* seemsto to be the main goal of the selective immigration politics more than actually selecting the economic immigrants.

However, I suggest that the problematization of family reunification had broader implications beyond drawing wider public attention to the immigration problem. As I stated above, the claim of sovereignty and the numeric management of immigration that plays out as expulsion euphoria were key to Sarkozy's discourse of selective immigration. We should understand how the problematization and management of family reunification in new ways responded to these needs and served Sarkozy's claim to sovereignty.

The first step in the constitution of family reunification as an immigration problem was the accent put on the "abuse" (détournement) of the mechanisms of the civil code for migratory purposes and the association of family reunification with fraud. In the 2005 convention, Sarkozy made the connection between fraud and family reunification

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[345] La Cimade. French Agreements Concerning the Concerted Management of Migration Flows and Codevelopment. Briefing Paper. May 2009

explicit by suggesting, "family reunification takes today a very important place in the equilibrium of migratory flows and is the root of numerous frauds (white or forced marriages, fraud against the state etc.)"[346] Besides the prevention of fraud, the invention of "immigration subie" entails also submitting what was once recognized as a right to certain conditions and limitations. This quote from Sarkozy captures the new rationale: "although family reunification is a right, it should … guarantee that those who want to establish themselves in France have the motivation and real chance of integration."[347]An important turning point in this matter is the disappearance of the "right" to 10 years residency for the spouses of French nationals.

What emerged as a result of various laws and regulations beginning in 2006 was ultimately the recoding of family reunification not as a recognized right but as an instrument of immigration control, and thus as a practice subject to surveillance and bureaucratic control. At every step, beginning from the validation of marriages to applications for a long-term visa, to the evaluation of criteria for family reunification— accommodation and income but especially republican integration—the immigrant depends absolutely on the representative of French administration incuding the prefect, social workers and the administrative officers. The diminution of the rights of the foreigner who wants to settle down in France is coupled with the proliferation of moments of encounter with the French administration, prefecture, social worker, and functionaries etc., who have the sole power of discretion. Several studies show that the

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[346] "Discours Nicolas Sarkozy - discours_nicolas_sarkozy_3.pdf," accessed April 23, 201 3http://www.u-m-p.org/sites/default/files/fichiers_joints/dates_cles/discours_nicolas_sarkozy_3.pdf.
[347] Ibid.

discretionary power of the administration is used to meet the expulsion objectives established by Sarkozy.[348]

In an attempt to theorize sovereignty as a process and as the effects of practices that are performatively enacted, Cynthia Weber applies Judith Butler's notion of performativity to the realm of sovereignty. According to Weber, like sex and gender, states and sovereignty are also in the realm of discourse and culture rather than having an essential character. A performative understanding of state sovereignty therefore implies examining the sovereign *practices* that confer sovereign status onto states instead of reifying and naturalizing states and sovereignty.[349] I suggest that the selective immigration politics—deciding on the number of immigrants to be expelled and successfully expelling them—is performative sovereignty par excellence.

Weber argues that performances of sovereignty proliferate at the very moments when states traumatically confront the impossibility of being sovereign.[350] In the case of France at the time, the impossibility of "being" sovereign had to do with what Wendy Brown calls the waning of nation-state sovereignty under neoliberalism, that is, the displacement of legal and political principles by market criteria and the demotion of the political sovereign to a managerial role.[351] Situating the emergence of the selective immigration politics within the context of wider neoliberal transformation and a moment of crisis in France, I will suggest that the selective immigration politics—the *right to*

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[348] Spire, *Accueillir ou reconduire*.
[349] Cynthia Weber, "Performative States," *Millennium - Journal of International Studies* 27, no. 1 (March 1, 1998): 92.
[350] Ibid., 93.
[351] Wendy Brown, *Walled States, Waning Sovereignty* (Zone, 2010), 23.

decide on who to let in and whom to keep out or expel—operates as performative

enactments of sovereignty at a time when French state has to persist as a non-sovereign

actor in the face of neoliberal rationale's triumph.

French "Non" to European constitution

It is not incidental that the 2005 convention where Sarkozy declared the shift to

"selective immigration" took place ten days after the referendum, which was held to

decide whether France should ratify the proposed constitution of the European Union.

The results were striking: 55% of the voters rejected the treaty in the referendum where

the turnout rate was 69%. The conventional explanation suggests that the French "non"

is caused by disappointment with the governing elite including President Chirac and

Prime Minister Jean-Pierre Raffarin as well as the concerns regarding the start of

accession negotiations with Turkey.

These factors might have also played an important role, but as Gilles Ivaldi puts it

"the most significant element in the rejection of the European Constitution was the

retrospective performance evaluation vote on the EU model of social and economic

governance."[352]According to both exist polls and post-referendum Eurobarometer data,

one reason for opposition to the constitution was domestic social and economic concerns,

particularly relating to unemployment which were shared by supporters of the far right

and far left, *souverainistes* conservatives and center-left opponents. Furthermore, the

results showed that dissatisfaction with domestic socioeconomic issues was closely

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[352] Ivaldi, Gilles. "Beyond France's 2005 Referendum on the European Constitutional Treaty: Second Order Model, Anti-Establishment Attitudes and the End of the Alternative European Utopia." *West European Politics* -29, no. 1 (2006): 47–69

related with the perception of the EU—as the Trojan horse bringing in the forces of globalization, destroying French public services, and undermining the welfare state.[353] So, it was thanks to the leftist campaign—supported by moderate figures such as Laurent Fabius, radical popular actors such as José Bové and the non-governmental organization ATTAC—that the "No" campaign was successful. As Jacques Nikonoff from Association for the Taxation of Financial Transactions for the Aid of Citizens (ATTAC) suggested in the non-campaign: "For ATTAC the upcoming referendum is of historic significance. It offers the possibility to say no to a neo-liberal politics which has mistreated society for more than 20 years…The "non" victory represents an immense chance, not to be missed, to reconstruct Europe from a new foundation."[354]

It was against this background that Sarkozy launched his selective immigration politics. He devoted the second half of his speech at the convention to the evaluation of these results. It has to be understood, he argued, why French people would say "no" to the project of a political union, which would correspond to the vision of "France of Europe". Formulating the problem as such, he put forth the following reasoning:

"This result is the expression of a crisis of mistrust: mistrust of the capacity of Europe to draw the best of globalization while guaranteeing protection against unemployment, displacements, "immigration subie", and terrorism: mistrust of the capacity of France to take its place in the European competition."[355]

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[353] Owen Parker, "Challenging 'New Constitutionalism' in the EU: French Resistance, 'Social Europe' and 'Soft' Governance," *New Political Economy* 13, no. 4 (2008): 397–417.
[354] Quoted in Ibid.
[355] "Discours Nicolas Sarkozy - discours_nicolas_sarkozy_3.pdf."

As this quote suggests, it is clear that Sarkozy is well aware why French people

voted "no" in the referendum. He recognizes the French people's disapproval of

neoliberal globalization and addresses their expectations of protectionist steps from the

state. However, playing the very managerial role delegated to him, he makes it clear that

any protectionist step is out of the question. With respect to the expectations towards

unemployment, Sarkozy even suggested "France does not suffer from a deficit of

employment but rather from an insufficiency of a collective effort to work." He made it

obvious that employment is no more a social problem but is the problem of the individual

who should embrace a more entrepreneurial attitude and simply work more. Offering a

neoliberal work ethic to French people, Sarkozy presents as a *solution,* "reforming the

public employment service in a way to permit those who want to work more to gain

more, to do so."[356]

Importantly, Sarkozy does not only delegate the responsibility of acting upon the

unemployment problem to the individuals. He further presents the problem facing

French society not as employment, but as *immigration subie.* Wendy Brown discusses in

her *Walled States Waning Sovereignty* what the states do when they can no more serve

the welfare state responsibilities and provide public services. As the title of her book also

suggests, at a time when the states lose their sovereign power, they raise walls—take for

example dividing Texas from Mexico, or Ceuta and Malila from Spain— to project a

stark image.[357] In line with what Brown suggests, I suggest that the selective immigration

politics—construction of the *immigration subie* as the main problem French society faces

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[356] Ibid.

[357] Brown, *Walled States, Waning Sovereignty*.

and the declaration of the fight against it—serves the purpose of compensating the waning sovereignty of the French state by expelling record numbers of people.

By creating immigration subie, Sarkozy displaces the problems of French society that derive from the shrinking of the welfare state onto this new construct. However, this newly constructed enemy is not articulated only as a threat to the state in Sarkozy's discourse.   That is to say, Sarkozy did not problematize *immigration subie* as a burden to the French state alone, which would imply the possibility of state protection if only *immigration subie* could be removed. The *genius* of Sarkozy lies in a second displacement, which reinvents the problem of the crumbling welfare state as an anxiety around national identity. Thus, the construction of *immigration subie* does not only help Sarkozy to enact performances of sovereignty qua expulsion. It also allows for a presentation of the French nation, values and identity as threatened by *immigration subie.* And this is why Sarkozy's presidential project of immigration that was embodied in the creation of the Ministry of Immigration, Integration, National Identity and Codevelopment was grounded in the link between immigration and national identity. Focusing on the national identity debate, below I will discuss how Sarkozy tried to engage the French citizens in this performance.

The national identity debate in France

France's identity crisis and the remedies to overcome it were thus major themes in Sarkozy's presidential campaign. He once stated explicitly: "France goes through an identity crisis," which he blamed on French people's abondenment of their culture."[358]

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[358] *Nouvel Observateur*, 15 march 2007.

He offered as a solution "to build confidence in and to return to the values, which unite the populations." Foregrounding the Christian aspects of French identity, he invoked in this regard "France of the cathedrals, crusades, human rights and Revolution." Among the promises were for example to build a museum of French history that would provide a coherent account of the *nation's great moments* and *great heroes*. Sarkozy could not realize this promise as the leftists and academics vetoed it. However, although he encountered similar reactions, the critiques did not stop him from creating the Ministry of Immigration, Integration, National Identity and Codevelopment with the objective of promoting national identity and linking it with immigration.

The national identity debate launched by the Ministry of Immigration in 2009 is the high point of the attempts to problematize *immigration subie* as a threat to national identity and thus shift the anxiety from the crumbling welfare state onto the nation. In the relevant circular published to kick start the debate, Minister Eric Besson presented the problem as follows: "At a time of a new level of European integration and when economic and financial crisis shows how globalization has rendered the futures of the nations more interdependent, this debate has as its objective to associate all French citizens to reflect on what it means to be French at the beginning of 21st century."[359] By positing the objective as reflecting on what it means being French today, Besson already the answer Furthermore, as stated by Besson, the debate was thought to help to foster the actions that would *consolidate the French national identity* and reaffirm its *republican*

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[359] "Circulaire IMIK0900089C Du 2 Novembre 2009 Relative à L'organisation Du Grand Débat Sur L'identité Nationale - Cir_29805.pdf," http://circulaire.legifrance.gouv.fr/pdf/2009/11/cir_29805.pdf.

values and the *pride of being French*.[360] He drew the contours of the debate by positing it as "a response to increasing communitarianism in France, to which the Burqa affair is of one of the illustrations."[361]

With this rationale, the Ministry of Immigration developed a guide to facilitate the debate, which was to be conducted in the form of community conferences, town hall meetings, and individual contributions, all of which would be posted on a website launched by the ministry. Published as an appendix to the circular, the guide was developed in two main sections. The first section was comprised of "questions" and possible "answers" that were listed under the main question of "What does it mean to be French today, according to you?" The second section was headed "the initial proposed actions subject to debate" and "proposed actions" were listed that were supposed to be discussed by the public.

The first question in the first section asks "why do we feel closer to other French people although we do not know them?" There is no possible answer listed under this "question", probably because it is thought rather as a presumptive statement than a question. The following question, "what are the elements of national identity?" was to be answered with possible answers such as "our universalism, our art of living, our wine, our churches and cathedrals." To the question of "what are the values of national identity?" the ministry proposed possible answers such as "human rights, democracy, liberty, laïcité, equality between men and women etc." All in all, the national identity

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[360] Ibid.
[361] Ibid.

debate invoked the long established cultural differences between the civilized/European French and the backward/Islamic Other.

As Benedict Anderson[362] argues, identification with an imagined community and the we/other distinction is at the core of national identification. Balibar suggests in a similar fashion that national identification pertains to subjective interiorization of the idea of border –the way individuals represent their place in the world to themselves by tracing in their imaginations impenetrable borders between groups to which they belong or subjectively appropriating borders assigned to them.[363] Zizek draws attention to the dynamics of ambivalence and anxiety that accompanies national identification . The Nation is on the one hand our thing, something accessible only to us, as something "they", "the others" cannot grasp. Yet at the same time it is something constantly threatened by "them." Zizek further argues that what sustains national identification is the belief that all members of the community *believe* in the Nation. National identification exists as long as the members of the community believe in it; it is the effect of this belief.[364]

The way French values are defined by Sarkozy, the way the debate was presented, and the way the questionnaire was formulated resonates greatly with the dynamics of national identification I described above. The message that the ministry wants to convey is pretty clear: There is a French way of life which is under threat from the Islamic, African, uncivilized, unassimilable immigrant whose presence endangers French

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[362] Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism, New Edition*, Revised (Verso, 2006).
[363] Balibar, *We, the People of Europe?*, 8, 158.
[364] Slavoj Zizek, *Tarrying with the Negative: Kant, hegel, and the Critique of Ideology*, Durham: Duke University Press, 1993.

universalistic and civic identity with its religious communitarianism and lack of laïcité and equality between men and women, all of which is supposedly non-existent in the Other's culture. I suggest that by launching the national identity debate, the Ministry of Immigration invited the French people to endorse a *collective belief* in the French Nation by organizing their anxiety around the loss of the sacred Frenchness. But the French government's interests were obviously not limited to organizing French subjects' enjoyment through national identification. There is more to it.

As Balibar suggests, the modern nation form is grounded in the association of *ethnos* with *demos*, so that the democratic universality of human rights –including the right to education, the right to political expression and assembly, the right to security and at least relative social protections- is linked with particular national belonging.[365] In other words, national belonging (ethnos) is meaningful insofar as it guarantees certain social rights and protections (demos). The question under neoliberalism is ultimately how to sustain the *ethnos/demos* link when *ethnos* is promoted in the absence the accompanying rights. What happens to *demos*—the political community with citizenship rights—when the right to security and social protection is crumbling? What is the field that remains for the *demos* to act on as a sovereign subject?

As I discussed above, it is in the midst of economic depression, the waning of the welfare state and the downsizing of the public sector and social security system that Sarkozy constructed *immigration subie* as a threat to the French nation. In this way, Sarkozy displaced the problem from the lack of welfare state onto the nation and thus

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[365] Ibid,158.

draw the French citizens into his performative sovereignty of selective immigration

politics that targets *immigration subie*. The promotion of national identity, culture and

values and a sense anxiety around these is necessary to reproduce the French nation s

ethnos, however the construction of immigration subie should address the French citizens

as well.

I suggest that with the claim of the link between national identity and immigration

Sarkozy attempts to speak to the *demos* as well. The second part of the questionnaire

used in the national identity debate deserves attention in this regard. The ministry of

Immigration asks French citizens the following questions regarding how to treat the

immigrants: Why should we integrate the immigrants? Should we impose knowledge of

French language to enter our Republic? Should we impose the knowledge of our values

of our *Republique* to enter our national community? What should be the contract

between the immigrant and the French state? Should we extend the right to vote in

regional elections to the members of third country nationals?

As a result, I suggest that Sarkozy does not only speak to the *ethnos* and endorse a

national identification with the promotion of national identity and French culture and

values etc. He also attempts to address the *demos* and demands their decisions by

offering them a site for intervention. With the link between national identity and

immigration, and the reinvention of the immigration problem, Sarkozy attempts to

address French citizens also as a political community, yet one operating on a political

field reduced to his construct of the *immigration subie* problem. Whether the French

citizens would accept this invitation to "perform" sovereignty by acting on and deciding

on the modalities of integration or insist on their citizenship rights and demand being part of political economic decision-making processes is a matter of debate.

The role of states under neoliberalism is to play the managerial role of creating the most competitive and market-friendly conditions. With their sovereignty on the wane as a result of neoliberal transformation, nation-states have to draw increasingly on performative practices of sovereignty. Reinventing the immigration problem through selective immigration politics provided a great opportunity to enact sovereign practices for then-president Sarkozy in France at a time when the disapproval of neoliberalization erupted in the referendum on the ratification of the EU constitution. The construction of *immigration subie* and the numeric management principle allowed the French government to create a problem that it can actually "solve." Presented as the burden to French society, its removal in the form of record number of expulsions became the most desired practices of sovereignty. This way Sarkozy could compensate its waning sovereignty and project a stark image.

Sarkozy's immigration politics also aimed to draw French citizens into this performance and displace their anxiety from the crumbling of the welfare state onto the construct of *immigration subie*. At a time when French citizens' disapproval of neoliberal transformation became obvious, the French state offered to them as a relief to love their nation and to be proud of being French against the threat of unwanted immigrants. This emphasis on nation is an uncanny reminder of the familiar French "let them eat cake" dictum. Do you want state? You have your "Nation". For those who want more and insist on their rights, the field of performing citizenship is immigration politics as well.

CONCLUSION

In this dissertation, taking Sarkozy's Ministry of Immigration and National

Identity as a springboard, I examined how immigration is produced as a political problem

in Europe and what political economic purposes this serves in relation to the wider

processes of Europe's neoliberal restructuring, France's relations with the former

colonies in Africa, and the French state's relations with its citizens. That is, unlike the

mainstream approaches, I did not start off by ascribing a stable meaning and reality to

immigration that precedes, as it were, the current power relations which shape and inform

how immigration is defined as a problem. I suggested instead that what I refer to as the

immigration dispositif—the development of the African countries, the integration of the

immigrants as well as the production of the racial/national identities—is a product of the

long-established global governmental rationality and thus operates as a tool to order and

manage the uneven and hierarchical world economic and subject relations this time in

line with the neoliberal rationale.

In order to provide a better understanding of how the immigration problem serves

today to enact a global governmental rationality, I began with a genealogical examination

of the birth of the immigration problem in France. Starting off with the colonization of

Algeria, I examined various mechanisms and discourses deployed to govern the colonial

spaces and subjects in the course of decades. I discussed the ways in which these

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mechanisms were tweaked and adjusted to the changing rationale and political economic

contexts: the transfer of the colonial subjects and mechanisms to the metropole during the

WWI, the shift from the civilizing mission to colonial developmentalism/integration

nexus in the 1940's etc. As I suggested, the initial formulation of the immigration

problem in the 1960's was a response to decolonization and an attempt to manage the

former colonized subjects in the metropole in the absence of formal colonial relations.

As such, immigration was born as a socio-political problem, rooted in the colonial truth

regimes, which suggests an incompatibility between Islamic and French/European

civilizations, as well as the subsequent mechanisms of welfare and surveillance deployed

to integrate the immigrants.

Following the genealogical analysis of the birth of the immigration problem, I

moved on to the examination of the current operation of the immigration dispositif, which

as I argued, is characterized by the adjustment of the development and integration

mechanisms to the reigning neoliberal rationale. In the second chapter, expanding

Foucault's understanding of modern governmentality to a global scale and using

"Eurafrica"—an old concept resurrected by Sarkozy to refer to a model of win-win

globalization to be achieved by a joint immigration policy—as an analytic lens, I

examined the twofold process in which the immigration problem serves Europe to govern

itself in tandem with governing Africa. By examining the articulation between the

epistemes of development and management of migration, I drew attention to the changing

meanings and operations of developmental mechanisms. As I suggested, the immigration

dispositif today defines the African countries mainly as immigrant sending countries and

intervenes in them in the name of developing their capacity to manage the migratory flows. In line with the neoliberal rationale, developing the capacity to fight against illegal immigration and manage the migratory flows are now the responsibilities delegated to the African countries. Combining this with the Gramscian analysis of the neoliberal restructuring of Europe, I suggested that the Europeanization of the immigration problem actually embeds the interests of the giants of the security industry within Europe's constitutive texts on immigration politics, which in turn renders not only the African but also the European states the consumers of border security and information technologies. In this way, I see my analysis as greatly contributing to Foucauldian studies by excavating a concern with global rationality in his thought. Furthermore, it also adds to our understanding of the neoliberal restructuring of Europe by suggesting that the immigration dispositif operates as a facilitator for embedding the market logic in its constitutive texts defining Europe as an Area of Freedom, Security and Justice.

In the last two chapters, I examined the implications of this neoliberal restructuring of Europe and the immigration dispositif for the immigrants and the French citizens. Under the new conditions and the crumbling of the welfare state, the responsibility of integration is delegated to the immigrants, which in its turn raises issues like the criminalization of the "lack" of integration and ensuing expulsions and detentions. I discussed these dire consequences from the perspective of a neoliberal penal economy at the global scale. Following up on the second chapter, I suggested in the third chapter that the increasing law enforcement in the form of stricter regulations and production of illegality actually create the conditions of possibilities to engage the

former colonial countries into the new economic game, the center of which is again Europe. The production of the unwanted immigrant and the promotion of national identitiy are fundamental for the states to perform sovereignty. In the last chapter, I discussed how the French state attempted to engage the French citizens in the performance of sovereignty at a time when the social benefits that come with the citizenship are disappearing.

The main problem today in Europe is that the EU operates by constitutionalizing neoliberal principles, effectively bypassing the democratic decision-making processes. In this dissertation, I showed that this is not only the case for the well-known and oft criticized monetary policies, on which the European Central Bank has sole discretion. The Europeanization of the immigration problem serves a similar purpose; it hides the economic interests that shape it and the dirty deals between industry and the European Commission. The *demos* is called for only after the fact and only to take part in a game the rules of which are set in advance by neoliberal orthodoxy.

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