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**THE NATION-STATE IN AN ERA OF REGIONALISM AND
GLOBALIZATION: A COMPARATIVE STUDY OF THE POLITICS OF
MIGRATION IN THE UNITED STATES AND FRANCE**

by

YASMEEN ABU-LABAN

**A thesis submitted to the Faculty of Graduate Studies and Research
in partial fulfillment of
the requirements for the degree of
Doctor of Philosophy**

Department of Political Science

**Carleton University
Ottawa, Ontario
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**THE NATION-STATE IN AN ERA OF REGIONALISM AND GLOBALIZATION:
A COMPARATIVE STUDY OF THE POLITICS OF MIGRATION IN THE
UNITED STATES AND FRANCE**

submitted by

Yasmeen M. Abu-Laban, B A. (Hons.), M.A.

in partial fulfilment of the requirements
for the degree of Doctor of Philosophy

Chair, Department of Political Science

Thesis Supervisor

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ABSTRACT

This dissertation, based on primary and secondary sources, comparatively examines the politics of migration in the United States and France in the context of regionalism and globalization. The study targets a specific group in each country (Algerians in France and Mexicans in the United States) that currently serves as emblematic of the highly politicized "immigration problem" in each locale. These emblematic groups serve as the foci for much immigration related policy discourse and political maneuvering.

It is argued that in combination, regionalism, globalization, human migration and citizenship rights offer an opportunity to examine boundaries of inclusion and exclusion, and the ability of modern liberal democracies to deal with difference. Hence, the problematic driving this work is what discourses concerning immigration characterize the boundaries of inclusion and exclusion within and between three distinct types of communities: the *political community* based on citizenship; the *national community* of the nation-state; and the *regional community* at the level of continental trade arrangements? What are the consequences of these discourses for minoritized immigrants? What can this tell us about the nation-state in an era of globalization?

The findings suggest that the United States and France are characterized by unique discourses but similar exclusions. These exclusions are linked to how cultural and racial criteria have been critical in etching out the boundaries of participation, rights and belonging in each nation-state. There is here a basic tension between the inclusionary principles of citizenship and rights and the exclusions characterizing nations. Furthermore, in liberal

democracies, valuing difference may be dependent on discourses that value immigration, as opposed to immigration control.

Additionally, it is argued that the exclusionary components of nationhood and citizenship are poignantly highlighted in an era of regionalism and globalization and this reveals the extent to which migration is central in the confrontation between the nation-state and globalization.

The study concludes that within the processes of globalization are the seeds for possible change. Within the context of contemporary migration, given the blurring of distinctions between domestic and foreign, there are opportunities for alliances, and re-definitions of belonging and rights.

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CHAPTER ONE

THE POLITICS OF MIGRATION FROM A THEORETICAL AND COMPARATIVE PERSPECTIVE

Whether it's racist fantasy or realistic concern, it's a question that won't go away: as population and misery increase, will the wretched of the earth overwhelm the Western paradise? ¹

INTRODUCTION

The specter of the "immigration nightmare" that haunts some sectors of the industrialized West is graphically portrayed on a 1994 Atlantic Monthly magazine cover.² The symbolism is quintessentially American, yet metaphorically global. A corpulent, middle-aged, white male, accompanied by the family dog, tends a barbecue on the patio of a suburban home. Surrounding Mr. Every(Western)man is a neatly manicured lawn with a white picket fence. On the man's bibbed apron there is a stylized heart logo proclaiming "Home Sweet Home." Meat, sufficient to feed a family, sizzles on the grill. Man and dog appear in tranquil isolation until the viewer's gaze extends beyond the picket fence. Abruptly, unexpectedly, a mass of dark-eyed, darker-hued faces, some turbaned, some with fezzes and hijabs, some hatless, is seen pressing against the fence, coveting the benefits within. Suddenly, the home seems vulnerable to shadowy threats from without. The picketed border fails to protect.

At a larger level, the icon of the white picket fence offers up the imagery of a protective boundary between Western advanced capitalist countries on the one hand, and migrating Third World "masses" on the other. While controls over migration and settlement do not stem uniquely from Western industrialized countries,³ the creation, maintenance and justification of such controls in the West is of immense political significance. This dissertation examines the types of boundaries, created by political and social actors, structural processes and policies, that impinge on migration and secure settlement within two Western industrialized countries: the United States and France. These are not boundaries of wood such as the white picket fence, but of borders and laws, of culture, and of agreements that privilege some members of some states over others.

Contrary to the image of migration flowing simply from the developing to the developed world, the movement of peoples across national boundaries at this fin de siècle is increasingly complex and dynamic, because this is an era like no other. Modern transportation has accelerated the mobility of populations, at the same time as improved telecommunication has vastly enhanced the accessibility of information about and between distant lands and labour markets. Humans criss-cross the globe streaming south and north, east and west, as well as from developing to more developed countries. Some are forcibly dislodged and seek refuge and security; some seek opportunity and economic advantage; some even seek belonging. However, modern sojourners confront nation-states in a world undergoing re-definition. Technological advances, as well as the fortitude, expansion, and shifting organization of capitalism have linked the world more closely. These developments have encouraged (some say forced) many states to move towards economic integration into larger and more complex regional units— as witnessed in

recent developments in the European Union, and trade agreements in North America— as well as global economic integration through the expanding range of countries actively participating in multilateral negotiations through the newly formed World Trade Organization (WTO). Yet, these trends toward integration are accompanied by processes of differentiation and fragmentation, as well as the marginalization of excluded groups. In this context, migration from the developing to developed countries takes on a special significance.

While global migration and its consequences is a topic which merits attention of its own, in this study, the policies of the United States and France concerning immigration are examined in the context of economic globalization because of what these policies reveal about the evolution of the nation-state. In particular, as this comparative study will highlight, policies concerning immigration are revealing of implicit assumptions about citizenship and national belonging in the states concerned.

BACKGROUND OF THEORY AND RESEARCH

Paul Kennedy's work, Preparing for the Twenty-First Century, implies that migration is an upcoming issue of relevance for Northern countries,⁴ but migration has actually been a defining feature of all advanced capitalist countries since the end of the Second World War. Specifically, the use of immigration to meet labour market needs has ensured that not only the "traditional" immigrant receiving settler colonies of North America (Canada and the United States) but also countries of Western Europe (such as Switzerland, Sweden, the Netherlands, Belgium, Germany, Britain and France)

became receiving countries -- with immigrants often coming from countries of the developing world.

Migration does not simply follow a unidirectional pattern from countries of the South to the North. For example there is considerable South-South migration,⁵ and in fact most refugees are concentrated in countries of the Third World.⁶ However, countries of the North warrant special attention for two reasons. First, there are long-standing, but what seem to be growing, migration pressures on countries of the North. The number of official refugees estimated in 1990 at sixteen million was *double* that of 1980.⁷ Beyond what is often portrayed as an episodic "refugee problem," global migration pressures from South to North more broadly appear to be accelerating as part of a long-term trend.⁸ In addition, there are new (post-Cold War) migratory pressures from countries of the former Soviet Union and Eastern Europe specifically on Western Europe.⁹ In fact, due to the combination of these older and newer pressures, migration itself has been referred to by the United Nations Undersecretary for Humanitarian Affairs as a "structural problem,"¹⁰ denoting its systemic significance.

Secondly, the focus on advanced capitalist countries is important because the decade of the 1980s was characterized by the politicization of immigration as an issue to an extent exceeding any other period in the post-war era. On the one hand, as a result of immigration since World War Two, Western states are increasingly multiethnic, multicultural and multiracial, and these features have vividly brought out the inherent tension between two sides of liberalism. As Charles Taylor notes, the politics of liberal democratic states are more and more characterized by debates over whether equality is best guaranteed by principles of universalism and "difference blindness" or whether true equality requires special recognition and a valuing of

"difference."¹¹ On the other hand, these current debates over seemingly irreconcilable strands of liberalism are taking place in a context where immigration has itself been a key issue identified and opposed by nationalist and xenophobic movements, particularly in countries of Western Europe. In many instances, even mainstream political parties and politicians have joined this trend. Although, significantly, the question of *who* is seen to be of a different "nationality," "culture" or "race" takes on considerable cross-national variation,¹² survey data for all countries of the European Community in 1989 indicated that more than one in three Europeans felt there were "too many" people of a different nationality residing in their country.¹³ Similarly, in Canada and in the United States, immigration emerged through the course of the 1980s and 1990s as a "problem" that needed to be much more rigorously "controlled," with Canada introducing legislation aimed at deterring so-called "bogus refugees," and the United States directing its public policy initiatives toward restricting "illegal immigrants" from Mexico.¹⁴

In light of such immigration policy trends in Europe and North America, one author suggests that there is a war being waged wherein "countries of Europe and North America are the aggressors, immigration control is the weapon and black people are the victims."¹⁵ Nonetheless, over and against this "universalizing" image of the contemporary responses of Western countries to immigration there is the commonly held assertion that settler colonies (such as Canada and the United States) are much more ideologically pre-disposed towards accepting immigrants from a variety of countries because immigration directly affected these countries during "nation-building" phases.¹⁶ The contrast between these seemingly conflicting blanket characterizations suggest the need for *precise*

comparative analyses of the contemporary European and North American experiences.

The Need for Comparative and Theoretical Research

Because the goal of comparative research is to describe and explain similarities and differences across time and space, migration — the movement of peoples from one country to another — is inherently suitable for consideration. This is because those variously labeled — by politicians, bureaucracies, international agencies and publics — as "aliens," "immigrants," "migrants," "guest workers," "refugees," "foreigners" and so on do at least share in common the act of having migrated from one state to another.¹⁷ Yet, the sheer variety of these terms indicates that along with the reasons for leaving, the ability to enter and stay in a new state, and treatment in a new state are subject to variation.

While migration is a compelling subject for comparative analysis, to date, comparative research in this area has tended to be rather limited in scope. In a review of migration studies on Western Europe, Bovenkerk et.al. make the point that the majority of works have focused on single country case studies despite the fact that the involvement of international organizations— and indeed the growing unification of Europe— point to the need to explore migration from a broader comparative perspective.¹⁸ Of the existing literature they aver:

With few exceptions, theoretical perspectives have not been developed and, consequently, grounded and viable research agendas are largely absent. The limited scientific relevance of much of the comparative work so far is perhaps best demonstrated by an absence of theoretical writing on a more abstract level in contrast with writing on the migration process itself or on the empirical description of various forms of prejudice and racism.

Many products of national research have, in fact, been incorporated into theoretical work within the various disciplines, while those of comparative research have not.¹⁹

Thus there is a need for both comparative research on migration and also research that theoretically links a comparative perspective on migration to other broader national and international processes.

Important national and international processes are encompassed in two concepts which have gained currency in both academic and popular circles in advanced capitalist countries: *citizenship* and *globalization*. As the concept of citizenship is an old one rooting itself in classical Greek and Roman understandings of politics, and the concept of globalization more recent, rooting itself in the perception "that the past 15 years or so represent massive breaks in our history,"²⁰ not surprisingly, these two concepts tend to connote distinctive sites of politics. Citizenship implies membership and rights within a "political community,"²¹ with the term "political community" frequently serving as a substitute for "nation-state" by many theorists.²² Therefore, a focus on "citizenship," carries with it the tendency for the state to be implicitly upheld as the basic container of politics. This contrasts with globalization. Globalization alludes to the erosion of state sovereignty in the face of a world-scale re-organization of technological, cultural and economic activities, and the site of politics becomes something broader than the state.

Although globalization is, undoubtedly, a "trendy" concept, it is often not clearly defined,²³ and moreover, analysts have focused on some distinctive issues in providing elaborations of the processes associated with globalization. For the purposes of this dissertation, globalization is used to refer to a constellation of specific economic, technological and cultural developments. From the vantage-point of economics, globalization can be defined as the

"shift in investment, production, and trade decisions from serving national markets to serving world markets."²⁴ More particularly, globalization can be said to involve 1) enlargement and extension of markets; 2) greater mobility of capital; and 3) production processes that allow for final products to be assembled from many different units, made in a large number of countries, and flexibly produced to meet changing demand and to fill specialized market niches.²⁵ However, globalization also reflects on global cultural flows, which are relevant in both upholding such economic and market developments, but may also be a basis of challenge and resistance to these developments. Global cultural flows include the flow of people (tourists, immigrants, refugees, guest workers and exiles and other moving people); the flow of images and information through the increased ability to produce and disseminate electronic images; and the flow of ideas, especially those emerging from the Enlightenment world-view including notions such as "freedom," "rights," (including private property rights) and "democracy."²⁶ While it be may noted that the processes identified with globalization are not new in that "for many centuries, the agents of the world system continuously moved merchandise, humanpower and ideas across human borders and political barriers,"²⁷ what makes the current era unique, and what makes "globalization" a pertinent concept today, is the intensification and magnitude of these processes.

It is perhaps an indication of the uncertainties of the late twentieth century that both globalization and citizenship now capture so much attention. Perhaps it is also an indication of the need to re-formulate our traditional conceptions in social science that analysts are querying whether "in the late twentieth century, the nation-state and its citizenship are

anachronistic,"²⁸ and thereby beginning, explicitly, to explore the connections between citizenship and globalization.

By linking these concepts in a comparative analysis, this dissertation seeks to overcome the tendency in migration analyses to engage mainly in empirical case studies, and the tendency in contemporary social science to inadequately unite theoretical and empirical insights pertaining to national versus international processes.²⁹ The cases chosen for this study focus on the politics of migration over the 1980s and early 1990s in the United States and France. The time frame for this synchronic analysis was chosen to coincide with the period of accelerated regional integration in North America and Europe, and also with the period in which the processes of globalization received widespread acknowledgement. In order to address relevant issues concerning immigration questions in each setting, this study singles out a specific group in each country— Algerians in France, and Mexicans in the United States— that currently serves as emblematic of the "immigration problem" in each locale. These emblematic groups serve as the foci for much immigration related policy discourse and political maneuvering. Despite disparate histories in relation to their advanced capitalist "host countries," both emblematic groups share certain commonalities as Third World peoples, exploited as marginalized workers resident in capitalist countries, and as targets of racism. Their presence in each setting also points to the structural inequality between countries of the North and South.

Analyzing migration in this manner serves as a useful window from which to view, and comparatively examine, important issues of theoretical concern to contemporary political scientists. These relate to 1) citizenship and citizenship rights; 2) the nation-state, and relatedly nationalism and racism; and 3) the nascent regionalization of political membership in an era

characterized by moves toward regionalism and globalization. Typically, these issues are approached by analysts with an eye towards either domestic or broader international levels. For instance, as suggested, theorists of citizenship have traditionally confined their debates to political membership in a given state (or type of state). Discussions of regional integration— such as the European Union— by definition involve a broader focus than a single state. Discussions of nations have been notoriously variable because they can be confined to a single state, for example, "the nation-state" implies a correspondence between the territorial claims and organizational powers of a state on the one hand, and cultural, linguistic, and ethnic divisions on the other. In addition, more than one nation may exist in the territorial confines of a single state, and one nation may exist in many states, as in the case of diasporas. These discrepancies in foci would seem to largely explain why the concepts of citizenship, nation and region tend to be dealt with individually, rather than simultaneously within the same framework.

By examining the commonalties and divergences in contemporary American and French migration experiences, and by extrapolation, aspects of the North American and European experiences, this study deals with questions of citizenship, the nation-state, and region with comparative reference to both their domestic and broader international dimensions. By focusing on migration politics in this way, it is more likely that the relationship between, and underlying assumptions behind, citizenship and nationalism can be exposed. This concern with both domestic and extra-domestic levels is particularly suited to the topic of migration across national boundaries. As Zolberg notes:

The fact that states control the movement of persons across their borders highlights the distinctive character of international migration as a social process: whereas internal migration constitutes mere relocation, its

international counterpart entails not only relocation, but a temporary or permanent *change of jurisdiction of membership*. Accordingly, while internal migration may be analyzed as an essentially economic phenomenon, international migration is more complex because an irreducibly *political* element also enters into its composition as well.³⁰

With or without "globalization," the process of international migration has *always* made the dichotomy between "domestic" and "international" which has buttressed the discipline of modern political science seem forced and arbitrary.

KEY TERMS AND CONCEPTUAL FRAMEWORK

As suggested, this dissertation is grounded in a triad of distinct, though not necessarily mutually exclusive, phenomena that may be assessed in relation to both their domestic, and extra-domestic ramifications: citizenship; nation; and region. The focus on both domestic and extra-domestic levels is important because the still unfolding processes of globalization clearly raises the validity of state-centred analyses in favour of some larger — yet to be fully defined — unit of analysis. In the interim, it is clear that moves since the 1980s toward the development of continental trade blocs suggest that a regional unit of analysis provides one important route. These budding regional groupings are evidenced in the 1989 Free Trade Agreement (FTA) between Canada and the United States, and its extension to Mexico through the 1993 North American Free Trade Agreement (NAFTA), and especially the 1987 Single European Act (SEA) between countries of the European Community, and its extension through the 1993 enactment of the Treaty on European Union (Maastricht Treaty). Moreover, such developments, particularly in the European context, have introduced new (extra-domestic) dimensions to questions of citizenship

and nation in the late twentieth century, as seen in the introduction of a new "European citizenship," through the Maastricht Treaty, and corresponding assertions of a unique European identity and culture.

It might be argued that there is an inherent theoretical incompatibility to the phenomena associated with: 1) the political membership and rights granted by citizenship; 2) the ethnic, linguistic and cultural ties implied by nation; and 3) the economic trade groupings created through regional integration. However, these three are linked by fundamental similarities: *all involve the creation of boundaries of inclusion and exclusion. Moreover, these boundaries reflect on power relations because they are socially and politically constructed and serve to include and confer advantage on some and exclude and disadvantage others.*

Communities and Boundaries: Political, National and Regional

In order to underscore the inherently political character of the boundaries of inclusion/exclusion created by citizenship, nation and region, the concept of "community" is broadly used to structure this dissertation. All communities include members, and exclude non-members, (although often in different ways). Robert Nisbet compellingly argues that the entire Western philosophical tradition has been characterized by a concern with the idea of community.³¹ Yet, "community" has also been one of the most contested terms in the social sciences. In this dissertation, the term community is used in its common-sense definition to refer to relationships among individuals that are characterized by the quality of "community feeling" — mutual recognition and common belonging— as well as in (one) of its more theoretical senses as a network of interrelationships that may at times be characterized by conflict,

and at times cooperation.³² This latter sense is particularly important to the discussion at hand because a critical point made by some theorists is that the use of the term "community" to designate some unified and homogeneous entity tends to lose sight of the crucial fact that any "community" is both heterogeneous and socially constructed.³³

Precisely in order to avoid the problem of treating communities as naturally unified entities, this dissertation focuses on the discourses — the language and ideas— that serve to reveal the boundaries of inclusion and exclusion within and between three distinct types of communities that correspond with the issues previously identified. These are: the *political community* based on citizenship; the *national community* of the nation-state; and the nascent *regional community* at the level of continental trade blocs.

The "political community" as based on citizenship highlights the importance of citizenship as a legal-formal status conferring certain rights and privileges, as well as membership and a sense of inclusionary participation to some but not others. The "national community" of the nation addresses the mythic idea of community based on common language, culture and ethnicity underpinning the idea of the nation-state. The "regional community" focuses on one important response to globalization over the 1980s: the accelerated arrangements to remove the barriers to the free movement of capital, goods and services and in some ways also the "free movement of peoples" at the level of continents.

Rationale for the Selection of the U.S. and France and Central Research Question

At first glance, it might strike the reader as odd to compare two such

seemingly disparate countries as the U.S. and France when it comes to histories of migration. As a settler colony and part of the "new world," the United States appears markedly different from France. However, the specific focus on France and the United States relates as much to these countries' common characteristics as their distinguishing characteristics. These two countries share similarities in that they are advanced capitalist countries, with an historically strong philosophical conception of equality based on individual rights and citizenship. Both have histories of immigration that pre-date World War Two, and in both the source countries of migrants have shifted toward the Third World since the end of World War Two. Indeed, these sorts of similarities between the two countries have motivated a recent edited volume comparing France and the U.S. on issues such as educational, work and housing conditions for immigrants, and anti-discrimination laws.³⁴

As important, however, to the research at hand are the distinguishing characteristics of these countries. France and the U.S. have experienced different waves of immigrants, arriving under different conditions, and making for a difference in the popular perception of who and what is an "immigrant." In France, post-war labour migrants arriving during the 1950s through the early 1970s tended to come from Portugal and, owing to the French colonization of North Africa, Morocco and especially Algeria. For reasons to be explored further, the focus of contemporary popular opposition and government legislation tends to be on North African — particularly Algerian— immigration. In the U.S., changes in immigration policy in 1965 that officially removed preference for immigrants from Canada and Western Europe, have meant that immigration sources shifted towards countries and regions of the Third World, especially Asia and Mexico, with Mexicans more

likely taking (presumably) short term employment in the labour force, and also constituting a key target in current immigration debates.

In addition, the two countries have had different citizenship and immigration policies *vis à vis* their major migrant groups and, therefore, different boundaries regulating the extension of formal citizenship/nationality and the rights associated with citizenship (such as civil rights, voting rights, or social rights relating to welfare).³⁵ In general, France has tended to be less pre-disposed to offer formal citizenship directly to migrants, and in fact, amendments to nationality legislation in the 1980s and 1990s has been aimed at making citizenship more difficult to obtain for their French-born children. At the same time, immigration has become increasingly restrictive, with some legislation even aimed at repatriating legal migrants. In contrast, American citizenship legislation itself has remained relatively stable. Major U.S. immigration legislation of the 1980s has aimed at legalizing and naturalizing non-citizens residing within the country for a specific period, while at the same time controlling future "illegal immigrants" particularly from Mexico.

In both countries, policies relating to citizenship and immigration policies have developed against a backdrop of egalitarian ideas flowing from the Enlightenment and American and French revolutions. Such inclusionary ideals have stressed republican forms of government; universalistic citizenship and rights; and a consensual and contractual relationship between government and people.³⁶ Yet, at the same time, the French and American revolutions also introduced the idea that persons having a common language and culture formed a nation.³⁷ Nevertheless, the American context may be seen to differ from the French context as legal and identity-driven terms such as "ethnic group," and "minority," face far greater official and unofficial

acceptance in the contemporary American order. In contrast, there is a much stronger emphasis on "integration," and a single homogeneous "French" culture in France.

Finally, the U.S. and France are situated in distinct regional contexts, and party to distinct regional agreements. The regional trade arrangements that have emerged in North America and Europe since the 1980s are different in that the "free movement of persons" (as opposed to goods, capital or services) is much more developed within the European Union than in North America. In addition, within Europe, provisions for the "free movement of people" are further predicated on the extension of some rights of citizenship (for example social rights such as welfare and political rights such as the right to vote at the local level) to citizens of a member state of the European Union residing in any other member state. These provisions, therefore, go further than anything to date in North America in the direction of transforming what would have been international migrations into simply internal movements.³⁸ Of course, this raises the question of whether and how these unfolding regional arrangements relate to broader immigration debates in the two countries under examination.

Thus, this dissertation explores these differences and similarities in the French and American settings. The general problematic driving this work is what discourses shape the boundaries of inclusion and exclusion in the political, national and regional communities in France and the United States? To what extent do these discourses result in similar or different consequences for minoritized immigrants? What can this tell us about the nation-state in an era of globalization?

METHODOLOGY

This dissertation makes use of several different sources to answer the central research questions. Field work was conducted in Washington, Paris and Brussels between July and December 1993 for the purpose of data collection and conducting interviews in the American, French and European contexts. The interviews are used to provide some additional information on the broad positions on immigration of key state and non-state actors. The former are defined to include government agencies, politicians and political parties. The latter include societal groups, defined as business, labour, ethnic and pro-immigrant and anti-immigrant organizations. Along with secondary sources (in English and French) this dissertation makes use of several primary sources in the two languages.

Primary sources include:

- 1) immigration and citizenship policy documents in France and the United States;
- 2) American and French statistical and census data;
- 3) statistical data and reports relating to (labour) migration from international organizations including the Organization for Economic Cooperation and Development (OECD), the United Nations (UN), and the European Community (EC)/European Union (EU);
- 4) legislative debates in the two countries;
- 5) party policy platforms and statements by political leaders in France and the United States;
- 6) statements concerning immigration by business, labour, and pro and anti-immigrant groups and movements in France and the US;
- 7) print media accounts in the two countries;
- 8) regional economic agreements (the SEA, Maastricht Treaty, FTA and NAFTA)
- 9) interviews with representatives in governmental organizations, non-governmental organizations and other interest groups.

A few points should be made with respect to the nature and use of the primary sources. While the use of governmental and other statistical data is one important means of cross-national comparison, it is important to note that here, as much as in any other official sources or policies, there is a "social construction" of knowledge that means data is often not commensurate. Throughout the dissertation reference is made to this point— especially evident in comparative analysis. Although not necessarily directly comparable, the statistical and other official data from the United States and France is incorporated precisely because it serves to underline the manner in which the definitions used in state policies play a role in constructing those that are "immigrants," or "citizens". As discussed through this work as well, statistics are also useful to illuminating the "reality" (or "realities") that governing and popular groups confront, construct, and even re-construct.

In order to supplement the information obtained from official sources and to better understand the position of state and non-state actors, interviews were also conducted. With respect to the interviews, names and organizations were identified both through media accounts and through preliminary interviews with individuals in governmental and non-governmental organizations in Canada and abroad. Approximately twenty-five interviews were carried out in Washington, Brussels and Paris between July and December 1993, ranging in time from forty-five minutes to two hours. Clearly, given that the number of interviews is small, the sample was neither random nor representative. However, these interviews do reflect a range of ideological positions by individuals holding formal positions in elected offices, government and European Community agencies, non-governmental organizations and other voluntary groups concerned with migration issues.

Although some of the same questions were asked of respondents, in general the questions were tailored to capture the particular "expertise" of the respondent, and to elicit open-ended responses. Although some of these interviewees requested and were assured confidentiality, where possible respondents are named. The interviews are important, in combination with the other sources of data, in helping to highlight the issues and ideas that dominate in the French and American settings.

Finally, an attempt has been made to broadly cover the key ideas that are reflected in the positions of state and non-state actors in France and the United States. In this endeavour, my work reflects the influence of discourse theory in the sense that I accept the very basic view (highlighted in different ways in the work of, for instance, Michel Foucault and Edward Said) that there is an inter-connection between politics, power and inequality on the one hand, and language, knowledge and ideas on the other.³⁹ Thus, for example, Shapiro argues:

Politics and language are intimately commingled. Because our linguistic habits tend to be shaped by a relatively passive language membership, we are apt to neglect the political import of our characteristic modes of speaking. . . . To enlarge the realm of politics — to politicize more aspects of human relations — one must analyze language as a domain of political relations and thereby use it rather than be used by it.⁴⁰

Similarly, Macdonnell notes that discourses play a role in assigning people to their places through imaginary identities that often mask processes of exploitation.⁴¹ In this way, boundaries of inclusion and exclusion may be seen to be predicated on the discourses and images of the community to which one supposedly belongs.

In illuminating the ideas animating the politics of migration in each country, this dissertation uncovers not so much "an objective reality" but the

world as it exists (and is re-created) in the perceptions, understandings, and ideas of popular and state actors. Nonetheless, in suggesting that there may be similar consequences for minoritized immigrants pertaining to the lines of inclusion/exclusion that surround the political, national and regional communities, this dissertation suggests the value of a "post-positivist" political science: to describe and explain some aspects of politics and the social world.

PLAN OF DISSERTATION

Chapter Two gives an historical overview of immigration in the United States and in France. This chapter concentrates on delineating the general policies as they evolved over the course of time, and patterns of immigration to the two countries, with particular reference to why and how the two key ethnic groups focused on in this study —Mexicans in the U.S. and Algerians in France— became emblematic of the modern "immigration problem" in their respective countries. In giving this historical account, the basic theme of Chapter Two is that the term "immigrant" is not simply an objective legal or statistical category. Rather it is a term infused with historically and culturally specific meaning, and has today, as in the past, tended to reflect on a layering of economic and cultural inequities.

Chapter Three addresses the "Political Community" in France and in the United States. Rooting itself in contemporary theoretical debates over the concept of citizenship, this chapter examines the ways formal citizenship (nationality) affects the egalitarian ideals of a political community based on equal citizenship rights, and inclusionary participation. An emphasis on "protecting" both citizenship and citizenship rights from the ethnic groups

under examination has emerged in both countries, although in the United States the focus is more on "illegal" immigrants whereas in France the focus is on migrants already legally residing in the country. However, in the United States, the emphasis on preventing access of "illegal immigrants" to the fruits of citizenship, has — as a by-product— affected other immigrant categories and minorities already holding American citizenship. The basic theme of this chapter is that citizenship in the modern world is both an instrument of equality and inequality. In particular, formal citizenship is founded on legal definitions which are fundamentally indicative of efforts to circumscribe the membership of the political community.

Chapter Four builds on the previous chapter's concentration on Mexicans and Algerians and explores the "National Community" of the United States and France, and the role of race, ethnicity and culture in its construction as it relates to the two emblematic groups of Mexicans and Algerians. In addition, this chapter looks at key debates surrounding the place of these immigrants in the cultural order, and assesses the extent to which their situations are similar or different, threatening and non-threatening. Current debates over "integration" in France and — a term that is emerging more and more— "multiculturalism" in the U.S. underscore different approaches to discussing diversity by popular and ruling groups. In addition, whereas such terms as "minority" or "ethnic group" are strongly accepted in America (in part owing to a rights-based legal discourse emanating from the Civil Rights Movement) this is not the case in France. Apparent differences for migrants in the French setting are further complicated by a global Western discourse on the "problem of Islamic fundamentalism." The basic theme of this chapter is that there is a malleability to "the nation" that reflects on changing domestic and international contexts. For example, the fact that

popular perceptions of the same immigrant groups can shift over time (sometimes viewed as inappropriate future citizens, and other times viewed as ideal citizens) suggests the elasticity of nations. Similarly, the importance of other identities (as such contemporary notions as a "European citizenship" suggest) also reflects on the plastic nature of "the nation."

Chapter Five addresses "Regional Communities" by examining the background and development of regional economic arrangements in Europe versus North America through the 1980s and 1990s. In comparing these agreements, particularly insofar as they formally deal with the free movement of persons/migration it is argued that while the NAFTA and European Union developments are distinct, they share a common concern with maintaining the inequitable distribution of wealth by limiting the entry of nationals from peripheralized countries.

Chapter Six is the concluding chapter. It focuses more specifically on the question of boundaries of inclusion and exclusion in the citizenship, national and regional communities, noting that however permanent these boundaries may seem, because they are socially constructed, they are ultimately mutable. Alternatives to the exclusionary logic of the citizenship, national and regional communities are considered, as is the question of the importance of the nation-state in relation to the politics of migration in an era of globalization.

NOTES

¹ From the cover of The Atlantic Monthly 274, 6 (December 1994) in reference to the feature story by Matthew Connelly and Paul Kennedy "Must it be the Rest Against the West?" pp. 61-84.

² Ibid.

³ In reality, the dynamic of controlling the movement of people, settlement and the extension of citizenship is evidenced in different ways not only in Western countries, but non-Western advanced capitalist countries (such as Japan where many second and even third generation Koreans and Filipinos are denied citizenship) as well as the diverse countries that make up the "Third World," (such as Kuwait, where "guest workers," especially Palestinians, faced expulsion following the 1991 Gulf War, or Nigeria, where thousands of Ghanaians were expelled in the mid-1980s). For an overview, see William Kaplan, "Who Belongs? Changing Concepts of Citizenship and Nationality," in William Kaplan (ed.), Belonging: The Meaning and Future of Canadian Citizenship (Montreal and Kingston: McGill-Queens University Press, 1993, pp. 245-247.

⁴ Kennedy predicts that if the growing gap between rich and poor in the world continues, migration from countries of the South will challenge policy makers and ethnically transform countries of the North during the next century. See Paul Kennedy, Preparing for the Twenty-First Century (Toronto: Harper Collins, 1993) pp. 45-46.

⁵ Stephen Castles, Migrant Workers and the Transformation of Western Societies, (Cornell University: Western Societies Paper #22, 1989), p. 108.

⁶ "Refugees," The Courier 121 (May-June 1990), p. 65.

⁷ Ibid., p. 73.

⁸ Robert W. Cox, "The Global Political Economy and Social Choice," in Daniel Drache and Meric S. Gertler (eds.), The New Era of Global Competition, (Montreal and Kingston: McGill-Queen's University Press, 1991), p. 339.

⁹ John Rossant and Igor Reichlin, "The Floodgates are Bursting," Business Week, 3230 (September 9, 1991), pp. 52-53.

¹⁰ Jan Elisasson, "The Movement of Peoples: The Challenge to the U.N.," Opening Address delivered to the Group of 78 Conference "The Movement of Peoples: A View from the South," (Ottawa: October 2, 1992).

¹¹ See Charles Taylor, "The Politics of Recognition," in Amy Gutmann (ed.), Multiculturalism and the Politics of Recognition (Princeton: Princeton University Press, 1992), pp. 37-44.

12 European Communities, Commission of the European Community, Eurobarometer. Public Opinion in the European Community: Racism and Xenophobia, (Brussels: Directorate-General Information, Communication, Culture: 1989), pp. 37-40.

13 *Ibid.*, p. 42.

14 Mark Gibney, "Introduction," in Mark Gibney (ed.), Open Borders? Closed Societies?: The Ethical and Political Issues (Westport: Greenwood Press, 1988), p. xi.

15 Steve Cohen, Imagine There's No Countries: 1992 and International Immigration Controls Against Migrants, Immigrants and Refugees, (Manchester: Greater Manchester Immigration Aid Unit, 1990), p. 35.

16 See William Rogers Brubaker, "Introduction," in William Rogers Brubaker (ed.) Immigration and the Politics of Citizenship in Europe and North America, (Lanham: University Press of America, 1989), pp. 1-27 and B. Guy Peters and Patricia K. Davis, "Migration to the United Kingdom and the Emergence of New Politics," The Annals of the American Academy of Political and Social Science 485 (May 1986), p. 134.

17 The use of these terms — indeed their very meaning — takes on both subjective and in many cases national variation. The term "refugee" has achieved a greater legal-formal consensus at the international level owing to the 1951 United Nations Convention on the Status of Refugees where refugees are defined as those unwilling/unable to return to their homeland by "reason of well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership in a particular social group." Nonetheless, though this is the definition signatory countries follow, it has been contested by NGOs involved with refugees, as well as some African governments, for being overly narrow and not taking into account the many ways that individuals and groups are displaced and persecuted.

Unless otherwise stated, in this work the terms "migrant" and "immigrant," "migration," and "immigration" are used synonymously. In referring broadly to the process of migration/migrating or immigration/immigrating across state borders both refugees and non-refugees are included. Both refugees and non-refugees are included for the sake of simplicity and clarity. However, where appropriate, differentiations in how state laws and political and societal actors define particular groups of migrants and non-migrants are highlighted. For instance, as implied in the above discussion of refugee definitions, there is often a distinction drawn between those who "choose" to leave a country and those who are forced to flee. Alternatively, the offspring of (for example) "refugees," "immigrants" or "foreigners" may share the same title while never having actually migrated themselves.

18 Frank Bovenkerk, Robert Miles and Gilles Verbunt, "Comparative Studies of Migration and Exclusion on the Grounds of "Race" and Ethnic Background in

Western Europe: A Critical Appraisal," International Migration Review XXV, 2 (Summer 1991), p. 376.

19 *Ibid.*, pp. 377-78.

20 Gordon Laxer, "Introduction," The Canadian Review of Sociology and Anthropology (Special Issue: Globalization), 32, 3 (August 1995), p. 248.

21 Chantal Mouffe, "Citizenship," in Joel Krieger (ed.), The Oxford Companion to Politics of the World (New York: Oxford University Press, 1993), p. 138.

22 Nira Yuval-Davis, "The Citizenship Debate: Women, Ethnic Processes and the State," Feminist Review 39 (Autumn 1991), p. 59.

23 Henk Overbeck, "Towards a New International Migration Regime: Globalization, Migration and the Internationalization of the State," in Robert Miles and Dietrich Thranhardt (eds.), Migration and European Integration: The Dynamics of Inclusion and Exclusion (London: Pinter, 1995), p. 21.

24 David Crane, The Canadian Dictionary of Business and Economics, (Toronto: Stoddart, 1993), p. 276.

25 Hélène Pellerin, "Global Restructuring in the World Economy and Migration: The Globalization of Migration Dynamics," International Journal XLVIII, (Spring 1993), p. 241 and David Jary and Julia Jary, The Harper Collins Dictionary of Sociology, (New York: Harper Collins, 1991), p. 197.

26 Appadurai names and discusses these particular cultural flows as "ethnoscapes," "mediascapes," and "ideoscapes," respectively. See Arjun Appadurai, "Disjuncture and Difference in the Global Cultural Economy," in Mike Featherstone (ed.), Global Culture: Nationalism, Globalization and Modernity (London: Sage, 1990), p. 295-310.

27 Luis Roniger, "Public Life and Globalization as Cultural Vision," The Canadian Review of Sociology and Anthropology 32, 3 (August 1995), p. 260.

28 William Kaplan, "Who Belongs?" p. 259. For other discussions addressing citizenship and globalization, see also, for example, Yuval-Davis, "The Citizenship Debate," pp. 58-68 and Jane Jenson, "Citizenship and Equity: Variations Across Time and Space," in Janet Hiebert (ed.), Political Ethics: A Canadian Perspective Research Studies of the Royal Commission on Electoral Reform and Party Financing, 12 (Toronto: Dundurn Press, 1991): 195-228.

29 Some analysts, especially those studying the so-called new social movements relating to feminism, peace or the environment, have highlighted how politics has changed in countries of the industrialized West since the 1960s— and particularly today in an era of globalization— in ways that do not fit into the structures of state (or class) centred politics. Nonetheless, the rift between these kinds of analyses and the thinking in mainstream social

sciences is revealed when considering the paucity of terms to describe such new forms of politics. The traditional, and still common, distinction between "international" and "domestic" politics, implies a separateness— if not opposition— between two levels of politics. Although there have been recently proposed new terms, such as "intermestic" to get at the overlap between these levels, the continued absence of a common vocabulary in this area is reflective of the lag in empirical and theoretical research. For an overview of new social movements and new forms of politics see W. Magnusson and R.R.J. Walker, "De-Centring the State: Political Theory and Canadian Political Economy," Studies in Political Economy 26 (1988): 37-71.

30 Aristide R. Zolberg, "The Future of International Migrations," Commission for the Study of International Migration and Cooperative Economic Development: Working Paper 19 (Washington: February, 1990), p. 5.

31 Nisbet sees communities as "relationships among individuals that are characterized by a high degree of personal intimacy, of social cohesion or moral commitment, and of continuity in time." (Robert Nisbet, The Social Philosophers: Community and Conflict in Western Thought, [New York: Thomas Y. Crowell, 1973] , pp. 1-3.)

32 Jary and Jary, The Harper-Collins Dictionary of Sociology , pp. 66-67.

33 Yuval-Davis, "The Citizenship Debate," p. 59.

34 Donald L. Horowitz, "Immigration and Group Relations in France and America," in Donald L. Horowitz and Gérard Noiriel (ed.), Immigrants in Two Democracies: French and American Experience (New York: New York University Press, 1992), p. 4

35 Stemming from Marshall, citizenship rights include civic rights (civil liberties); social rights (welfare) and political rights (voting). See T.H. Marshall, Class, Citizenship and Social Development , (Garden City: Doubleday, 1965).

36 Kaplan, "Who Belongs?," p. 248.

37 Ibid.

38 Zolberg, "The Future of International Migration.s," p. 15.

39 See for example Michel Foucault, The Archaeology of Knowledge (London: Tavistock, 1972) and Edward Said, Orientalism (New York: Vintage Books, 1979).

40 Michael J. Shapiro, Language and Political Understanding: The Politics of Discursive Practices (New Haven, Yale University Press, 1981), p. 233.

41 Diane Macdonnell, Theories of Discourse: An Introduction, (New York: Basil Blackwell, 1986), p. 101.

CHAPTER TWO

THE HISTORY OF IMMIGRATION IN THE UNITED STATES AND FRANCE

It becomes more than ever urgent to develop a framework of thinking that makes the migrant central, not ancillary, to historical processes. We need to disarm the genealogical rhetoric of blood, property and frontiers and to substitute for it a lateral account of social relations, one that stresses the contingency of all definitions of self and the other, and the necessity always to tread lightly.

Paul Carter, 1992¹

INTRODUCTION

At a descriptive level, migration can be defined as the movement of peoples — often for some kind of settlement purposes— from one state territory to another. Yet, what becomes clear from an analysis of migration in the United States and France is that people who migrate are not all defined the same way in popular, political or formal-legal discourses. As well, citizens and the native-born may be viewed as “migrants” or “foreigners” despite never having moved. The purpose of this chapter is to demonstrate these features through a brief delineation of historical developments in immigration patterns as well as immigration policies and practices in France, and the United States, to the present period. While immigration played an important role in responding to population pressures and labour shortages in both the United States and France prior to the Second World War, it was in the post-war

era that there was a marked shift towards countries of the Third World as a major source for immigrants. In this context, specific groups— in particular Algerians in France and Mexicans in the United States— had by the 1980s been positioned in each country as emblematic of contemporary "immigrants" and, by extension, political and policy discussions of the "immigration problem"

In the first part of the chapter, a broad historical overview of immigration patterns and policies in France and the United States is provided. This analysis covers the start of major immigration movements to each country (initial colonization in the United States, and the mid-nineteenth century in France) through to the contemporary period. This is followed by a discussion of the two emblematic immigrant groups: Mexicans in the United States and Algerians in France. The similarities and differences between each emblematic group are assessed in relation to their socioeconomic and demographic characteristics, citizenship statuses, as well as the historical relationship between the "sending" (Third World) country and the "receiving" (First World) state.

In providing this overview, this chapter emphasizes the relationship between who is defined as an "immigrant" and real material processes. In the current Canadian context, this feature has been aptly explored by Roxana Ng in her account of "immigrant women":

The term conjures up the image of a woman who does not speak English or who speaks English with an accent; who is from the Third World or a member of a visible minority group; and who has a certain type of job (e.g. a sewing machine operator or a cleaning lady). Thus, "immigrant women" is a socially constructed category presupposing, among other things, a labour market relation.

Women who are considered to be immigrants in Canada have not always been so considered. They *become* immigrant women when they immigrate to Canada and enter certain positions in the labour market.²

Similarly, in addressing why Algerians in France and Mexicans in the United States may be viewed as emblematic immigrant groups, the focus is on power. Accordingly, in this chapter, it is argued that the term "immigrant" is a politically and socially created concept that is infused with historically and culturally specific meaning. In the current context, its meaning reflects on a layering of historic and contemporary inequitable power relations implicating Mexicans in America and Algerians in France.

GENERAL IMMIGRATION HISTORY: SHIFTING POLICIES AND PERCEPTIONS

The Case of the United States

One of the most famous symbols of the United States is undoubtedly the Statue of Liberty. Since 1886 the Statue of Liberty has been an imposing figure on a small island in New York Harbor, a gift given from France in honour of the 100th anniversary of American independence, and "first and foremost" a symbol of "Franco-American friendship."³ Yet, the meanings that can be attributed to the Statue of Liberty are broader than this. A little known fact worth contemplating is the evident colonial justification underpinning the statue's design. Sculpted by Auguste Bartholdi, the Statue of Liberty with her flowing robe, and raised right arm holding a torch symbolizing the enlightenment of civilization, was a design originally inspired by a project that never came to fruition: a colossal statue to stand at the entrance of the Suez Canal "to represent the West handing civilization to the East."⁴

A better known meaning associated with the Statue of Liberty in the American context has been as a symbol of liberty and justice for all—

especially for the millions of (European) immigrants who arrived by ship at the turn of the century to America's busiest port where Liberty stood. Poet Emma Lazarus composed "The New Colossus" in honour of the statue, and since 1903 the poem has been engraved on the statue's pedestal:

Not like the brazen giant of Greek fame,
With conquering limbs astride from land to land;
Here at the sea-washed, sunset gates shall stand
A mighty woman with a torch, whose flame
Is the imprisoned lightning, and her name
Mother of Exiles. From her beacon-hand
Glow world-wide welcome; her mild eyes command
The air-bridged harbor that twin cities frame.
"Keep, ancient lands, your storied pomp!" cries she
With silent lips. "Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tost, to me,
I lift my lamp beside the golden door."⁵

While a tribute to the important role of immigration, there is some irony to the poem given that immigrants that arrived to America in the late nineteenth and early twentieth centuries met a hostile reception by the native-born. More broadly, the "golden door" has not always been open-- in fact, the U.S. has had a history of closing, and sometimes bolting, "the golden door" to specific ethnic groups.

Nonetheless, the idea of the United States as a "nation of immigrants,"⁶ is underpinned by an empirical reality. Table One gives the percentage of immigrants (defined in the census as foreign-born Americans) from 1850 to 1990. What is clear is that the post-World War Two era (1950-1990) has been characterized by fewer immigrants than earlier eras, though currently the proportion of foreign-born in America comprise 7.9% of the population-- up slightly from recent decades.

Table One: Foreign-born in the United States 1850-1990

Year	Foreign Born (as % of total population)
1850	9.7
1860	12.8
1870	14.4
1880	13.3
1890	14.7
1900	13.7
1910	14.8
1920	13.2
1930	11.6
1940	8.8
1950	6.9
1960	5.4
1970	4.7
1980	6.2
1990	7.9

Source: U.S. Department of Justice, Immigration and Naturalization Service, Statistical Yearbook of the Immigration and Naturalization Service, 1990, (U.S. Government Printing Office: Washington, D.C., 1991), p. 23 and United States Department of Commerce, "Census Bureau Press Release," (December 18, 1992), p.2.

The idea of the United States as an "immigrant nation" is not simply confined to statistics. It is also a testimony to its history as a settler colony, and the role that immigration played in conquering indigenous peoples, expropriating territory, and fueling frontier and industrial expansion.⁷

Indeed, it is these political projects that have meant that immigration is at the heart of the American experience, though, significantly, not all who have migrated have been seen to be "immigrants" and not all who have technically migrated have been given American citizenship under the same conditions (if at all). In general, white British-origin Protestants have been considered the "ideal" or "model" immigrants and citizens. Yet, in different periods incoming immigrants have not always met this "ideal". Clearly, immigration movements are dependent on the conditions at the "source." Economic and/or political turmoil are powerful forces propelling people to move. But immigration movements also are dependent on the response of receiving states. Focusing on the latter, immigration patterns and the policies regulating immigration in America, can be divided in terms of five distinct periods.

The first major period of immigration can be traced from initial colonization to 1820. During this period, the official view was that the country needed to be open to immigrants as "there was an obvious need for labor to build the cities, clear the farms on the frontier, and push back the Indians."⁸ While official statistics on immigration were tracked only from 1820, it is estimated that between the colonial period and 1820 some 250,000 people immigrated to the United States, with the majority coming from Great Britain and, to a lesser extent, Ireland and Germany.⁹ Although these different groups forged economic, cultural and political control over the indigenous population, as Glazer and Moynihan argue, there also emerged a fairly rigid conception of an "American" as distinct from an "immigrant" even amongst these European groups:

These original Americans already had a frame in their minds, which became a frame in reality, that placed and ordered those who came after them. It was important to be white, of British origin, and Protestant. If one was all

three, then even if one was an immigrant, one was really not an immigrant, or not for long.¹⁰

In contrast to the dominant position of British-origin Protestants, historically some German and Irish immigrants only secured entry into the United States as indentured servants. This ethnic and class "pecking order" was further complicated by the "importation" of slaves from Africa: by 1808, some 500 000 Africans were in the United States.¹¹ The involuntary migration of Blacks provided forced labour to fuel the agricultural expansion of the colonies, and served to further differentiate the slave's condition from that of even European indentured servants who at least had the chance to be freed from servitude. Calavita notes that both (voluntary) European immigration and slavery served similar purposes insofar as both were tied to fueling new systems of production.¹² Indeed, the emphasis on industrial development accounts for the growth of immigration through the nineteenth century.

In particular, the second major period of immigration, between 1820 and 1880, was marked by substantial population expansion, and, like the initial period, very little by way of policy restriction. Initially immigrants from Britain were recruited on the basis of experience and skills honed in specific British industries, in order to organize and oversee the emerging operations in analogous industries in the U.S.¹³ Nonetheless, these skilled workers came to be widely viewed by American capitalists as insubordinate, not least because many brought with them trade union experience from Britain.¹⁴ Other groups were viewed differently, leading to different stereotypes. By the 1840s, there was a further increase in non-British immigration-- particularly Irish and German. These immigrant waves, which tended to be unskilled, coupled with mechanization, led to further industrial expansion, though often at the expense of good wages and working conditions.¹⁵ As in the first period, Irish

and German immigrants were perceived to be less than ideal Americans. These views were undeniably tied to material processes. For example, amongst an array of stereotypes and inequalities flowing from a marginalized economic and cultural position in America, Irish Catholic labourers were seen to be holding down wages. Their right to be routinely granted citizenship was often questioned by unions, the native-born, and politicians.¹⁶ In general, however, there was still little restrictive federal legislation regarding the right to enter the United States.

This legislative *laissez faire* changed following the arrival of thousands of (male) immigrants from China during the 1860s to labour on the most dangerous jobs in railway construction at low wages. While the post-Civil War period and the transcontinental railway spawned a boom and a need for workers, by the 1870s there was an economic depression. Inspired by "sinophobia," high unemployment and violence towards Chinese along the west coast of California, the Chinese Exclusion Act of 1882 was the first legislation to bar entry of a specific group of labourers. Subsequent legislation in 1884 focused on preventing the re-entry of male United States residents of Chinese origin who did not have a wife, parents or property of at least one thousand dollars within the United States.¹⁷ This blatantly racist legislation marks the start of the third major period of immigration which lasted from the 1880s until 1920.

While Asian immigration was actively restricted during this third period, the decades from 1880 to 1920 were also characterized by the entry of what was then called the "new immigration," of non-Protestant (Catholic or Jewish) immigrants from southern and eastern Europe (including Austria-Hungary, Bulgaria, Italy, Greece, Poland, Portugal, Rumania, Russia, Spain and Turkey)¹⁸. The entry of these immigrants was tied to providing labour to

sustain industrial output. The relevance of this is demonstrated in the fact that whereas in 1860 the United States lagged behind England, France and Germany in the production of industrial goods, it was securely in first place by 1894.¹⁹ As seen in Table Two, by 1891-1900, incoming immigrants from Ireland, Germany and Britain combined were exceeded by incoming "new immigrants".

Table Two: Immigration from Ireland, Germany and Great Britain: 1820-1900 (in Thousands)

Decade	Ireland	Germany	G. Britain	Other
1820-30	54	8	27	62
1831-40	207	152	76	163
1841-50	781	435	267	231
1851-60	914	952	424	308
1861-70	436	787	607	485
1871-80	437	718	584	1,073
1881-90	655	1,453	807	2,331
1891-1900	388	505	272	2,522
Total				
1820-1900	3,873	5,010	3,064	7,176

Source: U.S. Immigration and Naturalization Service, Statistical Yearbook of the Immigration and Naturalization Service, 1990, (U.S. Government Printing Office: Washington, D.C. 1991), p. 15.

The "new" immigration ushered in new racisms, in large part inspired by the spread of supposedly "scientific" discourses arguing that "racial" criteria must be much more explicitly used in immigration policy.²⁰ In particular, the influence of eugenics, which held that different "races" were biologically endowed with either superior or inferior characteristics worked

its way further into immigration law. Without implying that there is a necessary progression for all ethnic groups as a result of changing immigration patterns (indeed for African-Americans stereotypes and economic and political inequalities have proven amazingly durable), it is nonetheless the case that the "old immigrants" began to be viewed in a different light in the context of the "new immigration," suggesting the contingent nature of perceptions about immigration and immigrants:

Restrictionists would concentrate their attack on the most vulnerable target, the "new immigration," and avoid encounter with the Germans, Irish, and Scandinavians who had by then gained a grudging acceptance within the American consensus and whose economic and political power in America was rapidly increasing.²¹

The poverty and poor living and working conditions characterizing the "new" immigrants— identifiable by their "different" religious and cultural customs as well— came to be "explained" by supposed inherent racial tendencies.²² Such thinking also made its way into amendments to immigration law. Between 1900 and 1920 over 14.5 million immigrants were admitted to the United States, with 60 per cent of them coming from Italy, Russia and Austria-Hungary.²³ However, by 1920, immigration came under even greater federal control, and this can be seen to mark the beginning of the fourth major phase of immigration, which lasted until 1965.

The Quota Act of 1921 (and its enactment in the 1924 Immigration Act) was the most obvious legislative product of the fears and new ways of thinking about immigration. This legislation was directly influenced by eugenics arguments.²⁴ It set out that there would be quotas limiting the annual number of immigrants from each nationality to three per cent of that group's population in the United States. However, population figures upon which percentages were derived were based on the Census of 1890, as opposed to

available later censuses which reflected the changed ethnic character of the population as a result of immigration.²⁵ Thus, the quota system (or national origins plan) clearly, overtly and consciously favoured the "old" immigrants from Northern and Western Europe.

Why did these restrictive changes in legislation come about in the 1920s? World War I may be seen as having created contradictory tendencies. While industrialists favoured open immigration through World War I, (as the war actually generated a boom in the U.S. and hence a need for labourers), the war years also contributed to xenophobia.²⁶ While Congress did not have the wholesale support of industrialists in pursuing these restrictions,²⁷ Congress did have the support of some major actors. Thus:

when industry, exemplified by such groups as the National Association of Manufacturers, and industrial giants like the International Harvester Company, and such prominent business leaders as Henry Ford joined labor unions and the nativist political groups all calling for restrictionist immigration policy, a change in policy became inevitable.²⁸

In addition to highlighting the greater state control over immigration through legislation, and the discriminatory nature of the law, the inherent rigidity of the quota system served to give rise to a new phenomenon: "illegal immigration" via Canada and Mexico. Indeed, in 1924 a more organized and larger Border Patrol was created to replace the fledgling mounted border guard that had been in place. The Border Patrol has continued to grow in size and surveillance power to this day— particularly along the Mexican border.²⁹ As significantly, the rise of "illegal immigration" serves to exemplify the manner in which the act of migrating becomes defined in different ways as a result of legislation and policy shifts.

Although immigration during the early 1930s had actually fallen to an all time low, the general public mood in a climate of unemployment and

increasing poverty was that America was drowning in a sea of immigrants. While the United States had long had the power to deport, in this period the reasons for and likelihood of deportation increased.³⁰ Thus, for example, along with the power to deport "subversives" (a provision dating from 1917), the state also had the power to remove those not seen to be able to take care of themselves. By the outbreak of World War Two, immigration was halted further, and though quota immigration was low, some 70,000 (non-quota) migrants came from Canada, Mexico and the West Indies to work temporarily in the U.S. Ironically, during this period of low immigration intake during the war, the immigration branch of the American state— the Immigration and Naturalization Service (INS) — actually doubled its number of employees.³¹

Following the World War Two, pressure for immigrant workers was exerted again, but most immigrants still came predominately from Europe, and of these Europeans, most were from northern and western Europe.³² Even the passage of a new Immigration and Naturalization Act in 1952 (the McCarran-Walter Bill) which set up a system of preferences for skilled labour and relatives of American citizens and permanent residents, nonetheless reaffirmed the national origins plan. In the new context of the Cold War, the barring of "subversives" was a very prominent feature of this Act, although the exclusion of specific national groups from entering the United States (such as Chinese and Japanese) was dropped. However, it is only since 1965 that the U.S. can be said to have removed the national origins plan and embarked on a new phase of immigration— one that still exists today.

In particular, in the context of the civil rights movement, and the growing questioning of overt examples of racism, and not least the expanding economy of the 1960s, the 1965 amendments to the Immigration and Naturalization Act removed the formal racism of the earlier era by abolishing

the discriminatory quotas, allowing for the entry of more "non-Europeans" and family members.³³ Nonetheless, quotas governing a mixture of economic criteria (the occupations of potential immigrants in relation to the labour market), social criteria (family members of American citizens or permanent residents) and political criteria (refugees)³⁴ were put in place.³⁵ Specifically, the act held that immigrant visas were to be accorded by the following preference system:

- 1) First preference: unmarried sons and daughters of U.S. citizens;
- 2) Second preference: spouses and unmarried sons and daughters of permanent resident aliens;
- 3) Third preference: members of the professions and scientists and artists of exceptional ability;
- 4) Fourth preference: married sons and daughters of United States citizens;
- 5) Fifth preference: brothers and sisters of United States citizen;
- 6) Sixth preference: skilled and unskilled workers in short supply; and
- 7) Seventh preference: refugees.³⁶

Due to the abandonment of the national origins plan, and the emphasis on skilled immigrants in the policy, contemporary immigrants to the U.S. enter from a variety of countries, and come in with a variety of skills. Thus, in marked contrast to the situation that characterized earlier waves of migration, changes in the immigration legislation in the 1960s ensured that some immigrants actually went into professional jobs without having to play a subservient role in the economy first.³⁷

In addition, the changes in immigration legislation also ensured that contemporary immigrants come from a greater number of countries of origin, leading one American analyst to call the U.S. the "first universal nation" in the sense that there are currently substantive numbers of immigrants from a wide variety of countries.³⁸ While this description ignores

what may be seen as similar processes occurring in the post-war era in other industrialized countries (especially other settler colonies such as Canada or Australia), it is nonetheless the case that immigrants to the U.S. come from both the developing and developed world (See Table Three). As is also clear from Table Three, migration from Mexico is currently the most significant source country for contemporary migration— comprising nearly 22% of the foreign-born in the U.S. As will be discussed further, Mexican migration has a long history in the United States, and the relationship between the United States and Mexico has also been characterized by colonial conquest.

Table Three: Foreign-born in the United States by Leading Country of Origin, 1990

Country	Number	% of Total Foreign-Born Population*
Mexico	4,298,014	21.7
Philippines	912,674	4.6
Canada	744,830	3.8
Cuba	736,971	3.7
Germany	711,929	3.6
United Kingdom	640,145	3.2
Italy	580,592	2.9

*N=19,767,316

Source: U.S. Department of Commerce, Bureau of the Census, Ethnic and Hispanic Branch, 1990 Census Special Tabulations as cited in United States Department of Commerce, "Census Bureau Press Release," (December 18, 1992), p. 6.

In addition to the significance of immigrants from Mexico in the "legal" stream of immigrants, the issue of "illegal" immigration continues to focus

very much on the southern border of the U.S. In this context, the current wave of Mexican migration (like historical waves of immigrants to the U.S.) is characterized by its subordinate (though valuable) position in the labour market. Indeed, while the American state has had a formal policy of preventing illegal immigration, employers' preferences for illegal workers account for the often duplicitous character of the state policies regulating "illegal" immigration (for example, until 1986, it was not against the law for an employer to hire an "illegal" immigrant).

As it stands, this brief historical overview of immigration policies and patterns in the United States serves to draw our attention to a number of features. First, it is clear that as a settler colony immigration has been a critical feature of the American landscape, and distinct waves of immigrants have served to fuel the agricultural and industrial development of this country. Second, it is evident from the history of immigration to the United States that there is a strong relationship between the policy pursued, and the prevailing labour-market situation. In general there is a tendency for business to push for more immigrants to fill labour market needs, though in economic downturns (such as the Depression of the 1930s) immigration has been curtailed. Third, it is also clear that cultural factors (relating to race, ethnicity and religion) have been central both in relation to policy restrictions in the area of immigration, as well as in popular definitions of who is an "immigrant". Cultural factors impinge on the realities of economic and political power relations and serve to create negative or positive stereotypes of particular groups. While British-origin Protestants have been the "ideal" immigrants and American citizens (and indeed not really constructed as "immigrants") in certain instances labour market particularities can affect the perception about all who immigrate. Hence,

historically American industrialists complained of the difficulty and insubordinate nature of British workers. Irish Catholic labourers were viewed by nineteenth century labour leaders as holding down wages, and less than ideal immigrants let alone fellow citizens. By the early twentieth century, the Irish were viewed more favourably as co-citizens — in part because of their increasing political and economic power and changing conceptions of "inferior races"— when the "new immigrants" from southern and eastern Europe entered.

Today, the division that has emerged between "ideal" and "undesirable" immigrants broadly relates to "Third World"/"non-white" versus "European"/"white" immigrants. For instance, a national poll conducted in 1993 found much greater opposition to immigration from Haiti and countries of Asia, Africa, Latin America and particularly the Middle East than from countries of eastern Europe.³⁹ Given that not all incoming immigrants are characterized by socioeconomic marginalization, it is exceedingly difficult to make general statements about the position of *all* immigrants in the United States. For instance, 1990 Census findings show that there is a higher proportion of foreign born than native born American adults with graduate degrees.⁴⁰ At the same time, Census data suggest that there is considerable socioeconomic variation both between immigrant groups, as well as between men and women from the same immigrant group.⁴¹

For these reasons, today perceived cultural and racial "differences" and stereotypes can interplay in a complex way with the socioeconomic status of immigrant and minority groups (hence, the phenomenon of the simultaneous admiration/resentment of the academic and business achievements of some Asian Americans⁴²). However, what is more easy to generalize about is the relationship between popular perceptions of immigrants, and migration

politics. Thus while Canada and the U.K. constitute a relatively substantial per cent of the foreign-born in the United States (See Table Three) popular discussions and images of immigrants, as well as *policy discussions*, seldom fixate on Canadian or British immigrants. Indeed, in the United States, the oft-repeated statement that "we are losing control of our borders,"⁴³ concerns the southern border with Mexico, not the northern one with Canada. In this context, it is worth noting that the situation of Hispanics (like Blacks and Indian People) is characterized by less wealth and lower incomes, less education and less political power than other groups,⁴⁴ and the chances of "upward mobility" for Mexican immigrants and their offspring specifically are dim.⁴⁵ Clearly then, "immigrants" and "policy problems" relating to immigration are historically specific, and actually created from a number of sources: politically through laws and policies; economically through the traditionally subordinate role of immigrants in the labour market and their corresponding political weakness; and culturally through stereotypes and prevailing images.

While France is not a settler colony like the United States, there are certain similarities. As will be documented below, the labour market and cultural factors relating to race and ethnicity have been powerful in shaping immigration policies and patterns, and perceptions of "ideal" and "undesirable" immigrants in this country too.

The Case of France

Traditionally, it is only settler colonies (such as Canada, the United States or Australia) that are commonly referred to as "countries of immigration." However, by the 1980s, it had become clear that the systematic

use of migrant labour to fuel the post-World War Two economic boom meant that not only were countries of Western Europe "immigration countries," but also that these migratory waves were not temporary as initially presumed by policy-makers, and often migrants themselves. This meant that these countries were also characterized by having permanent ethnic minorities within their populations.⁴⁶

France stands out as unique to this West European pattern only in the sense that immigration was actually an important phenomenon *almost a century prior* to the end of the Second World War. In large part due to demographic shortages in the context of industrial expansion, (a low birthrate and correspondingly an insufficient labour supply) France has relied on immigration since the mid nineteenth century.⁴⁷ Apparent in the French use of immigration is the tendency to have a proportion of its resident population not holding formal citizenship despite living and working in France. The distinctiveness of this tradition, in contrast to the U.S., is reflected in the French approach to measuring "immigrants" in census data. Whereas in the United States (and Canada) the basic differentiating characteristic between "immigrant" and "non-immigrant" in national statistics is place of birth, in France (and Western Europe) the basic differentiating characteristic between "immigrant" and "non-immigrant" is nationality/citizenship. For this reason, direct statistical comparisons between non-European and European countries are problematic because in the latter it is possible that one can be a migrant without being a foreigner *and* a foreigner without being a migrant.⁴⁸ While not directly comparable at a statistical level, the distinctions in census data do serve to point out the extent to which "immigrants" are socially constructed: state census data define immigrants

differently in distinct national settings as a result of divergent histories and understandings.

On their own, French statistics do also point to important aspects of the history of immigration in the French context. Table Four provides an overview of the number and per cent of foreigners in the French population from 1851 to the present. What is clear from this record is that for close to 150 years immigrants have been a presence in the French population, although some periods have been more affected than others. In particular, the period from the mid-1920s to early 1930s and the period from the mid-1970s to 1990 are both characterized by the fact that foreigners made up at least six per cent of the population.

Immigration in France, like the United States, is characterized by different policies and distinct waves of immigrants arriving from different countries. These patterns and policies can be divided into five periods. In the first period, from 1850 to World War One, immigrants generally came from Northwest Europe (especially Belgium, Northern Italy and Germany). These migrants filled marginalized jobs in agriculture and industry, and were often subject to the wrath of the larger population. Wihtol de Wenden notes for instance that during an economic downturn in the 1880s in particular, the print media and parliamentary debates reflected a concern with a foreign invasion, and there was virulent anti-Italian and anti-German sentiment amongst labour and other groups.⁴⁹

These anti-immigrant sentiments notwithstanding, the role of the state in providing a labour force to meet the needs of capital and fuel industrial expansion became ever more defined with time. While the period from the mid-1800s until World War One tended to be characterized by relatively little state control in the area of immigration policy, following World War One there

Table Four: Foreign Population in France 1851-1990

Year	Number (in Millions)	Per cent of Population
1851	0.379	1.0
1861	0.506	1.3
1866	0.655	1.7
1872	0.741	2.0
1876	0.801	2.1
1881	1.001	2.6
1891	1.130	2.8
1896	1.027	2.6
1901	1.037	2.7
1906	1.046	2.7
1911	1.159	3.0
1919	1.417	3.7
1921	1.532	4.0
1926	2.409	6.0
1931	2.715	6.4
1936	2.200	5.3
1946	1.744	4.4
1954	1.765	4.1
1962	2.169	4.7
1968	2.621	5.3
1974	3.500	6.5
1982	3.680	6.8
1990	3.607	6.4

Source: recensement de la population as cited in Philippe Bernard, L'Immigration (Paris: Le Monde-Editions, 1993), p. 23.

were somewhat more concerted and controlled recruitment efforts.⁵⁰ This marks the second major period of immigration which lasted until 1930. Initially recruitment was carried out through the Société Générale d'Immigration (an arm of the Association of Mines and Metallurgy Industries) and the government, and following 1926 more actively through the French state which attempted to control not only the selection but also the regional deployment of immigrants into industry and agriculture via greater labour regulations.⁵¹ Typically, French authorities entered into bilateral agreements with labour exporting countries. In this context, the immigration of white Europeans was explicitly favoured,⁵² but in contrast to the initial period, in the post- World War One period, migrants tended to come from southern and central Europe (southern Italy, Spain, Portugal and Poland). In large measure the situation that prevailed in the early twentieth-century in France did not characterize other advanced capitalist European countries until well into the 1950s and 1960s:

economic growth became possible in a society in which the native population was unwilling to participate fully in its cost. . . . Employers were thus able to obtain prosperity without fully accepting the responsibility for the modern social costs of labour— citizenship and improved labour standards. . . . French workers sought to avoid arduous labour, French capital the economic consequences of competition.⁵³

The decade of the 1920s especially was marked by relatively heavy immigration. In fact, between 1921 and 1930 nearly two million people came to France, so that France ranked second *only* to the United States in terms of the overall level of immigration.⁵⁴ In addition to organized movements of labourers, during the 1920s France also accepted Jews from eastern Europe and Russia as well as a variety of political refugees including Armenians, White Russians, Italian antifascists and Spanish Republicans.⁵⁵ It is this history of

France with immigration during the 1920s that has fueled its description—at least at an analytical level—as a *pays d'immigration*, especially when contrasted with other European countries such as Germany or Switzerland, neither historically in need of immigrants, or "welcoming" of immigrants.⁵⁶

Yet, the contradictory nature of this description of France as an "immigration country," is underscored when considering its history of encouraging the return, if not forcibly expelling migrant workers to their source countries when no longer perceived of benefit. This was exemplified dramatically during the third major period of immigration which lasted from the Depression of the 1930s until the end of World War Two. Through the Immigration Act of August 1932, not only was further immigration effectively halted, but in addition, several financial incentives were offered to those foreigners already in France to leave.⁵⁷ While some of these foreigners opted for naturalization as opposed to repatriation, leading some to suggest that the effect of these repatriation efforts appear to be limited,⁵⁸ it was nonetheless the case that by 1936 France had 500 000 fewer foreigners than in 1931.⁵⁹

The case of Polish miners in the North of France is particularly revealing of the often heavy-handed nature of these "returns". Between 1931 and 1936 amongst the many tactics that the French government used to return immigrants was the forced repatriation of Polish parents with their children who were actually French by birth.⁶⁰ This underlines that even holding the formal nationality or citizenship of a country does not always provide protection in the face of hostility towards and measures against "foreigners" or "immigrants."

More broadly, the situation of the 1930s also underlines the fact that certain periods (such as during an economic crisis) can heighten feelings that those defined as "foreigners" are a "problem" irrespective of the citizenship

they (or their parents) hold. The consequences of this can extend beyond "immigration control" to life and death itself. As Balibar notes:

Collectivities of immigrant workers have for many years suffered discrimination and xenophobic violence in which racist stereotyping has played an essential role. The interwar period, another crisis era, saw the unleashing of campaigns in France against 'foreigners', Jewish or otherwise, campaigns which extended beyond the activities of the fascist movements and which found their logical culmination in the Vichy regime's contribution to the Hitlerian enterprise.⁶¹

It was only following World War Two that the view on immigration began to shift back to its nineteenth-century roots as an important tool for meeting population shortages and labour demands. This marks the fourth period of immigration which lasted until 1972-73. In this fourth period however, the context in which immigration occurred was very different than earlier periods because of decolonization.

Following the Second World War immigration efforts were again stepped up though immigration was pursued in an even more coherent and orchestrated fashion by the state.⁶² In 1946, the number of foreigners working in France was approximately 935,000 — down significantly from the period of the 1920s.⁶³ However, following the war, the role that immigrants could play in re-building the war-torn economy, and filling expanding industries was re-opened in the context of debates over population and labour shortages. Indeed, France, still marked by the declining and aging population that had characterized it since the end of the First World War, was ripe now for arguments by influential demographers —such as Alfred Sauvy— who advocated that France needed at least 5,000,000 permanent immigrants in order to enable its re-emergence as a Great Power,⁶⁴ though preference was expressed for Italians and immigrants from other neighbouring states.⁶⁵ This argument that linked the status of France to increasing its population found

support with Charles de Gaulle and in March of 1945 de Gaulle indicated that immigration would be used as a means of re-populating France. That the government sought simultaneously to provide financial incentives for couples to have children, and outlawed abortion, suggested that immigration was but one measure in an overall population policy.⁶⁶ In addition, it also underscored a continued uncertainty as to the place of the "non-French" in French society.

This uncertainty also may, arguably, be seen in the divergent positions of different departments of the French state. Thus, while the French Demography institute (Institut National des Études Démographiques) tended to argue for the immigration of families, the economically oriented Commissariat Général du Plan pushed for the importation of temporary labour according to need.⁶⁷ Because the creation of a national immigration office (Office National d'Immigration ONI) in 1946 was linked to the Ministry of Labour, this reflected that the economic benefits of temporary labour were preferred over permanent (family-type) immigration.

Given the tension between treating migrants as simply disconnected, presumably male workers, versus workers and members of families (and perhaps future citizens), it is not all that surprising that there was also concern for where immigrants came from in French policy. Thus preference was expressed first and foremost for north European (German) immigrants, followed by southern European immigrants (from Spain and Italy) and finally by immigrants from eastern Europe; only under exceptional circumstances would others be considered.⁶⁸ The specific arrangements marked out for the importation of workers involved — at the formal level— the ONI and a series of bilateral accords specifying the number of immigrants and work conditions and requirements for entry of potential immigrants. In addition, as a member of the European Economic Community France also was involved in the

fledgling arrangements for free movement of workers hammered out in this arena by 1968 (these European developments are discussed more extensively in Chapter Five).

What profoundly differentiated the post-war period from previous eras was that immigration was taking place in the context of decolonization.⁶⁹ Thus, recruitment patterns *also* involved those parts of the Third World where France had an imperial presence (in particular North Africa— Algeria, Morocco and Tunisia— and overseas territories such as the islands of Martinique and Guadeloupe). Because of this colonial context, incoming immigrants sometimes had French citizenship, a feature that was a holdover of the historic project of attempting to "Frenchify" the colonies. This can be seen in the case of Algeria, where changes to the nationality code through 1860s to the late 1880s aimed at increasing the balance of European foreigners to French settlers through the extension of citizenship, as well as "dividing and conquering" the indigenous population on the basis of citizenship (Jews for example became French citizens in 1870).⁷⁰ In the context of incoming immigrants following World War Two, those from the overseas departments had French nationality as did the *pieds noirs* (European settlers from Algeria) who arrived from Algeria in the early 1960s and the *harkis* (Algerians who backed the French in 1962 and were given French nationality after independence).

However, many incoming immigrants did not have citizenship, and, therefore, fewer rights as compared to French citizens. These non-citizen workers did, however, serve an important function. It is evident that foreign workers coming in the 1950s through the decade of the 1960s were central to the expansion of labour intensive industries.⁷¹ Indeed, migrant workers appeared to be a necessary feature of advanced capitalism in France, and

Algerian males in particular were much more likely than the French-born, and European immigrants, to be engaging in unskilled labour.⁷² The shifting importance of foreign labour in sectors such as mining, and later manufacturing, construction, and most recently services can be seen in Table Five.

Table Five: Foreign Workers in Selected Economic Sectors in France, 1950-1980

Sectors	1946-1955	1956-1967	1968-1973	1974-1980
Mining (% of total)	56,614 (17.4)	41,823 (3.5)	9,906 (1.2)	4,593 (2.4)
Manufacture (% of total)	31,236 (9.6)	198,596 (16.5)	116,505 (14.5)	23,265 (12.1)
Construction (% of total)	56,880 (17.5)	452,391 (37.5)	269,818 (33.7)	33,249 (17.2)
Services (% of total)	— —	169,736 (14.1)	152,846 (19.1)	56,899 (29.5)

Source: James F. Hollifield, *Immigrants, Markets and States: The Political Economy of Postwar Europe* (Cambridge: Harvard University Press, 1992), p. 144.

The perceived economic benefit of foreign workers during the post-war boom years until 1972-73 ("les Trente Glorieuses") was so great that the official state view during this time was that immigration, *including* "illegal" immigration, was a major benefit to the economy.⁷³ Hence, in 1966, the Minister for Social Affairs declared that "illegal" immigration was important to warding off labour shortages: "L'immigration clandestine elle-même n'est pas inutile, car si l'on s'en tenait à l'application stricte des règlements et accords internationaux, nous manquerions peut-être de main-d'oeuvre."⁷⁴ Thus, despite the creation in 1946 of ONI, and bilateral immigration accords, potential immigrants were tacitly encouraged to enter France by any means, and seek regularization later. That some never got this regularization made

for very vulnerable life and working conditions for these immigrants. The positive view of "illegal" immigration changed only when immigration was officially terminated in 1974, and subsequently stringent measures were enacted to dampen illegal immigration by way of revamping sanctions on employers, especially in 1984.

Despite its longer history with immigration, in the final analysis France's post-war policy seems to have converged with other European countries that saw immigrants as simply temporary (generally male) workers. This situation lasted up until 1973-74 when these "guest worker" programs were abandoned, though the migration of immediate family members (spouse and children) as well as refugees⁷⁵ did continue after this point. In the case of France, the number of family members rejoined since 1973 has not been overwhelming, and in fact since the mid-1980s has been around only 30,000 yearly (see Table Six). However, family class immigration accounts for the increasing proportion of female migrants in the service sector, and domestic service, since the 1970s.⁷⁶ This feature has characterized some immigrant groups more than others. In 1987, about 18% of female Algerian foreigners were engaged in the labour force, as compared to about 46% of female Portuguese foreigners.⁷⁷

Looking broadly at the pattern of movement of peoples into France from territories outside, migration has been characterized by a mixture of colonial and then post-colonial migrants (some of whom actually held French citizenship) as well as migrants from other neighboring European countries.

Indeed, these variable relationships of migrants to French citizenship is demonstrated by the fact that in technical legal usage the term "immigrant" in France is used to refer to those populations not holding French nationality (e.g. Algerian foreigners), whereas "migrants" are those that hold citizenship

Table Six: Family Immigration in France Since 1973

Year	Number
1973	72647
1977	52318
1978	40123
1979	39300
1980	42020
1981	41589
1982	47396
1983	45767
1984	39621
1985	32545
1986	27140
1987	26769
1988	29345
1989	34594

Source: Michel Forsé et. al., Recent Social Trends in France 1960-1990 (Montreal and Kingston: McGill-Queen's University Press, 1993), p. 332.

but have come from, for example, one of the overseas territories.⁷⁸ This again underscores that not all people who move or migrate are defined the same way, and terms such as "immigrant" and "migrant" may take on a lot of cross-national variation.

In any case, the diversity of source countries of immigrants (i.e., those not holding formal citizenship in France) is clear from Table Seven.

**Table Seven: Foreigners in France by Leading Countries of Origin,
1990**

Country	Number	% of Total Foreign Population*
Portugal	645 578	17.9
Algeria	619 923	17.2
Morocco	584 708	16.2
Italy	253 679	7.0
Spain	216 015	6.0
Tunisia	207 496	5.75
Turkey	201 480	5.6

* N=3 607 590

Source: Ministère des Affaires sociales et de l'Intégration, Direction de la Population et des Migrations Aspects de l'immigration et de la présence étrangère en France: 1991-1992 (Paris: 1992), p. 35.

Currently, the largest single group of foreigners is from Portugal, followed by Algeria and Morocco.

To sum, in the French context, contemporary immigrants can be characterized in two ways. First, they have not, in general, been naturalized and second they often tend to also be perceived as racially/ethnically different from "the French" whether or not they hold French nationality.⁷⁹ With respect to the latter, immigrants from Algeria are important to address because, while not the single largest foreign group in France, they are the largest group of "post-colonial" (Third World) immigrants. In addition, because of the complex character of France's relationship with Algeria, the variety of citizenship statuses held by members of this group— more than

most—reflects on the complexity of who is legally defined as a citizen and who is not in France. Finally, the literature on immigration in France repeatedly points out the fact that while the Portuguese are the most numerous immigrant group, "to many French 'immigrants' means Algerians." 80

EMBLEMATIC IMMIGRANT GROUPS: MEXICANS AND ALGERIANS

Despite the unique histories of the United States and France, these countries do share some broad similarities when it comes to the history of immigration. Both countries experienced migration prior to the Second World War; in both countries the role of the state in controlling immigration has increased over time (which led simultaneously to duplicitous policies with respect to "illegal" immigration); and in both, shifting perceptions as to the worth and value of immigration in different periods have affected definitions of what criteria makes one eligible for entry, and which immigrants are worthy to be considered as citizens. This section highlights another commonality between the two countries: that "immigrants" tend to be defined in relation to specific ethnic groups, and the policy "problems" driving immigration tend also to be discussed by reference to specific groups.

In actuality, international migration today is exceedingly complex: no single theory has yet accounted for all the reasons why people move, or how they are treated in particular states. Migrants to Western states come from a variety of states and include families of earlier migrants; "legally" and "illegally" recruited workers; skilled professionals; and refugees.⁸¹ Nonetheless, political debates over immigration seldom bring up all these complexities of international migration. Rather, "immigrants" tend to be identifiable "others." For this reason, it is relevant to examine those groups

seen to be "immigrants," and how this affects policies. Not surprisingly, "immigrants" often lack economic, political and cultural sources of power in their host societies— as is the case with Mexicans in the U.S., and Algerians in France.

In arguing that each country can be understood better by a focus on the "emblematic groups" of Mexicans in the United States and Algerians in France, the goal is to highlight the idea that these particular ethnic groups also represent the most profound shift in American and French post-war immigration policies: the widespread use of colonized/Third World peoples in the labour market. As well, numerically each emblematic group forms the largest single Third World source of immigration within their respective contexts. Additionally, contemporary popular and policy discussions of immigration in France and the U.S. focus on these groups so that they become a central— and at times the central—lens through which contemporary immigration "problems" are viewed.

It should be emphasized in the French context that all North Africans— whether Algerian, Tunisian or Moroccan— may experience the same forms of discrimination, exclusion, police harassment, and so on, in daily life in France— as may other minority groups. In France, North Africans, particularly of the second generation, are often referred to as *beurs*, a slang form for "Arab," and Algerians, Tunisians and Moroccans are treated as one when the popular press seeks to find out what they "want" (a question that majorities seem prone to demand of minorities), as reflected in a recent cover story of one major French magazine proclaiming "ce que veulent les beurs."⁸² But while all immigrants and those perceived as foreigners may be treated with discrimination, and while North African immigrants share certain commonalities, there is no denying the particular poignancy that the question

of Algerian immigration has drawn in France. Algerians (in comparison to other North Africans) are an older immigrant group. But more importantly, the focus on Algerians may be related to the unique colonial relationship between France and Algeria, and the particularly bloody character of decolonization. As Ogden notes, "it has proved easy for politicians of the far Right to exploit the idea of Algerians as a threat."⁸³

Similarly, it is clear that Mexicans are not the only immigrant group in the U.S., nor the only minority group to face discrimination. Nor are they the only "Hispanic" group, though they are the largest comprising substantially over half of the Spanish-origin population.⁸⁴ Immigration policy has been, and is, discussed in terms other than Mexicans, or the "illegal" Mexican problem. This was clear in the Clinton Administration's decision to return Aristide to power in Haiti— a foreign-policy decision inspired in large part to prevent the continued exodus of Haitian refugees landing on U.S. shores. Nonetheless, there is no question that Mexican immigration has been central to policy— a feature that relates not only to the numerical significance of Mexican immigrants, but also Mexico's proximity to the U.S. Indeed, in American states bordering Mexico the "illegal problem" has become evident on the highways. A recent article in The Nation carried this observation:

Since the 1980s, on top of greatly expanding border checkpoints, the Immigration and Naturalization Service and the Border Patrol have implemented policies that interfere with the rights of U.S. citizens to travel freely within our borders. I.N.S. agents now patrol all interstate highways and roads that lead to or from the U.S.-Mexico border in Texas, New Mexico, Arizona and California. Now, when you drive east from Tucson on Interstate 10 toward El Paso you encounter an I.N.S. check station outside Las Cruces, New Mexico. When you drive north from Las Cruces up Interstate 25, two miles north of the town of Truth or Consequences, the highway is blocked with orange emergency barriers, and all traffic is diverted into a two-lane Border Patrol checkpoint— ninety-five miles north of the U.S.-Mexico border.⁸⁵

Others have noted the oddity of southern Californian highways, around Tijuana, where road signs display people on foot to warn drivers to look out for potential people (immigrants) crossing the road.⁸⁶ These roadway features are recent developments, in part because "illegal immigrants" have been increasingly defined as a problem in need of drastic measures through the 1980s. However, the history of Mexicans in the United States is much longer than that.

Mexicans in America

The history of Mexicans in the United States actually pre-dates any specific programs for their immigration. As often emphasized by Mexican-American scholars (though notably far less frequently by others) Mexicans became foreigners in their own land through military conquest and occupation.⁸⁷ The annexation of Texas by the U.S. in 1845, together with the Mexican War of 1848, led to the loss of about half of Mexico's territory, as the United States also gained control of what is today California, Colorado, New Mexico, Nevada, Utah and most of Arizona. Through the 1848 Treaty of Guadalupe Hidalgo which ended the war, Mexicans residing in conquered land who made an affirmative declaration were guaranteed citizenship, which the majority did.⁸⁸ In these actions, the U.S. followed a pattern of European colonialism, or perhaps more accurately, internal colonialism. Mexicans were, therefore, a feature of the American southwest prior to becoming either "immigrants" or more recently "illegal immigrants,"⁸⁹ and in this respect form a relatively long-established ancestry group in the United States.

Nonetheless, increases in the Mexican population were the result of further immigration, and the flow of Mexican immigration through the nineteenth and twentieth centuries was largely dependent on varying labour needs, generally in marginalized sectors of the economy.⁹⁰ Thus, such industries as mining, railway construction and agriculture in the American southwest were historically built up by Mexican immigrant labour. Mexicans were nonetheless also seen as a force that could be "repatriated" when there was no longer a need for them. For example, during the 1930s in the midst of a rash of deportations inspired by economic crisis both "illegal immigrants" and even American-born Mexicans were induced and forced to leave.⁹¹

In addition, the Mexicans have played an important role as migrant labourers in the Second World War and the post-war period. Indeed, currently, as based on 1990 Census data, more than 75% of the foreign born from Mexico in the U.S. do not have American citizenship.⁹² However, post-war migration from Mexico has tended to take place more against the backdrop of the "illegal problem," rather than the problem of the lack of citizenship and rights of many Mexicans residing in the U.S.

In 1942, the national labour shortage following the war mobilization led to an INS administered program to admit temporary workers from Mexico to toil under extremely brutal conditions as seasonal agricultural workers in the southwest. This war-time law was extended until 1950, and led ultimately in 1951 to an agreement between the United States and Mexico (run by the INS and the Department of Labor) known as the Bracero Program. The Bracero Program relied exclusively on male migrants from Mexico to work as temporary farm labourers in the U.S., and represented a rare instance where the U.S. met its immigrant needs through a bilateral agreement.

While this program was officially terminated in 1964,⁹³ the focus on the problem of "illegal Mexican immigration" became particularly acute during a period of economic recession in the 1950s. Thus, in 1951 the chief of the Border Patrol argued that the United States was facing "perhaps the greatest peacetime invasion ever complacently suffered by any country under open, flagrant, contemptuous violation of its laws."⁹⁴ Such sentiment ultimately inspired "Operation Wetback," in 1955 wherein some 3.8 million Mexicans were deported over a five year period, and "Mexican-looking" Americans were also required to prove their legitimate status in identity checks.⁹⁵

These events notwithstanding, the termination of the Bracero Program in 1964 was important because the demise of this program actually laid the basis for the greater migration of women from Mexico to the United States, in part owing to the "networks" established by the earlier wave of male migrants.⁹⁶ In this context, it can be noted that while both male and female migrants from Mexico continue to be in "unskilled" jobs, women not only earn substantially less than men in all areas of employment, but are more likely to be engaged in service and private household work (particularly if entering "illegally"), than the agricultural work that has characterized the experience of men.⁹⁷ Thus the work experiences of women from Mexico can expose them to different kinds of abuses and exploitations.⁹⁸ Nonetheless, the historic interests of growers in maintaining a cheap (mostly male) labour supply for farming, and the interests of some women's organizations in maintaining (mostly female) domestic servants from Mexico,⁹⁹ has meant that the "proper" role of the state *vis a vis* "illegal immigration" was to remain as contested through the 1980s and 1990s, as it had in earlier eras.

Algerians in France

In contrast to the situation of Mexicans in the United States, the colonized/colonizer relationship between Algeria and France remains in the living memory of *both* Algerians in France and the larger society. Consequently, the policies and ideas relating to immigration and citizenship in France are uniquely imbued by the legacy of this colonial relationship.

The French conquest of Algeria dates to 1830 with the initial occupation of cities and the expropriating of property from the indigenous population. By 1865 the French government sought measures to automatically naturalize and give full citizenship rights to European settlers in Algeria (about half were French and half either Spanish, Maltese and Italian); in contrast, whereas Muslim natives were French nationals they could not be citizens unless they renounced the Muslim faith.¹⁰⁰

While the migration of Algerian workers to Europe, and particularly France, can be traced as far back as 1871 when they first appeared in some French and Belgian records, in fact the Governor of Algeria, acting on the demand of the *colons* (settlers) decreed in 1876 that Algerians seeking to enter France required a special permit.¹⁰¹ It was only after this special requirement was abolished in 1913 that Algerians entered France in greater numbers. In particular, the need to fill mining and other industries with cheap labour ensured that by the First World War some 30 000 Algerians were working in France.¹⁰² As well, 150 000 Algerian men also served in the French army in France during the war. Those who stayed on were joined by a larger wave of Algerians entering in the early 1920s. Though defined as "colonial workers," the treatment of Algerians following the crash of 1929 was similar to other groups of foreigners repatriated such as Poles in the

Depression (discussed earlier). Thus whereas the number of Algerians officially registered in 1932 was 65,000 it had declined to 32,000 in 1936.¹⁰³

It was only in the post-war era that migration from Algeria began anew. In particular, in 1947 the notion of "French Muslims" was introduced within Algeria, and while not giving Algerians the full rights associated with citizenship, it nonetheless did give them the right to move freely between Algeria and France. This served to fill the demand in France for cheap and expendable labour, subordinated through citizenship policies. Indeed by the mid-1950s the number of Algerians working in France rose to about 400,000.¹⁰⁴

It is important to note that until the independence of Algeria in 1962, notions of citizenship and free entry were *highly* and overtly contextualized in terms of the colonial situation. In particular, the French wanted to maintain their dominance in Algeria, and some recognition and rights were necessary to this goal. This became particularly heightened with the outbreak of the War of Liberation in 1954. Thus, as Fanon noted in 1961, just prior to independence:

The well-known principle that all men are equal will be illustrated in the colonies from the moment that the native claims that he is the equal of the settler. One step more, and he is ready to fight to be more than the settler. . . . It is not by chance that, even before any negotiation between the French and Algerian governments has taken place, the European minority that calls itself "liberal" has already made its position clear: it demands nothing less than twofold citizenship.¹⁰⁵

With the Evian Agreement of March 1962 the French recognized the independence of Algeria, and as a holdover to upholding the "shared" relationship between the French and Algeria, allowed Algerians with identity cards free circulation in France. This free movement was largely put in place to protect the Europeans in Algeria, though once these Europeans had largely

fled to France the interest on the part of French authorities in maintaining it dwindled.¹⁰⁶ Thus by 1964 this arrangement was dropped, and a series of changes over the 1960s moved bilateral (France-Algeria) agreements more in the direction of stricter controls. As with other immigrants, a large number of Algerians were, therefore, compelled to enter France "illegally" in the hope of seeking subsequent regularization. By 1973, some 800 000 Algerians were officially in France (comprising 105 000 families and 330 000 children).¹⁰⁷ Nonetheless, it is an indication of the extremely contested and ambivalent nature that characterizes French-Algerian relations that each country views the French-born children of Algerian parents —if the parents were born prior to 1962— as their own nationals (this will be discussed further in Chapter Three). It also points to the extremely varied citizenship statuses Algerians may possess in France. This feature is further heightened by the fact that some 500,000 *Harkis* — Algerians who supported France during the War of Liberation, and subsequently fled to France following Independence— were granted full citizenship.

France officially terminated immigration in 1974, though the migration of family members, the vast majority of which were women and children followed the earlier flow of migrant males.¹⁰⁸ Thus whereas in 1954 women comprised only 6.4% of the foreign Algerian population in France, by 1982 they formed 38.6% of the foreign Algerian population.¹⁰⁹ Indeed, this new (post-1970s) "family" character to the foreign population, particularly Algerian, has raised new issues and debates *vis a vis* the place of immigrants in France.¹¹⁰

These debates need to be assessed in relation to the continued effect of the Algerian colonization. As Bernard notes, the fixation on Arab

immigration— and most especially Algerian immigration— roots itself in the conditions of decolonisation and the Algerian War:

Il est, pour l'essentiel, l'héritage de la colonisation et surtout des conditions de décolonisation. Ce n'est pas un hasard si le racisme prend pour première cible les Algériens, beaucoup plus que les Tunisiens ou les Marocains. Huit ans d'une guerre son nom, 400 000 morts de part et d'autre, une accumulation d'atrocités, une défaite politique et la perte, pour la France, du dernier symbole de son empire colonial ont creusé un fossé que seul le temps et le dialogue des mémoires peuvent combler.¹¹¹

In keeping with this sentiment, a recent survey (1992) found that in France there was greater hostility towards Arabs than Blacks, and amongst Arabs, greater hostility towards Algerians than Moroccans and Tunisians.¹¹² Such findings also need to be assessed against the fact that following independence, there was *also* the mass exodus of some 1 000 000 European *colons* from Algeria to France (the *pieds noirs*). As Husbands notes, France stands as unique among colonial powers in having received back such a large number of *rapatriés* from a former colony.¹¹³ Indeed, along with leader Jean Marie le Pen, these former *colons* in particular have formed an important component to the resurgence of right wing nationalism and anti-immigrant (particularly anti-Arab/Algerian) sentiment in the 1980s and 1990s through the Front National.¹¹⁴

CONCLUSIONS

This chapter has addressed the manner in which migration has fueled demands for cheap labour historically, and under advanced capitalism in both the United States and France. Indeed, it is interesting that despite the evident difference of the United States as a settler colony (with an obvious dependence

on immigrants) as compared to France, in fact in both contexts immigration intake has been heavily tied to the labour market, and moreover the general performance of the economy. Indeed, in economic downturns, policy restrictions have tended to be more pronounced.

In addition, this chapter has noted that in both the American and French contexts "immigrants" are politically and socially constructed. It is clear that in both countries "immigrants" have been defined by shifting legal and policy criteria, as well as historically-specific perceptions. In this regard, in the post-war period, Algerians in France and Mexicans in the United States have emerged as emblematic of contemporary "immigrants." As was clear from the overview, each group is characterized by unique histories.

Nonetheless as emblematic groups, Algerians in France and Mexicans in the United States do share certain similarities as Third World peoples; as marginalized workers and residents in advanced capitalist countries; and as targets of racist sentiment within their respective contexts. While the Mexicans have, as an ancestry group, a longer history in the United States, in the case of both Algerians and Mexicans, recent migration trends have also been similarly characterized by the movement of more females and a more "family" based character to immigrant populations.¹¹⁵

These two groups share another commonality as well, which impinges on both questions of citizenship and national belonging in ways that will be further explored, and that is colonization. For the present, what should be noted is that citizenship for both these groups was initiated primarily in relation to colonization, not just immigration. However, the context and the timing differ quite dramatically. Thus, while Mexicans were granted citizenship in the United States nearly 150 years ago, it was in the context of colonial conquest, and American national expansion. In marked contrast, with

the Algerians, citizenship was most fervently offered by the French in the context of decolonization, and the loss of empire in the 1950s and 1960s.

Leaving aside these differences for the time being, what is also evident in both cases is that the emblematic groups of Mexicans and Algerians are not all "immigrants," as in fact some have acquired or have citizenship at birth. Nonetheless, even these citizens can become implicated in popular and policy responses to the "immigration problem."

NOTES

- 1 From Living in a New Country: History, Travelling and Language (London: Faber and Faber, 1992), pp. 7-8, as cited in Iain Chambers, Migrancy, Culture, Identity (London and New York: Routledge, 1994), p. 5.
- 2 Roxana Ng, The Politics of Community Services: Immigrant Women, Class and State (Toronto: Garamond Press, 1988), p. 15.
- 3 François de Laboulaye, "The Statue of Liberty: Her Birth, Her Meaning," INS Reporter 34, 2 (Spring 1986), p. 4.
- 4 Ibid.
- 5 Emma Lazarus, "The New Colossus," as cited in Henning Nielson, "The Making of the Statue of Liberty," INS Reporter 34, 2 (Spring 1986), p. 6.
- 6 See, for example, John F. Kennedy, A Nation of Immigrants, (New York: Harper and Row, 1964).
- 7 Although traditionally many American scholars have not viewed the United States as a "settler society," but rather as a case of "exceptional development," as Janiweski argues, the United States is usefully compared to other examples of settler colonialism (Dolores Janiewski, "Gendering, Racializing and Classifying: Settler Colonization in the United States, 1590-1990," in Daiva Stasiulis and Nira Yuval-Davis (eds.), Unsettling Settler Societies: Articulations of Gender, Race, Ethnicity and Class [London: Sage, 1995], p. 132).
- 8 Michael C. LeMay, From Open Door to Dutch Door: An Analysis of U.S. Immigration Policy Since 1820 (New York: Praeger, 1987), p. 7.
- 9 United States, Department of Justice, Statistical Yearbook of the Immigration and Naturalization Service, 1990 (U.S. Government Printing Office: Washington D.C., 1991), p. 13.
- 10 Nathan Glazer and Daniel P. Moynihan, Beyond the Melting Pot Second Edition (Cambridge: MIT Press, 1970), p. 15.
- 11 United States, Department of Justice, An Immigrant Nation: United States Regulation of Immigration, 1798-1991 (Washington: 1991) p.3.
- 12 Kitty Calavita, U.S. Immigration Law and the Control of Labor: 1820-1924 (London: Harcourt Brace Jovanovich, 1984), p. 19.
- 13 Ibid., p. 21.
- 14 Ibid., pp. 22-23.

15 Ibid., p. 24.

16 For example, the "Know-Nothing" movement — and political party— emerged from a series of violently anti-Catholic secret societies during the 1850s (Ellis Cose, A Nation of Strangers: Prejudice, Politics and the Populating of America, [New York: William Morrow, 1992], pp.17-41).

17 Cose, A Nation of Strangers, pp. 42-53. Similarly, the "Gentleman's Agreement" negotiated between the US and Japan in 1907 allowed only family members of Japanese already in the US to receive passports.

18 United States, An Immigrant Nation, p. 9.

19 Calavita, U.S. Immigration Law and the Control of Labor, p.39.

20 Robert A. Carlson, The Americanization Syndrome: The Quest for Conformity, (London: Croom Helm, 1987), p. 75.

21 Ibid., p. 78.

22 Bernard A. Weisberger, "A Nation of Immigrants," in John A. Kromkowski (ed.), Race and Ethnic Relations 95/96 (Guilford: Dushkin, 1995), pp.47-50.

23 United States, An Immigrant Nation, p.9.

24 Roudolph Vecoli and Joy K. Lintelman, A Century of Immigration, 1884-1984, (Minneapolis: University of Minesota Continuing Education and Extension, 1984), p. 91 as cited in LeMay, From Open Door to Dutch Door, p. 71.

25 United States, An Immigrant Nation, pp.10-11.

26 LeMay, From Open Door to Dutch Door, p. 12.

27 Calavita, U.S. Immigration Law and the Control of Labor, pp. 163-164

28 LeMay, From Open Door to Dutch Door, p. 12.

29 United States, An Immigrant Nation, p. 23.

30 Ibid., pp.11-12.

31 Ibid., pp. 13, 17.

32 Between 1955 and 1964, over 50% of immigrants came from Europe with over 28% of all immigrants coming from northern and western Europe, and less than 22% coming from southern and eastern Europe (United States, Department of Justice, Statistical Yearbook of the Immigration and Naturalization Service, 1990, p. 39).

33 The 1965 legislation changed the annual limits on immigration to 120,000 from the Western Hemisphere, and 170,000 from the Eastern Hemisphere, with a maximum of 20,000 for any single country in the Eastern Hemisphere. In 1978, the distinction between hemispheres was abandoned, and although immigration was theoretically limited to 290,000 yearly, in actuality due to the categories of immigrants that may be exempted from limits (such as refugees), legal immigration averaged about 500,000 yearly during the 1970s and 1980s. See John E. Farley, Majority-Minority Relations Third Edition (Englewood Cliffs: Prentice Hall, 1995), pp. 453-454.

34 For most of the post-World War Two era, American refugee policy was ad hoc, and it was not until the Refugee Act of 1980 that a systematic procedure for determining the number of refugees to be admitted yearly in conformity with the UN definition of refugee was established (T. Alexander Aleinikoff, "Political Asylum in the Federal Republic of Germany and the Republic of France: Lessons for the United States," Journal of Law Reform 17, 2 [Winter 1984] pp. 183-241). In addition, the refugee category has for most of this period been affected by a Cold War inspired dual standard whereby refugees fleeing "left wing" oppression in Communist countries faced better reception than those fleeing "right wing" oppression from capitalist states (Elizabeth Hull, Without Justice for All: The Constitutional Rights of Aliens, [Westport: Greenwood Press, 1985], pp.115-146). The effect of the end of Cold War on refugee intake has been particularly evident in the case of Cuba. For close to thirty years, the U.S. gave preferential treatment to nearly all Cubans coming from Fidel Castro's Cuba. However, in 1995, a new policy was introduced by the Clinton Administration to forcibly repatriate all Cubans seeking refugee asylum in the U.S. This action was buttressed by an agreement reached with Cuban authorities who have pledged to not mistreat repatriated Cubans, as well as to allow Cubans the right to apply to be immigrants to the U.S. ("The U.S. is Right to Change its Policy Toward Fleeing Cubans," The Globe and Mail [11 May 1995], A19).

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36 LeMay, From Open Door to Dutch Door, pp. 111-112.

37 Vincent N. Parrillo, "Rethinking Today's Minorities," in Vincent N. Parrillo (ed.), Rethinking Today's Minorities (New York: Greenwood Press, 1991), p. 6.

38 Ben Wattenberg, as cited in Vincent N. Parrillo, "The New Ethnics: Familiar Strains in a Different Setting," in Parrillo (ed.), Rethinking Today's Minorities, p. 16.

39 Farley, Majority-Minority Relations, p. 225.

- 40 Susan Lapham, "Census Bureau Finds Significant Demographic Differences Among Immigrant Groups," in John A. Kromkowski (ed.), Race and Ethnic Relations 95/96 (Guilford: Dushkin, 1995), p. 57.
- 41 Ibid., pp. 55-59.
- 42 Weisberger, "A Nation of Immigrants," p. 53.
- 43 Ibid.
- 44 Farley, Majority-Minority Relations, p. 235.
- 45 Alejandro Portes and Min Zhou, "Should Immigrants Assimilate?" in John A. Kromkowski (ed.), Race and Ethnic Relations 95/96 (Guilford: Dushkin, 1995), pp. 63-64.
- 46 Stephen Castles et.al., Here for Good: Western Europe's New Ethnic Minorities (London: Pluto Press, 1984).
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- 48 SOPEMI, Trends in International Migration: Continuous Reporting System on Migration (Paris: OECD, 1992) p. 126.
- 49 Catherine Wihtol de Wenden, "North African Immigration and the French Political Imaginary," in Maxim Silverman (ed.), Race, Discourse and Power in France, (Avebury: Aldershot, 1991), p. 100.
- 50 Djamel Khamès and Françoise Paoletti, Quelle Immigration en France? (Paris: Hatier, 1993), p. 13.
- 51 Yann Moulier and Georges Tapinos, "France," in Daniel Kubat (ed.) The Politics of Migration Policies: The First World in the 1970s (New York: Center for Migration Studies, 1979), p. 128
- 52 Patrick Ireland, The Policy Challenge of Ethnic Diversity: Immigrant Politics in France and Switzerland (Cambridge: Harvard University Press, 1994), p. 32.
- 53 G.S. Cross, Immigrant Workers in Industrial France, (Philadelphia: Temple University Press, 1983), p. 12 as cited in Philip Ogden, "The Legacy of Migration: Some Evidence from France," in Russell King (ed.), Mass Migration in Europe: The Legacy and the Future (London: Belhaven Press, 1993), p.111.
- 54 Moulier and Tapinos, "France," p. 128.

- 55 Ireland, The Policy Challenge of Ethnic Diversity, p. 32.
- 56 Mark Miller, Foreign Workers in Western Europe: An Emerging Political Force, (New York: Praeger, 1981), p. 7.
- 57 Moulrier and Tapinos, "France," p. 129.
- 58 Verbunt, "France," p. 127.
- 59 Khamès and Paoletti, Quelle Immigration en France?, p. 15.
- 60 Janine Ponty, Polonais méconnus, (Paris: Publications de la Sorbonne, 1988) as cited in André-Clément Decouflé, "Historic Elements of the Politics of Nationality in France (1889-1989)," in Donald L. Horowitz and Gérard Noiriel (eds.), Immigrants in Two Democracies: French and American Experience (New York: New York University Press, 1992), p. 359
- 61 Etienne Balibar, "Is There a 'Neo-Racism'?" in Etienne Balibar and Immanuel Wallerstein (ed.), Race, Nation, Class: Ambiguous Identities (London: Verso, 1991) pp. 20-21.
- 62 Patrick Weil, "Les politiques de l'immigration en France depuis la Seconde Guerre mondiale," in Pierre-André Taguieff (ed.) Face au racisme (2): Analyses, hypothèses, perspectives (Paris: Editions la Découverte, 1991), p. 135.
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- 67 Ibid.
- 68 Weil, "Les politiques de l'immigration en France depuis la Seconde Guerre mondiale," p 137.
- 69 See Mahfoud Bennoune, The Impact of Colonialism and Migration on an Algerian Peasant Community: A Study in Socioeconomic Change, Unpublished Ph.D. Thesis, The University of Michigan, 1976.
- 70 Anissa Hélie, "Between 'Becoming M'tourni' and 'Going Native': Gender and Settler Society in Algeria," in Daiva Stasiulis and Nira Yuval-Davis (eds.),

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71 Verbunt, "France," p. 133.

72 In 1980, 50% of Algerian males in the work force were classified as unskilled, compared to 13.2 % of French, 43.1% of Portuguese and 24.2% of Italians. (Philip E. Ogden, "Immigration to France Since 1945: Myth and Reality," Ethnic and Racial Studies, 14, 3 [July 1991], p. 307).

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74 M. Jeanneney, as cited in Ministère des Affaires Sociales et de la Solidarité Nationale, 1981-1986: Une nouvelle politique de l'immigration (Paris: Direction de la Population et des Migrations, 1985), p. 10.

75 While the 1946 French Constitution declares that "Tout homme persécuté en raison de son action en faveur de la liberté a droit d'asile dans les territoires de la République," this is not binding. Yearly, France selects some refugees from overseas, and also takes in asylum claims made at the border or inside the country. The general policy on asylum has, since 1952, been carried out by the Office français de protection des réfugiés et apatrides (OFPRA) at arms length from the Ministry of Foreign Relations. See T. Alexander Aleinikoff, "Political Asylum in the Federal Republic of Germany and the Republic of France: Lessons for the United States," Journal of Law Reform 17, 2 (Winter 1984):183-241.

76 Domestic service is particularly characterized by the Portuguese and migrants from the overseas departments and territories of Guadeloupe, Martinique and La Réunion (Ogden, "Immigration to France Since 1945" p. 308).

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- 83 Ogden, "The Legacy of Migration: Some Evidence from France," p. 109.
- 84 According to Portes, "most members of the Spanish-origin population — at least 60 percent— are of Mexican origin, divided between native-born Americans and immigrants; another 14 percent come from Puerto Rico and are U.S. citizens by birth. . . the third group in size is Cubans, who represent about 5 percent and are, overwhelmingly, recent immigrants coming after the consolidation of a communist regime in their country (Alejandro Portes, "From South of the Border: Hispanic Minorities in the United States," in Virginia Yans-McLaughlin (ed.), Immigration Reconsidered: History, Sociology and Politics [New York: Oxford University Press, 1990] p. 161).
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- 93 Although Mexican accounts tend to emphasize that the problems and abuses of workers that the U.S. was unwilling to change resulted in the Mexican Government cancelling of the program, American accounts tend to posit the U.S. as officially terminating this program.
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- 96 Sherrie A. Kossoudji and Susan I. Ranney, "The Labor Market Experience of Female Migrants: The Case of Temporary Mexican Migration to the U.S.," International Migration Review 18, 4 (1984), p. 1122.
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108 Monica Boyd, "Family and Personal Networks In International Migration: Recent Developments and New Agendas," International Migration Review 23, 3 (1989), p. 638.

109 Georges Photios Tapinos, "Immigration féminine et statut des femmes étrangères en France," Revue Française Des Affaires Sociales 46 (Décembre 1992), p. 53.

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113 Christopher T. Husbands, "The Mainstream Right and the Politics of Immigration in France: Major Developments in the 1980s," Ethnic and Racial Studies 14, 2 (April 1991), p. 172.

114 Daniel Singer, "The Resistable Rise of Jean-Marie Le Pen, " Ethnic and Racial Studies 14, 3 (July 1991): 368-381.

115 See also Boyd, "Family and Personal Networks In International Migration," pp. 638-669.

CHAPTER THREE

POLITICAL COMMUNITIES

In Oxnard California, a McDonald's employee demanded immigration documents from a customer before agreeing to serve him food. The owner of a hotel in another county called police when a citizen of Mexican descent refused to show a green card while registering for a room. A dental clinic in Glendale asked for documents from a mother before agreeing to treat her child. A pharmacist in Palm Springs refused to fill a customer's prescription without immigration papers. The list of abuses grows daily.

American Civil Liberties Association, 1995¹

INTRODUCTION

The above quotation assesses the aftermath of the November 1994 affirmative results in the referendum on California's Proposition 187. The tenets of this measure reflect on how much holding American citizenship or at least permanent residence shape equal rights: Proposition 187 would deny most public benefits to illegal immigrants and their families (such as public school education and other state and county funded benefits such as non-emergency health care and social services). In 1995 Proposition 187 was temporarily blocked by a court order as some of its provisions counter existing state and federal laws, as well as constitutional protections. However, even in the absence of enactment, its apparent influence in spurring medical and even service industry employees to demand documentation from customers perceived as foreign— whether citizens or not— suggests something else:

holding American citizenship does not guarantee equal treatment or rights. Whatever the fate of Proposition 187, it clearly illustrates some paradoxical aspects of formal citizenship or nationality.

This chapter addresses such contradictory aspects of citizenship by focussing on the shifting context and content of national immigration policies and legislation governing citizenship acquisition in the United States and France over the course of the 1980s and early 1990s. More specifically, by highlighting the inter-related character of these sorts of policies on the one hand, and broader national and international processes on the other, this chapter critiques mainstream theorizing over "citizenship," for its silence on the issue of formal citizenship, or nationality.

This analysis will demonstrate that in the 1980s and 1990s, immigration became a salient political issue in both France and the United States, and in the process, there was a cementing of the image of Mexicans in the U.S., and Algerians in France, as emblematic of current immigration, and consequently, the "immigration problem" in each national setting. While this has implications for citizenship, it is not to say that every aspect of policy, debate, controversy or perception in the area of immigration involves reference to these ethnic groups. Nonetheless, a *significant* component of debate and policy response has been funneled both explicitly and implicitly by reference to specific collectivities in each national context, warranting the use of the label "emblematic group" to serve as a useful shorthand. However, as the analysis will also show, while the debates and policy responses regarding immigration and citizenship in both France and the United States have been characterized by the feature of emblematic groups, they are not identical. In the U.S. discussions on the "immigration problem" have overtly targeted "illegal" immigrants, whereas in France the overt focus has been on both

"Illegal" immigrants and also legal residents and citizens living in the country.

Though the situations in the United States versus France are distinct when it comes to the discourses surrounding policies on migration and citizenship—emerging as they do from different histories, understandings and political and social forces— both cases highlight the need to take the issue of nationality, or formal citizenship, as a central, not peripheral theoretical concern in discussions of "citizenship."

This chapter is divided into two major sections. The first section examines the mainstream literature on citizenship and underlines that while current theorizing has brought in many contemporary issues of concern, in general it has been remiss in dealing with the complex issues raised by migration. In the second section, developments in the area of immigration and the extension of formal citizenship in the U.S. and France are overviewed, with special attention paid to the period since 1980. Summarizing from this discussion, the chapter concludes by assessing the implications of these developments in the area of immigration and formal citizenship in the two countries under examination in light of the traditional concerns raised in the citizenship literature.

MAINSTREAM AND SPECIALIZED LITERATURES— BRIDGING RIGHTS, PARTICIPATION AND INEQUALITY?

Over the past decade "citizenship" has increasingly emerged as an important concept in Western academic scholarship, across a wide variety of disciplines (such as political science, law, sociology and philosophy). In many ways, the growing salience of the citizenship concept in recent years should

be viewed as a *reassertion* because most contemporary work bears strong allegiance to the formulations of scholars dealing with citizenship in the nineteenth and early twentieth centuries, and, indeed, classical theorists such as Aristotle. While some contemporary discussions of citizenship draw on new approaches in the social sciences (such as feminism) and some of the latest policy debates (such as the insecure future of the welfare state) this recent work still generally fits into the concerns raised in what may be termed the "mainstream literature" on citizenship. This mainstream literature centres around two distinctive, though not necessarily mutually exclusive, conceptions of citizenship: 1) citizenship as rights; and 2) citizenship as participation. The differences in these two conceptions will be highlighted in turn, before moving on to their commonalities.

Citizenship as Rights

For many analysts citizenship is conceived of primarily in terms of rights. From this perspective, citizenship is often used to focus on struggle and conflict within a given society. This can be seen in the opposition posited between the equality implied in citizenship and the inequalities of class as shown in the pathbreaking post-war account of citizenship in Britain given by T.H. Marshall,² in Reinhard Bendix's account of the rise of citizenship in Europe,³ and more recently in the work of Bowles and Gintis on the history and politics of citizen rights.⁴ Relatedly, Catherine Mackinnon's work points to the limits traditional equality rights *via* citizenship have for women given that "male power is systemic" in state and society.⁵ In focusing on citizenship in terms of rights, rights have generally been defined, as in Marshall's evolutionary account of the development of citizenship rights in Britain, as

including civic rights (relating to the rule of law); political rights (relating to elections and voting) and social rights (relating to the welfare state). The focus on citizenship in terms of rights and conflict is articulated most vividly by David Held who argues that "the struggle over the nature and extent of citizenship has *itself* been a, if not the, central medium of social conflict— the medium through which various classes, groups and movements strive to enhance and protect their rights and opportunities."⁶

Conceiving of "citizenship as rights" has proven to be useful both in terms of attracting analysts across the ideological divide, and in dealing with relevant political issues of the late twentieth century. Indeed, while a variety of reasons might be forwarded to explain the reassertion of the citizenship concept, a primary one is undoubtedly the pressing question of the future of social spending in advanced capitalist states. As the welfare state has increasingly been under attack within advanced capitalist countries, more radical theorists have turned to such notions as "rights," and the nature of modern citizenship, in an attempt to preserve the principles of welfare.⁷ At the same time, for many neoconservative commentators, the focus on social policies has produced works that emphasize how state spending creates social and economic problems. For example, from this perspective, the phenomenon of welfare dependence is seen to be caused by notions of rights, or entitlements, and this is further seen to have eroded "obligations" of citizenship— in particular the obligation to earn a living.⁸

Citizenship as Participation

While the focus on "citizenship as rights" conceives of citizenship primarily in terms of rights, and emphasizes the nature of political conflict

about and over rights within a given society, the second understanding in the mainstream literature conceives of citizenship primarily in relation to participation. Broadly stated, this conceptualization takes as its central themes notions of community, belonging and political participation. This more philosophical focus has its roots in the works of the "classical" philosophers, such as Aristotle, and holds the idea that "citizenship — meaning membership in some public and political frame of action— is necessary if we are to be granted decision and empowered to be human."⁹ Themes of community and participation find echoes in the work of Marx as illustrated by his critique of citizenship in relation to market forces,¹⁰ the work of Weber as illustrated by his understanding that membership in the political community of the state is limited on the basis of ethnic origin,¹¹ and also in contemporary feminist critiques, such as that of Pateman, which argue that membership in the "public sphere" is based on fraternity (that is, men) and not only excludes but also subordinates women in the "private sphere."¹²

Just as the conception of "citizenship as rights" has proven to be flexible enough to deal with major concerns characterizing the late twentieth century, such as the future of the welfare state, so too has "citizenship as participation." A current twist in this latter approach has been in incorporating the theme of "identity politics" raised by the so-called new social movements in countries of the industrialized West. Since the 1960s, new social movements have asserted a positive pride in group specificity or difference (e.g., the women's movement; Native movements in countries such as Canada and the U.S.; and movements relating to linguistic and cultural minorities more broadly) and thereby placed new issues on the political agenda of advanced capitalist countries. The work of Iris Marion Young in particular reflects a sensitivity to these developments, and her response is to

call for a "differentiated citizenship," which would give recognition and representation to historically disadvantaged groups such as women and ethnic minorities.¹³ As Young articulates it, "the inclusion and participation of everyone in public discussion and decision-making requires mechanisms for group representation."¹⁴

The rift in the mainstream literature between the focus on citizenship as rights on the one hand, and citizenship as participation, community and belonging on the other, clearly encompasses the continuing debate between liberals and communitarians.¹⁵ Thus, some have gone as far as to say that citizenship raises the tensions underlying all discussions of political membership and thereby goes to "the heart of contemporary political philosophy."¹⁶ In addition to these philosophical debates, the concept of citizenship gains even further complexity when considering how it has in fact emerged in a variety of contexts and guises in recent political debates in Western countries.¹⁷ Given this diversity of uses and foci, both theoretical and political, it is surprising that some analysts have called for a theory of citizenship,¹⁸ especially given that "a 'theory of citizenship' is potentially limitless — almost every problem in political philosophy involves relations among citizens, or between citizens and the state."¹⁹

Without suggesting that there can, or ought to be "a theory of citizenship" applicable to all countries at all times, it is nonetheless the case that the phenomenon of migration can help shed light on important dimensions of contemporary political debates over citizenship in different national contexts, and thereby provide some comparative insight into the ongoing theoretical debates over citizenship as well. This is because there is an overt and immediate connection between migration and citizenship. In fact, while migration is at best downplayed, but in fact more often ignored, in

the mainstream literature on citizenship, the issue of migration is central to defending the utility of citizenship as a relevant concept for the social sciences that cannot easily be interchanged with other concepts such as "justice" or "democracy."²⁰ Empirical reality is instructive in this regard: until just very recently immigration was basically the only channel where citizenship itself was actively discussed in "real politics" in the West.²¹ The reason for this is obvious, as a focus on migration automatically begs the question of the extension of formal citizenship (or nationality) to immigrants and refugees. It does not require cryptic philosophical incantations to assert the relevance of citizenship to the migration issue. Nor does it require potentially boundless discussions on every state policy or activity involving citizens in a given society.

Yet, as it stands, the question of nationality/formal citizenship is generally siphoned off as a separate concern—presumably for "immigration specialists"—that is not necessary to integrate into concerns associated with the dominant mainstream theorizing on citizenship. As one archetypal example of this feature, a recent article overviewing the burgeoning literature on citizenship (itself testimony to the theoretical fashionability of the citizenship concept) not only ignores the issue of formal citizenship, but the authors relegate to a footnote the statement that "one issue we will not discuss is immigration and naturalization policy," with absolutely no explanation as to why the issue is not necessary to discuss, or indeed how this is justifiable in what is, after all, supposed to be a survey.²²

What does the literature on immigration and nationality say about citizenship and why have these findings tended to be marginalized? First, a consideration of formal citizenship in advanced capitalist countries today reveals that there is, in fact, considerable variation in the legal-formal

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situation of residents and workers, many whom are ethnic minorities. This fact is repeatedly raised in the specialized immigration literature that takes formal citizenship, or nationality, as central. Thus, for example, current research shows that there are long-term residents or settlers in countries of Western Europe (mostly from the Third World) that do not hold formal citizenship, and, therefore, have differentiated access to the rights associated with citizenship, such as civic, political and social rights.²³ Some have invoked the use of the term "denizen" to refer to a mid-range category of "rights holders" (when it comes to civic, social and political rights) between "citizens" and "non-citizens" residing in Western Europe.²⁴ The category of "denizen" is generally used to refer to legally residing "permanent residents", but leaves out other kinds of categories— such as "illegal immigrants" who generally live not only in the absence of citizenship rights but also with the potential for the greatest abuse by employers and landlords, amongst others.²⁵ Female non-citizens engaged in the growing area of domestic service, are particularly vulnerable to a wide array of abuses as they are located in the employers home.²⁶

Additionally, despite the often inequitable situation and treatment of immigrants in industrialized countries, it is nonetheless the case that advanced capitalist countries, such as France and the U.S., still continue to be desirable destinations for other would-be migrants and new citizens, particularly from the Third World. Advanced capitalist countries are, however, also increasingly guarded and restrictive to the entry of these would-be settlers. This reality brings out an important "right" of citizenship often overlooked in the dominant citizenship literature, but central to the issues raised in the peripheral literature looking at formal citizenship or nationality: specifically the right to enter a country legally, and once having

entered, legally stay in a country should be viewed as a "right of citizenship."²⁷

Given these types of findings, why have most analysts looking at contemporary citizenship issues— whether in terms of rights or in terms of participation— tended to dismiss nationality/formal citizenship from their discussions? Arguably, the answer lies in a common starting assumption in both strands of the mainstream literature. The tendency of the mainstream literature on citizenship is to begin— usually implicitly— from the assumption that at least formal equality has already been achieved via citizenship in liberal democracies for all residents. From this vantage point, citizenship has, or at least is supposed to, create equality, and the problem, contradiction, or issue becomes (depending on one's theoretical approach and ideological predisposition) the inequality created by patriarchy, capitalism, racism, welfare dependence and a lack of self-sufficiency, or cultural mores and norms that exclude certain groups.

In marked contrast, the approach I would advocate to deal with current realities raised by immigration must *start from a recognition that citizenship also produces inequality*. The theme of the inequalities created by citizenship itself implicitly permeates the specialized citizenship literature which deals with immigration and nationality in Western industrialized countries. Not only is citizenship the basis upon which formal equality is denied to all residents in nation-states (contrast the situation of an "illegal immigrant" a "legal permanent resident/denizen" and a "citizen") but, citizenship may *also* be seen to maintain global inequity, typically through inheritance. Generally citizenship is neither easily chosen or acquired (and often it is not easily relinquished as well). In short, the citizenship one is *born* with powerfully

determines one's life chances in a world where global resources are radically unevenly distributed.

In opposition to the prevailing tendency which holds that the relevant theoretical and empirical terrain of citizenship can be separated from nationality, the citizenship debate as a whole could arguably benefit from a greater "cross-fertilization" between the mainstream literature dealing with rights and participation, and the specialized literature addressing immigration, naturalization and formal citizenship more specifically. Therefore, there is a need to explicitly conceive of *citizenship as inequality* (especially in terms of its international and immigration implications) and to explore how this interacts with the formal equality that citizenship is supposed to guarantee at the national/ domestic level. In what follows, this task is begun by addressing the key debates and ideas that have animated contemporary discussions and policies governing the right to enter and/or obtain formal citizenship in the U.S. and France, and how the inequality created by citizenship at a global level impinges on equality— particularly as it concerns the emblematic groups— in each country. In particular, the intent of this overview is to examine relevant political debates over citizenship and citizenship rights to highlight that there are non-citizens permanently residing in these two countries, to identify ways by which there is variation in rights between citizens and non-citizens, and show how immigration controls can act to hamper the rights of citizens belonging to minority groups.

CONTEMPORARY IMMIGRATION AND CITIZENSHIP POLICIES IN THE U.S. AND FRANCE

At an empirical level, policies relating to immigration and naturalization/citizenship are useful for exploring the tension between the egalitarian and inegalitarian impulses of modern citizenship. At core, the very existence of policies regulating immigration and naturalization means that some will be included and some excluded. The interesting question to answer, therefore, is on what basis is the exclusion justified in relation to such policies, and with what effect? In examining contemporary developments in the United States and France it is evident that the broad justification behind policies aimed to "control" immigration has been linked to slightly different rationales. In both cases, however, the effect of reasserting immigration controls has been to weaken the rights and question the belonging of certain immigrants and even citizens already residing in the country.

The United States: Stop "Illegal" Immigration Maintain "Legal" Immigration

By and large, in the United States, contemporary national immigration policy debates have centred primarily around immigration legislation, and not citizenship legislation itself. Thus successful amendments have been implemented in the area of immigration policy only. In addressing the period from 1980 to the present, I will focus on two major pieces of immigration legislation. Each one has been commonly deemed to be as of great a significance as such historic postwar legislation as the 1952 Immigration and Naturalization Act, as well as the amendments to it in 1965 that removed the quotas which gave explicit preference to European immigrants. The first

piece of contemporary legislation is the 1986 Immigration Reform and Control Act (IRCA) which dealt with "illegal immigration." The second is the Immigration Act of 1990 (IA 1990) which dealt with "legal immigration." The debates surrounding IRCA and the Immigration Act of 1990 are instructive to understanding (and even neatly symbolize) an *overarching discourse* driving contemporary American immigration politics that distinguishes between "good," "desirable" "legal" immigrants who might legitimately have access into the United States, and American citizenship itself, and "bad," "problematic" "illegal" immigrants who need to be barred to actually protect the gains of the former. However, when it comes to the experiences of real people, it is clear that in this dichotomy of "legal" immigrant and "illegal" immigrant the lines are very murky, as are the lines between "immigrant" and "citizen."

The Construction of the "Illegal Problem" and the 1986 Immigration Reform and Control Act

The issue of "illegal" immigration will be dealt with first, and in greater detail, because this has a particular acuteness for Mexicans and Mexican-Americans. As a recent U.S. Department of Labor report asserts, "the Mexican migrant labour system" has challenged American Federal policy since the 1930s, and "the dilemma for U.S. policy has been to regulate the Mexican labor flow so that both interests in the United States could be met; that is, the supply of Mexican labor could be ensured, while its troublesome character-- its illegality-- could be controlled."²⁸ Yet, this static characterization of the "troublesome character" of illegal immigration from Mexico is misleading in so far as the concern over "illegality" has been an episodic, as opposed to a constant, policy focus.

As noted in Chapter Two, "illegal" immigration from Mexico was a policy concern for the United States *vis a vis* Mexico during the Depression in the 1920s and 1930s, and indeed the "illegal problem" was also the basis of so-called "Operation Wetback" in the 1950s. However, illegal immigration has not been consistently high on the policy agenda through the post-war era. In fact, in the U.S. during the 1960s and much of the 1970s, the issue of illegal immigrants from Mexico, particularly their vulnerability and exploitation as workers, was politically invisible. As Zolberg notes in these two decades, "few people were interested in the problems brewing along the southern border, and those who cared about them found it difficult to attract congressional attention."²⁹ When the question of illegal immigrants did enter the political fray, significantly it was not, in main, a response to the working conditions or insecurity of these migrants. Rather, the policy relevance of illegal immigrants began to change only in the context of economic decline in the late 1970s, when additionally the highly publicized arrivals of some refugees (e.g. the Vietnamese "boat people" and later the Mariel Cubans³⁰), coalesced with fears over the growth of Spanish-speaking urban communities in the U.S.³¹

In large part, the discussion of "illegal immigrants" in the late 1970s and 1980s, and now through the 1990s, is in keeping with a broader historical tendency to distinguish between acceptable and unacceptable immigrants, and to seek to numerically monitor and control the entry of the latter. As Edmonston et.al. note:

The terms *illegal* and *undocumented*, while having a dramatic quality, have earlier precedents in phrases such as "new" and "undesirable" immigrants. The social and political issue of illegal immigrants, and the desire for data on their numbers, is immersed in a historical pattern of public policy concerns about changing immigration flows.

Over the past 20 years media reports have frequently referred to a "flood" of illegal immigrants to the United

States or a "vast sea" of illegal aliens residing in the country. Most of these media accounts have been based on speculative assessments or conjectures, some cited so frequently that they become accepted facts in the public imagination.³²

Despite the often wild and exaggerated numerical assessments and descriptions of illegal immigration fueled in the media, by the 1980s, it came to be generally agreed in academic analyses that there were somewhere between 2 and 4 million illegal migrants in the United States in 1980; as well empirical analyses of the period from 1980-1986 suggested that each year there were somewhere between 100,000 to 300,000 entering illegally.³³ Notwithstanding this emerging consensus on exceedingly rough ranges and estimates, and the evident fact that there is a phenomenon of migration which operates outside of formal-legal channels, it needs to be stressed that the variety of numerical assessments of "illegal immigrants" is in and of itself indicative of the extent to which perception matters in immigration politics. Indeed, perceptions about illegal immigration may be twisted to the point that an issue with some basis in fact may be made into something highly menacing and completely dehumanized as connoted in the description of illegal immigrants in terms of a "flood" or a "vast sea."³⁴

Without question, the issue of illegal immigration in the United States has been associated mostly with Mexicans, although here again there is room for considerable maneuvering between "reality" and "perception." Clearly the issue of Mexican immigration into the U.S. — both "legal" and "illegal" — has a basis in fact historically and today. Thus, contemporary analysts have noted the "binational" character of the lives of many Mexicans who seek employment and other opportunities in the southern border regions of the U.S.:

As they do cross the border, and have children in the United States, the population of Mexican origin is helping to reshape the ethnic distribution of the southern border region of the U.S. This area is becoming increasingly Mexican in its *ethnic and cultural* orientation, at the same time that the northern border region of Mexico is becoming somewhat more "Anglo" in its *economic* orientation. These patterns are felt most intensely at the family level. Indeed, a sociodemographic phenomenon of considerable importance is that of the "transborder family". . . . These are family units having familial and economic connections to both sides of the border, and whose lifestyles, life strategies, and patterns of family building are altered by their binational elements. It is here that the unique forces of the border shape new patterns of nuptiality, gender roles, life cycle expectations, and reproductive behavior.³⁵

But while the issue of Mexican immigration, especially along the border areas, taps into a social reality, at the same time, the statistics on illegal Mexican immigration specifically have been skewed by a bias in both empirical research, and the border enforcement activities engaged in by the Immigration and Naturalization Service (INS). This has served to feed an ongoing linkage between the problem of illegal immigration and Mexican origin.

Most of the empirical research done on the question of illegal immigration has been on immigrants from Mexico, and thus has generally ignored the question of illegal "aliens" (to use the American terminology) from other parts of the world.³⁶ In addition, because statistics on the question of illegal immigration are derived from the number and source countries of individuals apprehended by the INS, the fact that the Mexican border is so heavily patrolled is of relevance. As Riding noted of statistics in the early 1980s on illegal immigration:

The statistics on the subject have varied widely and have proved vulnerable to political manipulation. Americans alarmed by the phenomenon have pointed to the dramatic rise in the number of undocumented aliens returned by the Border Patrol to Mexico. . . . While 90 percent of

undocumented aliens apprehended by the U.S. Immigration and Naturalization Service are Mexican nationals, this statistic reflects how enforcement activities are concentrated along the Mexican border.³⁷

More recent evidence confirms this earlier assessment. In 1991 Garcia noted that while "according to Immigration and Naturalization Service data, 45 percent of all undocumented workers in the US are Mexican. . . . over 90 percent of those arrested and deported are Mexicans."³⁸ Skewed enforcement as well as perceptions would seem to help account for these continued unequal consequences for undocumented workers. The border between Canada and the United States while three times longer than that between the United States and Mexico, was staffed with 300 Border Patrol agents in 1995, compared with over 4000 along the Mexican border.³⁹ Nonetheless, even keeping in mind the difficulty of obtaining reliable figures given such slanted border enforcement activities, INS data suggest Canadians comprise the fourth largest group (after Mexicans, Salvadoreans and Guatemalans) of illegal immigrants.⁴⁰ However, the lack of political salience to Canadian immigration— illegal or otherwise— is seen in the fact that illegal immigrants from Canada are dubbed innocuously "invisible snowbacks," in obvious contradistinction to the derogatory slam of (visible) "wetbacks."⁴¹

In short then, the reality of Mexican immigration into the United States— a feature that is driven by lack of economic and other opportunities in Mexico, coupled with demands for low wage labour in areas such as agriculture and domestic work, and often an employer preference for "illegal" labour— is a fact. However, this is a fact that may — or may not be— the focus of a lot of attention. As well, the issue of "legality"/"illegality" should be treated as something other than a natural or consistent distinction between those

immigrants who follow the rules, and those that do not, as seen in the contrast of the "visibility" of Mexicans versus Canadians who are undocumented.

In addition, it should be stressed that the notion of "illegal immigrants" is itself constructed through state laws in the first place, *and* this construction belies the often expedient character of state policies and laws in practice. In particular, as noted in Chapter Two, loopholes in post-war state immigration law in the United States allowed for the demand of cheap labour to be met irrespective of "legality or "illegality." Specifically, prior to 1986, the 1952 Immigration and Nationality Act was amended by way of the "Texas Proviso" which held that while it was illegal to "harbor, conceal, or transport" an undocumented alien, employment was not considered "harboring." Hence although it was considered illegal to be undocumented, it was not actually illegal for an employer to *hire* an undocumented immigrant.⁴² This feature underscores the duplicity involved in American policy which on the one hand, held that undocumented immigration was outside the realm of the law, and on the other hand, met the labour demands of agricultural and other interests in the United States for illegal workers within the realm of the law. Indeed, in the 1980s there were even INS offices in the Washington area with undocumented immigrants on their cleaning staff!⁴³

One early remedy proposed to counter the right of employers to "legally" make use of "illegal" immigrants was the idea of employer sanctions. This was actually first advocated by the Government of Mexico as a way to protect Mexican farm labourers working in the U.S. under the Bracero Program (1951-1964) because many American employers were contravening the arrangement due to a continued preference for "illegal" workers with fewer rights.⁴⁴ Nonetheless, employer sanctions were neither embarked upon, nor seriously entertained by American policy-makers in this period.

Following the cessation of the Bracero Program, illegal immigration not only continued, but increased in response to the continued demand by American employers and the diminishing opportunities in Mexico in agricultural employment coupled with stunted industrialization.⁴⁵

It was, therefore, not until the late 1970s and 1980s in the context of the politicization of the Mexican "illegal problem" that American authorities gave sustained attention to the idea of employer sanctions, and this has emerged a central point of contestation in contemporary immigration debates. The Select Commission on Immigration and Refugee Policy was established in 1979 by the Carter Administration to report on immigration in general, and concluded in its final report in 1981 that undocumented/illegal immigration was the most pressing problem. The Commission thereby focused on combatting illegal immigration within a framework that gave "qualified" endorsement to the economic and other benefits legal immigration and refugee intake garnered, summing its recommendations as:

. . . closing the back door to undocumented migration, opening the front door a little more to accommodate legal migration in the interests of this country, defining our immigration goals clearly and providing a structure to implement them effectively, and setting forth procedures that will lead to fair and efficient adjudication and administration of U.S. immigration laws.⁴⁶

Papademetriou notes that while the Select Commission on Immigration and Refugee Policy was followed by an attempt in both legislative chambers in the U.S. Congress to deal with comprehensive (i.e. both legal and illegal immigration reform) it "soon became apparent that more modest proposals that responded to the perceived "crisis" of the moment, illegal immigration, clearly stood a much better chance of success."⁴⁷ Yet, agreement over an appropriate policy response to the question of illegal immigration was not in itself easily reached. The eventual passage of IRCA marked an unusually long

history for any bill in the Congress, and in fact there were three versions of this bill introduced from 1982 before an acceptable version was reached and agreed to by the Senate and the House of Representatives and approved by the President in October 1986.

During the debate over IRCA, endorsement of employer sanctions emerged as a new dividing line between more restrictive and more liberal orientations to immigration, as symbolized in the pro-sanction position of Republican Senator Alan Simpson, versus the anti-sanction position of Democratic Senator Edward Kennedy.⁴⁸ Both senators have been long associated with the immigration issue, with Simpson having a reputation as a restrictionist and Kennedy as a proponent of immigrant rights.⁴⁹ Thus, unlike the initial proposal for employer sanctions by the Mexican government, which was linked to the protection of Bracero workers, in the context of the 1980s, employer sanctions became linked to a policy of immigration control. Echoing the Select Commission, Simpson endorsed sanctions within a general framework that also supported legal immigration:

It is beyond question that immigration itself is good for the United States. In this sense the philosophy of United States immigration policy is clear: immigrants benefit the nation.

. . . . It is not clear, however, whether such immigration should be unrestricted. There is much evidence today that the current version of unrestricted migration— illegal immigration— may be one of the greatest threats to America's historical willingness to accept immigration. *Illegal* immigration portends much potential harm to American values, traditions, institutions, and our very way of life. More specific to the immigration problem, illegal immigration threatens to dilute public support for our present generous policy of *legal* immigration, refugee resettlement, and political asylum.⁵⁰

In contrast, Kennedy argued against employer sanctions due to their potential to cause discrimination against both legal residents and American citizens perceived as "foreign." Instead, Kennedy advocated targeting a

greater enforcement of already existing labour, health and safety protections and laws before moving to sanctions "to reduce incentives for employers to hire undocumented workers and to protect against their exploitation. . . . [and] protect the American labor market in ways which employer sanctions simply cannot."⁵¹

However, as passed, the Immigration Reform and Control Act contained four main provisions: 1) further border enforcement through increased personnel; 2) the legalization of aliens who could prove they had been living in the United States prior to 1982; 3) the introduction of an agricultural program, with an amnesty, to continue allowing short term migrant workers into the U.S. and 4) the introduction of employer sanctions to serve as a means to prevent further illegal immigration. Because these four different strands of IRCA are somewhat contradictory— in particular, the legalization measures coupled with the continuation of short term agricultural labour makes IRCA appear anomalous in the American history of restrictive immigration measures— IRCA is often posited as a kind of compromise that met some, but not all, the interests of various groups composing the "immigration lobby."⁵² This is because the legalization sought by Hispanic groups in the U.S., and the agricultural program sought by growers (the only group of employers who explicitly admitted their dependence on illegal workers),⁵³ patently contravened the demands of the traditional "ideological odd couple" of (left) labour groups, and nativist (right) forces seeking far-reaching restrictions. Hence:

. . . it is quite in accord with expectations that the restrictionist coalition did get employer sanctions, desired by one party of the couple to protect American workers against "unfair" competition from abroad, and by the other to protect American society from Hispanicization. What is remarkable about this episode is that the other half of the odd couple got much of what it wanted as well: civil libertarians and Hispanics secured the amnesty, and

employers managed to keep the "back door" from closing altogether.⁵⁴

Although IRCA as passed contains somewhat contradictory elements, its underlying inspiration is best viewed in relation to the "control" aspect of its name. This assertion of control concerns access into the United States, and relatedly other rights and advantages that come with citizenship, tellingly reflected in the words spoken by then President Reagan when signing IRCA into law:

The act that I am signing today is the product of one of the longest and most difficult legislative undertakings of recent memory. It has truly been a bipartisan effort, with this administration and the allies of immigration reform in the Congress, of both parties, working together to accomplish these critically important reforms.

*Future generations of Americans will be thankful for our efforts to humanely regain control of our borders and thereby preserve the value of one of the most sacred possessions of our people: American citizenship.*⁵⁵
(emphasis added).

But if, "preserving" the value of American citizenship was to come through controlling borders, it was also to come through employer sanctions, a feature seen to denigrate American citizenship by Hispanic groups. As will be highlighted, a central theme in the debate during the passage of IRCA, and also the ongoing debate following IRCA, is the contention that control over illegal immigration *via* employer sanctions cuts into the rights of legal residents and citizens, particularly of Mexican origin.

A chief Hispanic group in the debate leading to IRCA's passage and its aftermath has been the National Council of La Raza (NCLR), the largest national association of Hispanic groups. Formed in 1968, the NCLR has progressively through the late 1970s and 1980s taken a more active role in the area of immigration because the growing policy concern over immigration from Mexico was seen to effect all Mexican Americans and Hispanics

generally.⁵⁶ In terms of IRCA, the NCLR opposed employer sanctions, and emphasizes that irrespective of the fact that IRCA allowed for an amnesty for some illegal immigrants, the package "was not a compromise that we agreed to."⁵⁷ Along with the NCLR, the Mexican American Legal Defense and Education Fund (MALDEF) and the American Civil Liberties Union (ACLU) opposed the legislation also on the grounds that employer sanctions would step on the rights of "foreign looking" and "foreign sounding" Americans and cause discrimination.

As a result of such efforts the IRCA legislation itself called for a trial period in which the General Accounting Office (GAO)— an independent congressional agency— would review and assess the legislation for a period of three years after its coming into force to determine if it was being carried out satisfactorily; caused a widespread pattern of discrimination against American citizens or other eligible workers; and whether it was causing an unnecessary regulatory burden on employers.⁵⁸ In its final report issued in 1990, the GAO determined that there was "widespread discrimination," and further that "on the basis of employers' responses to key questions GAO asked about their hiring behavior and how it related to provisions of IRCA, GAO's judgement is that a substantial amount of the discrimination did occur as a result of IRCA."⁵⁹ In addition to monitoring the implementation of IRCA, the ACLU and MALDEF co-authored a report to "give life" to GAO's statistics "through the actual experiences of workers who have suffered discrimination as a result of employer sanctions."⁶⁰ This report gives individualized cases to demonstrate the pattern of discrimination towards "foreign" sounding and looking Americans as well as towards legally-resident aliens of Mexican background arising from IRCA. Such discrimination included employers asking only

"foreign" looking/sounding job applicants to present work authorization documents and also blanket policies of hiring only U.S. citizens.⁶¹

By 1990, on the basis of such statistical and documentary evidence, it was apparent that discrimination against "legal" immigrants and citizens was going hand in hand with employer sanctions against "illegal" immigrants. Indeed, this evidence, along with the growing sense that illegal immigration had not been deterred emboldened the NCLR to call for the repeal of employer sanctions, noting:

The repeal effort is based on the notion that no public policy, even an effective one — and at best the "jury is still out" on the efficacy of employer sanctions— justifies any level of discrimination against a group of Americans.⁶²

This perspective that effectively turned "the immigration issue" into a "civil rights issue" did find some support in Congress.

In 1990 and then again in 1992 Senator Kennedy introduced legislation aimed at repealing employer sanctions stating in 1992 that "we are getting the worst of both worlds— inviting discrimination against our own citizens while failing to stem the flood of illegal aliens."⁶³ However, this proposed legislation rested on trading off employer sanctions with even greater southern border control, a move that would not necessarily alleviate the gross human rights abuses against Mexican nationals (and U.S. nationals that look Mexican) along the U.S.-Mexican border,⁶⁴ nor the growing sense that INS activities in the southern border states are interfering with the right of all Americans, but especially minorities, to travel freely within the U.S.⁶⁵ These realities suggest that like employer sanctions, other efforts to maintain the inequality of citizenship—by controlling the right of entry and ,therefore, access to other rights— can trample on the rights and equality of citizens, especially minorities.

In any case, legislation repealing employer sanctions failed to garner enough support to amend IRCA. In part this was because some in Congress outright (and perhaps disingenuously) rejected the link between sanctions and discrimination.⁶⁶ Moreover, sanctions were upheld as "the key to any kind of illegal immigration reform" and the failure to stem illegal immigration tied to the "Achilles heel" of sanctions, the use of fraudulent documents by undocumented workers.⁶⁷

Although one independent policy study in 1990 indicated that the effects of IRCA would take at least ten years, if not more, to assess,⁶⁸ evidence shows that IRCA has inspired the use of counterfeit documents. However, the existing evidence also suggests that IRCA did not stem or eliminate illegal immigration in part because of the limitation of its provisions, and it also suggests that it has not improved the conditions of work for immigrants, due in large part to the non-compliance of many employers.

First, while it is clear that Mexicans were the largest group of the 1.7 million applicants who applied for legalization on the basis of having lived in the U.S. prior to 1982, (see Table Eight), this cut-off date prevented the legalization of anywhere from 1.5 to 2 million undocumented immigrants who arrived after January 1, 1982.⁶⁹ Second, the agricultural program, which additionally allowed for the legalization of some seasonal workers, neither alleviated illegal immigration, nor improved the wages or working conditions of farm labourers.⁷⁰ Finally, while reports issuing from the Department of Labor indicated in 1991 that counterfeit documents were "clearly one of the most challenging enforcement issues in the post-IRCA environment,"⁷¹ they also noted that employer sanctions were hampered by the fact that there was "still a large percentage of employers who remain noncompliant."⁷²

Table Eight: Continent and Country of Origin of the IRCA Legalized Population, 1991

CONTINENT OR NATION	NUMBER	PER CENT
EUROPE	33,359	2.0
Poland	16,340	1.0
United Kingdom	6,686	.4
Other Europe	10,333	.6
ASIA	75,529	4.5
China, Mainland	8,262	.5
Iran	13,689	.8
Korea	5,455	.3
Philippines	18,123	1.1
Other Asia	45,529	1.8
AFRICA	28,880	1.7
Ghana	5,081	.3
Nigeria	10,452	.6
Other	13,347	.8
OCEANIA	3,880	.2
NORTH AMERICA	1,452,252	87.3
Canada	10,422	.6
<u>Mexico</u>	<u>1,162,461</u>	<u>69.9</u>
Dominican Republic	16,762	1.0
Haiti	15,002	.9
Jamaica	11,856	.7
Other Caribbean	11,659	.7
Belize	5,787	.3
El Salvador	136,073	8.2
Guatemala	49,942	3.0
Honduras	12,082	.7
Nicaragua	15,451	.9
Other Central America	4,754	.3
Other North America	1	.0
SOUTH AMERICA	69,447	4.2
Columbia	24,596	1.5
Ecuador	12,494	.8
Peru	12,004	.7
Other South America	20,353	1.2
UNKNOWN	248	.0
ALL COUNTRIES	1,663,595	100

Source: U.S. Immigration and Naturalization Service, Immigration Reform and Control Act: Report on the Legalized Population (March 1992), p. 8.

Given these manifold realities, Senator Simpson's advocacy of some kind of foolproof national identity card to "solve" counterfeit documents and, therefore, illegal immigration is at best an oversimplification.⁷³ Moreover,

Hispanic groups contend that such a procedure can lead to new discrimination. In particular, the NCLR has contested the idea of a national identity card because even with such a system it would never eliminate all doubt that an individual card could be forged, leading to the potential for discrimination by employers. In addition, they argue that to acquire such a card one would have to also acquire underlying documents (like birth certificates or driver's licenses to prove identity) which would lead to new sites of discrimination:

... with respect to efficacy we believe that because of this problem of underlying documents, one of the things likely to happen is a shift in discrimination away from the employer to places like drivers' license offices. . . . Instead of just having employers make these decisions, we will also have the least experienced clerks in federal bureaucracies being asked to make judgements on the immigration status of people.⁷⁴

While the proposed national identity card remains on hold, it is clear that the consequences of IRCA have been borne more by individual immigrants and minorities than employers. This would include employers both in and outside the home, when considering the domestic work generally done by female immigrants. In the 1980s the media reported that in many areas "Spanish-speaking immigrants. . . have replaced the traditional at-home mother and housewife,"⁷⁵ and the continued use of illegal domestic workers by well-off Americans (post IRCA) further brought home in "Nannygate."⁷⁶

Thus while IRCA shifted part of the responsibility of enforcement of immigration on to employers it would appear that the cost of enforcement has fallen *more* on immigrants and immigrant communities:

What has happened to labor markets was probably predictable. The burden of immigration enforcement has disproportionately remained with individual aliens, their families and the communities where they reside. Immigrants have pooled wages to help support kin unable to locate work; undocumented workers share work with or work as subcontractors to the newly legalized; day labor sites have flowered in cities like Los Angeles; sweatshop

working conditions are reportedly on the rise; and many illegals have located appropriate-looking documentation. Employers on the other hand have largely not changed their hiring practices or are prepared to risk illegal practices.⁷⁷

While discussion over IRCA and its legacy will likely continue for some years to come, what is clear is that the process leading up to the law served to construct an over-arching discourse that distinguishes between "desirable" (i.e. legal) and "undesirable" (i.e. illegal) immigrants. This distinction is most evident in the annual report of the INS the year IRCA was passed where the year 1986 is upheld as containing two events of substantial historic significance. The first, evidently, the passage of IRCA, and the second the "largest patriotic celebration in American history" when "the nation honored the symbol of legal immigration with the 100th anniversary celebration and rededication of the Statue of Liberty."⁷⁸

If this new emphasis on the Statue of Liberty as a symbol of "legal" immigration is rather contrived, it does serve to indicate how the passage of IRCA was conceived in relation to a general discourse that saw benefits to "legal" immigration. Thus, the Commissioner of the INS stated in 1986:

The Administration recognizes and respects our heritage as a land of immigrants. By tradition, our response is unparalleled anywhere on this globe. That tradition of hope must continue. *But ours is a nation of laws as well as hope*. Our policy has been and will continue to be both sound and simple. We encourage legal immigration. . . . At the same time, we totally reject the concept of illegal immigration.⁷⁹

Indeed, in some ways this message was amplified during the passage of the Immigration Act of 1990, accounting for its relatively "open" characteristics.

Immigration Act, 1990

Following the passage of legislation to control "illegal" immigration in 1986, Congress turned its attention to reforming "legal" immigration. The resulting Immigration Act of 1990 (IA 1990) sponsored initially by Senators Simpson and Kennedy, allowed for an increase in the overall number of annual immigrant visas.⁸⁰ The Act also reflected a concern with increasing business and "skilled" immigrants, and diversifying the source countries of immigrants by setting. At the same time, the IA 1990 also increased the family reunification component, while leaving the refugee component free of any overall cap.

The 1990 Immigration Act was passed in the context of a clear articulation— both within and outside the bureaucracy— of the economic benefits of immigration. This included a 1989 report of the Department of Labor which emphasized that overall, immigration, including family reunification, was of benefit to the economy:

As the aggregate level, the economic literature draws two apparently authoritative conclusions about the effects of immigration on the United States. The first is that immigrants are successfully absorbed into the U.S. labor market. . . .

A second conclusion of the economic literature is that overall economic contributions of immigration exceed its economic liabilities. Benefits are thought to spread throughout the economy in the form of lower product prices and higher returns to capital.⁸¹

More effective was the fact that several leading conservative think tanks were "churning out pro-growth studies praising the contributions of entrepreneurial immigrants."⁸² This included the 1987 report Workforce 2000 put out by the Hudson Institute which predicted an impending American crisis of a shortage of workers— especially technical/skilled workers.⁸³ Notably, the report was widely cited during debates over the proposed law.⁸⁴ What was

particularly evident in the debate leading to the IA 1990 were the constraints and opportunities this created for Hispanic groups, concerned over provisions relating to family reunification. On the one hand:

The bill's passage owes to what might be termed a "new-age" political coalition of pro-immigration liberals drawn from the civil rights and the Asian and Hispanic advocacy communities, along with a group of pro-growth conservatives who have given immigration an important place on their economic agenda for the 1990s.⁸⁵

Clearly the IA 1990 was upheld as a policy boon. Hence, when signing the bill into law, then President Bush argued that it would be "good for families, good for business, good for crime fighting and good for America."⁸⁶

On the other hand, overall the 1990 Immigration Act signalled "an important conceptual shift towards an immigration policy that is driven more by labor market concerns than it has been in the past 25 years" and it also showed an "interest in making the immigrant stream more diverse, principally by increasing the number of immigrants from Europe."⁸⁷ These features combined make it a somewhat mixed package when considering Third World particularly Mexican immigration, which has historically been characterized by the flow of unskilled workers to the United States.

During the debate over the IA 1990 Congress became very affected by arguments that there were "excluded" countries, especially in Europe, that were a negative side effect of the 1965 Immigration Act. Specifically, when the national origins quota system was abolished in 1965, and quotas on non-European immigration raised preference was also given to immigrants with family in the U.S. Because immigration from Europe decreased over the course of the 1950s and 1960s, in making family reunification the centre-piece of the legislation, the new argument went, immigrants tended to perpetually come from the same countries (such as Mexico). In this context, the Irish

Immigration Reform Movement was particularly articulate in arguing that they faced a double disadvantage under immigration laws not only because of the family reunification provisions, but because some 150,000 undocumented Irish immigrants could not gain amnesty from IRCA because they arrived after 1982.⁸⁸

Arguments that the Irish should have increased representation in American visa allotments gained support in Congress— Senator Kennedy, for instance, spoke of "stimulating immigration from the earlier sources of immigration to our country that contributed so much to America's past."⁸⁹ This (re)emphasis on European immigration, as well as immigrants with "technical skills" led to the speculation that "skills" was becoming a code word for "white," a not completely unwarranted conclusion in the American context if looking at the language of anti-immigrant groups,⁹⁰ although the actual demographic impact of a policy emphasis on skilled and/or business immigrants can be variegated.⁹¹

While keeping and expanding the family reunification component was a victory for Hispanic groups, the Senior Immigration Policy Analyst at the NCLR noted:

With respect to the 1990 Immigration Act we focused simply on keeping family reunification. We did not make any "ethnic specific" arguments about increasing overall numbers. While we focused on family reunification, terms such as "skill levels" became "code words" for trying to keep out brown people . . . There was quite an active Irish lobby and we could never do what they did, they were warmly welcomed on the idea that the numbers of Irish should be increased.⁹²

While the law itself has not been subject to such major changes since 1990, it is nonetheless the case that the profile of immigration has arguably increased. Refugee claims by Haitians through the 1990s, or the Chinese arriving by boat to the U.S. in 1993, and the continuing focus on (Mexican)

"illegal" immigration have combined to underscore the issue in the media and in the public eye. In this context, citizenship legislation *may* also become another object of policy change.

The Process of Naturalization and its Effects on Mexican-Americans

It is a feature of the Fourteenth Amendment to the American constitution that anyone born in the U.S., and subject to the jurisdiction of the U.S. is a U.S. citizen.⁹³ For this reason, when it comes to immigration and citizenship, the United States has a firm tradition of *jus soli* (law of soil) as birth in the U.S. leads automatically to citizenship for the children of immigrants. This contrasts with firm tradition of *jus sanguinis* (law of blood) in a country such as Germany, where second and even third generation descendants of immigrants are deemed to be foreigners and do not acquire German citizenship.

By and large, most Americans attain their citizenship as a result of being born in the United States. Thus, some 95% of Americans are citizens by birth whereas some 4% attain their citizenship from naturalization (after birth, and living in the United States for 5 years) and 1% through derivation (that is, also after birth through the naturalization of one's parents); some 300,000 people are naturalized yearly.⁹⁴

The question of the benefits versus costs of American citizenship remains an issue for Hispanic, particularly Mexican-Americans, at least within their own communities. This has been particularly the case in the post-IRCA environment as legalization carries with it the potential to become American. As noted in the previous chapter, according to the 1990 Census 75% of the foreign-born from Mexico in the U.S. do not have American

citizenship,⁹⁵ and data from the period of 1970-1990 suggest that with the exception of immigrants from Canada (who have a naturalization rate of 12.1%) immigrants from Mexico have the lowest rate of naturalization (at 14.4%) standing in stark contrast to countries of Europe and especially Asia where the naturalization rates range from 20 to over 78 per cent (See Table 9). Given that Canada and Mexico are the only countries that directly border the U.S., geographical contiguity may explain the low naturalization rate.⁹⁶

However, there are additional factors to consider as well. A study by the National Association of Latino Elected and Appointed Officials in 1989 found that the reasons cited most by Hispanics for seeking citizenship included the ability to vote; better opportunities for their children including U.S. citizenship; the ability to get visas more quickly for relatives to admit to the U.S.; greater protection under the law; greater eligibility for U.S. government programs; expanded employment opportunities and better earning capability; more equal participation in American life and better quality of life in general.⁹⁷ However, these views contrasted with some of the top reasons cited for not seeking U.S. citizenship which included the belief that there were no real benefits from U.S. citizenship especially as Hispanics were subject to discrimination in the U.S.; that relinquishing citizenship in the home country may result in the loss of property rights; that changing allegiances would feel disloyal to the home country and conflicted with the desire to maintain political and cultural ties to the home country; that there was a hope of returning to the home country eventually; and finally that the citizenship examination itself was too difficult and a general fear of mistreatment by the INS, which administers the exam.⁹⁸ While some of these concerns over naturalization may be common amongst members of all immigrant groups (for instance, ties with or hoping to return to the home country), the fears

**Table Nine: Percent of Total Immigrants Naturalized by 15
Leading Immigrant Sending Countries , 1970-1990**

COUNTRY	TOTAL IMMIGRANTS NATURALIZED (%)
Mexico	14.4
Philippines	62.8
Cuba	28.1
Korea	57.5
China	63.1
India	50.0
Vietnam	78.1
Dominican Republic	22.1
Italy	22.6
Jamaica	31.8
United Kingdom	20.0
Canada	12.1
Portugal	27.7
Greece	58.3
Columbia	34.0

Source: Immigration and Naturalization Service, Statistical Yearbook of the Immigration and Naturalization Service, 1990 (U.S. Government Printing Office, Washington D.C., 1991),p. 141.

regarding the citizenship examination itself and potential mistreatment by the INS have been highlighted as having particular significance to the Hispanic community in the U.S. This is because of the role the INS has played in work site raids; border enforcement; and perceived prejudice against both Hispanic

immigrants and citizens.⁹⁹ Not aiding this shaky reputation are such moves as a 1993 INS "sting" operation in San Diego where 600 letters were sent out on INS stationery promising employment authorization and legal residency in order to round up, arrest and deport undocumented immigrants.¹⁰⁰ In effect the sting "traded on the good will the INS has established among millions of people seeking legal immigration through [the IRCA] amnesty and other programs,"¹⁰¹ suggesting that there is no plan to improve the image of the agency *vis á vis* Mexicans or Hispanics generally.

While nationality law (unlike immigration law) has not been subject to reform, and the tradition of *jus soli* has remained in tact, there is a potential for this to change in the context of continued debates over illegal immigration. Some academics have argued for the end to birthright citizenship to the children of illegal immigrants,¹⁰² as have some state politicians— notably California Governor Pete Wilson, who in 1993 declared California "under siege" by illegal immigrants and advocated denying citizenship to the children of illegal immigrants as a way to deter illegal immigration.¹⁰³ To date, this proposal, which requires a constitutional amendment has not met with any success in Congress.¹⁰⁴ Immigration has been a key issue in California in the 1990s in the context of a recession and the and the weakening of the arms industry in the post-Cold War era, and as Martin Schain has observed, local issues can find their way into national politics rather easily in the United States.¹⁰⁵ Indeed, Pete Wilson's initial effort to seek the Republican nomination in the 1996 Presidential race,¹⁰⁶ coupled with the fact that "cracking down" on illegal immigration emerged as a significant theme in the convention of Ross Perot in August 1995 may provide impetus.¹⁰⁷ In any event, the assumption that weakening *jus soli* would end illegal immigration is itself problematic not least because

immigration outside formal channels is usually inspired more by the immediate goal of employment than citizenship, and changes to the law of this nature would likely lead to an ever-expanding pool of illegal aliens permanently relegated to an insecure status.¹⁰⁸ While *jus soli* has remained stable so far in the U.S., citizenship and *jus soli* have emerged as primary area of reform in contemporary France.

France: Stop Illegal Immigration and Integrate Current Immigrants

If the overarching discourse of the 1980s and 1990s in the United States has distinguished between and pitted desirable "legal" immigrants against controlling undesirable "illegal" immigrants this is a distinction that in reality is murky given that an individual "illegal" immigrant may become a "legal" immigrant and eventually a citizen. For this reason, immigration control can act to weaken the rights and belonging of minority citizens and immigrants alike. This feature is especially evident in the case of France, where French legislation has even more overtly linked immigration control to the situation of immigrants (and minority citizens) already residing in France. In particular, in France the overarching discourse has harnessed stopping (illegal) immigration to encouraging the integration—presumably implying the extension of citizenship rights/ individual rights— to immigrants already in the country.¹⁰⁹

Yet, as will be discussed, this emphasis on "integration" has not precluded policies and debates aimed at denying access to citizenship (and citizenship rights) to legal residents. Indeed, what is distinct about the French case, as compared to the American case, is the extent to which acquiring certain rights of citizenship (particularly voting at the local level)

in the absence of formal citizenship legislation itself has been the site of policy debate, and moreover the extent to which citizenship legislation itself has been subjected to policy amendment in the contemporary period.

Towards "Zero Immigration"

As noted in Chapter Two, during the *trente glorieuses* (1945-74) immigration was linked to labour needs, and, therefore, it tended to be characterized by a technical/demographic emphasis by the state.¹¹⁰ The result was that the state was not involved in other (social) aspects of the migration process, leaving it up to employers to fill the void:

Consequently, immigrants were marginalized and excluded from full participation in French society. Economically they frequently performed the dirtiest and most menial tasks; legally they were disadvantaged as they were not French citizens; socially and geographically they were confined to areas on the outskirts of major cities. The shanty towns ('bidonvilles') were indicative of the appalling conditions in which many live and of their marginalized presence in France.¹¹¹

In addition, during the 1960s, "illegal" immigration was tacitly encouraged by the French state to an even greater extent than in the United States in the same period, and it became the 'normal' route by which many immigrants entered the country. Thus, by the end of the 1960s, it has been estimated that somewhere between 70 and 80 percent of immigrants entered France "illegally"¹¹² with perhaps as many as 80 percent of these "illegal" immigrants becoming regularized (though not gaining citizenship) after their arrival.¹¹³ In 1973 such regularization of workers was halted.¹¹⁴

The situation regarding immigration policy changed even more dramatically in July 1974 when, eight months after Germany announced the

cessation of its "guest worker" program, President Valéry Giscard d'Estaing announced the suspension of immigration by issuing two circulars.¹¹⁵ One temporarily halted any new primary immigration of migrant workers (and remains in effect until today), and the other actually suspended the reunification of foreign workers families (spouse and minor children).¹¹⁶ Neither ended "legal" immigration completely.¹¹⁷ France still receives some refugees, seasonal agricultural workers, mainly from Spain,¹¹⁸ and European Union immigrants (whose status has been now redefined as European Union citizens, which will be discussed further in Chapter Five). As well, the move to suspend family immigrants was overturned on the basis of its unconstitutionality in 1976 by the Conseil d'Etat,¹¹⁹ accounting for the continued feature of family immigration since the 1970s. The female migrants who chiefly characterize this flow account for the rising employment of women of foreign nationality in the service sector, including domestic employment, over the 1970s and 1980s.¹²⁰

Telling of the conditions facing Algerians in France, some months prior to the French decision to halt labour migration, in 1973 Algeria had actually announced the cessation of labour emigration to France. This decision was officially justified as a response to a wave of violent racist incidents against and murders of Algerians in Marseilles by far-right groups aiming to control "spontaneous" immigration.¹²¹ This appears to be one of the only instances where a Third World country of emigration (in this case a country where migration patterns were shaped by the impact of colonialism, and dependency on remittances an important feature of post-Independence "development"¹²²) actually stopped the movement of its people to an advanced capitalist state. This clearly political response of Algeria contrasts with the economic justification given in the context of the oil crisis to ending labour migration to

France.¹²³ Thus, Ogden observes that in the early 1970s the decision to end primary worker immigration was not so much out of political necessity but rather the changing needs of the economy, as the demand for male migrant workers in unskilled jobs dwindled as the economy moved away from manufacturing towards services.¹²⁴ However, the question of ending labour migration needs also to be addressed in relation to the growing concern evident in official state circles through the late 1960s of the "unassimilability" of North African immigrants (in contrast to European immigrants).¹²⁵

While from 1975 to 1981 the Giscard administration advocated a more organized approach to immigration control, which included promising to "integrate" immigrants already in the country by way greater access to rights and better housing and training, such promises went unfulfilled due to scanty funding.¹²⁶ In addition the promise of integration was — at best — schizophrenic when considering the wedge further driven between "good" "assimilable" immigrants of European origin and "bad" "unassimilable" immigrants of North African origin as portrayed in an ill-fated repatriation package. In 1977 the government introduced an "aide au retour" (a 10,000 franc financial incentive given in the hope that 1,000,000 immigrants would repatriate over five years).¹²⁷ It was clear that this was specifically designed to encourage the return of North, as well as sub-Saharan, Africans, but particularly Algerians — though only 3.7% of the 100 000 people (including families) who actually took up the offer were Algerian.¹²⁸ In fact when two-thirds of the immigrants who took up the offer were Spanish and Portuguese, the government removed their eligibility for the program in 1980, before the program was completely terminated in 1981.¹²⁹ In addition, by the late 1970s, increased attention was paid to halting "illegal" immigration at the frontiers

by refusing entry to North Africans— especially Algerians— at airports, a feature of control that has continued to this day. ¹³⁰

By the end of the 1970s, the failure of the repatriation scheme to generate its intended goals, coupled with the continued arrival of "illegal" immigrants (estimated at 100,000 yearly since 1974) who were less likely to be able to gain subsequent authorisation as the 1960s and who were redefined as a "problem" and "threat" to social peace served to further underscore the problem of immigration, especially North African immigration.¹³¹ Indeed, the end of the decade was heralded with the introduction of the 1980 "loi Bonnet" (after the Minister of the Interior Christian Bonnet) which gave a stricter definition to entry and residence rights in France, and also connected "irregularity" with unemployment, potentially placing all jobless immigrants under threat of expulsion.¹³²

The Bonnet Law was the first law in the area of immigration (i.e., a law passed subject to parliamentary debate). Prior to this the French state had regulated immigration through executive and bureaucratic means in the form of decrees and circulars, perhaps suggestive of how immigrants, lacking formal citizenship, were seen as objects of control of the law rather than as subjects of the law.¹³³ In any case, the shift towards law-making *via* open parliamentary debate was reflective of how immigration was fast becoming a central area of politics.¹³⁴

As Wihtol de Wenden notes since the Bonnet Law of 1980 the topic of immigration has become a key political and partisan issue.¹³⁵ Part of this is reflected in the inordinate number of laws passed on the subject: for example between 1980 and 1986 alone there were sixteen laws relating to immigration; 79 decrees; 62 arrêtés and 215 circulars and instructions.¹³⁶ It is also seen in the rising fortunes of the far right political party, the Front National (FN). In

addition, however, the contemporary period from 1980 is also characterized by the emergence of new political actors in the form of the "second generation" offspring of North African immigrants (mostly Algerians due to the older character of this flow) who are increasingly asserting a new political vision in the form of rights of citizenship (particularly the right to vote and civil rights).¹³⁷ This has led to some contradictory developments in the current era in the areas of immigration policy; political forces; and citizenship.

Contemporary Immigration Policy

The largest contradiction is undoubtedly the linkage of "integration" with combatting "illegal" immigration. In short, policy developments since 1980 have been characterized by a discourse linking rights (integration) with immigration control. Therefore, France (like West European governments in general) has been described as having a "contradictory dual policy," in the sense that on the one hand, following 1974 labour recruitment was halted, but on the other hand, after 1974, to varying degrees, the state has attempted to ensure, through a variety of measures, the "integration," of migrants allowed to remain in the country.¹³⁸ The contradictions of this approach are apparent when considering the close connection between the rights of legal residents and citizens in an atmosphere emphasizing combatting "illegal" immigration.

As Silverman notes:

. . . the modern consensus on integration and control (the success of the former being dependent on the rigour of the latter) is responsible for the idea that immigration itself, and especially illegal immigration, perpetuates the 'problems' of integration. Framed discursively in this way, all immigrants (and many who are not immigrants at all) are tainted with the brush of illegality.¹³⁹

The desire to combat "illegal" immigration cuts across the political spectrum in the current era. Thus under the Socialist government (1981-1986) in the name of combatting "clandestine" immigration refusals of entry were stepped up and further increased by the Chirac government (1986-88) in the form of the 1986 Pasqua Law (named after Interior Minister Charles Pasqua) which established greater visa restrictions for non-European countries, particularly North African countries. The effect of this has been increasingly restrictive: in 1988 900 000 tourist visas were given to Algerians but in 1992 only 400 000 were granted.¹⁴⁰ With the return of a centre-right government in 1993 (and the return of Charles Pasqua to the post of Minister of the Interior) a goal of "zero immigration" was advocated by Pasqua,¹⁴¹ particularly through the increased use of random identity checks and expulsions, under the rationale that "only by curbing immigration can France start to solve the more difficult problem of integration."¹⁴² While "zero immigration" was supposedly in reference to "illegal" immigration, as one immigrant advocate noted, "there is a fine line between zero immigration and zero immigrants."¹⁴³

Although evidence suggests that in France, as in the U.S., many employers still have a preference for "illegal" labour,¹⁴⁴ Mark Miller notes that while in the United States the discriminatory effect of sanctions has been a mobilizing feature, employer sanctions in France, in place since the 1970s but subject to greater enforcement in 1984, have not been the subject of intense debate:

The possible discrimination-engendering effects of employer sanctions simply have not been an issue in France and other continental European countries with which the author is familiar. The transatlantic contrast in perceptions seemed sharpest when all major Democratic candidates for the United States Presidency in 1984 declared their opposition to the Simpson-Mazzoli legislation [a forerunner to IRCA] on the grounds that the

legislation, and in particular employer sanctions, would lead to additional discrimination against Hispanics. At roughly the same time in France, the Socialist government was announcing steps to enhance enforcement of various laws intended to curb illegal immigration.¹⁴⁵

Miller adds that the issue of discrimination as a direct result of employer sanctions is a difficult one to prove (in fact, as compared to the U.S., there is a paucity of data on the subject in France) but suggests "the causes of employment discrimination against persons of North African descent in France would appear to be found elsewhere than in employer sanctions."¹⁴⁶ Irrespective of the validity of this assessment, the difference in the politicization of the discriminatory effects of employer sanctions may be significant in itself. It seems to reflect on a major difference in the nature of political mobilization of immigrant and minority activists in the two countries.

In the case of the United States, many Hispanic groups, like the NCLR, were forged in the 1960s, and have been able to articulate their immigration concerns around civil rights, and build alliances on that basis. This included an unprecedented backing of African-Americans leaders during the debate over IRCA, best symbolized when 1984 Presidential Candidate Jesse Jackson proclaimed: "Just as Jesus marched to Jerusalem, and Gandhi marched to the sea, and Martin Luther King marched to Washington, we must march to the border to praise amnesty and peace between Mexico and the United States and to denounce employer sanctions and discrimination."¹⁴⁷

This has been far less the case in France where it is only in the 1980s that first generation immigrant groups, and groups devoted to the situation of second generation immigrants and minority citizens *began* to organize through their own associations, as opposed to having their interests interpreted and represented by French-run trade unions, political parties or church and other humanitarian groups, or directed to the "homeland" by

organizations run by the home government. Indeed, some minorities with citizenship even sought voice through the arena of electoral politics. This is reflective of shifting political forces affecting the area of immigration and citizenship.

New Political Forces in Immigration

Undoubtedly one of the most critical and most discussed factors affecting immigration policy debates since the 1980s in France has been the strengthening of the far right party, the Front National, which while in existence since 1972, saw its popularity change dramatically since local elections in 1983.¹⁴⁸ Current analyses have emphasized that the electoral victories of the FN are not explained completely by immigration or increases in unemployment *per se*, but also by electoral strategies of both left and mainstream right political parties. Thus Singer notes:

All parties bear some responsibility for the success of the FN. The right. . . prepared the ground for it by its unscrupulous campaign on immigration and law and order. The left had failed for many years to perform its function as the principled enemy of every form of racial discrimination.¹⁴⁹

In particular, the negative climate regarding immigration festered initially in the 1970s in cities with large immigrant concentrations that were typically ruled by left/communist governments who tended to advocate the return of non-citizens (and even non-white citizens) to their "home country," and engaged in policies limiting the numbers of immigrants in schools and housing through the racist concept of a "seuil de tolérance/threshold of tolerance" (a percentage of non-European immigrants that should not be exceeded).¹⁵⁰

However, in addition to the shifting electoral fortunes of the FN, the 1980s were characterized by the emergence of new demands by the second generation, made all the more apparent by a change governing the civil rights of foreigners made by the Socialist government in 1981. Patrick Ireland's account of immigrant politics emphasizes the extent to which a "host society's" laws and policies structure the environment for immigrants, and thereby condition the form and content of immigrant politics.¹⁵¹ Indeed, the actual potential for immigrants to organize was limited prior to 1981 by a decree that outlawed the formation of "foreign" associations in France, limiting immigrants to certain legal/recognized "homeland" fraternity organizations run by the home government. For example, in the case of Algerians the "Amicale des Algériens en Europe" sponsored and subsidized by the Algerian government was a major group for Algerians in France, though it was often coercive in its approach to expatriate citizens (for instance, using the Algerian secret police to monitor anti-government activities of Algerian nationals abroad).¹⁵² The situation changed most dramatically when the French Socialists changed that law in October 1981:

Foreign associations thereby became subject to the same conditions as "French" associations: that is, making a simple declaration to the Ministry of the Interior. Immigrants likewise won the right to act as administrators of their own and French associations and, like them, to receive public funding. . . .

Associational life among immigrants themselves received a decisive stimulus from the new law. The number of associations skyrocketed after its passage. . . . Reflecting the diversity of immigrant communities themselves, their associations represented virtually all possible currents. . . . ¹⁵³

In this context, the Amicale steadily lost power with Algerians in France.¹⁵⁴

Most immigrants to France (first generation) do not hold French citizenship, which has traditionally made their political involvement

constrained by the complete lack of electoral rights and in addition the fear of expulsion if judged to be a threat to "peace and order."¹⁵⁵ This does not mean that these immigrants were politically passive. Indeed, Mark Miller's account of the activities of Algerian and other post-war migrant workers through the 1970s indicates the extent to which "unconventional" political tactics (such as hunger strikes) were used in the face of poor housing and labour conditions, and increasingly restrictive immigration measures.¹⁵⁶ Nonetheless, the younger "second generation" of North Africans— many with citizenship— have been afforded better opportunities in part because of the feature of citizenship, and have generally been relatively more politically assertive,¹⁵⁷ even though this group in particular tends to face grim social conditions in the "banlieu" (suburbs) of major cities, and grim economic prospects (in the case of young North Africans unemployment is 10% higher than the average 31.4% versus 21.4%).¹⁵⁸

What has been particularly evident is a shift in the 1980s towards the second-generation taking precedence over old-style worker struggles and hunger strikes and thereby engaging in new political demands:

The new social and political movements centred now around demands for participation in the political arena (the right to vote for immigrants in local elections, adopted by S.O.S. Racisme and other associations; the campaign to register young 'beurs' for voting in all elections, promoted especially by France Plus) and new cultural forms (the emergence of 'beur' movements, marches, independent radio stations, news magazines).¹⁵⁹

Indeed, the demand for the right to vote in municipal elections, promised but never delivered in the programme of Mitterrand in 1981, "has become a symbolic demand for equal rights based on residence rather than nationality."¹⁶⁰ This is a demand articulated by the organizations such as S.O.S.-Racisme, a multi-ethnic organization formed in 1984, and other

immigrant and anti-racist associations. France-Plus, formed in 1985 is an organization devoted solely to second generation North Africans with citizenship, and has focused on voter registration of eligible North African origin citizens, and, by 1989 was active in promoting several Arab-origin candidates running in local elections.¹⁶¹ S.O.S. Racisme and France Plus are the two largest and most prominent national organizations. However, France Plus, in contrast to S.O.S. Racisme, has tended to be more assimilationist in orientation. Thus, while S.O.S. Racisme initially emphasized a "right to be "different," but more recently "integration," (de-linked from immigration control),¹⁶² France Plus emphasizes "similarity." Thus for instance, it argues that "contre le droit à la différence, France Plus milite pour le droit à la ressemblance dans une société où chaque citoyen possède les mêmes droits et les mêmes devoirs."¹⁶³

In the context of the increasing politicization of immigration in the 1980s, and the increasing emphasis on rights by the second generation, the issue of citizenship and citizenship rights thus emerged as central. Indeed, as Schain has argued, in the contemporary period "the political issue of immigration has come to focus, first and foremost, on the meaning of French nationality and citizenship."¹⁶⁴ Part of this focus has, however, also involved citizenship legalisation itself which has also been framed into the broader debate on immigration and the racist rhetoric of the Front National.

The Politicization of Naturalization and Nationality and Its Effects on Algerians

In general, the French-born children of immigrants in France do not hold the citizenship of France at birth (in contrast to children born to

immigrants in the United States). Thus, France, while having more of a tradition of *jus soli* than Germany, has less of one than the United States (See Table Ten).

However, until recent changes, in France, the French-born children of immigrants, through Article 44 of the Nationality Code, could obtain citizenship upon reaching the age of 18, provided that they lived in France for the past five years.¹⁶⁵ Subsequently, the children of these immigrant children would be automatically born French through Article 23 which holds that if one or both parents of a child born in France were also born in France, that child is French at birth.¹⁶⁶ Thus, it is not generally until the *third generation* that the offspring of immigrants born in France are automatically accorded citizenship at birth (in contrast to the *second generation* born in the U.S. to immigrant parents, who are accorded citizenship at birth).

Although Articles 44 and 23 of the French Nationality Code have been in place for over 100 years, and had not been subjected to challenge, this situation changed in the 1980s, in the context of the strengthening of the far right, the negative politicization of the immigration/Algerian "problem," and the unique manner in which the children of Algerian immigrants were incorporated into France as citizens though not necessarily perceived as "assimilated French." Thus, as Brubaker observes, "the French debate on citizenship has centered on North African, especially Algerian immigrants."¹⁶⁷

What were the unique conditions governing Algerians as immigrants/citizens? Because Algeria was, until 1962, considered to be part of France, the children born in France to Algerian immigrants (if the parents were born *before* 1962) were automatically considered to be French at birth.

Table Ten: Foreigners and French by Acquisition + Birthplace, 1990

Continent and Countries	Total and %	Born in France	Born outside of France
Foreigners	3 607 590 (100)	743 168 (20.6)	2 865 422 (79.4)
Europe (of which)	1 453 369 (100)	227 494 (15.6)	1 225 875 (84.4)
-EC of 12	1 308 888 (100)	211 888 (16.2)	1 097 000 (83.8)
Ex USSR	4 309 (100)	112 (2.6)	4 197 (97.4)
Africa (of which)	1 652 870 (100)	430 275 (26.0)	1 222 595 (74.0)
-Maghreb	1 412 127 (100)	395 173 (28.0)	1 016 954 (72.0)
-Black Francophone	178 133 (100)	27 759 (15.6)	150 374 (84.4)
Asia	417 020 (100)	78 033 (18.7)	338 987 (81.3)
America	77 554 (100)	6 170 (8.0)	71 384 (92.0)
Oceania	2 468 (100)	84 (3.4)	2 384 (96.6)
French by Acquisition	1 777 955 (100)	472 217 (26.6)	1 305 738 (73.4)
Europe (of which)	1 272 998 (100)	361 531 (28.4)	911 467 (71.6)
-EC of 12	1 020 468 (100)	282 956 (27.6)	738 412 (72.4)
Ex USSR	18 272 (100)	3 896 (21.3)	14 376 (78.7)
Africa (of which)	304 864 (100)	83 007 (27.2)	221 857 (72.8)
-Maghreb	237 729 (100)	72 840 (30.6)	164 889 (69.4)
-Black Francophone	41 725 (100)	7 340 (17.6)	34 385 (86.4)
Asia	154 059 (100)	20 910 (13.6)	133 149 (86.4)
America	27 161 (100)	2 828 (10.4)	24 333 (89.6)
Oceania	601 (100)	45 (7.5)	556 (92.5)

Source: Ministère des Affaires Sociales et de l'Intégration, Direction de la Population et des Migrations Aspects de l'immigration et de la présence étrangère en France 1991-1992 (Paris: 1992) p. 109.

Thus, most second-generation Algerian immigrants were defined as citizens by the state from birth, as if they were third-generation immigrants.¹⁶⁸

Nonetheless, reflective of the quirkiness of this aspect of French law is the fact that this automatic incorporation sometimes led to variation amongst siblings in individual families:

Take the example of an Algerian family living in France with two children born since 1962, one in Algeria and one in France, and a third, born in Algeria where he was looked after by his grandparents until after his 18th birthday. The first child will be Algerian and, must, like his parents, have a residence permit if he is to comply with French requirements. The second is French and free to move as he pleases, just like any other French citizen. The third, however, of Algerian nationality is too old to come in under family grouping arrangements and would not be authorised to settle in France without first obtaining a residence permit just like any other foreign worker.¹⁶⁹

This unique feature of treating the French-born children of Algerian immigrants as French citizens is reflective of a lingering ambiguity on the part of the French state to accept that Algeria is not part of France.¹⁷⁰ Indeed, the colonial context, and the recency of decolonization, helps account for the direction that the citizenship debate has taken in numerous ways.

It should be recalled that the question of French citizenship has been a highly charged one in the context of the colonial experience in Algeria—during the War of Liberation it was used as a tool for maintaining French power (as highlighted in Chapter Two) and after Independence, it became a visible symbol of allegiance. Algerians both in and outside of France offered a choice between French citizenship and Algerian citizenship by and large chose Algerian citizenship.¹⁷¹ There were, however, exceptions, the most obvious being the *harkis*—French Muslims who fought for France during the War of Liberation and of those able to, fled for France following independence and currently numbering about 500,000.¹⁷²

Given the immediacy of the decolonization experience, and the association of French citizenship with colonial rule, it is, therefore, not surprising that some second-generation Algerian immigrants, as well as the Algerian government itself objected to the imposition of French citizenship at birth on children of immigrants that Algeria considers Algerian. This issue first rose in the late 1970s and early 1980s when these second-generation (male) immigrants were expected to perform the required military service in France as well as in Algeria.¹⁷³ An agreement was then reached between the two countries in 1983 that allowed dual nationals to perform their service in the country of their choice.¹⁷⁴ However, the choice of some (about 25%) dual citizens to do military service in Algeria, coupled with the tendency of some dual citizens to speak of French citizenship in instrumental terms (for instance, the advantage of citizenship is that it prevents hassles with the police) in contrast to the more expressive/emotional terms in which Algerian citizenship was described, fueled a linking of citizenship legislation to the nationalist/anti-immigrant agenda of the far right.¹⁷⁵ From this vantage it was unacceptable to dissociate the "rights" aspect of citizenship from the "belonging" and "community" sense.

Thus for instance, Le Pen began to make use of the question of this automatic acquisition in the arsenal of the Front National, arguing that citizenship should be seen as an honour, and that dual citizenship posed a problem to allegiance:

Pour le Front National, accéder à la nationalité française, pour ceux qui ne sont pas nés de parents français est un honneur qui doit être recherché et mérité. La carte d'identité n'est pas la carte orange [Parisian subway pass] . En outre avoir la qualité de Français doit être, sauf cas exceptionnel, exclusif de toute autre nationalité car on peut difficilement être fidèle à deux patries à la fois.¹⁷⁶

The underlying tenor of this argument became summed up in the slogan of Le Pen "d'être Français cela se mérite" — to be French one has to deserve it— the meaning of which evokes not so much the sense of participatory inclusion and belonging that ought to come from citizenship, but a kind of cultural belonging in the sense of nationhood.

This thinking made its way from the National Front to the more mainstream parties during the legislative elections in 1986, and in March 1986, a centre-right coalition government was elected on a platform that advocated changing the Nationality Code. As Wayland notes, because the details of the Nationality Code were highly technical, the proposal to change Article 23 (which grants citizenship to children born of a parent born in France) got dropped in favour of a focus simply on Article 44 (which may grant citizenship to children of immigrants upon reaching the age of majority).¹⁷⁷

To control the naturalizations of the second generation, the focus on Article 23 strove to eliminate the automatic character of French citizenship at age 18. This was to be achieved by amending the nationality code so that a formal declaration or desire to become French had to be made between the ages of 16 and 23, and acquisition would be a right, but a right subject to evidence of assimilation, particularly knowledge of French, and any time spent in prison (for a number of offenses) would preclude acquisition of nationality.¹⁷⁸

These proposed amendments proved to be particularly controversial and a collective action against it put forward by groups, including both France Plus and S.O.S. Racisme. In part as a response, a Commission Des Sages (Nationality Commission) was appointed in 1987 to investigate the matter, and found that nationality law should not be significantly altered, though it did recommend that a declaration of intent should accompany citizenship. At the

end of 1987 the measure was put on hold, and was not revived following the 1988 election.¹⁷⁹

However, in March 1993 a centre-right coalition was again returned to power in France, and the desire to change the Nationality Code was articulated as a government priority.¹⁸⁰ In this context, amendments proved successful. Article 44 was amended so that children born in France to non-citizen parents, and having lived in France over the last 5 years, could obtain nationality only if they make a declaration of intent between ages 16 and 23, and have not been convicted of certain offenses or have been subject to a deportation order.¹⁸¹ In addition, children born in France after December 31, 1993 to a parent born in Algeria before 1962 will acquire French citizenship at birth only if the Algerian parent has been living in France for five years.¹⁸² Some legal scholars charge that changes to Article 44 so that a declaration of intent to citizenship has to be made at a young age require having a sense of the long-term consequences of such a choice and may very well serve to exclude from citizenship many immigrant children; in addition a declaration requires knowledge about legal and bureaucratic procedures which may have a particularly negative outcome for female immigrants.¹⁸³

However, in contrast to the period in 1986, the visible opposition to these reforms (which were not as stringent but nonetheless did call for the expression of intention on the part of the children of immigrants that they would take citizenship) was not as obvious as in the earlier period:

. . . members of the collective against Nationality Code reform. . . were less united when faced with a weaker bill. . . . Aside from SOS Racisme which was highly critical. . . many activists came to agree with the Nationality Commission's recommendation that children born in France to foreign parents should have to express their will to become French, as opposed to having nationality accorded automatically upon reaching the age of majority.¹⁸⁴

In many ways then, the reform of the nationality code symbolizes the extent to which immigration, citizenship, rights and belonging bring out contradictory elements. The emergence of France Plus and its emphasis on voting and candidacy co-exist with the fact that not all immigrants are accorded automatic citizenship, which has itself led to calls for a new definition of citizenship by North African activists of the second generation who seek a "more participative citizenship, founded more on residence than on nationality and affiliation."¹⁸⁵ Yet, while the right for non-citizens to vote in local elections was promised by François Mitterrand as Presidential candidate in May 1981 (and repeated in 1988) it has only been extended to nationals of European Union countries (through the 1993 Maastricht Treaty, discussed in Chapter Five). This legal contrast reiterates the long-standing distinctions made about European versus North African/Algerian immigrants and coupled with changes to the Nationality Code suggest that for North African immigrants, attaining citizenship rights and formal citizenship itself will be more difficult in future.

CONCLUSIONS

As this chapter has discussed, a policy emphasis on immigration control has escalated in both the United States and France in the contemporary period, funneled in large part by a focus on the emblematic groups. In both the United States and France, an important aspect of the contemporary immigration debate has come to overtly center around the question of "legality," accounting for a greater policing of borders and surveillance in both countries since the 1980s. These developments have been linked to slightly different rationales. In the United States, there is an overarching discourse which has linked preventing "illegal" immigration with

maintaining "legal" immigration. In France, preventing "illegal" immigration has been linked with "integrating" immigrants already in the country.

While the rationales are different, in both cases the notion of the problem of "illegal" immigration is clearly socially and politically constructed, as it has not been consistently high on the agenda in either country. Indeed, the contemporary focus on the "illegal" problem serves to mask the expedient and duplicitous character of immigration policies historically in both countries which relied on immigrant, and "illegal" immigrant labour, a feature that has not, interestingly, entirely disappeared today.

The emphasis on "illegal" immigration is also a potentially slippery slope to condemning all those perceived as "non-Europeans," as the case of France especially reveals. Indeed, given the combination of slogans such as "zero immigration," with more restrictive changes made to the nationality code, Husbands may be right in suggesting that the emphasis on "integration" seems to increasingly be supplanted by a view that sees "integration" as an impossibility, and exclusion as the alternative when it comes to North African immigrants.¹⁸⁶

In contrast to France, the overt endorsement of legal immigration in the U.S., may be seen as a positive thing from the standpoint of progressive open policies, and tacit state recognition of the value of immigrants. Indeed, this endorsement helps account for the relatively "liberal" character of the Immigration Act of 1990 following IRCA. However, the emphasis on acquiring immigrants with "skills," and particularly "European" immigrants in this recent legislation is also indicative of a sense that current immigration from the Third World/Mexico needs to be in effect, balanced, with immigration from the "traditional" source countries. In this way, the United States shares with

France an emphasis on the desirability of European immigrants. Indeed, in 1995, immigration reform took on a renewed urgency in the American Congress where both illegal and illegal immigration have become the focus of attention by the Democrats and Republicans. What appears on the policy agenda are renewed efforts at preventing illegal immigration from Mexico, and *also* reducing legal immigration by increasing "skilled" immigrants at the expense of family class immigrants.¹⁸⁷

Taking these developments as a totality, it can be seen that in both the United States and France, the current context has been characterized by policy efforts to circumscribe the political community of state membership through changing legal criteria and definitions, though these have taken some distinct policy turns. One way of articulating these differences is in relation to one definition given to the concepts of "nationality" and "citizenship." As articulated by Weis, "Conceptually and linguistically, the terms "nationality" and "citizenship" emphasize two different aspects of the same notion: State membership,"¹⁸⁸ with citizenship concerning itself more with the national arena, and rights and obligations aspect, and nationality the international arena and the status of belonging to a particular nation-state. Using these conceptions, it can be said that in the United States, citizenship has emerged as prized, and something to be protected from illegal as opposed to legal immigrants, though definitions for the latter remain open to change. Legal immigration implies: 1) abiding by the law and obtaining citizenship rights and eventually citizenship only on that basis and ; 2) the capacity of citizens to select the criteria by which others may become citizens. From this vantage, illegal immigration dilutes citizenship, and is strongly opposed in contemporary America.

By contrast, in France, nationality, with its focus on nation-state belonging, has emerged prized. Thus, while some second generation North African immigrants are emphasizing a conception of citizenship based on residence (a feature that actually finds some policy reflection in the 1981 move to grant civil rights to foreigners by allowing freedom of association, and the 1993 move to grant voting rights to European Union nationals) any weakening of nationality in relation to full citizenship is strongly objected to in the contemporary French context. This may account for the difficulty groups such as S.O.S. Racisme have faced in sustaining opposition to amendments to the Nationality Code that effectively serve to question the "automatic" worthiness of the French-born children of immigrants for full citizenship, given their "suspect" allegiance. This emphasis on nationality has first and foremost involved a focus on Algerian, and more broadly, North African immigrants, suggesting that just as in the colonial context, even in the post-colonial context, there remains "persuasive difficulty of including 'the Arabs' (born in France in this case) in a notion of citizenship."¹⁸⁹

What do these findings relating to immigration and naturalization suggest in relation to the larger citizenship literature? It is evident that while citizenship is a resource that forms a necessary pre-condition for at least formal equality between residents of a given nation-state, in the current configuration of the world into nation-states citizenship is also the means by which distinctions are drawn between peoples of the world, and global inequalities upheld through increasingly restrictive immigration legislation. Developments in both France and the U.S. serve to provide a window on such concurrent egalitarian and inegalitarian impulses of modern citizenship, which can affect "illegal" immigrants, "legal" immigrants and citizens alike residing in these countries. This has implications for the larger citizenship

debate, which has generally not tended to look at the question of immigration and naturalization (or as I have framed it "citizenship as inequality") but has addressed citizenship in relation to the equality features concerning equal rights and participation. In particular, a central finding that requires continued exploration is this Janus-faced character to citizenship in the modern world. It is both an instrument of equality and inequality and these two dimensions interact to create manifold contradictions.

NOTES

¹ As cited in Stan Nadel, (1995, February 27), "News: Prop 187 Effects," H-Net List on Ethnic History [Online]. Available: LISTSERV@MSU.EDU.

² T.H. Marshall, "Citizenship and Social Class," in T.H. Marshall, Class, Citizenship and Social Development, (Garden City: Doubleday, 1965), p. 92. Barbalet notes that two conflicting themes emerged from the writings of Marshall. During the 1950s and 1960s social scientists took Marshall to be arguing that citizenship allowed for the decline of class conflict and the integration of the working class in capitalist society; this is in keeping with the prevalence of pluralism and the "end of ideology" thesis of this period. However, during the 1970s and 1980s, social analysts tended to interpret Marshall as arguing that the quest for citizenship heightens, rather than reduces, class conflict. I would argue that regardless of whether one views citizenship as strengthening or reducing class conflict, the focus remains on conflict. See J.M. Barbalet, Citizenship: Rights, Struggle and Class Inequality (Milton Keynes: Open University Press, 1988), p. 11.

³ Bendix compares the experiences of different European countries in terms of the experience of nation-building (as defined through stable authority relations, industrialization and modernization). Bendix argues that the issue of the integration of the lower (or working) classes into society was fundamental to the universalization of citizenship in the European context. See Reinhard Bendix, Nation Building and Citizenship (New York: John Wiley, 1964).

⁴ Bowles and Gintis focus on the clash between citizen/personal rights and property rights in liberal democratic countries, noting that citizen rights developed out of the need to legitimize the nineteenth century nation-state. They suggest that while citizen rights may be viewed as part of the terrain of the dominant class, subordinate classes can use rights discourse for their own advantage. See Samuel Bowles and Herbert Gintis, Democracy and Capitalism: Property, Community and the Contradictions of Modern Social Thought (New York: Basic Books, 1986), pp. 27- 63.

⁵ Catherine Mackinnon, Toward a Feminist Theory of the State (Cambridge: Harvard University Press, 1990), p. 170.

⁶ David Held, Political Theory and the Modern State: Essays on State, Power and Democracy (Cambridge: Polity Press, 1989), p. 200.

⁷ Brian S. Turner, "Outline of a Theory of Citizenship," Sociology 24, 2 (May 1990), p. 190.

⁸ For a general overview see Maurice Roche, Rethinking Citizenship: Welfare, Ideology and Change in Modern Society, (Cambridge: Polity Press, 1992), pp. 70-156. The quintessential articulation of the welfare dependence argument is found in the work of Mead. See Lawrence Mead, Beyond

Entitlement: The Social Obligations of Citizenship (New York: Free Press, 1986).

⁹ J.G.A. Pocock, "The Ideal of Citizenship Since Classical Times," Queen's Quarterly 99, 1 (Spring 1992), p. 38.

¹⁰ Marx argued that while citizenship provided political emancipation in that it allowed for communal participation at the level of the state (or political community), ultimately it failed at providing true human emancipation because within civil society (or the market) individual differences and inequalities prevailed. See Karl Marx, "On the Jewish Question," in T.B. Bottomore (ed.), Karl Marx: Early Writings (New York: McGraw-Hill, 1963), pp. 3-31. This is a point further developed by post-war neo-Marxist writers such as Nicos Poulantzas, who argues that the modern State serves to individuate workers (thereby weakening class consciousness) while simultaneously concealing this by homogenizing all classes at the level of the "people-nation" with its accompanying liberal democratic rights. See Nicos Poulantzas State, Power, Socialism (London: NLB, 1978).

¹¹ For Weber, the "political community" is synonymous with his notion of the "state" as both are defined by territory, access to arms and social action aimed at subordinating peoples within the territory. Weber argues that limits of community membership stem from the fact that the nation, and the national consciousness upon which the political community is fueled, necessarily exclude some people living within a given state. See Max Weber, Economy and Society (New York: Bedminster Press, 1968), p. 922.

¹² Carol Pateman, The Sexual Contract (Oxford: Polity Press, 1988).

¹³ Iris Marion Young, "Polity and Group Difference: A Critique of the Ideal of Universal Citizenship," Ethics 99, 2 (January 1989), p. 251.

¹⁴ Ibid.

¹⁵ See in particular Michael Sandel (ed.), Liberalism and Its Critics (New York: New York University Press, 1984). For a more popular overview and critique of communitarianism see Allan Winkler "Communitarianism," Utne Reader 66 (Nov./Dec. 1994), pp. 105-108, and Charles Derber, "Individualism Runs Amok," Utne Reader 66 (Nov./Dec. 1994), pp. 111-117.

¹⁶ Katherine Fierlback, "Redefining Responsibility: The Politics of Citizenship in the United Kingdom," Canadian Journal of Political Science XXIV, 3 (September 1991), p. 576.

¹⁷ For instance, under Prime Minister Brian Mulroney, citizenship emerged in the Conservative Government's 1991 constitutional discussion paper as an important concept aimed at reconciling competing constitutional visions and claims of ethnic and other groups in Canada. See Canada, Shaping Canada's Future Together: Proposals (Ottawa: Minister of Supply and Services Canada, 1991). In contrast, in Britain under Prime Minister Thatcher, and

subsequently Prime Minister Major, a cross-party Speakers Commission on Citizenship was formed in 1988 to "to consider how best to encourage, develop and recognise Active Citizenship within a wide range of groups in the community both local and national including school students, adults, those in full employment, as well as volunteers" (Encouraging Citizenship: Report of the Commission on Citizenship [London: HMSO, September 1990] as cited in Fierlbeck, "Redefining Responsibility," p. 587).

18 Turner, "Outline of a Theory of Citizenship," pp.189-217.

19 Will Kymlicka and W.J. Norman, "Return of the Citizen: A Survey of Recent Work on Citizenship Theory," Ethics 104, 2 (January 1994), p. 353.

20 See also Ibid., p. 377.

21 Nira Yuval-Davis, "The Citizenship Debate: Women, Ethnic Processes and the State," Feminist Review 39 (Fall 1991), p. 61.

22 Kymlicka and Norman, "Return of the Citizen," p. 353 n.3.

23 On the last two points, see in particular Zig Layton-Henry (ed.), The Political Rights of Migrant Workers in Western Europe (London: Sage, 1990) as well as William Rogers Brubaker (ed.), Immigration and the Politics of Citizenship in Europe and North America (Lanham: University Press of America, 1989) and Tomas Hammar, Democracy and the Nation State: Aliens, Denizens and Citizens in a World of International Migration (Vermont: Avebury Gower, 1990).

24 Zig Layton-Henry, "Citizenship or Denizenship for Migrant Workers," in Zig Layton-Henry (ed.), The Political Rights of Migrant Workers in Western Europe, pp. 186-195.

25 Catherine Wihtol de Wenden, "The Absence of Rights: the Position of Illegal Immigrants," in Zig Layton-Henry (ed.), The Political Rights of Migrant Workers in Western Europe, pp. 27-46.

26 For a discussion on the consequences of non-citizenship in relation to the class, gender and race biases faced by Third World female domestic workers see Abigail Bakan and Daiva Stasiulis, "Making the Match: Domestic Placement Agencies and the Racialization of Women's Household Work," Signs 20, 2 (1995): 1-33.

27 Amongst others, Yuval-Davis has raised this point. See Nira Yuval-Davis, "The Citizenship Debate: Women, Ethnic Processes and the State," Feminist Review 39 (Fall 1991), p.61.

28 United States, Department of Labor, The Effects of Immigration On the U.S. Economy and Labor Market: Immigration Policy and Research Report 1 (Washington, D.C.: Bureau of International Labor Affairs, 1989), p. 15.

²⁹ Aristide R. Zolberg, "Reforming the Back Door: The Immigration Reform and Control Act of 1986 in Historical Perspective," in Virginia Yans-McLaughlin (ed.), Immigration Reconsidered: History, Sociology and Politics (New York and Oxford: Oxford University Press, 1990), p. 321

³⁰ Of some 125,000 Cubans seeking asylum, about 1800 Mariel Cubans were detained in American prisons on the grounds that they had a criminal past. For an overview of an Immigration Inspector's take on the Cubans from Mariel harbour, see Edward K. Burns, "The Cuban Boatlift," INS Reporter 30, 2 (1981-1982): 4-8.

³¹ Zolberg, "Reforming the Back Door," pp. 321-322.

³² Barry Edmonston, Jeffrey S. Passel and Frank D. Bean, "Perceptions and Estimates of Undocumented Migration to the United States," in Frank D. Bean, Barry Edmonston and Jeffrey S. Passel (ed.), Undocumented Migration to the United States: IRCA and the Experience of the 1980s. (Santa Monica and Washington: The RAND Corporation and The Urban Institute, 1990), p. 15.

³³ Ibid., p. 27.

³⁴ This kind of imagery is not unique to the United States. As Hintijens has noted with respect to such industrialized countries as Britain:

"Where numbers are concerned, fears of mass invasion are expressed by the popular press and supposedly more learned publications in very emotive terms. Botanical and zoological analogies are common: immigrants come in hordes; swarms; immigrant communities mushroom in inner cities overnight and so on. Images of water are also used. Immigrants flood or trickle in, form pools and are controlled by barriers or floodgates."

(H. M. Hintijens, "Immigration and Citizenship Debates: Reflections on Ten Common Themes," International Migration XXX, 1 [March 1992], p. 13.)

³⁵ John R. Weeks and Roberto Ham-Chande, "Demographic Dynamics in the Context of the U.S.-Mexico Border," in John R. Weeks and Roberto Ham-Chande (ed.), Demographic Dynamics of the U.S.-Mexico Border, (El Paso: Texas Western Press, 1992), p. 271.

³⁶ Edmonston, Passel and Bean, "Perceptions and Estimates of Undocumented Migration to the United States," p. 21.

³⁷ Alan Riding, Distant Neighbors: A Portrait of the Mexicans (New York: Alfred A. Knopf, 1985), pp. 330-331.

³⁸ Arnoldo García, "New World Border," in John Cavanagh et.al. (eds.), Trading Freedom, (Toronto: Between the Lines, 1992), p. 86

39 Lisa Granatstein, "America's Invisible Snowbacks," The Globe and Mail (12 August 1995), p. D1.

40 Ibid.

41 The "invisibility" of Canadian illegal immigrants is attributed to their ability to "walk the walk and talk the talk" and to their tendency not to be located in sweatshops by virtue of financial security. (Lisa Granatstein, "America's Invisible Snowbacks," The Globe and Mail [12 August 1995], p. D1; D3). This recent assessment would suggest that illegal Canadian immigrants in the United States are Canadian-born, speak English as a first language, and are not likely ethnic or racial minorities. If accurate, this feature contrasts markedly with the older historical phenomenon of immigrants coming briefly to Canada specifically as a means of launching permanently into the United States.

42 Senator Alan K. Simpson, "The Immigration Reform and Control Act: Immigration Policy and the National Interest," University of Michigan Journal of Law Reform 17, 2 (Winter 1984), p. 154.

43 "Nanny Crime Wave." The Wall Street Journal [Review and Outlook Section] (20 January 1993), p. A12.

44 Mark J. Miller, Employer Sanctions in Western Europe: A Report Submitted to the German Marshall Fund of the United States (New York: Center for Migration Studies, 1987), p. 2.

45 Frank D. Bean, Barry Edmonston and Jeffrey S. Passel, "Introduction," in Bean, Edmonston and Passel (eds.), Undocumented Migration to the United States: IRCA and the Experience of the 1980s. (Santa Monica and Washington: The RAND Corporation and The Urban Institute, 1990), pp. 1-2, and Zolberg, "Reforming the Back Door," p. 321.

46 United States Select Commission on Immigration and Refugee Policy, U.S. Immigration Policy and the National Interest: Final Report (Washington, D.C., U.S. Government Printing Office, 1981), p. 3.

47 Demetrios G. Papademetriou, "International Migration in North America: Issues, Policies, Implications," Paper presented at the U.N. Economic Commission for Europe/UNEPA Meetings (Geneva: July 1991), p. 4.

48 Given the extreme weakness of party discipline in the United States, it is hard to categorically characterize the 'party' orientations on immigration of the two main parties, the Democrats and the Republicans. However, in the twentieth-century, the Democrats have tended to be more popular with minority groups in the U.S. and more liberal on immigration. Indeed, in the Presidential election of 1984, all contenders for the Democratic nomination opposed employer sanctions.

49 The Senate subcommittee (of the Judiciary Committee) on Immigration and Refugee Affairs has since the 1980s been dominated by three Senators: Democrats Edward Kennedy and Paul Simon, and Republican Alan Simpson. Through most of the 1980s, Simpson was in charge. From 1987 to 1994 Kennedy was chair. Following the Republican landslide in 1994, Simpson was back in command. Since 1994 the subcommittee has been the focus of unprecedented media and public attention, indicative of the growing politicization of immigration. See Don Henry, "Immigration Mood Change," Background Report, Voice of America (16 March 1995) as reported in Josef Barton, (1995, March 17), "News: VOA on 1st Hearing of Senate Immigration Committee 3/14" H-Net List on Ethnic History [online]. Available: LISTSERV@MSU.EDU.

50 Simpson, "The Immigration Reform and Control Act," pp. 151-152.

51 Senator Edward M. Kennedy, as cited in Robert L. Bach and Doris Missner, Employment and Immigration Reform: Employer Sanctions Four Years Later, (Washington: Carnegie Endowment for International Peace, 1990), p. 7.

52 Zolberg, "Reforming the Back Door," p. 337.

53 Martin notes that the Special Agricultural Worker (SAW) program is unique because it was enacted with relatively little public discussion, and because it represented a concession to farmers/growers who were the only major group of American employers explicit in stating their reliance on illegal workers, and moreover "threatened to oppose immigration reform unless they were assured that a replacement alien workforce would be available". (Philip L. Martin, "The SAW Legalization Program," in Doris M. Meissner and Dementrios G. Papademetriou, The Legalization Countdown: A Third Quarter Assessment Washington: The Carnegie Endowment for International Peace, 1988, p. 116.)

54 Aristide R. Zolberg, "Reforming the Back Door," p. 337.

55 United States, Department of Justice Immigration and Naturalization Service Annual Report (Washington, D.C. : Government Printing Office, 1986), p.3.

56 Author's Interview, Cecilia Muñoz, Senior Immigration Policy Analyst, National Council of La Raza (Washington: August 5, 1993).

57 Ibid.

58 While there has traditionally been strong antagonism in the African-American community over immigration, during the passage of IRCA, the Congressional Black Caucus joined the Congressional Hispanic Caucus in seeking to strengthen the legalization aspect of the legislation, as well as restrict the potential discriminatory effects of employer sanctions. On the final vote, four instrumental members of the Hispanic Caucus split and supported the bill on the grounds that the legislation was superior to what might be expected in future, and at this point the Black Caucus also split on the

vote. In overviewing the shifting position of African-American leaders on immigration, Fuchs notes "the congressional debates on immigration reform during the first six years of the 1980s saw black leaders using the immigration issue mainly to build a coalition with Mexican-American leaders, in the hope that their strong support on employer sanctions and legalization might translate into significant trade-offs of benefit to blacks on other issues" (Lawrence H. Fuchs, "The Reactions of Black Americans to Immigration," in Virginia Yans-McLaughlin (ed.), Immigration Reconsidered: History, Sociology and Politics [New York and Oxford: Oxford University Press, 1990], pp. 308-309).

59 United States General Accounting Office, Immigration Reform: Employer Sanctions and the Question of Discrimination (GAO/GGD-90-62: March 29, 1990), pp. 3-4.

60 Mexican American Legal Defense and Educational Fund (MALDEF) and the American Civil Liberties Union (ACLU), The Human Costs of Employer Sanctions: Recommendations for GAO's Third Report to Congress under the Immigration Reform and Control Act (March 1989), p. 2.

61 See MALDEF and the ACLU The Human Costs of Employer Sanctions.

62 Raul Yzaguirre, "Preface," in National Council of La Raza, Unfinished Business: The Immigration Reform and Control Act of 1986 (Washington: NCLR, 1990), p. ii.

63 Senator Edward M. Kennedy, as cited in "Congressional Subcommittee Holds Hearing on Employer Sanctions Repeal," Interpreter Releases 69, 13 (April 6, 1992), p. 408.

64 There has been a long-standing pattern of abuse, violence and even killings by the Border Patrol against Mexicans and those that look like Mexicans. See García, "New World Border," pp. 85-87.

65 See Leslie Marmon Silko, "The Border Patrol State," The Nation (17 October 1994), p. 413.

66 In particular, Senator Simpson (and others favouring employer sanctions) rejected the GAO's findings on methodological grounds— in particular a failure to reliably link the discrimination found to IRCA *per se*. ("Employer Sanctions: Abandon or Strengthen?" Migration World Magazine XX, 2 (1992), p. 18.) This line of reasoning of Simpson's on causality has been rejected by a fellow Senator as "grabbing at straws" to discredit the findings of the GAO, and rejected by GAO officials who emphasize the methodological process was "firm and solid." (Senator Paul Simon and Lowell Dodge, Director of Administration and Justice Issues, Government Accounting Office, as cited in "Congressional Subcommittee Holds Hearing on Employer Sanctions Repeal," Interpreter Releases 69, 13 (April 6, 1992), p. 408.

67 Senator Alan K. Simpson, as cited in *Ibid.*, p. 408.

68 Robert L. Bach and Doris Meissner, Employment and Immigration Reform: Employer Sanctions Four Years Later (Washington: Carnegie Endowment for International Peace, 1990).

69 Ibid., p. 5.

70 It should be noted that the Special Agricultural Worker program represented an additional 1.3 million applicants for legalization on the basis of having worked for a period of 90 days in Seasonal Agriculture in the year ending May 1, 1986. The majority of these applicants for temporary (and later permanent) status were young single males from Mexico. ("They're Coming Out of the Shadows," National Journal 21, 35 [1989], p. 2148.) Interestingly however, by 1992, six years after the passage of IRCA, it became widely agreed that "illegal immigration" remained an issue, and in fact, a bipartisan commission (known as the Commission on Agricultural Workers, and created as a concession by Congress to growers fearing an actual "drought" in labourers from the effects of IRCA) found that "employer sanctions have been ineffective at preventing, and have not significantly curtailed, the employment of unauthorized workers in agriculture." (United States, Commission on Agricultural Workers, Report of the Commission on Agricultural Workers: Executive Summary (Washington, 1992), p. 3.) In particular, IRCA had given rise to a "bustling market of counterfeit documents." (Peter Kilborn, "Law Fails to Stem Abuse of Migrants, U.S. Panel Reports," The New York Times (22 October, 1992), p. A1.) Needless to say, case studies sponsored by the Commission found that in the post-IRCA environment work conditions and wages remained deplorable. Hence in several states that have tended—for several decades in some cases—to make use of migrant workers, particularly from Mexico, (California, Arizona, Oregon, Washington, Michigan, Pennsylvania, South Carolina, Texas and Florida) "most seasonal farmworkers in the United States have in common low annual earnings, difficult working conditions, and limited opportunities for economic advancement." (United States, Commission on Agricultural Workers, "Introduction to Case Studies" Appendix I: Case Studies and Research Reports prepared for the Commission on Agricultural Workers, 1989-1993 [Washington, 1993], p. v.)

71 United States, Department of Labor, Employer Sanctions and U.S. Labor Markets: Second Report: Immigration Policy and Research Report 3 (Washington, D.C.: Bureau of International Labor Affairs, 1991), p. 70.

72 United States, Department of Labor, Employer Sanctions and U.S. Labor Markets: Immigration and Policy Research Report 2 (Washington, D.C., Bureau of International Labor Affairs, 1991), pp. 7-8.

73 See "Employer Sanctions: Abandon or Strengthen," Migration World Magazine XX, 2 (1992), pp. 17-18.

74 Charles Kamasaki, (VP National Council of La Raza) in "Employer Sanctions: Abandon or Strengthen," p. 16.

75 "Nanny Crime Wave." The Wall Street Journal [Review and Outlook Section] (20 January 1993), p. A12.

76 The so-called "Nannygate" episode began in 1993 during President Bill Clinton's attempt to fill the position of Attorney General (which it should be emphasized oversees the Department of Justice and hence the INS and immigration laws) with proposed candidate Zoe Baird, a lawyer. This appointment backfired when it was discovered that she had two domestic workers in her home who were undocumented. While Baird lost the appointment, her Peruvian domestic workers fared worse, being deported. The position was eventually filled by Janet Reno.

77 Bach and Meissner, Employment and Immigration Reform: Employer Sanctions Four Years Later, p. 10.

78 Alan C. Nelson, Commissioner, U.S. Immigration and Naturalization Service, INS Annual Report (Washington, D.C. : Government Printing Office, 1986)p. 2.

79 Alan C. Nelson, "Message from the Commissioner," INS Reporter (Fall/Winter 1985/86), p. 1

80 During the 1970s and 1980s, legal immigration was in actually running to about 500,000 yearly, though the official limits were below that. The limit set in the Immigration Act of 1990 was 700,000 to 1994, and 675,000 after 1994. This was an attempt to realistically deal with the numbers of immigrants (family members and so on) eligible to enter the United States.

81 United States, Department of Labor, The Effects of Immigration On the U.S. Economy and Labor Market: Immigration Policy and Research Report 1 (Washington, D.C., Bureau of International Labor Affairs, 1989), pp. 180. Julian Simon is one well-known American economist who has linked economic benefits to immigration. For a report co-published by pro-immigrant groups such as the NCLR see Julian Simon, How do Immigrants Affect Us Economically (Washington: Center for Immigration Policy and Refugee Assistance, 1985).

82 Dick Kirschten, "Come In! Keep Out!" National Journal 22, 20 (May 19, 1990), p.1206.

83 For a synopsis see William B. Johnston, "Global Workforce 2000: The New World Labor Market," Harvard Business Review 69 (March/April 1991): 115-127.

84 Michael Fix and Jeffrey S. Passel, "The Door Remains Open: Recent Immigration to the United States and a Preliminary Analysis of *The Immigration Act of 1990* " Program for Research on Immigration Policy (Washington: The Urban Institute, 1991), p. 10.

85 *Ibid.*, p. 9.

86 Interpreter Releases 67 (December 3, 1990), p. 1359 as cited in *Ibid.*, p. 10.

87 Fix and Passel, "The Door Remains Open," p. 9.

88 Marvine Howe, "Working to Help Irish Immigrants Stay, Legally," The New York Times [Section 1](27 November, 1988), p. 52

89 Senator Edward M. Kennedy, The Congressional Digest 68, 10 (October 1989), p. 240.

90 The largest anti-immigrant group, the Federation for American Immigration Reform (FAIR) founded in 1979 and purporting to represent 50,000 members, has emphasized that the current immigration flow is dominated by "low skilled individuals" from "under-developed countries." FAIR has called for a three year moratorium on immigration, except for spouses and minor children of citizens. (The Federation for American Immigration Reform, Issue Brief: U.S. Pays for Out-Of-Control Immigration [Washington: 1993]).

91 An emphasis on technical skills and training can be seen to have differential affects. It is true that an emphasis on skills in immigration policy tends to privilege first world countries, with more widespread educational and other training facilities than third world countries. This does not mean that third world immigration is eliminated, but rather immigrants from the Third World will typically be those from advantaged groups/classes such as well-off males, who typically have better access to education and other resources than women. Indeed, in Canada, moves in the 1960s to remove overt racial and ethnic discrimination from immigration policy actually wedded opening up immigration from the Third World with emphasizing acquiring immigrants who had educational, linguistic, professional and other "skills." During the 1980s, Canada also began emphasizing immigrants who could set up businesses to employ Canadians, and immigrants with capital to invest. This more recent emphasis has attracted immigrants from Hong Kong in particular. For an overview of these issues, see Yasmeen Abu-Laban, "Citizenship, Democracy and Equality of Access: Immigration Policy in Canada," Paper presented at the Conference on Democratic Politics (Ottawa, 1992).

92 Author's Interview, Cecilia Muñoz, Senior Immigration Policy Analyst, National Council of La Raza (Washington: August 5, 1993).

93 The only exception to this is that children born in the U.S. to high-ranking foreign diplomats do not become U.S. citizens. ("Naturalization: Becoming a U.S. Citizen," U.S. Immigrant 2, 11 (December 1994), p. 25.)

94 William Kaplan, Citizenship Legislation: A Comparative Study of France, Germany, Switzerland, the United Kingdom, the United States and Australia (Ottawa: Multiculturalism and Citizenship Canada, 1991), p. 73.

95 United States, Department of Commerce, "Census Bureau Press Release," (December 18, 1992), p.2

⁹⁶ United States, Department of Justice, Statistical Yearbook of the Immigration and Naturalization Service, 1990, (U.S. Government Printing Office: Washinton, D.C., 1991), p. 141.

⁹⁷ National Association of Latino Elected and Appointed Officials, The National Latino Immigrant Survey, (Washington, D.C., 1989) p. 17 as cited in Wendy A. Young, Unlocking the Golden Door: Hispanics and the Citizenship Process (Washington, D.C.,: National Council of La Raza, 1991), pp. 8-9.

⁹⁸ National Association of Latino Elected and Appointed Officials, The National Latino Immigrant Survey, (Washington, D.C., 1989) p. 17 as cited in Young, Unlocking the Golden Door, p. 9.

⁹⁹ Young, Unlocking the Golden Door, p. 21.

¹⁰⁰ H. G. Reza, "INS Bait's Deportation Hook with Offer of Inclusion," The Washington Post (1 August 1993), p. A10.

¹⁰¹ Ibid.

¹⁰² Peter Schuck and Rogers Smith, Citizenship Without Consent: Illegal Aliens in the American Polity as cited in Peter Skerry, "Borders and Quotas: Immigration and the Affirmative-Action State," Public Interest 96 (Summer 1989), p. 100.

¹⁰³ Bill Stall and Patrick J. McDonnell, "Wilson Urges Stiff Penalties to Deter Illegal Immigrants," The Los Angeles Times (10 August, 1993), p. A1.

¹⁰⁴ Republican Representative Elton Gallegly (California) has championed several proposals to deny citizenship to the children of illegal immigrants which have never garnered the support required.

¹⁰⁵ Martin A. Schain, "Policy Making and Immigration in France," New Community 20, 1 (October 1993), p. 65.

¹⁰⁶ Wilson withdrew on the grounds of funding problems, and indeed did have problems in his own state of California in enticing financial backers who had supported him in his re-election for governor on the promise that he would not seek the presidency. See "Wilson Abandons Nomination Bid," The Globe and Mail (30 September, 1995), p. A2.

¹⁰⁷ Jonathan Freedland, "They Came, They Saw, They Grovelled," The Guardian Weekly (20 August 1995), p. 6

¹⁰⁸ Skerry, "Borders and Quotas" p. 100.

¹⁰⁹See Maxim Silverman, "Citizenship and the Nation-State in France," Ethnic and Racial Studies 14, 3 (July 1991). The conception of integration as defined by a recent Commission charged with looking into the matter stresses that "*la conception française de l'intégration doit obéir à une logique d'égalité et non à une logique de minorités.*" This includes an emphasis on equal rights irrespective of race/ethnicity or religion, but not any institutional recognition of race, or religion (France, Haut Conseil à l'intégration, L'intégration à la française, [Paris: Union Générale d'Édition avec l'autorisation de la Documentation Française, 1993], p. 35).

¹¹⁰ Catherine Wihtol de Wenden, "Immigration Policy and the Issue of Nationality," Ethnic and Racial Studies 14, 3 (July 1991), p. 319.

¹¹¹ Maxim Silverman, Deconstructing the Nation: Immigration, Racism and Citizenship in Modern France (London and New York: Routledge, 1992), p. 46.

¹¹² Patrick Ireland, The Policy Challenge of Ethnic Diversity: Immigrant Politics in France and Switzerland (Cambridge: Harvard University Press, 1994), p. 40.

¹¹³ G. Tapinos, L'immigration étrangère en France (Paris: INED/PUF, 1975) as cited in Philip Ogden, "The Legacy of Migration: Some Evidence from France," in Russell King (ed.), Mass Migration in Europe: The Legacy and the Future (London: Belhaven Press, 1993), p. 113.

¹¹⁴ Martin A. Schain, "Immigration and Politics," in Peter A. Hall, Jack Hayward and Howard Machin (eds.), Developments in French Politics (London: Macmillan, 1990), p. 258.

¹¹⁵ Philippe Bernard, L'immigration (Paris: Le Monde-Éditions, 1993), p. 73.

¹¹⁶ Ireland, The Policy Challenge of Ethnic Diversity, p. 48.

¹¹⁷ For a discussion of the continued immigration in France, and Europe more generally, see Robert Miles, "Migration, Racism and the Nation-State in Contemporary Europe," in Vic Satzewich (ed.), Deconstructing a Nation: Immigration, Multiculturalism and Racism in '90s Canada, Halifax: Fernwood Books: 1992: 21-45.

¹¹⁸ As in the United States, French agriculture has historically been dependent on foreigners for seasonal labour. Miller notes that in the postwar period, seasonal foreign worker admissions peaked at about 145,000 in 1972 before declining; between 1949 and 1984 over 3.3 million seasonal foreign workers entered France though in the 1980s this dropped sharply (61,886 in 1989) (pp. 855-869). In 1972, the vast majority (95%) of admissions were Spanish. In 1989, Spanish represented 42,073 of 61,868 workers; Moroccan 3,874 of 61,868; Portuguese 14,719 of 61,868; Tunisian 606 of 61,868; Yugoslav 115 of 61,868 and Other 482 of 61,868 (p. 863). Miller also notes that:

"Seasonal foreign worker programs have dropped steadily in the period of Socialist rule. The decrease in admissions

is generally attributed to mechanization. There is reason to believe, however, that French authorities are trying to wean farmers of their dependency on seasonal foreign workers. French farmers. . . generally want more, not fewer, seasonal foreign workers. It has become particularly difficult for farmers to receive authorization to recruit seasonal foreign workers in areas with large numbers of unemployed agricultural workers" (p. 86-4)

(Mark Miller, "Seasonal Foreign Worker Policies in France and Switzerland" A Report prepared for the United States Commission on Agricultural Workers, Appendix II: Hearings and Workshops Before the Commission on Agricultural Workers To Accompany the Report of the Commission)

119 Silverman, Deconstructing the Nation, p. 53.

120 Philip E. Ogden, "Immigration to France Since 1945: Myth and Reality." Ethnic and Racial Studies 14, 3 (July 1991), p. 308.

121 Bernard, L'immigration p. 73.

122 For an illuminating study of how the colonial legacy in Algeria shaped migration patterns to France, the organization of labour-management relations in some French industries, and the patterns of development in post-Independence Algeria, see Mahfoud Bennoune, The Impact of Colonialism and Migration on an Algerian Peasant Community: A Study of Socioeconomic Change, Unpublished Ph.D. Thesis, The University of Michigan, 1976.

123 Ibid.

124 Ogden, "The Legacy of Migration," p. 113.

125 Silverman, Deconstructing the Nation, p. 73.

126 Ireland, The Policy Challenge of Ethnic Diversity, p. 49.

127 Silverman, Deconstructing the Nation, p. 53.

128 Schain, "Immigration and Politics," p. 258.

129 Ireland, The Policy Challenge of Ethnic Diversity, p. 49.

130 Schain, "Immigration and Politics," p. For an overview of rights and rights abuses in airports see ANAFE, Frontières du droit frontières des droits (Paris: Éditions l'Harmattan, 1993) and for current difficulties in travelling from Algeria to France see "French Visa Clampdown Called Racist," The Washington Post (13 July 1993), p. A1.

131 Philip Ogden, "The Legacy of Migration," pp. 113-114. The entry of "illegal" immigrants has been estimated by French authorities to be

approximately 100,000 yearly since 1974 (William Drozidiak, "Rolling Up a Worn-Out Welcome Mat," The Washinton Post (13 July, 1993), p. A1. Of course, numbers on illegal immigration in France (as in the United States) have been subject to dispute. See H. M. Hintjens, "Immigration and Citizenship Debates: Reflections on Ten Common Themes," International Migration XXX, 1 (March 1992).

132 Silverman, Deconstructing the Nation, p. 57.

133 Ibid., p. 130.

134 Catherine Wihtol de Wenden, "Immigrants as Political Actors in France," West European Politics 17, 2 (April 1994), p. 98.

135 Wihtol de Wenden, "Immigration Policy and the Issue of Nationality," p. 319.

136 Silverman, Deconstructing the Nation, p. 130.

137 Wihtol de Wenden, "Immigration Policy and the Issue of Nationality," pp. 91-109.

138 Annie Phizacklea, "In the Front Line," in Annie Phizacklea (ed.), One Way Ticket: Migration and Female Labour (London: Routledge and Kegan Paul, 1983), p. 96.

139 Silverman, "Citizenship and the Nation-state in France," p. 344.

140 "French Visa Clampdown Called Racist," p. A1.

141 "Pasqua ferme La France A l'immigration," Libération, 3 Juin 1993, p. 3.

142 Charles Pasqua, as cited in William Drozkiak, "Rolling Up a Worn-Out Welcome Mat," The Washington Post (13 July 1993), p.A1. This seems to have been followed by a pattern of shooting and killings of non-Europeans by police. See Paul Webster, "Amnesty Claims French Minister Condoned Violence by Police." The Edmonton Journal (13 October, 1994) B16.

143 Author's Interview, Geneviève Jacques, Secrétaire Générale, CIMADE (Paris: December 8, 1993). (CIMADE dates from 1939, and is a Protestant immigrant aid and social action committee).

144 See Mark Miller, "Towards Understanding State Capacity to Prevent Unwanted Migration: Employer Sanctions Enforcement in France, 1975-1990," West European Politics 17, 2 (April 1994): 140-167.

145 Mark J. Miller, Employer Sanctions in Western Europe: A Report Submitted to the German Marshall Fund of the United States (New York: Center for Migration Studies, 1987), p. 3.

146 Ibid., p. 51.

147 As cited in Lawrence H. Fuchs, "The Reactions of Black Americans to Immigration," p. 304.

148 See especially Christopher T. Husbands, "The Support for the *Front National*: Analyses and Findings," Ethnic and Racial Studies 14, 3 (July 1991), pp. 382-384.

149 Daniel Singer, "The Resistable Rise of Jean-Marie Le Pen," Ethnic and Racial Studies 14, 3 (July 1991), p. 378.

150 See Martin A. Schain, "Immigrants and Politics in France," in John S. Ambler (ed.), The French Socialist Experiment (Philadelphia: Institute for the Study of Human Issues, 1985): 166-190. For a critique of the racism underlining the concept of a "threshold of tolerance: see Neil MacMaster, "The 'seuil de tolérance': the uses of a 'scientific' racist concept," in Maxim Silverman (ed.), Race, Discourse and Power in France. Avebury: Aldershot, 1991), pp. 14-28.

151 Ireland, The Policy Challenge of Ethnic Diversity.

152 Ibid., p. 112.

153 Ibid., pp. 63-64.

154 As one reporter put it, "as Algerians become more rooted in France, the Algerian authorities and their once powerful Amicale, an organization that mobilized Algerian expatriates during the struggle for independence, are losing their grip on the community. Many Algerians say the Amicale has degenerated into a bureaucracy dedicated to a host of petty corruptions and bad intelligence work on Algerians in France." (James M. Markham, "If the Racism is Sour, How Sweet is Success," The New York Times [16 November, 1988], p. A4).

155 Alec G. Hargreaves, "The Political Mobilization of the North African Immigrant Community in France," Ethnic and Racial Studies 14, 3 (July 1991), pp. 351-352.

156 Mark Miller, Foreign Workers in Western Europe: An Emerging Political Force. (New York: Praeger, 1981).

157 Hargreaves, "The Political Mobilization of the North African Immigrant Community in France," p. 350.

158 Michel Forsé et.al., Recent Social Trends in France: 1960-1990 (Montreal and Kingston: McGill-Queen's University Press, 1993), p. 329.

- 159 Silverman, Deconstructing the Nation, p. 126.
- 160 Silverman, "Citizenship and the Nation-state in France," p. 346.
- 161 For a discussion of Marseilles, see Markham, "If the Racism is Sour, How Sweet is Success," p. A4.
- 162 The shift from an emphasis on difference to integration was done in the context of the appropriation of the slogan "the right to be different" by the Front National which used it to suggest that France also had a right to be different, and therefore to exclude immigrants whose cultural "differences," clashed with French values. Integration as articulated currently by S.O.S. Racisme emphasizes conditions of housing, schooling and social conditions in urban centres, and is not linked to immigration control (as with the policy of the French state). See in particular S.O.S. Racisme, Manifeste pour l'integration (Paris: 1990)
- 163 France Plus, Tous les droits et tous les devoir du citoyen (Paris), p.3.
- 164 Schain, "Immigration and Politics," p. 261.
- 165 Article 44 reads "Tout individu né en France de parents étrangers acquiert la nationalité française à sa majorité si, à cette date, il a en France sa résidence et s'il a eu pendant les cinq années qui précèdent sa résidence habituelle en France ou dans les territoires ou pays pour lesquels l'attribution ou l'acquisition de la nationalité française est, ou était, lors de sa résidence, régie par des dispositions spéciales." (France, Ministère de la Justice, La nationalité française: Textes et documents [Paris: La Documentation française, 1989], pp. 25-26.)
- 166 Article 23 holds that "Est français l'enfant. légitime ou naturel, né en France lorsque l'nd de ses parents au moins y est lui-même né." (France, Ministère de la Justice, La nationalité française: Textes et documents, p. 24).
- 167 William Rogers Brubaker, Citizenship and Nationhood in France and Germany (Cambridge: Harvard University Press, 1992), p. 139.
- 168 Ibid., p. 140.
- 169 Claude-Valentin Marie, "Immigration— An Awkward Issue," The Courier 29 (September-October 1991), p. 44
- 170 Philip Ogden, "The Legacy of Migration: Some Evidence from France," pp. 109-110.
- 171 Brubaker, Citizenship and Nationhood in France and Germany, p. 139.

- 172 Christopher T. Husbands, "The Mainstream Right and the Politics of Immigration in France: Major Developments in the 1980s," Ethnic and Racial Studies 14, 2 (April 1991), p. 173.
- 173 Brubaker, Citizenship and Nationhood in France and Germany pp. 141-142.
- 174 See "Conventions internationales bilatérales su le service militaire des double-nationaux," in Ministère de la Justice, La nationalité française, p.278.
- 175 Brubaker, Citizenship and Nationhood in France and Germany , pp. 142-151.
- 176 Jean-Marie Le Pen, Pour La France: Programme du Front National (Paris: Editions Albatros, 1985), pp. 117-118.
- 177 Sarah V. Wayland, "Mobilising to Defend Nationality Law in France," New Community 20, 1 (October 1993), p. 95.
- 178 Kaplan, Citizenship Legislation: A Comparative Study of France, Germany, Switzerland, the United Kingdom, the United States and Australia p. 21.
- 179 See Wayland, "Mobilising to Defend Nationality Law in France."
- 180 Ibid., p. 105.
- 181 Dilek Çinar, "From Aliens to Citizens: A Comparative Analysis of the Rules of Transtition," Paper presented at the Institute for Advanced Studies, Vienna : November 1994, p.9
- 182 Ibid., p. 20.
- 183 See Dominique Simonat, "Un texte tout à fait inutile, voire dangereux," Liberation (12 Mai 1993).
- 184 Wayland, "Mobilising to Defend Nationality Law in France," pp. 106-107.
- 185 Wihtol de Wenden, "Immigration Policy and the Issue of Nationality," p. 330.
- 186 Husbands. "The Mainstream Right and the Politics of Immigration in France," p. 194.
- 187 Don Henry, "Immigration Mood Change," Background Report, Voice of America (16 March 1995) as reported in Josef Barton, (1995, March 17), "News: VOA on 1st Hearing of Senate Immigration Committee 3/14" H-Net List on Ethnic History [online]. Available: LISTSERV@MSU.EDU.

188 P. Weis, Nationality and Statelessness in International Law (Alpen aan den Rijn, Netherlands: Sijthoff and Noordhoff, 1979), pp.4-5 as cited in Rey Koslowski, "Intra-EU Migration, Citizenship and Political Union," Journal of Common Market Studies 32, 3 (September 1994), p. 371.

189 Anissa Hlie, "Between 'Becoming M'tourni' and 'Going Native': Gender and Settler Society in Algeria," in Daiva Stasiulis and Nira Yuval-Davis (eds.), Unsettling Settler Societies: Articulations of Gender, Race, Ethnicity and Class (London: Sage, 1995) p. 288.

CHAPTER FOUR

NATIONAL COMMUNITIES

No one today is purely one thing. Labels like Indian, or woman, or Muslim or American are not more than starting points, which if followed into actual experience for only a moment are quickly left behind. Imperialism consolidated the mixture of cultures and identities on a global scale. But its worst and most paradoxical gift was to allow people to believe that they were only, mainly, exclusively, white or Black, or Western, or Oriental. Yet just as human beings make their own history, they also make their own cultures and ethnic identities. No one can deny the persisting continuities of long traditions, sustained habitations, national longings and cultural geographies, but there seems no reason except fear and prejudice to keep insisting on their separation and distinctiveness, as if that were all human life was about.

Edward Said, 1994¹

INTRODUCTION

Chapter Three examined how rules and laws relating to citizenship rights and naturalization have served to circumscribe membership in the political community in France and the United States. The purpose of this chapter is to overview the content and context of key debates surrounding ethnic diversity, national identity and national belonging— especially as these apply to the emblematic immigrant groups of Mexicans in the United States and Algerians in France over the 1980s and 1990s. In a sense, this exploration may be seen as a continuation of the issue of citizenship examined in the previous chapter, particularly in the case of France where the challenge to

principles of *jus soli* in citizenship legislation is reflective of an underlying questioning of the "allegiance" of (second generation) Algerians.

In addition, as noted in the Chapter Three, one major component of citizenship theory focuses on the broad question of participation, community and belonging. Recently, identities springing from the full range of the "new social movements"² have been identified as properly managed under the rubric of citizenship. Thus, Chantal Mouffe notes that ethnic pluralism impacts heavily on contemporary discussions of citizenship in the industrialized West:

At the moment, one of the most discussed questions in many countries is how to establish a notion of citizenship that makes room for the increasingly multiethnic and multicultural character of the population. Such a problem has long existed in North America, but satisfactory solutions have yet to be found there as well. The difficulty seems to lie in the need to create unity without denying multiplicity as far as cultural, linguistic, ethnic, religious, and other identities are concerned while constructing a common political identity around an allegiance to shared political principles.³

However, the problem with confining discussions of ethnicity, culture and identity to the issue of citizenship alone, is that citizenship has, as the last chapter emphasized, a *legal-formal* component when considering the question of formal citizenship. In short, one may or may not hold the citizenship of a given country.

In marked contrast, there is only an *evaluative* component to the question of national identity, and who does and does not "belong." Indeed, it is this evaluative component of national belonging that explains why minorities who hold formal citizenship/nationality are not necessarily *perceived* as co-citizens by majorities. As Sardar notes with respect to minorities in countries of Western Europe:

When issues of 'race' and 'nation' are totally enveloped in the rhetoric of ethnicity, 'national sovereignty' becomes problematic. Moreover, as notions of race and ethnic identity begin to frame the discursive boundary of national-European culture, questions arise on the nature of citizenship. Who is a citizen? Who is included and who excluded? Could ethnically and culturally different groups of people, such as Muslims, qualify as citizens of European nations? Can they become an integral part of European cultures?⁴

These kind of questions warrant addressing the concept of "nation," and the ideology of nationalism, in greater and more focused detail.

While nation and nationalism have traditionally not been incorporated in academic studies of immigration, these two related concepts can aid in illuminating what framework is set up by powerful majority groups in a given historical period— and what the response is by minority groups with less power. To examine this, in the first major section of the chapter, the literature on nationalism is reviewed, and "the nation" is put forward as a key concept that can link contemporary developments with sensitivity to distinct spatial and temporal contexts, as well as both internal (domestic) and external (international) linkages. In the second major section of the chapter, the similarities and differences between the United States and France are analyzed by looking at how contemporary debates reflect on long-standing assumptions regarding nationhood, immigration, and in particular the emblematic immigrant groups of Mexicans in America and Algerians in France. In this chapter it is argued that current debates in both the United States and France reveal the elasticity of definitions of national belonging, and, therefore, shifting definitions of those that are "different" if not national "threats." Such definitions are contingent on history (and changing historical interpretation) as well as changing domestic *and* international contexts.

THE STUDY OF NATIONALISM AND NATION

Definitional Issues

At root, the ideology of nationalism crystallizes around the ideas that certain identified populations contain characteristics which constitute them as nations, that the world is divided into nations, and that a nation should be able to formulate institutions/laws/government with which to determine its future.⁵ Given these tenets, it is not surprising such concepts as "state", "nation", and "nation-state" are often, and often problematically, used synonymously within academic works.⁶ By drawing some distinctions, Walker Connor notes that it is clear that whereas the state, as a global subdivision is readily definable in quantitative terms,⁷ the essence of a nation is more intangible, self-defined, and based on an "intuitive conviction which can give to nations a psychological dimension approximating that of an extended family."⁸ Connor stresses that nations are significant because what people *believe* is of significance, and in the end the nation is premised on the belief in the group's separate origin.⁹ In a similar formulation, Benedict Anderson speaks of nations as "imagined communities," which inspire the sense that they are "natural" and, therefore, belonging to a nation is an involuntary act—very much like belonging to a family.¹⁰ Hence, Anderson elaborates, dying for one's nation "assumes a moral grandeur which dying for the Labour Party, the American Medical Association, or perhaps even Amnesty International can not rival, for these are all bodies one can join or leave at easy will."¹¹

Bridging "nation" and "state," the term "nation-state" implies an overlap between the territorial and organizational powers of a state (to use the Weberian definition), with the cultural, linguistic and ethnic character of the

population under the state's jurisdiction. While some theorists have emphasized the link between the nation and an ethnic community with very real deep rooted cultural ties and sentiments,¹² the danger of this view alone is that it tends to downplay the kind of indoctrination, if not coercion and violence, typically accompanying nation-state formation— and consequently the kind of "imagined" or psychic communities that define nations.¹³ Instead, it is preferable to view the nation-state as a social construction, for, as Etienne Balibar notes, "no nation, that is no national state, has an ethnic basis. . . except precisely in the sense of the product of a *fictive* ethnicity."¹⁴

Irrespective of its fictive ethnicity, however, the "nation-state" structures the organization of the contemporary world. Indeed:

The phrase "nation-state" shows what long repetition of a wishful thought can achieve. Although nations and states are fundamentally different things, we have all come to accept that the blend of them is the basic ingredient of the "world order". . . .¹⁵

The strength of the nation-state as the key organizing form of the modern world, is that it seems to foreclose other possibilities. This is visibly apparent in the ordinary day-to-day reference materials, such as *The National Geographic Atlas*, that "implicitly proclaims the epistemological adequacy—that is 'correctness'— of treating the world of humanity as a world of nations. . . When school children are shown the *Atlas*. . . they are shown a world in which alternative social forms have been placed under erasure."¹⁶ The difficulty of imagining even minor alternatives is also evident when trying to envision Gidon Gottlieb's proposed solution to the majority of contemporary national and ethnic conflicts. Gottlieb argues these are not resolvable by changing state boundaries, but instead calls for a rethinking of the Wilsonian principle of self-determination:

The principle of self-determination must be supplemented by a new scheme that is less territorial in character and more regional in scope. Such a "states-plus-nations" approach requires functional spaces and special functional zones across state boundaries, the creation of national home regimes in historical lands, the grant of a recognized status to national communities that have no state of their own, the design of unions between peoples—as distinct from territories—as well as an approach to issues of national identity and rights that differentiates between nationality and state citizenship.¹⁷

Yet if the "nation-state," is the quintessential organizing principle of the modern world (the debates over this proposition are examined in Chapter Five) the study of nation and nationalism has been sporadic, and the understandings varied. For reasons which need to be more fully explored, nation and nationalism have not tended to be units employed traditionally in studies of race, ethnicity and immigration. Through an overview of the key works on nationalism and nation, it will be shown how these concepts —mainly in more recent approaches and formulations— can be useful building blocks in a comparative analysis of immigration issues that is cognizant of time and space as well as domestic and extra-domestic phenomena.

Time and Space

While nationalism has been viewed by many liberal scholars, as the major political force of the last two centuries,¹⁸ the scholarly study of nationalism has been influenced by historical events, especially in Europe. Thus, after World War Two, the study of nationalism receded as a result of the apparent obsolescence of nationalism as a force in the context of a post-war, American-dominated Western Europe, only to emerge for more focused attention in the 1970s in the context of the "new nationalisms" in the same continent (especially Scottish; Welsh; Breton; Flemish; Corsican; Basque and

Catalan).¹⁹ The continued relevance of Europe to the study of nationalism remains— as seen in the fact that four of the six cases Michael Ignatieff addresses in his 1993 international best-seller Blood and Belonging , which argues that there is a close association between violence and strong national identity, are located in this continent.²⁰

How has the phenomenon of nationalism been studied? For much of the post-World War Two era, social scientists were consumed by the positivist goal of developing generalizations that could be applied to all societies, at all times— a feature which also affected the study of nationalism until recently. Perhaps the most striking attempt to utilize the scientific method to predict, and hence control, the phenomenon of nationalism is seen in the work of Karl Deutsch in the early 1950s.²¹ Notably, however, there was little subsequent research on the quantitative aspects of nationalism, and many remained skeptical about the potential of predicting about nationalism.²² This skepticism no doubt relates to the fact that it is hard to establish universal laws from the varying events that nationalism has been associated with (e.g., the rise of democratic governments in Europe, World War One, the rise of fascism in Europe, and Third World anti-imperialist liberation movements).²³

Nonetheless, until recently, many key works on nationalism tended to rely on what Tilly has referred to as "universalizing comparisons"²⁴ (that is, the attempt to establish that every instance of nationalism follows the same rules). This is seen in the work of prominent theorists such as Elie Kedourie, Ernest Gellner and Tom Nairn. Elie Kedourie's work provides an idealist interpretation of nationalism arising from the writings and ideas of eighteenth century European philosophers.²⁵ For Kedourie, the negative style of politics associated with nationalism spreads, uniformly, from its European foundation in the French Revolution, to other continents, including

countries of the Third World.²⁶ Ernest Gellner, who critiques the focus on ideas, as opposed to social structures, in Kedourie's account also treats nationalism as a single phenomenon. What is the link between social conditions and nationalism? Gellner argues that nationalism is a *necessary* outgrowth of industrialization for "a modern industrial state can only function with a mobile, literate, culturally standardized, interchangeable population."²⁷ In this way, Gellner's argument reveals a functionalist logic that is rather forced. More critically, his theory heavily relies on an evolutionary view of history in stages. Drawing from the European experience, Gellner highlights that the transition from agrarian society to early industrialization brings with it "the most violent phase of nationalism," and, presumably, as industrialization proceeds and access to education/culture increases, nationalism loses its acuteness.²⁸ What this does not explain is why nationalism can persist at later phases in industrialization.

Similarly, although coming from a more radical perspective, Tom Nairn's work bears some relation to the emphasis placed on industrialization by Gellner. In attempting to link nationalism with historical materialism, Nairn argues that nationalism, and the features associated with it, stems from "uneven development" since the eighteenth century.²⁹ However, given the ebbs and flows of nationalism, the explanation of uneven development also leaves much unexplained as in affluent areas strong nationalist/separatist movements can exist, and conversely such forces may be weak in areas of relative impoverishment.³⁰

In short, universalizing explanations show difficulty in explaining many aspects of nationalism, due to their tendency to be both eurocentric and ahistorical. Given this, the appeal of individualizing comparisons (establishing what is unique about a given nationalism) becomes more

apparent. Peter Apter takes the view that nationalism should be examined as a generic phenomenon that manifests itself in specific forms which are bounded by both time and space. For Apter, it is "more appropriate to speak of *nationalisms* in the plural than of *nationalism* in the singular."³¹ To this end he distinguishes between two main types: "Risorgimento Nationalism" which is characterized as an emancipatory political force which equalizes the claims of all national groups, and "Integral Nationalism" which defines the one nation as the Absolute and tends to be reactionary.³² This distinction between what might also be termed a "progressive" versus "reactionary" nationalism(s) signifies what is, arguably, one of the most persistent obstacles to producing a "Grand Theory" of nationalism: nationalism has been the subject of such contradictory value interpretations, that it makes agreement to common "facts" about nationalism exceedingly difficult.³³

What then do we make of distinctions between "progressive" and "reactionary" nationalisms in the way envisioned by Peter Apter? Probably, as Tom Nairn argues, attempting to rigidly and permanently dichotomize expressions of nationalism on this basis is itself problematic for "as the most elementary comparative analysis will show, all nationalism is both healthy and morbid. Both progress and regress are inscribed in its genetic code from the start."³⁴ However, this does not mean that no distinctions between nationalisms can be made, because in the final analysis, the specific appeal of Peter Apter's account lies in its sensitivity to time and space.

Similar to Peter Apter, Anthony Smith argues that nationalism should be treated as "a single category containing sub-varieties, genus and species, a diversity within a unity."³⁵ Smith further highlights his distaste for general theories on nationalism, for "it is this considerable variation and range of the expression of the basic nationalist striving that helps to explain why theories

which try to give an overall account of the whole range of nationalisms run into difficulties."³⁶ More helpful in terms of facilitating comparative analysis, Smith puts forward an "ideal type" nationalism and nation. Smith points out that expressions of nationalism tend to have recurrent goals revolving around national identity, national unity, and national autonomy. In his view these involve:

- 1) the growth of myths and memories of common ancestry and history of the cultural unit of population;
- 2) the formation of a shared public culture based on an indigenous resource (language, religion etc.);
- 3) the delimitation of a compact historic territory or homeland;
- 4) the unification of local economic units into a single socio-economic unit based on the single culture and homeland;
- 5) the growth of common codes and institutions of a single legal-order, with common rights and duties for all members.³⁷

This kind of "ideal type" approach is, by definition, sensitive to the temporal and spatial varieties of nations and nationalisms. Such an approach is preferable to pursuing a universal theory unlikely to account for variations over time and space.

Yet, despite the analytic utility of such an approach, nations and nationalisms have been insufficiently and unevenly addressed in relation to immigration— indeed, none of the accounts discussed above have considered nation from the primary vantage point of immigration. This is not necessarily because nations/nationalisms are not pertinent in relation to understanding contemporary immigration developments in countries of Europe or North America. For instance, Allen and Macey highlight their increasing importance to explaining Western Europe as they "see as a general trend

throughout Western Europe over the last two decades or so an increasing emphasis on nationalism and patriotism. This has carried with it a concomitant tightening of the definition of who has citizenship rights and in some cases the withdrawal of such rights from minority group members."³⁸ For similar reasons, the utility of nation/nationalism in the U.S. is also relevant to the contemporary question of immigration and minorities. To illustrate: the title of Peter Brimelow's much discussed 1995 book, Alien Nation, is as significant as the question it asks: "is it really wise to allow the immigration of people who find it so difficult and painful to assimilate into the American majority?"³⁹

These current developments surrounding immigration and immigrants in Europe and the U.S. reflect on issues of national belonging suggesting that in approaching nation/nationalism as an ideal type some features may be more relevant to the analysis. Indeed, the point is *not* to "prove" that the U.S. and France—commonly recognized as nation-states—are indeed nation-states. Rather the question is whether and how these countries differ with respect to immigration and the emblematic immigrant groups. In this context, the two most evidently cultural features highlighted by Smith deserve special attention: the growth of myths and memories of a common ancestry and the formation of a shared public culture. In addition it is also worth considering how questions of identity, class and gender—features that are not really given sustained attention by Smith in his ideal type—might also be of relevance, as well as why the study of nation and nationalism have been inadequately addressed, especially in relation to immigration.

Nations as Within and Beyond the State/Society Dichotomy

The effort to understand why the concept of nation and the phenomenon of nationalism have not received adequate academic attention may aid in exploring the meaning and significance of these concepts. Anthony Smith's ideal type obscures the fact that nation and nationalism may be incredibly *elastic* phenomena, with the potential to expand or contract, incorporating responses to features both inside specific states/societies and outside. In this regard, the exceptional work on immigration, racism and nationalism of French theorist Etienne Balibar (reflective of the comparatively unique linking of immigration and nation within contemporary studies by academics in this country⁴⁰) is instructive.

Traditionally, in contrast to Balibar's work, nationalism has not been studied by English-speaking academics with explicit attention given to immigration — even by sociologists examining what has been an ever-burgeoning literature in the field of "race and ethnicity," which has included a focus on immigration in the West.⁴¹ Allen and Macey note with special, though not exclusive, emphasis on Britain:

The sociology of race and ethnic relations has by and large paid little attention to the nation or nationalism. Much of the work on ethnicity, which challenged the notion that industrialisation inherently presaged its demise, was not associated with theories of nation-building or nationhood. For sociologists the focus on the persistence of ethnicity has rather been as a mobilising mechanism, particularly, if not exclusively by minorities in defense not only of their culture, language or way of life, but in terms of their social or economic interests.⁴²

One may speculate on why. One explanation is that the field of race and ethnicity, particularly as developed in the United States, focused on dispersed minorities. These typically were not geographically concentrated enough,

and did not have the resources, to make sustained claims in the name of nationhood (cf., African-Americans especially⁴³). This of course, does not take into account that majorities may make claims *vis à vis* immigrant or other minorities in the name of protecting nationhood and national identity.

Conversely, while the discipline of political science has paid attention to nationalism, it has not, by and large, paid sustained attention to questions of race/ethnicity, and far less to immigration. This can be seen as related to the discipline's emphasis on power (especially those with, as opposed to those with less) and related to this, a general bias towards studying what is presumed to be of "political consequence." This is seen in the conventional distinction in the field of international relations between the "high politics" of military security or nuclear deterrence versus so-called "low politics" where immigration has traditionally been located.⁴⁴ The distinction between high and low politics has also affected the study of nationalism, so that not all expressions of nationalism have been regarded as equally significant, which may also account for why it is not studied in relation to immigrant minorities. The weighting of nationalisms is seen implicitly in a 1994 article in Foreign Affairs where Michael Lind emphasizes only some national expressions might actually challenge existing borders. Hence, "while there are thousands of ethnic nations in the world, there are at most only dozens of national groups numerous, unified and compact enough conceivably to serve as the nuclei of sovereign nation states."⁴⁵

A further factor complicating the study of nationalism is that nationalism, like many ideological movements, has a tendency to spill across borders. This challenges the traditional units of analysis employed in both the disciplines of sociology and political science. The related notions of "state" and "society, " are concepts upon which modern social science was built.⁴⁶

Thus, for instance, within the field of comparative politics, the typical unit of analysis employed is a country.⁴⁷ For the most part, social scientists have made heavy use of the concepts of "state" and "society," with the end result being that it is difficult to account for "facts that do not present themselves in units in which social space and geographical space coincide, and in which constituent groups are arrayed and stratified in the tiers of a common, all-embracing architecture."⁴⁸

A full consideration of nations and nationalism would suggest their high degree of elasticity which carries with it first and foremost the analytical challenge of moving beyond the bounded units of "state" and "society," particularly when the focus is on "nations" as opposed to "the nation-state." To analyze the character and impact of a given national movement/nation may necessitate rising above the confines of particular states, given that the subject needs to be accounted for beyond "traditional" geographical boundaries. This necessity becomes evident if seriously considering what might be termed the "politics of diasporas" (e.g., social movements in support of the Zionism, Palestinian independence, an independent Sikh homeland (Khalistan) and an independent Ukraine have all drawn advocates from peoples residing in diverse, and even non-contiguous, geographical settings, outside ancestral lands). Serious attention to the politics of diasporas requires a concomitant effort to rethink the very units of analysis upon which modern social science, and political science, were built.

The Elasticity of Nations: Race, Class and Gender

In like manner, a consideration of national identity is also revealing of the ways in which nation and nationalism are elastic in the sense that they

can also move beyond geographic boundaries. Balibar argues that nationalism is linked to various expressions of racism because racism "contributes to constituting it by producing the fictive ethnicity around which it is organized."⁴⁹ Moreover, as Shohat and Stam note, racism has a special, though not exclusive, connection with colonialism. Hence:

Racism, although hardly unique in the West, and while not limited to the colonial situation (anti-Semitism being a case in point), has historically been both an ally and partial product of colonialism. The most obvious victims of racism are those whose identity was forged within the colonial cauldron: Africans, Asians, and the indigenous peoples of the Americas as well as those displaced by colonialism, such as Asians and West Indians in Great Britain, Arabs in France.⁵⁰

Given these links between racism and colonialism, it is clear why Balibar insightfully observes in his discussion of the reciprocal connections between racism and nationalism that "there actually is a racist 'internationalism' or 'supranationalism' which tends to idealize timeless or transhistorical communities such as the 'Indo-Europeans,' 'the West,' 'Judeo-Christian civilization' and, therefore, communities which are at the same time both closed and open, which have no frontiers or whose only frontiers are... the frontiers of an ideal humanity."⁵¹ It is also clear from this why there is a potentially geographically unbounded and elastic character of nation/nationalism.

The elasticity of the nation can show up, as well, in the way that "culturally appropriate" behaviour gets defined in relation to "Others" - both inside and outside the confines of a given state— especially as it impinges on both class and gender. With respect to class, Etienne Balibar suggests that just as there is a reciprocity between nationalism and racism, "there is a relation of reciprocal determination between 'class racism' and 'ethnic racism'."⁵²

What is the significance of so-called class racism? Balibar argues that "the modern notion of race, in so far as it is invested in a discourse of contempt and discrimination and serves to split humanity into a 'super-humanity' and a 'sub-humanity,' did not initially have a national (or ethnic), but a class signification or rather (since the point is to represent inequality of social classes as inequalities of nature) a caste signification."⁵³ In this sense, expressions of nationalism/racism may simultaneously be cultural expressions of what is "class appropriate" behaviour. This may be reflected not only in an antagonism to minorities from marginalized classes, but may stretch to cover dominant classes, as seen in protests castigating foreigners for "buying up 'our' businesses, 'our' housing stock or 'our' seaside resorts."⁵⁴

In addition, the elasticity of national identity is seen when considering the question of gender. Gender has traditionally been under-explored in relation to nationalism, and this may partially explain why Balibar's own work, while adamant on the importance of gender, is tentative on its exact linkages with racism or nationalism (Balibar's provocative suggestion, for instance, that "the community of racists" may be the same thing as the "community dominated by males" is vaguely expressed and remains unexplored).⁵⁵ However, recent empirical work demonstrates how in fact women have been incorporated into nation and state processes in ways that are unique from men, and often in ways that subordinate women.⁵⁶ In particular, gender is important in relation to nation and nationalism because, typically, the integration of women in national projects is based on some distinct patterns. As highlighted by Kandiyoti:

Women bear the burden of being 'mothers of the nation' (a duty which gets ideologically defined to suit official priorities) as well as being those who reproduce the boundaries of ethnic/national groups, who transmit the

culture and who are the privileged signifiers [in terms of dress and behaviour] of national difference.⁵⁷

To extend this observation that women can be "signifiers" of national difference, given that nations draw on feelings of kinship and approximate a kind of extended family, then the question of gender, and the roles played by men and women in this "family," can also reflect on national identity. These roles may be evolving.

To illustrate, through the 1970s and 1980s, Western analysts studying gender commonly relied on the dichotomy of the "public" versus "private" spheres to describe and explain women's subordination across countries. The private or domestic sphere confining women comprises "the family and household, and all the duties, activities, and concerns associated with their functioning" whereas men's primary place was the public sphere comprising "production for the market, buying and selling in the market, defense of the home, and relations with the world outside the home."⁵⁸ However, more recent scholarship stresses the inadequacy of this dichotomy as notions of "public" and "private" are Western categories, bound in particular to a Victorian heritage, and woefully inadequate as description in many parts of the world, given cross-cultural differences between *what* is public and what is private, as well as differences in activities and relations between men and women.⁵⁹ In other words, this dichotomy between "public" and "private" is culturally specific.⁶⁰ However, even in countries where the distinction between "public" and "private" makes sense (such as "France and the United States where it arose historically and still has an important ideological function"⁶¹), current research demonstrates the evolving nature of relations between men and women in these two spheres.⁶² Thus, the question of men and women's actual, and perhaps even "appropriate" role in these spheres can

also be elastic — even in the same locale— over time. The question of gender appropriate behaviour, therefore, can be important to the working out of unique (and evolving) notions of identity, and can be a basis upon which "difference" is emphasized, in specific historical periods.

Summary

To summarize then, although early post-war analysts tended to favour examining nations/nationalism with an eye towards developing universal theories that could apply across time and space, more recent work suggests that there is a great deal of variety in nations and nationalism depending on both temporal and spatial contexts. In this regard, comparative analysis might best be facilitated with the use of an "ideal type" nation/nationalism. With respect to comparatively addressing immigration in relation to nations/nationalisms two features of such an "ideal type" are especially relevant: the cultural aspects pertaining to the growth of myths and memories regarding a common ancestry, as well as the formation of a shared public culture. In addition to this, it is also evident that when it comes to such questions as the relationship of national identity to class, and the "public" versus "private" spheres which incorporate gender, there is a great deal of potential elasticity. Drawing from the work of Balibar these points become especially clear, for as he broadly suggests, "the process of the formation of the nation — or rather the synthesis between the political forms of the nation-state and the nationalization of society— is never really completed. It's a process which is constantly challenged by new forces."⁶³

As illustrated below, these general points emerging from the literature on nations/nationalism bear relevance to the analysis of the contemporary

debates surrounding ethnic diversity and national belonging in both the U.S. and France.

NATIONS AND NATIONALISM IN ACTION: THE UNITED STATES AND FRANCE

To what extent are the situations facing the emblematic immigrant groups similar, and to what extent are their responses similar? At one level, France and the United States share some fundamental similarities as countries shaped by revolution, and by the egalitarian and inclusionary ideals of Enlightenment thinking that flowed from these revolutions: republicanism (the rejection of monarchy in favour of popular republics) and liberalism (universal citizenship and human rights, and individualism). Yet, the French and American revolutions also brought ideas about nationhood, which can create exclusion based on "difference." Thus, in both France and the United States, immigrant groups have been implicated, in different ways, in the "dilemma of difference,"⁶⁴ that is over whether equality is best achieved through liberal principles and discourses of universalism and "difference blindness" versus the recognition (and valuing) of "difference."

However, as the comparative context reveals, these competing principles of "difference," and "universalism" are framed around distinct issues in each context, as well as distinct state responses. Keeping in mind Anthony Smith's stress on the importance of national myths and a shared public culture, as well as the evident elasticity of nations/nationalism, specific to national identity, class and gender, the situations of Mexicans in the United States and Algerians in France will be examined in turn.

The United States: Nation building as a Settler-Colony

To discuss what ideas inform national myths of origin, and a shared public culture is to get into the heart of politics because these are subject to articulation and re-articulation as a result of an ever-shifting constellation of social forces. In this regard, Mexicans in America, as part of a ancestry group, as well as an immigrant group, face shifting frameworks, and thus group strategies have varied over time.

The reality of America's founding is that it was forged on settler-colonization and the expropriation of territory from the indigenous population. While immigration was a central feature of settling the new land, above all else, settler-colonization was based on violence. Briefly stated, "America's founders described the United States not as a country but as an empire, and for reasons of national security, economic development, and racial chauvinism. . . they embarked on a course of imperial expansion. . . . taking land that belonged to others and subjecting foreign peoples to American rule."⁶⁵ This expansion included, after the American Revolution, the expropriation of much of northern Mexico. Thus, settler-colonization, and subsequently, in the case of northern Mexico, internal colonialism, were the bases upon which the "homeland" was etched, and these borders have remained through the twentieth century.

Accordingly, while Rogers Smith emphasizes that liberalism and republicanism were central ideas flowing from the American Revolution, and influencing subsequent legal-constitutional developments, these were not the only ideas shaping American nation-building after independence from

Britain. Specifically, there was an amalgam of ethnocultural criteria, contributing to the creation of a mythic common ancestry:

. . . from the outset of the nation many Americans chiefly identified membership in the political community not with freedom for personal liberal callings or republican self-governance *per se*, but with a whole array of particular cultural origins and customs— with northern European, if not English, ancestry; with Christianity, especially dissenting Protestantism, and its message for the world; with the white race; with patriarchal familial leadership and female domesticity; and with all the economic and social arrangements that came to be seen as the true, traditional "American way of life".⁶⁶

However, even here it is evident that this array of ethnocultural elements suggests both a wider and a narrower potential for who is an "American" (for example, Christian versus specifically Protestant; northern European versus specifically English and so on).

In this array of potential criteria, one of the most critical forms of differentiation— arising from the American history of slavery— relates to "race." Race has been central in etching out the lines of inclusion and exclusion in the mythic common ancestry. Indeed, Manning Marable argues that "Americans are arguably the most 'race-conscious' people on earth" because historically, and today, the " 'ideology of 'whiteness' is absolutely central in rationalizing and justifying the gross inequalities of race, gender and class experienced by millions of Americans."⁶⁷ Marable further adds:

Those who benefit directly from. . . institutional arrangements have historically been defined as 'white', overwhelmingly upper class, and male. And it is precisely here, within this structure of power and privilege, that 'national identity' in the context of mass political culture is located. To be an 'all-American' is, by definition, *not* to be an Asian-American, Pacific-American, American Indian, Latino, Arab-American or African-American. . . . 'Whiteness' becomes the very 'centre' for the dominant criteria for national prestige, decision-making, authority and intellectual leadership."⁶⁸

In this stratification based on patriarchy and race, often ethnicity and more broadly culture can play a subordinate role because the specific nationality, ethnicity or culture of a person of colour has typically been secondary to the "racial" label of inequality imposed by the dominant society.⁶⁹

Given this salience of race, it is not surprising that since the nineteenth century when Blacks and Irish were competing for jobs in New York and Boston, immigration has been an issue of contention for African-Americans.⁷⁰ This has revolved around the sense that immigrants received jobs and other benefits which would otherwise have been obtained by Blacks. While this idea has been expressed in various ways, sometimes it has incorporated nativist terminology,⁷¹ as seen in the assertion of 1960s leader Malcolm X that:

Those Hunkies that just got off the boat, they're already Americans; Polacks are already Americans; Italian refugees are already Americans. Everything that came out of Europe, every blue-eyed thing, is already an American . . . being born here in America doesn't make you an American. . . they don't have to pass civil-rights legislation to make a Polack an American.⁷²

The differential treatments of African-Americans versus immigrants seems to gain credibility in the contemporary context when, for instance, in reference to the Los Angeles race riot in 1991 one media commentator suggested that for white Americans it was easier to "connect" with Mexican immigrants than Black Americans because in comparison the former seem "native" and "safe."⁷³ However, as Fuch's notes, such a formulation that contrasts the "Mexican immigrant/American" with the "Black/Other" denies the reality of the severity of racism experienced by Mexicans where "dark skin color made it easy for whites to think of Mexicans as stoop labor or "wetbacks" and not as immigrants or even persons."⁷⁴

However, the existence of such distinctions between American-born Blacks and immigrants generally points to an important component in US national mythology and history: it gives explicit recognition to immigration. Along with the "ideology of whiteness" identified by Marable, therefore, there is also an ideology that recognizes the role of immigrants in the ongoing construction of the nation and even in the American ideal of freedom. The connection of immigrants "yearning to breathe free," and nation-building was, however, inter-connected with race. In this way, African-Americans fall outside this mythology because they are part of a (specifically American) legacy of unfreedom, brought as slaves to America involuntarily (and unfree) in a way dramatically different from other immigrants. Hence, a correlation between immigration and yearning for freedom, *and* whiteness was etched early on. This connection between whiteness and freedom helps account for how Mexicans can be seen as stoop labour, nonpersons, and not really immigrants, — a formulation that helped justify both the deplorable labour conditions facing repeated waves of Mexican immigrants, and also the expropriation of land from Mexico.⁷⁵

The Melting Pot and the Ongoing National Project

This ambiguity introduced by "race" is also reflected in the concept of the "melting pot," and the role this concept has played in suggesting that there was an ongoing character to the American national project, and history. By the nineteenth century, the concept of the "melting pot" (smelting pot in some versions) became an important component of the national myth. Gérard Noiriel neatly summarizes that a key ingredient of the American Revolution was that it "*inaugurated* the 'melting pot' and in the process has continued

throughout the entire contemporary era."⁷⁶ In other words, in some way the cultural and ethnic components of nationhood were never posited as fixed or static due to the continuing feature of immigration — itself a reflection that the United States is a settler colony. Indeed, it is common that myths in settler colonies are characterized by a future orientation (a common destiny) rather than just a past orientation (memories of common ancestry).⁷⁷

What was the "melting pot?" Through the nineteenth and mid-twentieth centuries the concept embraced assimilation and stood in sharp opposition to cultural retention. This was seen, for instance, in the early part of this century when there were:

"melting pot" pageants, inspired by Israel Zangwill's play, [which] celebrated not tolerance but conformity to a narrow conception of American nationality by depicting strangely attired foreigners stepping into a huge pot and emerging as immaculate, well-dressed, accent-free "American-looking" Americans— that is Anglo-Americans.⁷⁸

However, more recently, the term has been used to reflect the idea that America is an "amalgam" of different groups. This is seen in the 1990 publication the Encyclopedia of Nationalism where Snyder writes that from the beginning American nationalism differed from continental European nationalism because the latter was based on a common descent, religion and a territorial imperative whereas what was "most important in the development of nationalism in the New World was a process of amalgamation of peoples of different backgrounds and cultural characteristics."⁷⁹ Snyder benignly continues:

From the time of the early New England settlers and the Catholic immigrants in Maryland, to the Vietnam boat people, the United States has been the haven for people from many different countries. All formed a kind of "Melting Pot" of those varying backgrounds, fused into a new nation proud of its multiple heritages.⁸⁰

The assertion of "pride" in "multiple heritages" is the more contemporary re-articulation of the "melting pot." For, in addressing the current American landscape, Reitz and Breton note that the term "melting pot" has, today, a dual meaning:

The melting pot, as Americans use the term, is not always a vessel in which all minorities are assimilated to the majority. Often, it is simply a social arena in which there are diverse contacts among groups. This usage emphasizes intercultural influences and economic mobility rather than the elimination of ethnic vestiges.⁸¹

As Schwarz adds, it is "through a Orwellian process" in opposition to its initial use, that the term "melting pot" has come to describe the ideal that "American society is a colorful blending of different ethnic and national elements, a tapestry that can be woven only in a society tolerant of, and indeed prizing, diversity."⁸²

This current rendition of "the melting pot" with its more pluralistic meaning (which nonetheless also has never entirely escaped its initial meaning making it a term fraught with ambiguity) is indicative of the fact that in the current era, some new attitudes and values regarding nation and national belonging have surfaced as a result of shifting social forces.

Historically, the legal framework established by the original U.S. Constitution "ignored the cultural and linguistic variety within and between the 13 original states, adopting instead a legal system that guaranteed religious exercise free from government interference, due process of law, and the freedom of speech and the press."⁸³ However, what was absent was the "unalienable rights and democratic republicanism with regard to the constitutional status of Africans in bondage and the indigenous Native Americans."⁸⁴ Even after the Civil War and the inclusion of constitutional amendments making slavery illegal, Supreme Court decisions established a

system where ethnic discrimination was legal, and it has been only recently that the Court has begun to redress this.⁸⁵

As Rogers Smith argues, the ideal of what might be termed a "democratic cultural pluralism" roots itself in the shifting policies of the 1950s and 1960s flowing from the Civil Rights Movement. This ideal holds that racial, ethnic, and in its later form, gender discrimination are unacceptable, and moreover that it is wrong to insist that all fit some "Americanized" mold.⁸⁶ For Smith, this view is crystallized in policy terms in the 1964 Civil Rights Act and the 1965 Voting Rights Act,⁸⁷ as well as the removal of the National Origins Plan in the Immigration and Naturalization Act in 1965 (as discussed in Chapter Two). In this context, Horowitz notes "the Hispanic and Asian groups have benefited from the civil rights struggle and the renewed, more inclusive emphasis on equality it produced," though there has never been a single movement encompassing all minorities.⁸⁸

These developments, flowing from the Civil Rights Movement, are of considerable significance and, in combination with affirmative action in the workplace and on college campuses, they have given a more group based definition of rights. Even the Voting Rights Act, initially inspired to simply ensure the enfranchisement of African-Americans denied the right to vote, has been through a process of amendments by Congress, as well as administrative and judicial interpretations, expanded to become a kind of affirmative action vehicle for Blacks as well as Hispanics to ensure that minority candidates get elected, along lines that follow their proportion in the general population.⁸⁹

Yet, affirmative action has been met with considerable resistance, particularly in the contemporary period. In particular, affirmative action was increasingly negatively characterized as "quotas" and provisions relating to

goals and timetables, and minority college scholarships weakened during the Reagan and Bush administrations.⁹⁰ While the Clinton administration has reverted back to the more pro-affirmative stance characterizing the federal government during the 1970s,⁹¹ the question of affirmative action remains politically contentious. This is seen in a recent successful drive spearheaded by California Republican state governor Pete Wilson to roll back affirmative measures in the University of California.⁹² Indeed, in 1995 President Clinton instructed federal agencies to scrutinize their affirmative practices for "abuses," although at the same time adding that "we must recognize that there are communities and regions in our country where the free enterprise system is not working to provide jobs and opportunities."⁹³

Discourse on Diversity: Civil/Group Rights and Immigrants

Policies granting group recognition in order to achieve equality especially explicit policies such as affirmative action— have been under increasing attack, but it is noteworthy that U.S. minority groups have also tended to harness an "individual rights" discourse, when pursuing what are, more appropriately, seen as collective goals. Fraser and Gordon note the continued fixation of American political culture on individual rights:

Phrases like "individual liberties" and "freedom of speech" are central to the country's rhetorical traditions, despite frequent efforts to curtail them. So resonant and powerful are these themes that collective movements have sometimes sought to harness their prestige to social-egalitarian aims— witness the "civil rights movement" for racial equality.⁹⁴

Given this linking of individual rights with collective aims, it is interesting that Arthur M. Schlesinger Jr.'s 1992 book, The Disuniting of America: Reflections on a Multicultural Society, has been criticized on the

basis of failing to grasp this link. Schlesinger Jr. faults what he terms "multiculturalism" (i.e., very broadly, the efforts of women as well as ethnic and other minority groups to foster more inclusionary practices in areas such as education and the curriculum used in schools and universities) for its emphasis on group rights at the expense of American unity. However, Reitz and Breton use survey data to counter that in contemporary America in both that component of the public that favours cultural pluralism for immigrants and minorities, and in popular commentaries endorsing it, Americans tend to connect individual liberty with cultural pluralism:

Schlesinger's discussion of multiculturalism in the United States does not reflect public attitudes toward immigrant cultural retention. Americans today tend to see minority cultural retention as a contemporary reflection of individualism, not as a threat to it. . . . Most Americans who favour a society that encourages immigrants to retain traditional cultures favour it not because they are hostile to individualism, but because they support it.⁹⁵

Nonetheless, both this ideal of cultural pluralism (or in its more recent articulation, multiculturalism), and the kinds of new policies and policy changes associated with this ideal (such as affirmative action) have been under increasing attack.⁹⁶ California Governor Wilson's particular spin on affirmative action as "threatening to tribalise America and divide it"⁹⁷ suggests that the link between individualism and cultural pluralism is subject to redefinition.

Likewise, the political discourse on (legal) immigration has also been in flux. In recent years, the positive endorsement of America as an "immigrant nation" has been featured in the discourse of both Democrat and Republican politicians. Fuchs notes for instance:

In his 1984 acceptance speech to the Republican National Convention, [former President] Reagan spoke of the "golden door" that continued to welcome new immigrants from all over the world. Speaking about the athletes

representing 140 countries at the Olympic Games in the United States, he praised the United States as "the one country in the world whose people carry the bloodlines of all those 140 countries and more."

It is hard to imagine a conservative leader of any other nation praising ethnic diversity and new immigrants without suffering political damage.⁹⁸

Even arch-conservative Republican Senator Jesse Helms, who amongst other things has renounced foreign aid as "money down foreign rat holes,"⁹⁹ has nonetheless portrayed America as a land of immigrants, and immigration as a positive feature of the U.S. in general:

Immigration is a particularly important issue in America because we are a nation of immigrants. This country has always had a very generous immigration policy. A lot of people do not know this, but we accept more immigrants each year than all the other countries combined, and I am proud of that fact.¹⁰⁰

However, since the 1965 changes which opened up immigration from the Third World, immigration has drawn increasingly sharp popular criticism (in a series of comparable opinion polls Americans who wanted less immigration steadily increased from 33% in 1965 to 61% in 1993¹⁰¹). Thus, if American politicians— even more conservative ones— have made use of the idea that America is an "immigrant nation," what is also evident is that the possibility of seeking political advantage through the anti-immigration card is also there, and undoubtedly has a racial spin. Republican Pat Buchanan, for one, made use of this in the 1992 Presidential campaign where he warned that "Since 1965, a floodtide of immigration has rolled in from the Third World, legal and illegal, as our institutions of assimilation. . . disintegrated," and farther that "if present trends hold white Americans will be a minority by 2050."¹⁰²

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PRECISION^{SM} RESOLUTION TARGETS

Race, Multiculturalism and Affirmative Action

This kind of linking of fears over race and immigration (and the "specter" of a white minority, as seen in a 1990 Time feature story proclaiming how immigration will alter "everything in society" in the twenty-first century as a result of the "browning of America"¹⁰³) is reflective of the fact that race and ethnicity have been explicit features of the American national psyche. This is further evidenced in the American census.

Writing about the colonial world, Benedict Anderson makes the point that the census was a key institution of power in which the colonial state subjected people to imaginary identities—the fiction being that everyone had one, and only one, place.¹⁰⁴ In this regard, the question of ethnic/racial background (and it should be emphasized that these two terms are, in the American context, often used synonymously at the popular level) has always been a key feature of the American census (as might be recalled from Chapter Two, for many decades the National Origins Plan relied on census figures of the population to determine the numbers and source countries of potential immigrants). The focus on ethnicity and race in the American census has also reverberated onto the American perception of the social and historical world. In the case of the United States, the confines of the contemporary census are such that "race" — though not multiple "race"— categories are recognized for individual respondents, leading some to object that it is problematic to assume (indeed insist in a kind of "racist" logic) that people are members of only one group. In particular "multiracial people present a quandary for the either/or dichotomous classifications used in this society,"

which assumes one is either White or Asian or Black or Hispanic or Native American.¹⁰⁵

The difficulty imbued with changing census categories stems from how these categories are tied to the allocation of resources and jobs in the United States today as the result of affirmative measures. Thus, for instance, various estimates suggest that anywhere from 75 to over 90 per cent of those who now would label themselves "Black" could label themselves multiracial, which might cause a significant shift in opportunities for African-Americans.¹⁰⁶ For the upcoming Census of 2000, a debate has raged over which ethnic groups should be officially recognized by the government, and more broadly, whether it is proper to classify people according to race and ancestry— a feature that is hard to completely separate from the larger backlash against affirmative action, and more broadly multiculturalism and immigration occurring simultaneously. The relevance of race and ethnicity in the United States, as well as the lines of inclusion/exclusion in the "shared public culture," may be further filled out by an examination of Mexicans in the United States.

Mexicans in the American Motif.

The "race" framework is one that profoundly implicates Mexican-Americans, a group that poignantly illustrates why different labels are of significance. . Notably, since the first census of 1790, every census has measured race differently.¹⁰⁷ Thus from 1840 to 1930, Mexican-Americans were classified as "white" (their citizenship was dependent on having a "white" status until the fourteenth amendment). However, in 1930 Mexicans were for the first time classified as a separate race because, according to

official government reports of the time, presumably Mexicans were "of a racial mixture difficult to classify, although usually well recognized in the localities in which they are found."¹⁰⁸ The obvious numerous disadvantages associated with not being labeled "white" led Mexican-American groups as well as the Mexican government to protest this action, so that by the 1940 Census Mexicans were once again regarded as part of the white race.¹⁰⁹

The sense that census categories continue to reflect on the power of majorities to "define" minorities is reflected in the fact that one of the most contentious categories today has been "Hispanic," a label first used in the 1970 Census to incorporate anyone of Spanish or Portuguese descent (according to the 1990 Census Mexicans comprise 61% of Hispanics).¹¹⁰ The term Hispanic has been viewed by some as "a label imposed by the dominant society. . . [and] a fundamentally racist term which obliterates the Native American and African American heritages. . . in favor of the white European component from Spain."¹¹¹ This has led to the favouring of other terms such as Chicano/Chicana (instead of Mexican-American) or Latino/La Raza (Latin American origin) in some quarters. Hence, Chicana muralist Judy Baca suggests:

Our people are the internal exiles. To affirm that as a valid experience, when all other things are working against it, is a political act. That's the time we stop being Mexican-Americans and start being Chicanos. When you deny a people's culture you can make them disappear, you can control them.¹¹²

In contrast, the largest Latino organization, the National Council of La Raza is calling for "Hispanic," (currently defined as a separate group, but not a race in the Census) to be defined as a race in the next Census, in the year 2000.¹¹³ This call is indicative of the fact that in the United States how groups get

defined continues to profoundly determine what opportunities they may have.¹¹⁴

In addition to being implicated in the race framework, Mexican-Americans also face some further challenges in terms of evolving (and sometimes exclusionary) definitions of the "shared public culture." Clearly, a key issue since the 1980s, and a reflection of the backlash against cultural retention and immigration, has been in the context of official language debates targeted specifically at Spanish speakers.¹¹⁵ The "English-only" movement (encompassing in particular two groups: U.S. English formed in 1983, and English First formed in 1986) has since the 1980s aimed at producing state resolutions, laws and constitutional amendments to enshrine English as the official language in the United States. Its goals aim specifically to 1) reduce the scope of bilingual education to children with limited English speaking abilities; 2) eliminate the use of foreign languages in the provision of social services; and 3) eliminate bilingual ballots.¹¹⁶ While the roots of the ideological association of language with so-called "Americanization" was only first articulated in the debate over the assimilation of the "new immigrants" from Southern and Eastern Europe in the United States at the turn of the century,¹¹⁷ as Carol Schmid points out the more contemporary movement shares some similarities:

Although today's Official English movement does not share the extreme goals of the Americanization movement, there are many philosophical similarities between the two movements. First, there is an implicit comparison between "new" immigrants who are unwilling to assimilate and "old" immigrants who readily assimilated to American culture. Second, there is an equation of linguistic diversity with political disunity and fragmentation of the American culture. Finally, there is the link between English proficiency and American identity.¹¹⁸

Why did the Official English movement emerge in the 1980s? It is difficult to divorce the rise of this movement from the general increased saliency of immigration— particularly Mexican immigration— in the same period. Indeed, it is interesting to note that John Tanton, the co-founder of U.S. English (along with S.I. Hayakawa a former Republican Senator) had also previously helped launch the leading anti-immigration lobby the Federation for American Immigration Reform (FAIR) in 1979.¹¹⁹ The "threats" seen to be posed by the rising numbers of Spanish-origin immigrants by the Official English movement take on a patchwork of racial and even religious and national-security dimensions. Thus, a leaked memo circulated by U.S. English in 1988 spoke of the specifically negative consequences of Latin American immigration as the Catholic Church may "pitch out the separation of church and state" and asks "as whites see their power and control over their lives declining, will they go quietly into the night?"¹²⁰ In addition, bilingual education has even been linked to the security threat of terrorism, because it is posited as creating a "nation within a nation," and, therefore, separatist tendencies.¹²¹

Despite the exaggerated, if not bogus, nature of these "threats", U.S. English running under the slogan "a common language benefits our nation and its people", and later bolstered by the formation of English First, were critical in moving a number of states to adopt English as the official language through the 1980s.¹²² Though the official English agenda has not been successful at the national level (former Republican President George Bush for instance spoke out specifically against official English), in 1995, the Republican-dominated Congress is characterized by the support of key actors. Both House Speaker Newt Gingrich and Senate Majority Leader Robert Dole

have endorsed official English as saving money and bringing the United States closer together.¹²³

In this context, the politicization of language can be tied to a larger backlash against the culture, ways of life, class position and so on of immigrants, especially Hispanic immigrants, who are posited as unique in their supposed unwillingness to learn English and refusal to assimilate into society.¹²⁴ Thus, as one author notes, "for . . . a growing number of Americans, bilingualism connotes divided loyalties. A failure to identify with— respect— the heritage of this country. A desire to enjoy the benefits of citizenship without shouldering its obligations."¹²⁵

For these reasons, despite the fact that Mexicans comprise an ancestry group, and an immigrant group of long-standing, their presence, as Madrid puts it, "in institutions and in institutional life, is, as we say in Spanish, a *flor de tierra* ; spare plants whose roots do not go deep, a surface phenomenon, vulnerable to inclemencies of an economic, political or social nature."¹²⁶

Recent immigrants from Mexico are particularly burdened by these exclusions:

The people coming over the border from Mexico are the most difficult to organize. Even though they are the most exploited in the Los Angeles sweatshops, even though they are providing a very low-cost labor force, supporting the economy in a very substantial way and using very few social services— they are the people who are being shot at the border, raped at the border, beaten at the border, followed by helicopters with infrared, etc. They don't want to hassle anything; it's too dangerous. They will not resist because they want to have this little bit of money and work. They want to blend in and be Americans.¹²⁷

Yet even if immigrants desire to "blend," (and indeed learn English) there is a salient backlash towards Third World/Mexican immigration. In critiquing the book Alien Nation, by Peter Brimlow for its hierarchization of

European versus non-European immigrants, Miles nonetheless notes the continued popular appeal, and political potential of a discourse emphasizing "common" ancestry between (Western)Europe and the United States:

Brimelow's vision of Europe and the United States (and in particular Britain and the United States) as ethnic brethren may seem. . . dated. . . in the multicultural America of today. But in the national debate on immigration that may well dominate the 1996 presidential campaign, Euro-American nationality could be championed as the American nationality par excellence (rather than by default) by a majority that has belatedly discovered it wants to remain a majority.¹²⁸

Thus Mexican immigrants and their offspring remain imprisoned by prevailing frameworks, and in the United States (mythic) common "European" ancestry still carries potential to be invoked. Therefore, while the U.S. may be a "nation of immigrants" in its mythology, it is a nation that is currently showing a tendency to contract in the direction of excluding those defined as "non-white," and those vilified for their presumed unwillingness to participate in the shared public culture of the English language.

France: Nation-building and Colonization

The French Revolution, like the American one, drew on principles of the Enlightenment, republicanism and liberalism, though in France, the new nationalism introduced strong centralized control, so that national fêtes replaced local celebrations, the armed forces were nationalized and all schoolchildren were required to use the national language.¹²⁹ The ideas of the Revolution and such centralized control spilled over into colonization patterns outside France which involved not only economic and political control, but *also* a comparatively unique emphasis on culture:

The philosophy and strategies of French colonialism were, like theories of French society, marked by the universalism of Enlightenment thinking. Hence, the French were more zealous in the export of their culture and language than the British, aiming at an integrated total population of a hundred million inhabitants within a national territory which extended over France and the colonies and formed, or was meant to form, an indissoluble unity. Assimilationist pressures were strong: commentators refer to the 'legendary capacity of the French to make foreigners into Frenchmen'. However, such assimilation was, inevitably, on French terms and involved the renunciation of one's language, culture, customs, etc. . . . 130

Such a policy clearly implicated Algeria, however, Algerians who immigrated to France are also confronted by the way the question of immigration and ethnicity fits (or does not fit) in the national equation.

The French Revolution and the "End" of Nation-building

French historian Gérard Noiriel suggests that the American Revolution in 1776 which began the "melting pot" differentiates itself from the French Revolution in 1789 which emphasized closure: "in the French mythology, the process of a fusion of peoples *came to an end* with the French Revolution, rendering totally impossible all "redefinitions" of the French people that might arise from the subsequent waves of immigration."¹³¹ Thus, in France neither immigration nor a recognition of ethnic variation found a place in the French understanding of nationhood:

Mass immigration only began in the second half of the nineteenth century, at a time when the French nation's framework had already been in place for quite some time. . . . . in France the political system imposed by the French Revolution was profoundly marked by the desire to discredit and eliminate the value and norms of the nobility and clergy, both principal supporters of the monarch. This antiaristocratic and anticlerical sentiment explains, far beyond the philosophy of the Enlightenment,

the essential aspects of the Declaration of the Rights of Man and Citizen.

Behind the haunting theme of equality is a violent rejection of all privilege (and all stigmatization) based on *origin*.¹³²

If in the United States the myth of common origin hinges critically on race, in France it may be seen to relate to culture. In contrast to the U.S., in France there is a prevailing emphasis on a framework which is (formally) blind to race and ethnicity, and additionally French politicians, unlike American ones, have never depicted France as a nation of immigrants.¹³³ Thus observes Stanley Hoffman, if the United States is a "nation of immigrants," France is only "a nation that attracts and incorporates immigrants."¹³⁴

This notion of incorporating immigrants is also reflected in the categories used in the French census. As noted, national censuses remain until today visible indications of how states can create the "identities" of the populations under their jurisdiction, and are revealing of the social construction of "knowledge" and, therefore, divergent understandings when compared. In the United States ethnicity and race, as well as place of birth are recognized in the census. In contrast, in France, the origin of immigrants essentially is erased by the state, at least on paper, once immigrants obtain French nationality. This is because the census only asks respondents questions about nationality and about socioeconomic/professional background. In the case of nationality, the major distinction is between who holds French citizenship and who does not. Limiting the question of origin to nationality is reflective of the idea that "the political individual resides entirely in the citizen, an abstract and universal category that owes nothing to the private sphere of origins and roots."¹³⁵ In this sense too, the French understanding of history and society is different because essentially

immigrants/foreigners "disappear from the historical scene as of the moment they or their children become legally French."¹³⁶

Discourse on Diversity: Individual Citizens vs. Immigrants

Who are "the French"? Not surprisingly, it is predominantly the case that the term "français" is used in contrast to "immigrants," though, of course, the term can extend beyond simply citizenship:

Mais le plus souvent, "français" fonctionne en couple avec "immigrés" dans une relation d'opposition et de contraste, où l'adjectif national prend un sens à la fois plus confus et plus restreint que le sens juridique strict. Que signifie exactement "français" dans certaines attestations des expressions "familles françaises," "population française," "société française," "enfants français," "travailleurs français"?¹³⁷

In the final analysis, however, in France, (unlike the U.S. where terms such as ethnic group, minorities and race find both popular and state articulation) there is "no terminology for a community that falls between the 'immigrant' outsider and that of the assimilated French — only disputed terms to describe specific groups such as 'beurs' (Parisian back-slang for Arab) or 'populations of immigrant origins'."¹³⁸

Such thinking helps explain why survey findings that currently one in five French nationals (about 11 million people) has a parent or grandparent who was an immigrant,¹³⁹ come as a revelation, as there is no popular articulation of the idea that the French are descendants of immigrants (despite a history of immigration) in the way that is found in the United States.¹⁴⁰ Given that immigrant history is erased from memory, it also helps explain why politicians can easily gain in popularity by making claims, such

as "France no longer wants to be a country of immigration. We just can't cope any more. . . ."141

Culture, Homogeneity and Integration

As well, unlike in the United States, where African-Americans and the Civil Rights Movement have profoundly affected politics and policies for recent Mexican and other immigrant and minority groups, Algerians in France face a less cleared path for articulating group based rights. In particular, "Maghrébin immigrants do not benefit from any major, prior civil rights struggles. By and large, the earlier and contemporaneous European immigrants to France have made their adjustment to French society by acculturation rather than by demands for the society to accommodate them as minorities."142

Thus, while equality-seeking affirmative measures have some scope in the U.S., perhaps itself a reflection of the fact that terms such as "race," "ethnic group," and "minorities" are part of the public lexicon, this is not the case in France. This feature may also be attributed to the fact that the American model (and more broadly the "Anglo-Saxon Model" symbolized by both the U.S. and Britain) is predominantly viewed in a negative light for its emphasis on "difference." This does not mean that other kinds of policies have not reflected a recognition of difference. For instance, the racist concept of a "threshold of tolerance" used by municipal governments to limit the presence of non-white immigrants in housing and other facilities is a case in point, and as well since the 1981 changes allowing association rights to immigrants, funding has been given by the central state to "foreign associations," perhaps encouraging more ethnic identification.¹⁴³

However, the disdain for the "Anglo-Saxon" model's supposed emphasis on difference does show up in relation to policies aimed at ameliorating disadvantage by recognizing "difference." Thus, for instance, one French official in a Ministry charged with the labour market, immigration and social welfare noted:

. . . [affirmative] action we can't accept in France. . . we don't want to develop a theory and politics of . . . [affirmative] action. We have seen what it has done in the United States for example and we don't want to go the same way.¹⁴⁴

Rather, the emphasis becomes on treating poverty and (un)employment in the absence of any ethnic or national distinctions:

Our idea in France is that one of our main problems in intervention is that we don't want to make foreign people a distinct category from French people. We have very poor French people who are trapped in the streets right now. And we don't want to say we have a better solution for the foreigners than for the French and we don't want to say we have a better solution for the French than the foreigners. So we speak mostly of poverty whether the poverty falls on foreign people or French people or people from foreign origin. We don't care, we try and solve the problem in the very same way. . . . You know many French are from foreign origin, and even the French suffer from racism— either because of the colour of their skin, or they don't speak French fluently, or because they have a foreign surname. You know it is very difficult to find a job if your name is Mohammed. We have in our law. . . the possibility for foreigners who become French to change their name, to integrate better.¹⁴⁵

As implied by this formulation, equal treatment is at some level seen as dependent on encouraging cultural homogeneity or assimilation. Indeed, in the context of naturalized French changing their names, it is interesting to note the Frenchification of names during naturalization is actually officially encouraged and around 15 per cent of new French citizens do modify their names to sound more Gallic.¹⁴⁶ Conversely, some second generation children

of *harkis* seeking to reclaim (and de-Frenchify) their surnames, are met with resistance by the French state.¹⁴⁷

While obviously name changes do not ensure an end to racism (indeed neo-fascist supporters have published a directory of every frenchified Jewish or Arab surname since 1806¹⁴⁸) this state response is evidence of the emphasis placed on culture in France. Thus if "race" has been central in the development of American nationhood and the mythic common ancestry, as well as in setting up the framework minority groups confront, it is more broadly culture that is central in the French case. As Balibar notes:

Biological racism has never completely dominated French thinking. . . . The notion of the French 'race' has been extremely important of course, as well as the influence of pseudo-anthropological theories establishing a hierarchy of human races (whites, yellows, blacks) which appeared in school text-books and distinguished scientific treatises during the nineteenth and twentieth centuries.

However, cultural difference has always received as much, if not more, attention than the strictly biological discourse. Perhaps the French Revolution can account for this fact.¹⁴⁹

As a contemporary example, the emphasis on culture, (coupled with the denial of race and even racism) is seen in the extremely flippant response of Charles Pasqua, former Interior Minister to criticisms of escalating police identity checks on blacks, Arabs and Asians singled out because of skin colour: if the wish of "foreigners" was to avoid such checks "they should keep a local newspaper tucked under one arm, sport a beret and carry a bottle of red wine."¹⁵⁰

Beyond the caricatured portrayal of French culture as wine and berets, Hoffman highlights two major differences between contemporary France and the United States. One revolves around the continued emphasis on a homogeneous culture so that the idea of "multiculturalism" is even less accepted in France than the U.S. This is because "there is only *one* French

culture, and "separate" subcultures are not welcome insofar as they impede assimilation to the French culture."¹⁵¹ The other revolves around the staunch belief that the public dimension, or shared public culture involves "*la laïcité* — that is a militant rejection of religion and the Catholic Church because of the strong overt role it played in public affairs prior to the Revolution.¹⁵² These two features are evident in contemporary discussions of immigration and integration in France, which currently are heavily invested in a focus on not only Arab/Algerian immigrants but also on the problem of Islam/Islamic fundamentalism.

Algerians in the French Motif

Unlike Mexicans in the U.S. where language has formed a key point of debate and hostility over the 1980s and 1990s, language has not been the dominant focus in France. Indeed, amongst North African immigrants fewer Algerians than Moroccans and Tunisians can read Arabic (an example of the massive impact of colonialism in Algeria), but there is more hostility to Algerians than to the other North African immigrant groups.¹⁵³ This hostility towards Algerians in particular needs to be seen in relation to the French loss of empire in Algeria,¹⁵⁴ and how this may implicate questions of culture and Islam in a unique way.

To be sure a combination of racial, class, as well as cultural factors affect discussions of "immigrants" in France. As one activist in French group SOS Racisme noted, a variety of factors can differentiate the French from immigrants, and immigrants from different countries:

In France, the people who are considered migrants are from the Third World, because the extreme right and the right think that the problem is the Muslim religion and they think they cannot be integrated. And they are not

white— they are black or they are Arab. . . they live in bad conditions in the suburbs, and they are discriminated against. They face discrimination in school, in work, where they live. There is delinquency because of these conditions.¹⁵⁵

France is the home to 3 million (and the country of citizenship of 1 1/2 million) Muslims.¹⁵⁶ The notion of "French values" and culture being affronted by Islam is seen in the complaint of one French businessman who opined: "What they [Muslims] get up to at home is their own business. But when they start praying in the street or in the factory, it offends against the values of the republic."¹⁵⁷ Such a "problematization" of Islam should not be viewed as simply idiosyncratic.

In the contemporary context, Islam is made to stand in sharp contrast to the secular French civilization and culture, and hence, it is made to appear in opposition. Thus, both politicians of the left and of the right have posited Islam as contrary to French values. For example, former Socialist Minister of the Interior Gaston Defferre argued in 1984:

When Poles, Italians, Spanish and Portuguese live in France and decide to naturalize, it matters little whether they are Catholics, Protestants, Jews or atheists. . . But the rules of Islam are not simply religious rules. They are rules of living that concern. . . marriage, divorce, the care of children, the behaviour of men, the behaviour of women. . . These rules are contrary to all the rules of French law on the custody of children in the case of divorce, and they are contrary to [French rules on] the rights of women with respect to their husbands. What is more, in France we don't have the same habits of living.¹⁵⁸

This kind of articulation serves to further differentiate (into good and bad) the "European immigrant" (in this case whether Christian, Jew or Atheist) and the "non-European" (Muslim) immigrant, on the basis of perceptions on a host of issues: marriage; the roles of men and women; the rights of women;

general habits and so on. It relies on a monolithic conception of the Islamic religion, and its adherents.

If there appears to be room for the construction of "difference" in terms of absolutes and polar opposites, there would appear to be less scope for the valuing of "difference," and therefore, also, of subtleties and gradations. Indeed, a major group supporting immigrants and anti-racism, S.O.S. Racisme, has most recently moved to adopt a discourse that emphasizes that the choice for French society when it comes to immigrants is between "exclusion ou intégration,"¹⁵⁹ and it has abandoned its calls for a "right to be different," in favour of "integration." For sure, this current emphasis on integration should be seen in light of the appropriation of the notion of "difference," by the far Right Front National for nationalist aims. However, the notion of integration is somewhat ambiguous. As noted in Chapter Three, across Socialist and mainstream right parties in government, there has been a link established between controlling immigration, and integrating immigrants already in France. And, as Silverman observes,: "when the catchword for anti-racism *and* the government is 'integration', it is not always easy to separate its inclusionist aims (rights) from the exclusionist discourse which frequently accompanies it (controls)."¹⁶⁰

Indeed, one of the dangers of the focus on integration by anti-racist groups is that it carries the potential to categorize those capable and those *incapable* of integration and assimilation. Hence, the Front National insists on a distinction between European immigrants and those from the Third World:

Il faut cependant dénoncer l'amalgame trompeur que recouvre l'appellation "immigré" et distinguer les étrangers d'origine européenne facile à intégrer et ceux issus du tiers-monde difficilement assimilables en raison à la fois de leur importance numérique et de leur spécificité

culturo-religieuse qui les incite à refuser l'assimilation, sous la poussée d'éléments intégristes ou à l'invitation des gouvernements de leur pays d'origine.¹⁶¹

This construction of "Third World" immigrants as religious extremists refusing to assimilate found its way into the "affaire de foulard" (debate over headscarves or the hijab).

In France, the hijab touched off a string of controversy and national debate in 1989 when three Muslim schoolgirls (two Moroccan and one Tunisian) refused to remove their headscarves during school classes, and were subsequently barred from the school. The stated rationale behind the decision (subsequently legislatively endorsed in 1994 with the return to government of the centre-right) was that the headscarves were of religious significance, and thus contradicted the value of secularism in public institutions.

If the emphasis on secularism is now (re)emphasized as part of the shared public culture, it should be noted that this has a mythic quality. Catholicism, until today, carries its mark on the public sphere in France and, therefore, on its schools. For example: the main holidays in France are Christmas, Easter, Assumption and All Saints; the traditional half-day at school was meant to allow for catechism classes; there are state subsidies for religious (Catholic) education; and tax payers contribute to the maintenance of the Catholic church.¹⁶² As Silverman notes, however, "the idea of a dichotomy between secularism and difference constructs the myth of the secular Republic as a neutral space, free of cultural, ethnic and religious input, a space untouched by ideology and socially constructed differences (class, gender and so on)."¹⁶³

Hoffmann suggests that the debate over schoolgirls wearing the hijab is revealing of the "French penchant for turning small incidents into grand symbolic issues."¹⁶⁴ But the "small incidents" are important precisely because

they reflect the changed context of Arab/Algerian immigration in France today. Unlike the early post war period where migrant flows were characterized by lone male migrant workers (who could presumably be easily propelled back to the home country in times of economic downturn) North African immigrants reflect on a family based settlement of women and children. Indeed, it is interesting that even in defending a "new secularism" based on pluralism (which would allow for the hijab), Harlem Désir, the former president of SOS Racisme claimed its importance for ensuring exposure to the values of the French Enlightenment in public schools, as contrasted to those of the family:

It is in the framework of state education. . . in confrontation with another universe from that of the family, through the spirit of skepticism which they will acquire, that these adolescents have a chance of escaping obscuratinism.¹⁶⁵

The theme of immigrant families has emerged in a variety of discussion in contemporary France. It was taken up by current President Jacques Chirac who in a speech in 1991 set up a scenario of what it means for a French worker to live next door to an immigrant family. Chirac's immigrant family consisted of "a father, three or four wives, some 20 children, that receives 50,000 francs per month in social welfare, obviously without working. . . add to that the noise and the smells and the French worker goes crazy. It is not racist to say that we no longer have the means to honor the idea of uniting immigrant families."¹⁶⁶

In addition, the perceived impact of immigrant families (and not just male migrants) has been a new theme of contention for the right wing in France. Thus, for instance Le Pen's National Front argues that the problem of

immigration is compounded by the families of immigrants and their size in France:

Mais il y a plus grave encore: l'afflux des familles d'immigrés — traditionnellement nombreuses— peut faire craindre la submersion démographique de la population française, condamnée à devenir minoritaire dans son propre pays: la fécondité des femmes étrangères musulmanes est trois fois plus forte que celles des françaises: de 4,5 à 5,5 enfants par femmes pour les Marocaines, les Tunisiennes, les Algériennes, les Turques.¹⁶⁷

In this context, the debate over the hijab should be seen in terms of a number of themes arising from the nature of contemporary immigration flows, and how expressions of nationalist sentiment can be funneled through the manner in which women may become symbols of national distinction based on dress and behaviour— particularly immigrant women who are typically viewed as "less assimilated" than their male counterparts.¹⁶⁸ It has been noted that Muslim women migrants in particular, in France (and elsewhere in Europe) are subjected not only to the stereotypes labeling male migrants as "foreign" and, therefore, "other" but *also* additional stereotypes that mark them as fundamentally different from Western women in their failure to achieve autonomy and social equality. In this sense they are the "other other."¹⁶⁹

The significance of women and Islam in France is not simply an outgrowth of immigration, but also has evident roots in the colonization of Algeria. Indeed, in Algeria colonial policies aimed at controlling society through the acculturation of women included the intense desire to "unveil" Algerian women.¹⁷⁰ In consequence, as noted by one commentator of the hijab debate in France, "a French woman with a scarf is chic, but a Muslim woman with a scarf is a threat to civilization."¹⁷¹

If the hijab debate brought themes of assimilation, (if not the failure of the colonial project) it was also significant in that "it resurrected many of the debates of the early 1980s about French identity and contributed to a resurgence from late-1989 in support for the FN."¹⁷² But in contrast to the early 1980s, there was also a particular focus on the question of Islamic fundamentalism in North Africa/Algeria. As Husbands notes:

The crucial difference. . . was the intervening surge of Islamic fundamentalism in Arab countries of the North African *Maghreb*, still in France's sphere of influence, and of course, the countries of origin of many of her immigrants. The success of Islamic fundamentalists in the first free elections in independent Algeria, held on 12 June 1990, combined with fundamentalist manifestations in Tunisia and Morocco, touched both left and right in France— the former with foreboding, the latter with a conviction of its original correctness— evoking fears that such phenomena would take root in the French Muslim population, evoke social tensions and violence, and render impossible any serious hopes of assimilation."¹⁷³

This reflects on the relevance of addressing extra-domestic developments in understanding nations and evolving expressions of nationalist sentiment.

Additionally, the French debate on the hijab is also symptomatic of the larger issue of Islam versus Christianity in the European context. Muslims are the largest religious minority group in Western Europe, comprising over seven million.¹⁷⁴ Yet, in very different settings in Europe debates have a striking similarity.¹⁷⁵ In part this may be explained with the use of Samir Amin's notion of "eurocentrism":

Recent developments since the Second World War have helped reinforce a sense of common European identity and reduced the emphasis that was previously placed on contrasts between European nations. Simultaneously, racism, especially of the genetic sort, has lost the scientific prestige that it previously had in cultured circles. Europe needed to find a new basis for its collective identity. Europe's predominantly Christian character offered a way out of this double crisis of European nationalism and racism. To my mind, the Christian revival of our period is,

at least in part, an unconscious response to this situation.¹⁷⁶

Even broader, the antagonism and fear of Islam should also be viewed in a context beyond "eurocentrism," as forwarded by Amin, and in relation to shifting global politics in the 1980s and 1990s. Part of the intensity of such issues now, is that, as John Esposito highlights, Islam has been constructed as a global threat, so there is, in fact, a "global" discourse on the "problem" of Islamic fundamentalism in the post-Cold war era:

In some ways, the attitude of the West toward communism seems at times transferred to or replicated in the new threat, "Islamic fundamentalism." Indeed, in the nineties the effects of this polarization are expressed by the prevailing tendency of governments in the Muslim world and the West, the media, and many analysts to conclude, without regard to the diversity of Islamic organizations and specific social contexts, that Islamic fundamentalism is inherently a major global threat.¹⁷⁷

Indeed, given this it may be more useful to think of identity (and myth of origin) not as a single category, but rather as the ebb and flow of concentric circles where different components stemming from history, domestic and international developments interplay differently at different at different times. In this perspective, the mythic identity aspects of nationalism may expand, or contract, depending on context. In this regard, as Ogden notes, it is striking to compare statements by Le Pen over time. In 1958, prior to Algerian independence, Le Pen argued

What we must say to the Algerians is not that they need France, but that France needs them. They are not a burden or, if they are at the moment, they will on the contrary in due course form. . . the new blood of a French nation which shall have integrated them.¹⁷⁸

By way of dramatic contrast, in 1984 Le Pen argued "We cannot share the heritage of France with anyone. Our heritage is our nationality transmitted by our ancestors."¹⁷⁹

Given these dimensions, the hijab debate brings out a number of themes related to "difference," and ties in with both the colonial context, and the postcolonial context in France where there is a larger antipathy towards Algerian immigrants who are disadvantaged by virtue of socioeconomic position, living conditions and perceived "dependence," on the French state. All of these things start to reflect on national belonging, and a belief that immigration is not of benefit to larger national goals. Or, as Le Pen's National Front articulates it: "L'immigration n'est pas une chance pour la France car elle aggrave l'insécurité, le chômage, les difficultés scolaires et remet en cause l'identité nationale. . . "180

CONCLUSIONS

This chapter has focused on delineating the unique development and evolving character of the French and American nations. In examining some current issues reflecting on national belonging, it is clear that Algerians in France and Mexicans in the United States face distinctive situations because they are unique groups, and because they are in different countries. Thus, while France and the United States share certain historical similarities as countries shaped by revolution, republicanism, liberalism and individual rights, national myths surrounding questions of ethnicity and immigration more broadly are divergent. Thus, whereas in the United States immigration has been part of the national myth, this is underpinned by the salience of race in etching out lines of belonging and not belonging to a mythic (albeit ongoing) common origin, as well by the way the definition of the shared public culture (English) is now serving as a vehicle for exclusion.

In France, immigration has no place in the national myth, and the emphasis on a single homogeneous French culture is strong. In this context, assertions of a shared public culture (in the form of secularism) also draw from exclusionary elements. There are differences in how the issues of debate are manifested, and in the discourse that frames the debates implicating the respective emblematic groups. While ethnicity/race are also explicitly recognized in the U.S. in the census and in policies, such as affirmative action, this is not the case in France. Relatedly, while the civil rights path forged by African-Americans has more recently incorporated other groups, such as Hispanics, in France there is no pre-existing civil rights path for Algerian immigrants.

To place these differences in relation to the question of national belonging in these two distinct contexts, it is helpful to think of the possible policy responses to those stigmatized as "different," particularly on the basis of race and ethnicity. Martha Minow argues that in choosing policies liberal democracies are confronted with the "dilemma of difference." Namely:

The stigma of difference may be recreated both by ignoring it and by focusing on it. . . . The problem of inequality may be exacerbated both by treating members of minority groups the same as members of the majority and by treating the two groups differently.

The dilemma of difference may be posed as a choice between integration and separation, as a choice between similar treatment and special treatment, or as a choice between neutrality and accommodation.¹⁸¹

This kind of dichotomous choice between ignoring "difference" and recognizing "difference" highlighted by Minow is useful to thinking about questions of equality in the abstract. However, in actually placing real countries in terms of concrete responses by governments, it is more appropriate to posit the choices — ignoring difference (that is, emphasizing neutrality) or focusing on difference (that is, emphasizing accommodation)—

as two ends of a continuum. On this continuum, official responses in the US. and France on these categories fall on slightly different places.

Figure One: Official Responses to "Difference"

As illustrated in Figure One, as liberal democracies, both France and the United States emphasize individual rights over group rights. Thus both countries are closer to the "ignoring difference" end of the continuum. However, the United States falls closer to the "recognizing difference" side than does France if considering that in the United States, the national myth has rested overtly not only on a recognition of immigration, as well as some recognition of ethnic and racial diversity, but has also involved, in more recent years, an explicit official recognition of "race" in order to ameliorate inequalities caused by racism.

Nonetheless, as suggested, this does not mean that there is no recognition of difference in France, as seen in the use of the concept of a "threshold of tolerance," as well as state funding to foreign associations after 1981. Nor does it mean that all "differences," are valued in the United States (as seen in English-only provisions passed in a number of states). But the combination of distinct policies and responses by ethnic and other political actors have resulted in a different spin on whether inclusion or exclusion is the goal behind "difference." Thus, while in the United States, "difference," has in recent years been mainly the discourse of left/progressive forces, in

France, nationalist/right forces have been able to take over this terrain leaving the principle of universalism as the alternative to exclusion.

The question is whether these slightly different discursive and policy responses to "difference" make a difference? In many ways it is hard to argue that they do, when considering the situation of the emblematic groups, and particular debates that have fostered around them. Thus, the historical colonial context which has led to a unique importance given to gender, families and Islamic fundamentalism in the contemporary French context, and in the U.S., the question of language reflects on similar themes. In particular, there is a similar, recurrent, underlying antipathy toward the emblematic immigrant groups in each respective setting for their "difference," their supposed inability to "assimilate," and their relative undesirability on both of these counts, particularly in comparison with "European" immigrants. While nations have the potential to expand and contract depending on temporal context, there would appear to be a convergence towards distinguishing between European and non-European immigrants in both American and French nationalist discourses.

NOTES

- 1 From Culture and Imperialism (New York: Vintage Books, 1994), p. 336.
- 2 Carl Bogg's work highlights "modern social movements" as revolving around women, minorities, peace, youth, students, welfare recipients, (amongst others). He sees these movements as constituting the basis of progressive change in the West, as in Bogg's conception, the Marxist vanguard of history, the working class, is replaced by social movements. See Carl Boggs, Social Movements and Political Power: Emerging Forms of Radicalism in the West, (Philadelphia: Temple University Press, 1986).
- 3 Chantal Mouffe, "Citizenship," in Joel Krieger (ed.), The Oxford Companion to Politics of the World (New York: Oxford University Press, 1993), p. 139.
- 4 Ziauddin Sardar, "Racism, Identity and Muslims in the West," in Syed Z. Abedin and Ziauddin Sardar (eds.), Muslim Minorities in the West (London: Grey Seal Books, 1995), p. 5.
- 5 E. Ellis Cashmore, Dictionary of Race and Ethnic Relations (London: Routledge and Kegan Paul, 1984), p.182.
- 6 Walker Connor, "A Nation is a Nation, is a State, is an Ethnic Group is a . . ." Ethnic and Racial Studies 1,4 (October 1978):377-400.
- 7 This useful formulation of course simplifies the extensive debates concerning the state, its relation to civil society, and even what the state is. See e.g. Martin Carnoy, The State and Political Theory, (Princeton: Princeton University Press, 1984).
- 8 Connor, "A Nation is a Nation, is a State, is an Ethnic Group is a . . .," p. 381.
- 9 Ibid., p.380.
- 10 Benedict Anderson, Imagined Communities (Revised Edition) (London: Verso, 1991).
- 11 Ibid., p. 144.
- 12 See Anthony D. Smith, "The Problem of National Identity: Ancient, Medieval and Modern?" Ethnic and Racial Studies 17, 3 (July 1994), pp. 375-399. The advantage of this view, according to Smith, is that it makes it possible to conceive of "nations" not only in the "modern world," but also in the ancient world.
- 13 See Anthony Giddens, The Nation-State and Violence: Volume Two of a Contemporary Critique of Historical Materialism (Berkeley and Los Angeles: University of California Press, 1987).

- 14 Etienne Balibar, "Racism and Nationalism," in Etienne Balibar and Immanuel Wallerstein (eds.), Race, Nation, Class: Ambiguous Identities (London: Verso, 1991), p. 49.
- 15 Nicholas Colchester, "Goodbye, Nation-state. Hello . . . What?" The Globe and Mail (21 July 1994), p. A19.
- 16 Daniel A. Segal, "Nationalism, Comparatively Speaking." Journal of Historical Sociology 1, 3 (September 1988), p. 303.
- 17 Gidon Gottlieb, "Nations Without States," Foreign Affairs 73,3 (May/June 1994), pp. 100-101.
- 18 Tom Nairn highlights a number of factors, both philosophical and historical, for why Marxists have been unable to account for nationalism and why "the theory of nationalism represents Marxism's great historical failure." See Tom Nairn, The Break-Up of Britain: Crisis and Neo-Nationalism (London: NLB, 1977), p. 329.
- 19 Benedict R. O'Gorman Anderson, "Nationalism," in Joel Krieger (ed.), The Oxford Companion to Politics of the World (New York: Oxford University Press, 1993), pp. 614-615,
- 20 Ignatieff examines Croatia and Serbia; Germany; Ukraine; Quebec; Kurdistan and Northern Ireland. Ignatieff connects violence, particularly of young males, with identity, for "the more strongly you feel the bonds of belonging to your own group, the more hostile, the more violent will your feelings be toward outsiders." (Michael Ignatieff, Blood and Belonging: Journeys Into the New Nationalism [Toronto: Penguin, 1993], p. 247.
- 21 Deutsch emphasized the role of social communication (in such areas as language, writing, alphabets, libraries statutes etc.) as providing the key to a quantitative and interdisciplinary measurement and prediction of nationalism. See Karl W. Deutsch, Nationalism and Social Communication: An Inquiry into the Foundations of Nationality (New York: John Wiley, 1953).
- 22 Louis L. Snyder, Varieties of Nationalism: A Comparative Study (Ithaca: The Dryden Press, 1976), p. 7.
- 23 See e.g., *Ibid.*, pp. 16-25.
- 24 Charles Tilly, Big Structures, Large Processes, Huge Comparisons, (New York: Russell Sage Foundation, 1984), p. 82.
- 25 In particular from the writings and subsequent interpretations of Immanuel Kant (1724-1804).
- 26 Elie Kedourie, "Afterword," in Elie Kedourie, Nationalism (London: Hutchinson, 1985), p. 145.

²⁷ Ernest Gellner, Nations and Nationalism (Oxford: Basil Blackwell, 1983), p.46.

²⁸ Ibid., p.113.

²⁹ Nairn, The Break-Up of Britain, p. 335. This formulation bears some relation to the theory of internal colonialism.

³⁰ Mary Beth Montcalm, "Quebec Nationalism Compared," in Alain G-Gagnon (ed.), Quebec: State and Society (Toronto: Methuen, 1984), p. 50.

³¹ Peter Apter, Nationalism (London: Hodder and Stroughton, 1989) p.5.

³² Ibid., pp. 28-54.

³³ For example, Kedourie vehemently holds that nationalism has been an overwhelmingly negative force which "has created new conflicts, exacerbated tensions, and brought catastrophe to numberless people innocent of all politics" (Elie Kedourie, Nationalism, Revised Edition [New York: Prager, 1960], p. 138). In contrast, in his book Imagined Communities, Anderson makes the claim that nations actually inspire love, although Anderson emphasizes that this view is seldom articulated in "progressive circles" in the West (Anderson, Imagined Communities, pp. 141-142). It would appear true, with the possible exception of certain pockets, such as left Quebecois nationalist intellectuals, that it is difficult to find progressive intellectuals espousing the virtues of nationalism especially in the contemporary context. In the late-twentieth-century, there is no equivalent to the kind of articulation of a progressive emancipatory nationalism envisioned by intellectuals such as Frantz Fanon in the early 1960s, even keeping in mind that traditionally, as Mayall notes, "in the west nationalism is very often considered to be a curse, whereas in the south it is thought of as a blessing" as nationalism has been in many instances associated with "progress, the transcendence of parochial loyalties and development." (James Mayall, Nationalism and International Society, [London: Cambridge University Press, 1990] p. 111). Instead, the impact of nationalism outside the industrialized West in the post-Cold War era seems only ugly and murderous (consider Bosnia or Rwanda). For this reason, it is arguably as much an indication of the mood of this era, as the quality of the work, that Michael Ignatieff's Blood and Belonging has been an international bestseller for his discussion nationalism since the fall of the Berlin Wall is overwhelmingly distressing. See Ignatieff, Blood and Belonging, pp. 4-5.

³⁴ Nairn, The Break-Up of Britain, pp. 347-8

³⁵ Anthony D. Smith, Theories of Nationalism, Second Edition (London: Gerald Duckworth, 1983), p. 193.

³⁶ Ibid.

³⁷ Smith, "The Problem of National Identity," p. 381.

38 Sheila Allen and Marie Macey, "Race and Ethnicity in the European Context," British Journal of Sociology 41, 3 (September 1990), p. 389.

39 Peter Brimelow from the book Alien Nation as cited in Graham Fraser "Angry White Guys," The Globe and Mail (15 July 1995), p. D1. Ironically, Brimelow himself is a naturalized American from Britain. Irrespective, his book has been selected for sustained attention in the popular press. See in particular Jack Miles, "The Coming Immigration Debate," The Atlantic Monthly 275, 4 (April 1995), pp. 130-140.

40 As Silverman notes in France, the politicization of immigration over the 1980s has been met with proliferating academic attention to nation and national historiography (Maxim Silverman, Deconstructing the Nation-State: Immigration, Racism and Citizenship in Modern France, [London: Routledge, 1992:], pp17-19). The linkage of the immigration question and nation is seen also in the work of Julia Kristeva, who has both popular appeal in France, and international recognition as seen in the fact that her works have been translated in English. See in particular Julia Kristeva (translated by Leon S. Roudiez) , Nations Without Nationalism, New York: Columbia University Press, 1993.

41 See Katherine O'Sullivan and William J. Wilson, "Race and Ethnicity," in Neil Smelser (ed.), Handbook of Sociology (Berkeley Hills: Sage, 1988). This is not to say there have been no links made between nation and immigration. For instance, Paul Gilroy links race, immigration and nation in Britain in There Ain't No Black in the Union Jack (London: Hutchinson, 1987) Chapter Two pp.43-72.

42 Allen and Macey, "Race and Ethnicity in the European Context," pp. 388-389.

43 For African-Americans, expressions of what can be termed nationalism have been particularly amorphous, given the fact that control/ownership of a specific land area has not been a major emphasis as with more traditional expressions of nationalism. It is true that some notion of land acquisition has been highlighted in different forms expanding from the nineteenth century idea of a physical separation from whites (by way of emigration outside the boundaries of the U.S.) or physical separation within the U.S. and a separate territory for Black control, to the more recent calls for Black control of cities and communities (Raymond S. Franklin and Solomon Resnick, The Political Economy of Racism , [New York: Rinehart and Winston, 1973], pp. 121-123). However, for the most part the political mobilization and articulation of grievances by African-Americans has really revolved around an awareness of race. Some have chosen to label this a "cultural nationalism." Wilson argues that in the post-World War Two era, Black political resistance swayed between non-violent legalist actions and militancy— symbolized in the leadership of Martin Luther King on the one hand, and Malcolm X on the other— but that the position that has received majority support in the Black community is one that can be labeled "cultural nationalism," which revolves around an awareness of the evils of racist oppression and an emphasis on cultural and racial identity. (William J. Wilson, "Power, Racism and Privilege," in David R.

Colburn and George E. Pozzetta (eds.), America and the New Ethnicity [Port Washington: Kennikat Press, 1979], p. 54.)

44 As a result of the end of the Cold War, and the winding down of the arms race between the superpowers, new themes have entered into the traditional realm of security concerns— an important one being immigration which has subsequently garnered more attention as a security issue and therefore as a feature of high politics, at least for industrialized countries. See for instance, Paul Kennedy, "The Demographic Explosion," Chapter 2 of Preparing for the Twenty-First Century (Toronto: Harper Collins, 1993), pp. 21-46; and Søren Jessen-Petersen, "International Migration and Security: A Pragmatic Response," in Kimberley A. Hamilton (ed.), Migration and the New Europe (Washington: The Center for Strategic and International Studies, 1994):1-11.

45 Michael Lind, "In Defense of Liberal Nationalism," Foreign Affairs 73,3 (May/June 1994), p. 90.

46 They are related in the sense that one necessarily implies the other, and they are historical outgrowths. It can be added that even in accounts which attempt to eliminate such concepts as the state (such as David Easton's systems analysis) there remains a structured and bounded geographical entity.

47 This I would argue is a general tendency; it is not to deny that comparisons are also made between regions/sub-units within a country, or between regions of countries (e.g. North America and W. Europe). However, even within these kinds of studies, the basic geographic unit of the country is still identified as of importance.

48 Eric R. Wolf, "Inventing Society," American Ethnologist 15, 4 (November 1988), p. 757.

49 Balibar, "Racism and Nationalism," p. 49.

50 Ella Shohat and Robert Stam, Unthinking Eurocentrism: Multiculturalism and the Media, (New York and London: Routledge, 1994), p. 18.

51 Balibar, "Racism and Nationalism," p. 61.

52 Etienne Balibar, "Class Racism," in Etienne Balibar and Immanuel Wallerstein (eds.), Race, Nation, Class: Ambiguous Identities (London: Verso, 1991), p. 214.

53 *Ibid.*, p. 207.

54 *Ibid.*, p. 206. Indeed, in Canada, the image of well-to-do Asian immigrants, especially from Hong Kong, "buying up" houses, businesses etc. has become a feature of contemporary anti-immigrant hostility.

55 Etienne Balibar also suggests that sexism 'articulates' with racism and nationalism, and though offering "no clear answer," does suggest that "racism

is overdetermined by sexism" so that racial hostility is "nourished particularly by myths about sexual attacks, interbreeding, women of one race being stolen by men of another race. . . the basic concepts of racist discourse. . . are metaphors for sexual difference." (Etienne Balibar, "Race, Nation and Class," (An interview with Etienne Balibar), in Maxim Silverman (ed.), Race, Discourse and Power in France, [Avebury: Aldershot, 1991], p. 76.)

56 See Nira Yuval-Davis and Floya Anthias (eds.), Woman-Nation-State (London: Macmillan, 1989) and Daiva Stasiulis and Nira Yuval-Davis, "Introduction," in Daiva Stasiulis and Nira Yuval-Davis (eds.) Unsettling Settler Societies: Articulations of Gender, Race, Ethnicity and Class (London: Sage, 1995), p. 27.

57 Deniz Kandiyoti, "Identity and Its Discontents: Women and the Nation," in Patrick Williams and Laura Chrisman (eds.), Colonial Discourse and Post-Colonial Theory: A Reader, (New York: Columbia University Press, 1994), pp. 376-377.

58 Helen Tierney (ed.) Women's Studies Encyclopedia, (New York: Peter Bedrick Books, 1991), p. 106.

59 Louise Lamphere, "The Domestic Sphere of Women and the Public World of Men: The Strengths and Limitations of an Anthropological Dichotomy," in Caroline B. Brettell and Carolyn F. Sargent (eds.) Gender in Cross-Cultural Perspective, (Prentice Hall: Englewood Cliffs, 1993), pp. 67-77.

60 See also Nira Yuval Davis, "The Citizenship Debate: Women, Ethnic Processes and the State," Feminist Review 39 (Autumn 1991), p. 63.

61 Lamphere, "The Domestic Sphere of Women and the Public World of Men," p. 71.

62 Ibid., p. 75.

63 Balibar, "Race, Nation and Class," (An interview with Etienne Balibar), p. 72.

64 Martha Minow, Making All the Difference: Inclusion and Exclusion and American Law (Ithaca: Cornell University Press, 1990)

65 Benjamin Schwarz, "The Diversity Myth: America's Leading Export," The Atlantic Monthly (May 1995), p. 64.

66 Rogers M. Smith, "The 'American Creed' and American Identity: The Limits of Liberal Citizenship in the United States," The Western Political Quarterly 41 (1988), p. 234.

67 Manning Marable, "Beyond Racial Identity Politics: Towards a Liberation Theory for Multicultural Democracy," in Margaret L. Andersen and Patricia

Hill Collins (eds.), Race, Class and Gender (Belmont: Wadsworth, 1995), pp. 363-364.

68 Ibid., p. 364,

69 Ibid., p. 365.

70 Stephen Steinberg, The Ethnic Myth: Race, Ethnicity and Class in America (Boston: Beacon Press, 1981), p. 202.

71 Ibid., p. 202.

72 George Breitman (ed.) Malcolm X Speaks (New York: Grove, 1965), p. 26 as cited in Lawrence H. Fuchs, "Thinking about Immigration and Ethnicity in the United States," in Donald L. Horowitz and Gérard Noiriel (eds.), Immigrants in Two Democracies: French and American Experience (New York: New York University Press, 1992), p. 49.

73 Wanda Coleman, "Blacks, Immigrants and America," in John A. Kromkowski (ed.), Race and Ethnic Relations 95/96 (Guilford: Dushkin Publishing, 1995), p. 181.

74 Fuchs, "Thinking about Immigration and Ethnicity in the United States," p. 51.

75 The ideology of whiteness, and the connection between freedom and the white race can also account for the expropriation of territory from Natives, and their extermination during earlier phases of settler-colonization.

76 Gérard Noiriel, "Difficulties in French Historical Research on Immigration," in Donald L. Horowitz and Gérard Noiriel (eds.), Immigrants in Two Democracies: French and American Experience (New York: New York University Press, 1992), p. 73.

77 Stasiulis and Yuval-Davis, "Introduction," p. 19.

78 Schwarz, "The Diversity Myth," p. 62.

79 Louis L. Snyder, Encyclopedia of Nationalism (New York: Paragon House, 1990), p. 8.

80 Ibid., pp. 8-9.

81 Jeffrey G. Reitz and Raymond Breton, The Illusion of Difference: Realities of Ethnicity in Canada and the United States (Toronto: C.D. Howe Institute, 1994), p.10.

82 Schwarz, "The Diversity Myth," p. 62.

- 83 "Race and Ethnicity in the American Legal Tradition," in John A. Kromkowski (ed.), Race and Ethnic Relations 95/96 (Guilford: Dushkin Publishing, 1995), p. 4.
- 84 Ibid.
- 85 Ibid.
- 86 Smith, "The 'American Creed' and American Identity," p. 246.
- 87 The Civil Rights Act outlawed discrimination on the basis of race, colour, religion or national origin in public accommodations and employment and also empowered the Attorney General to mandate integration of schools. The Voting Rights Act banned the use of literacy tests; challenged the constitutional legality of poll taxes; and appointed examiners to oversee the removal of a host of restrictions that hampered the registration of Black voters.
- 88 Donald L. Horowitz, "Immigration and Group Relations in France and America," in Donald L. Horowitz and Gérard Noiriel (eds.), Immigrants in Two Democracies: French and American Experience (New York: New York University, 1992), p. 23.
- 89 Abigail M. Thernstrom, Whose Votes Count? (Cambridge: Harvard University Press, 1987).
- 90 John E. Farley, Majority-Minority Relations Third Edition, (Englewood Cliffs: Prentice Hall, 1995), p. 439.
- 91 Ibid.
- 92 Timothy Appleby, "California Vote could Trigger Rollback of Affirmative Action," The Globe and Mail (July 20, 1995), p. A1.
- 93 Bill Clinton, as quoted in Ibid., p. A8.
- 94 Nancy Fraser and Linda Gordon, "Contract versus Charity: Why is there no Social Citizneship in the United States?" Socialist Review, 22,3 (July-September 1992).
- 95 Reitz and Breton, The Illusion of Difference, p. 128.
- 96 Smith, "The 'American Creed' and American Identity," p. 246.
- 97 Martin Walker, "Clinton Affirms Belief in Fair Play on Race," The Guardian Weekly (30 July 1995), p. 6.
- 98 Fuchs, "Thinking about Immigration and Ethnicity in the United States," p. 56.

- 99 Jeff Sallot, "Canadian Officials Cringe as Helms set to Resurface," The Globe and Mail, (28 November, 1994), p.A3.
- 100 Hon. Jesse A. Helms in The Congressional Digest 68, 10 (October 1989), p. 241.
- 101 Reitz and Breton, The Illusion of Difference, p. 77.
- 102 Pat Buchanan, as cited in Charles Krauthammer, "Buchanan Explained." The Washington Post (1 March 1992), p. 7.
- 103 William A. Henry III, "Beyond the Melting Pot," Time (9 April, 1990): 38-41.
- 104 Anderson, Imagined Communities, pp. 163-166.
- 105 Michael C. Thornton, "Is Multiracial Status Unique? The Personal and Social Experience," in Margaret L. Anderson and Patricia Hill Collins (eds.), Race, Class and Gender: An Anthology (Second Edition), (Belmont: Wadsworth, 1995), p. 96.
- 106 Lawrence Wright, "One Drop of Blood," The New Yorker, (25 July 1994), p. 47.
- 107 Ibid.
- 108 Stephen Thernstrom, "American Ethnic Statistics," in Donald L. Horowitz and Gérard Noiriel (eds.), Immigrants in Two Democracies: French and American Experience (New York: New York University Press, 1992), p. 91.
- 109 Ibid.
- 110 Morton Winsberg, "Specific Hispanics," in John A. Kromkowski (ed.), Race and Ethnic Relations 95/96 (Guilford: Dushkin Publishing, 1995), p. 108.
- 111 Elizabeth Martinez, "There's More to Racism than Black and White," in John A. Kromkowski (ed.), Race and Ethnic Relations 95/96 (Guilford: Dushkin Publishing, 1995), p. 120.
- 112 Diane Nirmaier, "Judy Baca: Our People are the Internal Exiles," in Gloria Anzaldúa (ed.), Making Face, Making Soul: Creative and Critical Perspectives by Feminists of Color (San Francisco: Aunt Lute Books, 1990), p. 256.
- 113 Wright, "One Drop of Blood," p.47.
- 114 Similarly, the Arab American Institute, a national Arab-American political organization, is proposing that Arabs from the Middle East (now

treated as white) have a distinct and protected category in the Census. Indeed, a 1992 survey of Americans showed that the "social distance" was higher for Palestinians than Mexicans and Blacks. On this latter point, see Reitz and Breton, The Illusion of Difference, p. 75.

115 Carol Schmid, "Language Rights and the Legal Status of English-Only Laws in the Public and Private Sector," North Carolina Law Journal 20, 1 (1992), p. 71.

116 Robert Paral, English Only: The Threat of Language Restrictions (Washington: NALGO, 1989), p. 6

117 Schmid, "Language Rights and the Legal Status of English-Only Laws in the Public and Private Sector," p. 69.

118 Ibid., pp. 70-71.

119 Paral, English Only p. 4.

120 Ibid., p. 5.

121 Sarah Henry, "English Only: The Language of Discrimination," Hispanic (March 1990), p. 32

122 Ibid., p. 28. As a Senator, Hayakawa attempted to pass a bill that if ratified by 3/4 of the states would have forced an amendment to the Constitution so that English was the official language. Though unsuccessful at the national level, it is clear that since 1983 the number of states adopting English as the official language mushroomed. As of June 1990, official language states included Alabama (1990); Arkansas (1987); California (1986); Colorado (1988); Florida (1988); Georgia (1986); Hawaii (1978-- exceptional in that its official languages are Native Hawaiian and English co-equally); Illinois (1969); Indiana (1984); Kentucky (1984); Mississippi (1987); Nebraska (1923); N. Carolina (1987); N. Dakota (1987); S. Carolina (1987); Tennessee (1984); Virginia (1981).

123 Graham Fraser, "In a Pickle over a Native Language," The Globe and Mail (12 September 1995) A10.

124 Henry, "English Only," p. 32 In fact, the majority of immigrants do want to acquire English, although English language classes have been insufficient in number due to scanty funding.

125 James Crawford, Hold Your Tongue: Bilingualism and the Politics of English-Only as cited in Fraser, "In a Pickle over a Native Tongue," p. A10.

126 Arturo Madrid, "Missing People and Others: Joining Together to Expand the Circle," in Margaret L. Anderson and Patricia Hill Collins (eds.) Race, Class and Gender: An Anthology (Second Edition) (Belmont: Wadsworth, 1995), p. 13.

- 127 Nermaier, "Judy Baca: Our People are the Internal Exiles," p. 256.
- 128 Miles, "The Coming Immigration Debate," p. 130.
- 129 Snyder, Encyclopedia of Nationalism, pp. 102-103. In fact, for over 400 years, the central powers in Paris sought to impose standardized French over regional languages. This has only recently evolved. In January of 1992, the French government announced for the first time a program of bilingual education in regions with indigenous languages (e.g. Basque and Breton). Part of this is linked to the growing unification of Europe, which has fostered a new perspective that views regional language as part of (rather than a threat to) national identity. See Marlise Simons, "Many Tongues Left Wagging by New French Tolerance," The Globe and Mail (3 May 1993), p.A9.
- 130 Cathie Lloyd and Hazel Waters, "France: One Culture, One People?" Race and Class 32, 3 (1991), p. 50.
- 131 Noiriel, "Difficulties in French Historical Research on Immigration," p. 73.
- 132 Ibid., p. 69.
- 133 Sophie Body-Gendrot and Martin A. Schain, "National and Local Politics and the Development of Immigration Policy in the United States and France: A Comparative Analysis," in Donald L. Horowitz and Gérard Noiriel (eds.), Immigrants in Two Democracies: French and American Experience (New York: New York University Press, 1992), p. 412.
- 134 Stanley Hoffmann, "Thoughts on the French Nation Today," Daedalus 122, 3 (Summer 1993), p. 6-4.
- 135 Roxane Silberman, "French Immigration Statistics," in Donald L. Horowitz and Gérard Noiriel (eds.), Immigrants in Two Democracies: French and American Experience (New York: New York University Press, 1992), p. 115.
- 136 Noiriel, "Difficulties in French Historical Research on Immigration," p. 72.
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CHAPTER FIVE

REGIONAL COMMUNITIES

The collapse of borders, far from being the liberating event that the academic multiculturalists have envisaged, has brought about the multiculturalism of the market not the multiculturalism of justice.

David Reiff, 1993.¹

INTRODUCTION

This chapter builds on the issues and themes explored in the preceding two chapters dealing with citizenship, and nation. In particular, this chapter addresses the tensions between the egalitarian nature of citizenship (conferring rights and participation) with the inegalitarian nature of formal citizenship/nationality as a status defined through law, and further circumscribed by ethnic, racial or cultural notions of national belonging. However, these themes are addressed in terms of the context of globalization and the budding formation of continental trade blocs, or what I have termed regional communities, in Europe and North America.

The economic spaces being forged in North America via the North American Free Trade Agreement (NAFTA) and in Europe through the European Union,² appear to be a corollary to globalization in the late twentieth century. Indeed, while globalization includes the shift in investment, production and trade from national to world markets, the tendency for transnational corporations to concentrate trade and investment activities in three

continents (North America, Europe and East Asia) has led some to argue that the globalization process takes place through regionalism.³

As we approach the second millennia, both globalization and continental trade arrangements have spawned a generation of analysts who are proclaiming "the decline of the nation-state," in the modern world. State sovereignty, it is argued (and hotly debated) in both Marxist and non-Marxist circles, is fast becoming a thing of the past in the face of the enhanced mobility of capital and economic restructuring in the form of trade blocs.⁴

Less examined in the decline of the state debate (in either the Marxist or non-Marxist variant) is the question of the mobility of labour — or more broadly people. Does an easing up on the control of capital, goods and services across national borders necessitate an easing up of control on people? Is the nation-state and its citizenship anachronistic? How much control do states still have in relation to who is granted citizenship or the rights associated with citizenship, such as the right to licit entry in a country? Does nationalism, and discrimination on the basis of race and ethnicity which often accompany its manifestations, matter less in an era characterized by regionalism and globalization?

These questions are assessed comparatively through an examination of debates and policy responses to regionalism in North America (with a special focus on the United States) and Europe (with a special focus on France). While these continental processes, as globalization generally, are still unfolding, on the face of it, the kind of developments shaping up in Europe appear qualitatively different than those in North America. Only the European Community/European Union is expressly premised on the importance of the "free movement of people."

However, I will argue that while the evolving policies relating to the free movement of people are unfolding differently in Europe versus North America, the consequences of distinct national and regional responses are similar: preventing the entry and long-term residence of peoples from economically marginalized countries, and thereby, by extension, maintaining the inequitable distribution of wealth globally.

In providing evidence for this argument, this chapter takes a fourfold approach. First, it comparatively addresses the history and development of the European Union and NAFTA projects. Second, it comparatively addresses the issue of the mobility of people within the two regional projects, with attention to whether and how mobility is challenging state sovereignty— particularly in relation to traditional immigration controls, as well as control over formal citizenship and citizenship rights. Third, this chapter looks at how debates over NAFTA within the United States as well as over free movement within the EC in general, and the Treaty on European Union (Maastricht Treaty) in France specifically, illuminate the lines of inclusion and exclusion that animate and justify both national and regional belonging. Finally, this chapter raises the issue of potential political mobilization and resistance in an era of globalization and regionalism, assessing what patterns are evident in Europe/France and North America/the United States and what the future may portend.

HISTORY AND CONTEXT OF THE NORTH AMERICAN FREE TRADE AGREEMENT AND THE TREATY ON EUROPEAN UNION

Both in Europe and in North America, the 1980s and 1990s have been characterized by economic restructuring, one form of which has been the

enhancement of continental trade arrangements. In part these trade arrangements can be seen as responses to the deepening of globalization through the 1980s, although they root themselves in pre-existing ideas and economic arrangements. Thus, while the economic relationship between the United States and Mexico, and the United States and Canada has a history that spans several decades, the 1992 NAFTA between Canada, the United States and Mexico follows— both in inspiration and form — from the Free Trade Agreement (FTA) between Canada and the United States passed in 1989. The FTA laid the basis for "free trade" through the reduction of existing tariff and non-tariff barriers relating to the movement of goods, services and capital. These arrangements were extended to include Mexico through NAFTA.⁵ Neither the FTA nor NAFTA are expressly aimed at removing barriers to the movement of peoples.

In Europe, efforts to enhance continental trade during the 1980s came in the form of the Single European Act (SEA) passed by all members of the European Community in 1986, and in effect in 1987. The SEA, or "Project 1992" as it came to be informally known, aimed to create the conditions for a European single market characterized by the "free movement" of goods, capital, services and people by the end of 1992. This was to be achieved by removing existing non-tariff barriers to trade, providing the conditions for the unfettered mobility of capital, extending free trade to the service sector, and removing remaining barriers to the free movement of labour by the end of 1992.⁶ The 1992 Maastricht Treaty, which came into effect in November 1993, expands and enhances the SEA by furthering economic and monetary union and also creating a framework for a common European security policy, and a new "citizenship of the Union."

Unlike the FTA and NAFTA which have solely a market-driven discourse underpinning their foundation, and no pre-existing formal-legal framework, recent agreements within Europe have both a longer and qualitatively distinct institutional and ideological history. In proposing that there is a distinctiveness to the European situation, the point is not to downplay the relevance of a "free market" discourse in explaining the emergence and growth of the EC, for on these grounds, Europe is usefully compared with North America on the basis of similarity. Indeed, the European Community emerged in the context of the prevailing ideology of liberal capitalism, and its evolving framework has undoubtedly been of benefit to and legitimized European capital because ideas supporting the liberalization of trade, capital and labour movements have served to enshrine the interests of European enterprise as "the public interest."⁷

Nevertheless, there is a particularity to the discourse and history animating regionalism in Europe, that makes it distinct from the North American context as well. The idea that a united Europe would be of positive benefit can actually be traced back in writings at least to the 1300s; in a differing content and with greater status, this idea was also to be found in academic and political circles in the 1920s and 1930s.⁸ In the aftermath of World War Two, for those spearheading the European Movement, the devastating effects of the war highlighted the dangers of nationalism and the benefit of a weakening of the nation-state; the growing power of the Soviet Union and the encouragement of the United States for a stable and unified West Europe further legitimized integration as an inherently desirable goal.⁹ The formation of the European Coal and Steel Community in 1951 through the Treaty of Paris, and the creation of a European Economic Community through

the 1957 Treaty of Rome gave further impetus to the possibility of regional integration in Europe.

In addition, these treaties laid the basis for "political union" through the creation of central decision-making institutions for all the member countries in the form of the European Commission, the Council of Ministers, the European Parliament, and the European Court of Justice. In some ways, these four institutions serve to replicate political institutions found within nation-states, hence official EC publications stress "the Community, like any other democratic entity, has three separate branches of government— legislative, executive and judiciary."¹⁰ However, unlike institutions in liberal democratic states, not even formal power resides with the elected legislative branch— in the case of the EC the only directly elected institution— the European Parliament. The European Parliament, which first held direct European-wide elections in 1979, actually has the least formal power of all the institutions. The European Commission, headquartered in Brussels, has the right of initiative in legislation and oversees its application. Both executive and legislative functions are fused in the Council of Ministers, whose members are national Ministers from the member-states, and it is the Council that makes the final decisions in the legislative process. The European Court of Justice is the last court of appeal on matters pertaining to Community law, and its interpretations are binding on member states.

It is a reflection of these institutional and historical particularities to regionalism in Europe, that "Project 1992's" commitment to creating the conditions for a European single market characterized by the free movement of capital, goods, services and persons ended what has been called the "Europessimism," and "Eurosclerosis" that characterized the 1970s and early 1980s, in the face of a renewed "optimism and institutional momentum."¹¹

Indeed, theories predicting the inevitability of European integration and some form of a political community that had been popular during the late 1950s and 1960s were suddenly making a comeback in the late 1980s and 1990s.¹² Although this optimism has waned somewhat as a result of the difficulties surrounding the eventual passage of the Maastricht Treaty,¹³ it is plain to see that there is a unique institutional, ideological and historical context to the European region.

A full account of recent developments in Europe and North America would have to consider a range of domestic pressures and variations (like leaders and parties) and extra-domestic influences (such as the role of the Commission in the case of Europe) in accounting for the specific trajectories of recent developments.¹⁴ Such an analysis is beyond the scope of this chapter. However, what can be highlighted is that a common denominator in North American and European regional developments over the 1980s and 1990s is the superordinate role of business interest groups in pushing forward a program of market liberalization in the context of increased global competitiveness.¹⁵ The net effect of this in Europe and North America has been the presence of two seemingly opposed phenomena in the current period: globalization and regionalism. Thus Grinspun and Cameron note that despite globalization, there is a "crisis of multilateralism," as witnessed in the difficulties in completing the Uruguay Round of the General Agreement on Tariffs and Trade and in the potential development of (and tension and competition between) a united Europe, a North American mercantilist bloc and an Asian mercantilist bloc.¹⁶

Just as globalization may be seen to be operating simultaneously with regionalism, the relationship between globalization (and relatedly regionalism) and the nation-state deserves close consideration too. One way to

comparatively examine this question is to focus specifically on the issue of the movement of people. This is an especially relevant issue because in fact efforts to differentiate current developments in North America and Europe often point to the distinct provisions with respect to the mobility of people (as well as efforts to harmonize fiscal and social policies and protect a minimum standard of living in the European Community).¹⁷ Indeed, analysts Faux and Lee suggest these types of differences constitute two opposing forms of regionalism:

One is modeled on the European path to integration, which was slow and gradual, sensitive to the disparities of income and social institutions between countries, and committed to achieving integration without penalizing workers. The other is the neoconservative model implicit in the agreement proposed by the Bush, Salinas and Mulroney administrations— to rapidly remove all remaining barriers to the flow of capital, goods and services across borders within the North American continent, while labor's mobility is left unchanged.¹⁸

Similarly, Weintraub argues that a major difference between the European and North American context revolves around the absence of a social compact in the latter due to the absence of provisions for the free movement of persons.¹⁹ Nevertheless, it is also the case that within Europe, the free movement of goods, services and capital has proven to be an easier achievement than the free movement of people,²⁰ suggesting it is worthwhile to explore this question in more focused detail.

FREE MOVEMENT IN THE NORTH AMERICAN AND EUROPEAN CONTEXTS: WHITHER THE STATE?

As noted, the NAFTA and the SEA are trade agreements aimed at facilitating the movement of capital, goods and services between member

countries. For liberal economists, the idea that easing restrictions on trade across borders should also lead to easing restrictions on people across borders has had a long currency. In keeping with this tenet of mainstream economic theory, John Kenneth Galbraith once remarked: "I was brought up to believe that trade-and-immigration controls on the border were an unnatural abrasion of the rights of man — and woman. They should be kept to a minimum or not exist. It is a feeling I have never escaped."²¹ At the political level, however, contrary to Galbraith's articulation, Western states have been far more reluctant to ease controls over the movement of people than goods, and in fact, Western economists have been far more vocal on the need to remove barriers to goods than they have with respect to people. This in part may be related to how border and immigration controls seem to serve the purpose of maintaining an inequitable world order. As Aristide Zolberg has observed "if border controls suddenly ceased to exist, " then likely "there would be a massive movement of people from the worse-off to the better-off countries, lasting until world-wide conditions had largely evened out."²²

Yet, if border controls hampering the movement of people are theoretically jarring to some economists, they are, along with formal citizenship, unequivocally bound up with the history of the nation-state and state sovereignty. In his historical analysis, Giddens highlights that borders are "a known and geographically drawn line separating and joining two or more states," and that they "are only found with the emergence of nation-states. . . . drawn to demarcate states' sovereignty."²³ In addition, Giddens points out that although "in many cases the mass of the population of traditional states did not know themselves to be 'citizens' of those states. . . . the more the administrative scope of the state begins to penetrate the day-to-day activities of its subjects, the less this theorem holds."²⁴ Thus, both borders

and citizenship (as well as being intimately connected to the issue of migration) remain important indicators of state sovereignty.

Has state control over the movement of peoples across borders and the extension of citizenship changed? At one level, arrangements shaping up in Europe both from the SEA and from the Maastricht Treaty go much, much further than those in North America in simultaneously relaxing restrictions on both trade and on the movement of people. Yet, as will also be shown through a close examination of the case of the European Community, the contradiction of current arrangements is that while aspects of state sovereignty relating to border control and citizenship rights are weakening *vis a vis* nationals of EC states, they are simultaneously being reinforced *vis a vis* nationals of non-EC states. In this sense, despite the differences between the European and North American contexts, there are also some overarching consistencies.

North America: A Policy of "Free Trade"

As mentioned the 1989 U.S.-Canada FTA laid the basis for "free trade" through the reduction of existing tariff and non-tariff barriers relating to the movement of goods, services and capital, which was carried over to Mexico through NAFTA. The general objectives of NAFTA are stated in Article 102 which holds that the "Parties" (or governments of Canada, the U.S. and Mexico) are aiming to:

- (a) eliminate barriers to trade in, and facilitate the cross-border movement of, goods and services between the territories of the Parties;
- (b) promote conditions of fair competition in the free trade area;

(c) increase substantially investment opportunities in the territories of the Parties;

(d) provide adequate and effective protection and enforcement of intellectual property rights in each Party's territory;

(e) create effective procedures for the implementation and application of this Agreement, for its joint administration and for the resolution of disputes; and

(f) establish a framework for further trilateral, regional and multilateral cooperation to expand and enhance the benefits of this Agreement.²⁵

As Diamond aptly points out, the emphasis on and use of the term "free trade" was aimed at limiting participants in the NAFTA debate to business representatives, though "free trade" is a misnomer insofar as NAFTA presents a framework for "managed trade" as witnessed in the effort to create some legal procedures and institutionalized forums to regulate the implementation and application of the agreement.²⁶

Nonetheless, a consequence of the "free trade" discourse in the North American Regional Community is the absence of any social dimension to the NAFTA, as witnessed in the fact that discussions of labour and the environment were fairly insubstantive and relegated to "side deals."²⁷ In addition, it is witnessed in the limited discussion on the mobility of people. To the extent that the FTA between Canada and the US dealt with the movement of peoples, it was done only in the context of facilitating the temporary entry of business persons between the two countries. This is a theme that is continued through the North American Free Trade Agreement, by extending provisions to Mexico as well.

NAFTA: Mobility of Business not Labour

In NAFTA, a business person is defined as "a citizen of a Party who is engaged in trade in goods, the provision of services or the conduct of investment activities."²⁸ Further to the general objectives outlined in Article 102 of NAFTA, Article 1601 states that the particular principles behind the temporary entry for business persons are to reflect:

. . . the preferential trading relationship between the Parties, the desirability of facilitating temporary entry on a reciprocal basis and of establishing transparent criteria and procedures for temporary entry, and the need to ensure border security and to protect the domestic labor force and permanent employment in their respective territories.²⁹

The highlighting of the need to "protect" domestic labour markets and particularly border security underscores the continued salience of some traditional areas of state control, and the fact that they are not challenged in the NAFTA arrangement, but instead are explicitly preserved. In addition, this wording clearly reflects that the temporary entry provisions are simply and only an extension of the NAFTA signatories trade arrangements, and do not flow from any other ideological currents. This is further demonstrated in Article 1602 which obliges the Canadian, American and Mexican governments to "expeditiously" apply measures "so as to avoid unduly impairing or delaying trade in goods or services or conduct of investment activities under this Agreement."³⁰

As in the FTA, NAFTA defines four categories of business persons: 1) business visitors; 2) traders and investors; 3) intra-company transferees; and 4) professionals. Each of these four categories is further defined in the text of the agreement (for example, the professional category includes, amongst

others, land surveyors; range managers and university teachers).³¹ In addition, each of the four categories is subject to slightly different conditions. For instance, as set out in NAFTA, the professional category may be subject to annual numerical limits, whereas the trader and investor category explicitly can not be made subject to numerical restriction by the three signatory countries.³²

Along with the potential numerical restrictions, to the extent that NAFTA allows for the very limited movement of (business) people via the temporary entry provision, it is also worth noting that it is a "right" that has an overt class (or socioeconomic) bias inherent in it, as it may be granted only to those designated as "business persons," or "professionals." Clearly this class bias also serves to discriminate against those groups in all three countries less likely to have the necessary educational or economic status required, such as women, or some ethnic minorities. Thus, along with having to hold the formal citizenship of one of the three signatory countries to qualify for temporary entry, it is also limited by lines that exclude groups from equality when citizens—like class or gender or race and ethnicity. In addition, there is a further discernible national bias when considering that historically, the nature of migratory flows—especially short-term ones—between the U.S. and Canada are very different from those from Mexico to the United States³³ because the latter tend to be primarily unskilled workers, whereas U.S. and Canadian flows have tended to be primarily skilled workers, professionals and managers.³⁴ In this sense, the brief history of the US-Canada FTA demonstrates that the provisions relating to temporary entry have simply lessened the "red tape" for Canadian business people seeking to enter and work in the U.S.³⁵

In addition, the general conditions governing the entry of all business persons as individuals demonstrate how state power matters outside of citizenship. As set out in Article 1603, entry may be denied if it is deemed that the business person might adversely affect "the settlement of any labor dispute that is in progress at the place or intended place of employment," or "the employment of any person who is involved in such dispute."³⁶ More broadly, signatory states are required to grant temporary entry to business persons only provided they are "qualified for entry under applicable measures relating to public health and safety and national security,"³⁷ which remain to be defined by national governments through their own immigration laws and practices and — as the history of immigration policy in several countries has shown— are all concepts that have been interpreted in a variety of ways by state officials to bar the entry of not only individuals but also groups.³⁸ The invoking of concepts such as "national security," also show that state sovereignty has not been eradicated in the NAFTA.

The case of the North American Free Trade Agreement, then, clearly illustrates the continued importance of state sovereignty when it comes to control over who crosses borders, who has the right of licit entry into a country, and by extension other rights related to citizenship.

Europe: A Policy of Free Movement and Rights

In marked contrast to the case of North America, the "freedom of movement of persons," is a fundamental right contained within the founding Treaties of the Community.³⁹ However, broadly speaking, the traditional legal basis for the European Community to enter into the field of migration has been only with respect to the movement of community nationals *qua* workers.

Since 1968, for the countries comprising the European Community, the free movement of community nationals as workers, with the right to enter and reside in another EC country, was in large part achieved.⁴⁰ This was established through Article 48 of the EEC Treaty, which allowed for the free movement of workers and the abolition of discrimination based on nationality between EC workers in the area of employment (save for the public service).⁴¹ Freedom of movement also included some limitations. Article 48(3) of the EEC Treaty outlines the traditional legal limits of free movement:

3. It shall entail the right, subject to limitations justified on grounds of public policy, public security or public health:
  - a) to accept offers of employment actually made;
  - b) to move freely within the territory of Member States for this purpose;
  - c) to stay in a Member State for the purpose of employment in that State, subject to conditions which shall be embodied in implementing regulations to be drawn up by the Commission.⁴²

Thus, for well over twenty-five years, a right of both entry and residence has existed for EC nationals as workers, although it has notably been limited by grounds of "public policy, public security and public health." The European Court of Justice has served to identify the circumstances which warranted invoking restrictions based on public health, public policy or public security, however, it nonetheless has remained the case that member states themselves have had power in defining what these concepts have meant.⁴³ Clearly then, the national state— within the European context— has traditionally held considerable power even with respect to the licit residence of EC nationals, and also by extension, their families (spouse, children and financially dependent parents). Moreover, for the most part, the European Court of Justice has tended to rule quite conservatively on matters pertaining to the "free movement" of family members of community nationals—

particularly in the case of family members with nationality outside of the Community.⁴⁴

Mobility and Rights of EC Nationals not Others

In the general area of entry and residence for nationals outside of the EC, national states have held even more power, and non-EC nationals fewer rights. This is significant because, it should be recalled, throughout the post-war boom years, until 1973-1974, most countries of Europe made use of migrant labour to fill marginalized positions in expanding industries. These workers, and now their families, have not "returned " to the "home" countries as initially presumed, and have in many cases remained disenfranchised and vulnerable non-citizens (See Table Eleven). Moreover, in contrast to the 1970s, provisions aimed at granting rights for non-EC immigrants have received *declining* attention within the European Community.⁴⁵

As Hammar has noted, in such countries as Britain, the Netherlands, Germany and, France — all of which received heavy migration from outside Europe, particularly from the Third World, in the post-war era— it is actually citizens of EC countries who have typically been the "privileged aliens" when they have had an offer of employment in EC member states. This is because they have generally been granted permanent resident status, which brought with it most of the rights (save for political rights, such as the right to vote) that citizens held.⁴⁶ In short then, because the Community did not come up with a common policy with respect to the entry and residence of nationals from non-EC countries, the individual national laws of each member state

Table Eleven: Foreign (non-EC) Population of Europe, 1989

COUNTRY	NUMBER	FOREIGNERS AS A PERCENT OF THE POPULATION	MAJOR (NON-EC) FOREIGN GROUPS
Belgium	332,000	3.3	45% North Africans
Denmark	115,000	2.3	30% Yugoslavs and Turks
France	2,460,000	4.4	65% North Africans
Germany	3,520,000	5.7	65% Yugoslavs and Turks
Greece	123,000	1.2	—
Holland	464,000	3.1	40% Turks 30% Moroccans
Ireland	17,000	0.5	40% Americans
Italy	236,000	0.4	—
Portugal	74,000	0.7	—
Spain	166,000	0.4	—
Britain	1,025,000	1.8	16% Indians 13% Americans

Source: The Economist (15 February, 1992), p. 22.

have covered these people, and states have tended to be less forthcoming in terms of their entry and quality of residence.⁴⁷ This has been particularly acute in the contemporary period: by 1989 all but three countries of the European Community— Ireland, Denmark and Portugal— had explicit national policies aimed at lowering immigration.⁴⁸ This has meant that despite the freedom of movement provisions first laid out in the EEC Treaty, the essential sovereign power of the state in determining its own composition by defining who has the right to enter and stay in the country, and on what basis, has been preserved.

New and Old Themes in Mobility and Rights

This general pattern— whereby non-citizens from outside the EC, compared to non-citizens holding the nationality of an EC member state, have a second class status when it comes to the ability to enter, stay and hold rights in an EC state— remains with only slight modification when it comes to understanding developments pertaining to free movement and rights since the late 1980s. Both the Single European Act and particularly the Maastricht Treaty have broadened areas pertaining to free movement and migration that fit within Community competence. In particular, the "free movement of peoples" resulting from the SEA extended the right of free movement also to include students, pensioners and other non-salaried persons.⁴⁹ In addition, the Maastricht Treaty has introduced a new "citizenship of the Union" and, flowing from the logic of the SEA, highlighted a new area of Community interest in the area of "Justice and Home Affairs."

The SEA brought with it the idea that the relaxation of borders for nationals of EC countries was critical for both symbolic and practical purposes in achieving true European integration:

One of the most urgent tasks is to bring about genuine simplifications in the checks on Community citizens at internal borders, where the continued existence of physical barriers, 'customs' signs and often lengthy waiting times are both symbolic and very visible evidence of the practical shortcomings of European integration.⁵⁰

To this end, the abolition of customs signs at internal borders between the twelve member countries, and the introduction of a European passport were identified as initial steps in the right direction.⁵¹ Indeed, the European passport, along with the introduction of a European flag, a European anthem, and the Eurobarometer (which both gave birth to and reflects "European

public opinion") have been premised on an explicit recognition within the Commission on the need to create the symbols that might foster European identity.⁵²

Of course, the ultimate goal in the SEA is the emergence of a "frontier-free" Europe— i.e. a Europe without internal borders. This goal has necessitated that the Community move more overtly into the area of immigration, as efforts to remove internal borders have simultaneously required common agreement on how external borders were to operate.⁵³ Currently, areas such as asylum policy, visa policy, and controlling illegal immigration have quickly moved onto the agenda, and attempts to "harmonize" these aspects of immigration have been under way since the mid-1980s. Notably, however, deliberations on immigration matters have mainly taken place in bodies operating outside of the public purview and outside of the official legal-formal EC institutional structure in such groups as Schengen, Trevi, the Group of Coordinators, and the Ad Hoc Committee which are made up of national civil servants and ministers.⁵⁴

The most critical of all these bodies is the Schengen Group (initially consisting of Luxembourg, Belgium, the Netherlands, Germany and France, and now consisting of all countries but Britain, Ireland and Denmark). The agreements reached within this body were to serve as a "test case," for a "frontier-free Europe". The fact that in these inter-governmental deliberations the weakening of internal borders was undergirded by efforts aimed at the strengthening of external borders through increased surveillance,⁵⁵ suggests that the "free movement" of EC nationals is strongly counter-balanced by further restricting movement from outside Europe, particularly the Third World.⁵⁶ Nonetheless the Schengen Convention, which is an agreement regarding the abolition of check points at internal crossing-

points formulated at Schengen 14 June 1985, had its passage delayed until 1995. In 1995, in the wake of a still unaccounted wave of bombings in Paris, which were nonetheless attributed by President Jacques Chirac to Algerian Islamic fundamentalists, Chirac raised the possibility of France completely pulling out of the agreement.⁵⁷ Inter-governmentalism is reflected as well in the Dublin Convention on Asylum done in Dublin 15 June 1990 which seeks to have asylum claims handled by one EC country recognized by other EC countries; but while the Convention has been agreed to by all EC countries this has not been fully implemented.

These new immigration themes initiated through the free movement of peoples provision within the SEA are contained overtly within the Maastricht Treaty. The Treaty on European Union was signed in February 1992 and passed in November 1993 by the twelve countries making up the European Community. The Maastricht Treaty aims to establish a "European Union," which has the following objectives as set out in Title I, Article B:

- to promote economic and social progress which is balanced and sustainable, in particular through the creation of an area without internal frontiers, through the strengthening of economic and social cohesion and through the establishment of economic and monetary union, ultimately including a single currency in accordance with the provisions of this Treaty;
- to assert its identity on the international scene, in particular through the implementation of a common foreign and security policy including the eventual framing of a common defence policy, which might in time lead to a common defence;
- to strengthen the protection of the rights and interests of the nationals of its Member States through the introduction of a citizenship of the Union;
- to develop close cooperation on justice and home affairs;
- to maintain in full the *acquis communautaire* and build on it with a view to considering. . . to what extent the policies and forms of cooperation introduced by this Treaty may need to be revised with the aim of ensuring the

effectiveness of mechanisms and the institutions of the Community.⁵⁸

In terms of these arrangements, two areas are of particular concern with respect to questions of migration and rights. The first is the area of the citizenship of the Union, and the second is in the area of Justice and Home Affairs.

In the Maastricht Treaty, the rights and duties of citizenship of the Union are conferred and granted on every person holding the nationality of a Member State. The rights of Union citizenship are further defined to include the right of free movement. Hence:

Every citizen of the Union shall have the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in this Treaty and by the measures adopted to give it effect.⁵⁹

This right of free movement, however, does not pertain to non-EC nationals residing in the European Community, who presently constitute the *majority* of non-citizens residing in EC states. Indeed, as highlighted by Niessen, the history of the EC *vis a vis* non EC nationals, including some eight million legally residing non-EC nationals in the EC of 12, continues to be characterized by state control:

In the Community, there are no uniform rules concerning the admission of these so-called third-country nationals. The member states have always been extremely cautious to maintain as much as possible their sovereignty in matters related to the admission of third-country nationals. Consequently, third-country nationals legally residing in one of the members states are not entitled to move freely to another member state.⁶⁰

It is evident then, that even with the Maastricht Treaty, state sovereignty continues to be of importance in the area of controlling the movement of persons who do not hold the nationality of an EC/EU member state.

In addition to free movement, through the Maastricht Treaty, EC nationals are granted other rights in member states including voting and running for office at the local and European levels, and consular protection when abroad. Hence:

Every citizen of the Union residing in a Member State of which he is not a national shall have the right to vote and to stand as a candidate at municipal elections in the Member State in which he resides, under the same conditions as nationals of that State. . . .

. . . every citizen of the Union residing in a Member State of which he is not a national shall have the right to vote and to stand as a candidate in elections to the European Parliament in the Member State in which he resides, under the same conditions as nationals of that State. . . .

Every citizen of the Union shall, in the territory of a third country in which the Member State of which he is a national is not represented, be entitled to protection by the diplomatic or consular authorities of any Member State, on the same conditions as the nationals of that State.⁶¹

Like free movement, these rights do not pertain to non-EC nationals residing in the European Community. Indeed, as one official in the European Commission acknowledged:

There is no legal basis for non-community nationals. There is a very strict definite legal basis and legislation for community measures. With free movement in the community they [EC nationals] have equal treatment rights, family reunion and employment or self-employment anywhere in the community, or residence if they are pensioners, or students, or non-active persons. And these rights are protected by the European Court of Justice. So they have very strong rights, whereas non-community nationals have no rights at all under community law. They [non- EC nationals] have rights under national law of the different member states, not the

same rights, as every country has its own legislation on immigrants.⁶²

Clearly, rather than narrowing the "rights gap" between those holding the nationality of an EC country and those holding nationality from outside the EC, the gap has actually widened under the Maastricht Treaty. This is because with the Union citizenship EC nationals working in another Member State are in legal terms not defined as migrants. Ironically, however, the new "citizenship of the Union," actually underscores the continued salience of formal citizenship, and its connection to citizenship rights, when considering the situation of migrants who do not hold the nationality of an EC member state, but reside in an EC country.

Title VI of the Maastricht Treaty shows the evolving character of the EC in areas related to immigration. It is Title VI of the Maastricht Treaty which deals with inter-governmental cooperation in the area of "Justice and Home Affairs" and this area forms the so-called "Third Pillar" of the new "European Union." With Maastricht, the "First Pillar" refers to the institutions of the Community that are to deal with monetary, economic and social issues; the "Second Pillar" refers to inter-governmental cooperation in the areas of defense and foreign policy. In Title VI of the Maastricht Treaty, Article K.1 notes that the Member States regard nine areas to be of common interest "for the purposes of achieving the objectives of the Union, in particular the free movement of persons,"⁶³ These are: 1) asylum policy; 2) rules governing the crossing by persons of the external borders of the Member States and the exercise of controls in this area; 3) immigration policy and policy regarding nationals of third countries (specifically the conditions of entry and movement by third country nationals, the conditions of residence, family reunion and access to employment of third country nationals in Member

States, and combating unauthorized immigration, residence and work by nationals of third countries in Member States); 4) combating drug addiction; 5) combating fraud on an international scale; 6) judicial cooperation in civil matters; 7) judicial cooperation in criminal matters; 8) customs cooperation and 9) police cooperation for the purposes of preventing and combating terrorism, unlawful drug trafficking and other serious forms of international crime, including if necessary certain aspects of customs cooperation, in connection with the organization of a Union-wide system for exchanging information within a European Police Office (Europol).⁶⁴

Although the range of areas considered to be of common interest is extremely broad, and may potentially encroach on traditional aspects of state sovereignty, it should also be noted that Article K.2 (2) of Title VI holds that "This Title shall not affect the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of internal security."⁶⁵ In this sense, state sovereignty still retains significance.

As well, although the area of visas has a greater Community competence because in Maastricht there is a provision allowing the Commission, after consulting with the European Parliament, to propose to the Council which third country nationals require a visa when crossing the external borders of the member states, basically immigration issues are still outside of Community control. Indeed, when it comes to a broad range of immigration matters, the Treaty on European Union only "formalises, and connects loosely to the Community structure, the inter-governmental negotiations that have already been taking place for some years. . . . [and] it makes no substantial increase in the powers of the European Parliament or in the jurisdiction of the Court of Justice over migration."⁶⁶

North America and Europe Compared

As a package, the new European Union is clearly a major extension of a united Europe. It is also apparent, that there are important differences to the way that the issue of free movement has evolved within the European context, as compared to the North American one. The European case is much more contradictory than the North American case when it comes to the question of the continued importance of state sovereignty, control over borders, and nation-state citizenship. While there are important ways in which things seem to bear beyond purely national action in Europe, it is also the case that borders, and control over citizenship and citizenship rights continue to matter, and to include and exclude certain groups. In this sense, what may be said about the states of the EU is that they are *voluntarily* entering into reciprocal arrangements that expand certain rights for their own citizens, by further weakening certain elements of border control and control over citizenship rights to allow the entry and residence of nationals of other member states. Yet, holding formal citizenship in a (member) nation-state is the formal criterion for membership in the new European Union citizenship. For this reason, the power of individual states when it comes to control over borders, granting formal citizenship and the rights associated with citizenship has also been upheld. This is most obviously the case with respect to non-EC nationals who continue to hold a subordinate position *vis a vis* EC nationals when it comes to rights, and who remain at the mercy of the laws of individual states.

In addition, even the free movement provisions for EC nationals, while technically not as overtly class biased as the "temporary entry" provisions for

business persons in the NAFTA arrangement, nonetheless have an underlying class spin in the contemporary context where there is an increasing relevance of migration in Europe of business and professional peoples which will likely continue to grow.⁶⁷

More broadly, the range of factors that limit groups — on gender, class, or ethnic/racial lines— from achieving full equality even if holding the formal citizenship of a nation-state seem to be replicated in the case of the new European citizenship. Meehan argues that despite limited formal sex equality rights in the EC, there are the prevailing limitations of the new European citizenship for women and furthermore the absence of Community laws for dealing with racial discrimination⁶⁸ heightens the ways inequality can interfere with the formal rights (including "free movement") held by EC nationals who are ethnic or racial minorities:

One. . . though the concept of worker has been extended. . . its essential meaning (and that of related concepts such as 'head of household' or 'breadwinner') remains male and based on a traditionally male model of full-time employment that lasts throughout working life. . . . Secondly, gender stereotypes compound the absence of policies banning discrimination based on sexuality and sexual preference. Thirdly, black Community nationals, especially women, are vulnerable to marginalization from the idea of a common European citizenship. In theory, black women may be protected twice, if their countries have laws outlawing racial discrimination, by both national laws of that sort and Community sex equality rights. In practice, they are likely to experience double discrimination. Proposals to bring race discrimination within the ambit of Community regulation of economic and social rights have been controversial and. . . all black Community nationals and would-be nationals may be unfairly treated in connection with residence and free movement.⁶⁹

Evidently, when compared to North America, there is a much stronger case to be made for saying that in Europe the free movement of people is revealing the extent to which the state, and state sovereignty and nation-state

citizenship are in transition. While it remains unclear exactly what the new European citizenship may mean in terms of the long-term evolution if not transformation of the nation-state and nation-state citizenship and requires further research, and no doubt attention to ongoing political developments, so far its exclusionary elements as it pertains to non-EC nationals are evident.⁷⁰ As the case of the European Community/Union has shown, current arrangements which serve to weaken border control and citizenship rights *vis a vis* nationals of EC states are simultaneously being reinforced in relation to non-EC nationals. Attention to non-EC nationals highlights that, at base, it is holding the citizenship of a member EC nation-state, not living in Europe *per se*, that formally entitles one to the provisions of the new Union citizenship. Thus in both the North American and European contexts, contemporary regional arrangements are characterized by the continued relevance of formal citizenship to opportunities and rights, as nationals from countries outside the agreements cannot make use of these arrangements. Moreover, even for nationals that do belong to signatory countries, mobility still appears to be easier for some groups (such as business persons in the case of NAFTA, or "white" Community nationals in Europe). The theme of the similarities and differences between the European and North American contexts will be taken up further in the context of the political discourse and debate that has surrounded recent regional developments in the two continents.

REGIONAL AND NATIONAL DEBATES OVER CITIZENSHIP AND IMMIGRATION: NEW DEFINITIONS OF BELONGING?

Given the regional projects in North America and in Europe, what ideas have elites in the two continents expressed that might shed further light on

their nature and content? While it is obviously the case that the project in Europe is distinct from that in North America, it is nonetheless the case that the discourse expressed by state and non-state actors in the course of these developments reflects on a desire to prevent the entry and residence of peoples from marginalized countries in particular. As this section will demonstrate, in the U.S., the liberal market-driven discourse of the NAFTA is paralleled by an emerging discourse on "illegal" immigration control that is linked to trade. In contrast, in the European Community, the emphasis on the free movement of goods, capital, services and people, and the emerging discourse of the "European citizen," is serving to re-define the migratory experience so that "immigrants," or "migrants," *necessarily* originate from outside of the countries that make-up the European Community. In this context, there is an increasing emphasis on controlling both "legal" and "illegal" immigration from outside the Community, which is in part justified in the name of immigrant integration. In looking specifically at the case of France, the unease with which some domestic actors in this country have viewed the question of free movement and European citizenship poignantly demonstrates the extent to which the specific national debate/obsession with immigration (particularly North African), which has rocked this country's politics since the 1980s, is also tied to perceptions about Europe.

North America: The Defining Role of the United States

While the negotiation and implementation of the FTA was relatively uncontroversial in the United States, and in fact received scant media attention, in Canada, the FTA emerged as one of the most hotly contested issues of the 1980s, and in the federal election of 1988 "a single issue, free trade,

dominated debate and aroused political passions to a degree seldom seen in Canada."⁷¹ In particular, for labour groups, the women's movement and other popular actors, the FTA was seen as a market-driven formula that would worsen the situation for working people and other disadvantaged groups in Canada. This was a position countered by (big) business groups and the Conservative Government of Brian Mulroney whose re-election in 1988 ensured the passage of the FTA despite the criticisms made of the FTA from the parties in opposition — the Liberals and the New Democrats. Notably, although the FTA contained provisions aimed at facilitating the "temporary entry of business people," this aspect of the agreement received very little coverage or extensive criticism, in either popular circles or academic discussions, and questions over immigration were non-existent. In other words, there was no discussion along the lines that the agreement could allow for the entry of "too many" Americans in Canada;⁷² that it ought to deal with "free movement of people;" or that it would have any impact on immigration questions. Instead, Canadian criticisms tended to focus on other aspects of the agreement and their potential negative impact on Canadian culture and cultural industries; state powers and independence; social programs; and employment and economic prosperity.⁷³ In contrast to the FTA in Canada, the passage of NAFTA did not elicit the same degree of visible debate, and controversy. In part this may be because the FTA itself was a "*fait accompli*", and in part this may be because through the end of the 1980s and early 1990s Canadians were consumed by intense internal debate over the Constitution and the threat of the separation of Quebec. In addition, unlike with the FTA, there was no election fought primarily around the NAFTA issue.

However, in the United States, NAFTA was much more visibly controversial and contested than the FTA had been in the U.S. As well,

whereas in the case of the U.S. - Canada FTA "the immigration aspects of the free trade pact went almost unnoticed by politicians and commentators,"⁷⁴ in the NAFTA discussion in the United States the question of immigration from Mexico was much more overtly discussed.

One important line of argument centred on the effect of free trade on reducing "illegal immigration," from Mexico. This was particularly evident in the fact that "authorities on both sides of the Rio Grande. . . [pointed] to the proposed free-trade pact as the solution to illegal immigration."⁷⁵ In making this point, the intent is not to suggest that the primary motive for NAFTA— or the primary point of debate— had to do with immigration. As it was, in the US, labour and other popular groups were opposed to NAFTA for one major reason that echoed the position of popular actors in Canada during the FTA and NAFTA: its perceived negative consequences on employment. However, it is also the case that immigration did emerge as a justification for the Agreement for public relations purposes in the course of the discussions.⁷⁶ Given that the 1986 Immigration Reform and Control Act (IRCA) which focused on controlling "illegal immigration" from Mexico had limited effects, it is interesting to note that the American media also picked up on the idea that a U.S. - Mexican Free Trade Agreement "could accomplish what the 1986 overhaul of the immigration law could not: slow the flow of illegal aliens into the United States."⁷⁷

The roots of the "enhanced trade to reduce Mexican immigration" argument can be found in the recommendations of a U.S. bi-partisan commission known as the Commission for the Study of International Migration and Cooperative Economic Development (CSIMCED) which was created as part of the provisions of the 1986 IRCA. Specifically, IRCA mandated that "the commission, in consultation with the governments of Mexico and other

sending countries in the Western Hemisphere" should set about to "examine the conditions in Mexico and such other sending countries which contribute to unauthorized migration to the United States" and also explore "mutually beneficial, reciprocal trade and investment programs to alleviate such conditions."⁷⁸ Although, as noted Chapter Three, IRCA presented draconian enforcement provisions by way of employer sanctions and enhanced border controls, the creation of the CSIMCED through this same legislation is seen to be "the first time that Congress acknowledged that the United States might have to consider the immigration issue in nonenforcement terms."⁷⁹

After three years of study, in the final report, the CSIMCED argued that "The Commission is convinced that expanded trade between the sending countries and the United States is the single most important long-term remedy to the problem it was mandated to study."⁸⁰ In particular, free trade was posited as the major remedy for development— and hence in the long-term a remedy for unauthorized or illegal migration from Mexico and countries of the Caribbean Basin.⁸¹ Thus the CSIMCED recommended that "The United States should expedite the development of a U.S. - Mexico free trade area and encourage its incorporation with Canada into a North American free trade area."⁸² In reference to the Caribbean Basin, the CSIMCED further stated that "The United States should examine the effect of North American free trade on the trade of other Western Hemisphere countries in order to minimize any damage," and further that "It should also support wider free trade within the Hemisphere, but should allow the initiative to come from interested countries."⁸³

The linking of free trade to reduced (Mexican) immigration was an idea animating other circles as well. In 1989, the U.S. House of Representatives Committee on Ways and Means requested that the U.S. International Trade

Commission conduct a two-part study providing a review of Mexico's recent trade and investment reforms,⁸⁴ as well as a summary of experts' views on the future of U.S.-Mexico trade relations. The "experts" included a wide array of "U.S. and foreign trade negotiators and other government officials, U.S. and foreign private sector representatives active in business or trade between the United States and Mexico, academics. . . , and executives of industry associations, labor unions and other nongovernmental organizations."⁸⁵ In the summary of experts views released in 1990, the reduction of Mexican immigration is listed under a section of "advantages for the United States" of free trade with Mexico. In particular:

Many participants said that, as an FTA increases economic opportunities and jobs in Mexico, illegal immigration from Mexico to the United States would decrease. . . . Numerous participants stated that the average Mexican immigrant does not want to live in the United States, but goes there seeking work. Many U.S. participants stated that the problem of illegal immigration will always exist unless the United States moves to stimulate and invest in the Mexican economy to provide employment opportunities. Several U.S. labor representatives agreed that more Mexican jobs are also the answer to illegal immigration, but, they believed those jobs should be created by U.S. and other foreign assistance, and not through an FTA which they stated would eliminate low-skilled jobs for U.S. workers.⁸⁶

Notwithstanding the different emphasis of American labour representatives who felt that while (Mexican) immigration needed to be reduced, a free trade agreement with Mexico threatened American jobs,⁸⁷ it is worth noting that both Mexican and American elites picked up on the idea that "illegal" immigration would be reduced with free trade.

In this context, a joke circulating in Mexico during the mid-1980s is revealing not only about the place of Mexico in the international political economy, but also the Mexican awareness of the feeling of Americans towards Mexicans in America. The joke is that about a year after becoming President

of Mexico, Miguel de la Madrid telephones President Reagan, offering to sell the northern half of Mexico to the U.S. in exchange for forgiving the Mexican foreign debt. Reagan replies that it sounds fine but he has to double check with his advisors, and will call back. After a couple of weeks go by with no response, a concerned President de la Madrid again phones Reagan seeking to know the reaction to the proposal. President Reagan replies: "well we all think it's a great idea, but we do have a question before proceeding — how soon after the sale will the Mexicans be able to leave?"⁸⁸

As in the joke, the theme around immigration in the NAFTA negotiations also reflects that pro-NAFTA forces in Mexico were aware of, and even willing to appeal to, the American desire to control the presence of Mexicans on "American soil." President Salinas of Mexico for instance argued early on— in a phrase that was often repeated by both American politicians and journalists— "we want to export goods from Mexico, not people."⁸⁹ Later, Salinas stressed that migration and NAFTA were linked in so far as NAFTA would reduce emigration from Mexico into the United States although "it will not eliminate migration because the U.S. economy will still exert a demand, but certainly Mexicans prefer to work in their own communities."⁹⁰

But while the Bush administration negotiated NAFTA partially in the hope that it might be "a free market solution to the problem of illegal immigration from Mexico,"⁹¹ and pro-NAFTA elites in both the U.S. and Mexico made use of the trade to reduce immigration argument, *how* labour mobility was discussed in the actual text of the NAFTA was a theme that clearly divided U.S. and Mexican pro-NAFTA elites. The results on experts' views of the future of U.S. - Mexico trade relations summarized by the U.S. International Trade Commission are instructive as to the position of American elites:

One of the most contentious non-trade issues suggested by participants for inclusion in a United-States - Mexican FTA

is the free movement of workers across borders. A majority of Mexican participants expressed the view that, because massive illegal immigration from Mexico to the United States has been a major source of bilateral friction, it would be "hypocritical" not to address labor mobility issues in an FTA . . . .

The majority of U.S. participants stated emphatically that the free movement of labor should not be part of an FTA. Most termed the issue "explosive," as typified by one high-level U.S. Government official who said that "nothing could derail the negotiations faster than the Mexicans insisting that their workers be permitted free access to work in the United States." Others commented that labor mobility might be appropriate if the two countries were forming a common market, but not an FTA.⁹²

But if the US ended up keeping labour mobility off the negotiating table, this was not without regret in some quarters. President Salinas of Mexico has noted that while not pushing for an "open border" he nonetheless initially wanted immigration to be part of the negotiations but was persuaded by U.S. officials to not pursue it. He has also indicated that he expects immigration to emerge in future:

I believe that as we establish the free movement of goods and services, we will have to think about the free movement peoples as well. . . . Borders will remain as they are. I emphasized at the start of the NAFTA negotiations that we were not looking for what the Europeans had in mind, with a single community, a single passport, a single currency, a single armed forces. We just want freer trade among sovereign nations."⁹³

Representing a less dominant position within the United States, Arnolando Garcia has also pointed out that while issues relating to immigrant rights, international migration and labour mobility were "taboo subjects" in NAFTA, "the success or failure of a NAFTA or the development of an alternative to NAFTA that would benefit the working peoples of all three countries to a large extent will depend on how these issues are addressed and resolved."⁹⁴

However, the debate on NAFTA was more effective in linking the possibility of the trade agreement as a means of ensuring immigration *control*.

Specifically, the willingness of the Clinton Administration to vaguely revamp the NAFTA negotiated by the Bush Administration in 1992 by also hammering out "side deals" on the environment and labour (in October 1993) helped fuel the belief in some quarters that a NAFTA could be more directly targeted at controlling illegal immigration.

In this regard, the position of anti-immigrant American actors is instructive of how trade and immigration control have been connected. A key "anti-immigrant" organization in the United States is the Federation for American Immigration Reform (FAIR). Founded in 1979, FAIR is the leading anti-immigration lobby in Washington. Purporting to represent over 50,000 members from all states,⁹⁵ FAIR has grouped around such themes as "out-of-control immigration," "securing America's borders," and most recently in 1992 the need for "a three-year immigration moratorium."

By 1992 the question of the potential for NAFTA to reduce illegal immigration from Mexico also spawned a series of academic debates, some of which were highly quantitative, with those seeing NAFTA as a tool for speedy development in Mexico tending to argue that illegal immigration would be reduced, and vice versa.⁹⁶ Picking up on the latter argument, FAIR's position is illustrative of the variety of ways free movement and immigration control may be contested within a "free trade" framework. While not rejecting NAFTA outright, FAIR criticized the NAFTA agreement because "the most significant omission of all is the lack of any mention of illegal immigration. NAFTA is about business and labor; illegal immigration is the focal point of our labor relationship with Mexico."⁹⁷ As well, the organization suggested that "if NAFTA accelerates the trend of development right along the U.S.-Mexico border, it will draw more people to those regions and will lead to increased illegal immigration."⁹⁸ To this end, the organization called for a "side

agreement" on immigration to protect both the American and even Canadian labour market and economy:

Unlike the European Economic Community, NAFTA would link the economies of nations with huge disparities in incomes and social welfare systems. Under such circumstances, establishing an agreement that will work to the benefit of all three countries will be difficult enough. However, strict controls on the movement of workers must be maintained to protect the wages and working conditions of U.S. and Canadian workers. No one is naive enough to believe that economic conditions in Mexico will reach parity with the U.S. and Canada any time soon. Consequently, without immigration restrictions, many Mexican workers will flood into the U.S. and Canadian labor markets. There must also be a clarification of the language in NAFTA regarding the terms under which workers from one country make [sic.] seek employment in another.⁹⁹

In a manner strikingly similar to the position of FAIR, the Governor of California, one of the states most affected by Mexican immigration, also attempted to link NAFTA more explicitly to the control of immigration from Mexico. In an open letter to President Bill Clinton, appearing in full page form in the West Coast editions of the New York Times, The Washington Times, and USA Today in August 1993,¹⁰⁰ Governor Pete Wilson argued for the President to 1) urge Congress to approve a constitutional amendment aimed at denying citizenship to children born in the U.S. to illegal immigrant parents; 2) urge Congress to repeal federal mandates that make illegal immigrants eligible for health, education and other benefits; and 3) to use NAFTA as a vehicle to end illegal immigration.¹⁰¹ Specifically Wilson, an ardent supporter of NAFTA, asserted that the President should "use the ratification of NAFTA as a tool to secure the cooperation of the Mexican government in stopping massive illegal immigration on the Mexican side of the border" further stating:

I continue to urge ratification of NAFTA. It holds the promise of greatly increased markets and enormous

mutual economic benefits to Mexico, Canada and the United States. I share President Salinas' belief that the agreement will — in his words — allow Mexico to "export goods, not people." But who can say how many years of NAFTA will be required to develop Mexico's economy to the point where its employment bases will be strong enough to off-set the magnetic lure of the United States.

Mr. President, you have insisted on side agreements to NAFTA to satisfy environmental and labor concerns. With all respect, stanching the flow of illegal immigration into the United States is a matter of far greater importance.

...

... And we must seek the cooperation of our Mexican friends and trading partners in controlling our shared border. ... 102

Thus despite different views on the potential impact of NAFTA on migration, and the desirability of including specific provisions relating to labour mobility/immigration, it is evident that trade and immigration are emerging as intertwined issues in North America, and that in the U.S. in particular, there is an emerging discourse on immigration control and trade.

Given the absence of any discussion of trade and immigration in the Canada-US FTA which NAFTA was modeled around, arguably this is in part a reflection of the importance of thinking of regional free movement issues in relation to national immigration debates, and the "emblematic groups," (such as Mexicans in the US) that fuel these national debates.

Indeed, in the post-NAFTA environment, American trade and economic relations with Mexico remain filtered through the specter of illegal immigration. In 1995, for instance, an executive order by Bill Clinton to grant Mexico 20 billion dollars to counter the falling peso in Mexico gained cross-party endorsement by Republican and Democrat leaders in Congress. Thus, Republican Senate Majority Leader Robert Dole, Senate Minority Leader Tom Daschle as well as House Speaker Newt Gingrich and House Minority Leader Richard Gephardt issued a joint statement with Bill Clinton supporting the bailout package:

We must act now in order to protect American jobs, prevent an increased flow of illegal immigrants across our borders, ensure stability in this hemisphere, and encourage reform in emerging markets around the world.¹⁰³

The bailout package has not come without strings, in the form of a new bilateral cooperation package between Mexico and the United States "to deal with undocumented immigrants and drug smugglers. . . . [whereby] Mexico agreed to facilitate repatriation of undocumented immigrants, increase surveillance, and keep closer tabs on the movement of people throughout the country."¹⁰⁴

In short then, even these budding trade arrangements in North America are animated by lines of exclusion and inclusion related to national immigration debates in the United States, and particularly the "problem" of Mexican immigration. To the extent that regional arrangements draw on national immigration debates, they are also intimately connected to issues of citizenship, and race and ethnicity and national belonging. Although the context of North America is different in that the NAFTA arrangement involves countries of vastly different economic stature, even in the European Community where countries are more economically similar, some of these themes also emerge.

Europe: New Definitions of Belonging

As mentioned, despite the absence of labour mobility or free movement of people provisions in the NAFTA arrangement, the discourse emerging in North America centres on trade as a means to control (illegal) immigration. In

contrast, several competing themes emerge from an examination of Europe and France.

"European (citizens)" vs. "Immigrants"

One point that can be made is that the discourse emerging in Europe is different than North America because the free movement of EC nationals has been an evolving and expanding feature of the European experience. However, the deepening of free movement arrangements through the SEA and Maastricht Treaty, and the introduction of a "citizenship of the Union," have created greater space to define "immigration," or "migration" as operating between the EC and the outside world, *not* between EC countries. Consequently, one of the biggest tensions in contemporary Europe may be seen to be that to the extent that national distinctions within Europe are breaking down as regards the rights and treatment of "Union citizens," they are being replaced by distinctions between "Europeans" and "non-Europeans." One analyst sums up his discomfort with this tension by arguing that "we have made little progress if the Us becomes European (instead of German or French or British) and the Them becomes those outside the Community."¹⁰⁵

Yet, in many ways, the prevailing discourse on European Union is underpinned by the differentiation between "European" and "other." Hence, a recent publication on free movement in the European Union notes that in order to provide the European citizen with "full freedom of movement," governments have had to work together to counter the "combined immigrant pressure from Third World countries, and more recently some regions of Eastern Europe."¹⁰⁶

More colourfully, one centre-right French Member of the European Parliament is worth quoting at length as his views highlight in poignant fashion the contradiction between the "European" and "immigrant":

It's really fantastic if we can throw off the borders and let people free to live where they want, to work in the country they want to work in. This is a huge step ahead. I don't see any possible comparison between the European Union and something like NAFTA. NAFTA is a trade agreement. We are not dealing with a trade agreement in Europe: we are building a continent. It is very different. We are trying to blast out the borders.¹⁰⁷

At the same time, it is interesting to note that while "blasting" the borders was positive in the European Community context where it would presumably allow for the greater mobility of (European) people, this same MEP also claimed that the French perspective brought to bear on immigration was that it must be stopped:

Well it is not just a perspective, it is an absolute necessity, to stop immigration, point. That's all. We can't have anymore . . . the rules, the constitution, the laws, everything is blasted out just because you have illegal immigrants. And there they are, and you can't just throw them out. Because of the rights— the human rights. But what are human rights with people treading on and shitting [sic.] on your laws? This is not human rights. We can't go on like that, we are all going to drown under our own principles. . . . We can't go on playing as if they are just abstractions. Of course people that think like that are all on the Left. They all live in the nice places in this town, in the fashionable areas. They don't know what is an immigrant. They have never seen any. Except their maid which is generally Spanish or Portuguese. And that's all. That's the only personal perception they have. They do not know what it means to be living in a suburban town in which you have blocks just packed up with people who don't speak French; who don't live in the town like you; who don't sleep when you want to sleep and so on.¹⁰⁸

While these views represent a fairly extreme articulation of the issue, it is nonetheless the case that in general, the prevailing discourse within the European Community on "free movement," and "citizens of the Union," is

heightening the "difference" between those who are "immigrants" and those who are simply "moving." This distinction is based formally on citizenship, but given the Third World migratory flows to Europe in the post-war era and the unwillingness of many states to extend formal citizenship, also on race and ethnicity.

A number of officials within the European Union bureaucratic and parliamentary structure are quick to reject the term "migrants" if it is applied to any EC national residing in another member state. For example, in 1993, the Chair of the Committee on Civil Liberties and Internal Affairs (which was formed in January of 1992 and serves as the main arena for sustained discussion of immigration and related issues within the European Parliament) asserted:

What is an EC migrant? We don't call them migrants. They can move all over the community.¹⁰⁹

Another official highlighted:

Community nationals we don't call migrants really. They are community nationals who move within the Community. They are not immigrants. They are citizens of the Union.¹¹⁰

Interestingly, when pressed on who were the immigrants in Europe, this same official noted:

Many community people say all immigrants should go home. You ask them should that include Belgians or the Germans? No of course not. Should it include the Italians? No, of course not, they have been here for thirty years and are fully integrated. Should it include the Greeks and the Portuguese? No, of course not. Should it include the Turks? Yes— and the Moroccans. It is because the others are white, they are Catholics or Christians in any case, and they have rights. Also they have been here for a long time— it is not a recent immigration. The Italians have been here since the 1950s. The Spaniards since the boom of the 1960s, and the Portuguese and the Greeks as well. And also they tend to go back, their immigration has

stopped. . . . Immigrants tend to be dark, if not Black, Muslims, people who are different. That is how I think people perceive immigrants.¹¹¹

Another official articulated a similar view, but went further to suggest the merits of this thinking:

More and more if you ask people if they have an "immigrant neighbour" they will list their Algerian neighbour but not the Italian or the Spanish. It is positive: it means the Community is working.¹¹²

These articulations warrant some discussion. Clearly, a "European identity," is not an absolute given, and such efforts to actually foster it through the creation of European symbols, and even European citizenship and closer political union are not, as yet anyway, completely analogous to a "nation," or a "nation-state." In part this is because there is also resistance by the national identities that have been formed historically in the nation-states belonging to the European Union.¹¹³ While there may not be a "European nation" in the proper sense, there are aspects about European identity that might be compared with nations. As argued in Chapter Four, nations and national identity should be viewed as elastic, with the ability to situationally expand and contract to include or exclude different groups and dimensions. In like manner, a "European identity," may also be appropriately viewed as elastic, and potentially shifting to incorporate or exclude other dimensions. It is not, for instance, a given that central or east Europeans are or will be part of the new Europe, and indeed migration pressures from these regions are clearly not viewed benignly by many EC national political elites (and publics) and Community officials.

However, the kind of distinction that is emerging between the (white, Christian) "European citizen," and the (dark, Muslim)"non-European immigrant" may be seen to provide a kind of extreme on the continuum of

"European" belonging and unbelonging. This extreme may also be viewed as comfortable and familiar from an historical perspective. As Edward Said has argued, orientalism is a phenomena that roots itself in the history of the formation of "Europe," and is a manner of thinking based upon an ontological and epistemological distinction between societies of "the Orient," (East) and "the Occident," (West). The distinctions between "us" "rational," "Christian," etc. Europeans and the "irrational," "Muslim," "others," in essence allowed for the assertion that a European identity is different than (and superior to) that from non-European cultures, and provided the justification for colonialism.¹¹⁴ In the current period, the workings of orientalism may be seen as operating not just between countries of "Europe," and "the orient," but at play *within* Europe when it comes to modern-day immigration issues, and lines in a hierarchy of differentiation between "Europeans," and "non-Europeans."

Indeed, thinking about European identity and belonging in terms of a continuum or hierarchy gains further justification when considering that community enlargement and travel without visas into the EU is differentially applied to richer and poorer countries, which seem to also take on "European" versus "non-European" dimensions. Hence, while industrialized Western states are privileged in applications for membership (most recently Austria, Norway, Sweden and Finland) as well as visa free travel, other states rank order from the more to less developed central and eastern European states which form second, third and fourth ranks for EU membership; in contrast Morocco's application has been rejected on the grounds that it is not part of Europe, and more broadly all non-OECD nationals require visas to enter Europe.¹¹⁵

Immigration Control: Immigrant Integration and Increased Aid

The divorcing of the movement of EC nationals within the Community from the "immigration," or "migration," concept is an idea that can vaguely be traced to the long-standing Community provisions for the movement of workers, but this idea was in essence given a more concrete form through the SEA and particularly Maastricht negotiations that explicitly brought immigration issues into the realm of Community competence. For example, a 1991 Report from the Ministers responsible for Immigration to the European Council Meeting in Maastricht on harmonizing migration and asylum policies asserts that:

The term "immigration policy" is often used in this context, but is misleading in that no EC Member State currently conducts a policy focused on immigration. It is on the contrary the control of immigration that is involved. If the term "migration policy," is used, the focus is also widened in two respects: on the one hand, emigration and return of foreigners to their countries of origin or third countries can also be taken into account, and on the other hand, the legal or illegal movements of foreigners already residing in a Member State may be considered as an element of migration policy.

A European migration policy must cover not only migratory movements from third countries to the Twelve and vice versa, but also migratory movements of non-EC nationals within the Twelve. *However, migration of EC nationals is not taken into consideration here, as policy on this matter has already crystallized to a large extent and is administered by Community legislation.*¹¹⁶ (My italics)

In the final analysis, the intergovernmental co-operation which prevails in the area of immigration (even through the Maastricht Treaty), reflects on the continued power of individual EC Member States. Moreover, in Maastricht, "the emphasis is very much on visa and admission policies, the control of migratory movements and the war against clandestine migration."¹¹⁷ The emphasis on control in the Maastricht Treaty is also a

indication of the growing link between questions of immigration and security that national governments in the European context have been sensitive to, particularly in the "post Cold war era," where new migratory pressures (from the South and to a lesser extent countries of Eastern Europe and the former Soviet Union) are being discussed in terms of a re-definition of "security" issues that incorporates nonmilitary concerns.¹¹⁸

The emphasis on controlling immigration is also found within the context of an emerging discourse on the "integration of immigrants" that is also to be found within some institutions of the European Community. Not surprisingly, just as the view of liberal economics holds that immigration and trade controls both need to be relaxed, the "natural logic" of the internal market opposes non-EC nationals from being excluded from free movement.¹¹⁹ In some ways, the accuracy of this assessment can be seen in the fact that both in the Commission and Parliament there is the sense that the treatment of aliens, and their rights, are not simply matters belonging to state sovereignty.¹²⁰

The European Parliament has, generally speaking, been the most vocal defender of the rights of non-EC migrants or "third country nationals," and in this context has tended to view a common (Community) migration policy as a vehicle for defending these rights. Hence there have been calls for "the need for Community-level harmonization of immigration policy, to ensure that nationals of third countries are protected by Community law."¹²¹ In a report by the Parliamentary Committee on Civil Liberties and Internal Affairs, following the SEA, amongst other statements about giving third country nationals better legal protection is the assertion that the Committee:

Takes the view that in 1993 citizens of third countries who are legally resident in the EC should enjoy the same social rights as migrant Community citizens and therefore calls on the Commission to draw up the necessary proposals for

extending the freedom of movement, freedom of establishment and access to the labour market enjoyed by EC citizens to all citizens of third countries legally resident in the EC; calls on the council to adopt this proposal. . . .¹²²

Similarly, the Economic and Social Committee has also articulated the need for a harmonization of policies and that "Persons, who have immigrated legally or who have been living legally for a long time in the Community, should have the opportunity to acquire the basic rights of EC citizens, with the exception of certain political rights. EC social minimum standards should be applied to legal immigrants from third countries in accordance with ILO- and UN-conventions."¹²³ Nevertheless, this is explicitly linked to the notion that overall immigration must be prevented, and that Community aid (not trade as in the case of the US) should be increased "especially in the countries and regions where the greatest potential of immigrants exists."¹²⁴ In short:

The overall EC policy on immigration should be to prevent, control or stem immigration by helping the countries of origin to bring about economic growth and a better quality of life.¹²⁵

In the area of immigration, a 1990 Commission's "experts report" argued that the "integration of migrants" (i.e. granting non-EC nationals some of the rights of EC nationals) needed to be tied to effective immigration control. These words are worth contemplating given they were written in a context of attempting to secure a "frontier-free" Europe:

Member States' external borders have to be controlled effectively if their integration policies are to succeed. National populations will more readily accept the settlement of immigrants if they have the feeling that the inflow of non-nationals is under control. Fortunately, the Community's Member States are well advanced in respect of border control. While not every country has the same command over its frontiers as, for example, the UK, all are agreed that it is a necessary component of their immigration and integration policies.¹²⁶

As well, the desirability of increasing the "integration," of immigrants already in the EC was followed by a proposal that all member states should recognize dual nationality, or at least a "dormant" nationality which would effectively give most rights to a non EC national living in the EC country of his/her choice but which would recede to the nationality of "origin" if the migrant returned to his/her home country.¹²⁷

In addition, the 1991 initiation by the European Parliament, and funding by the European Commission of a kind of "quasi-autonomous nongovernmental organization," known as the European Migrant's Forum, attests to the interest of these two institutions in the situation and rights of non-EC migrants in the context of the new Europe. The European Migrant's Forum consists of national, transnational and nongovernmental associations of migrants from non-Community countries. Amongst other issues of concern relating to racism and the situation of "illegal" immigrants, the European Migrant's Forum has called for greater equality between EC and non-EC nationals. For example, with respect to the Maastricht Treaty, the Migrant's Forum of the European Communities has argued that the award of European Union citizenship "should be extended to all residents who wish to apply for the status without necessarily becoming naturalized citizens of a Member State."¹²⁸

However, despite these sorts of developments, the fact remains that the Council, has been immune to these ideas. In fact, a recent Commission proposal in February 1994 to grant some kind of free movement to non-EC nationals was flatly rejected by Member States, suggesting "not so much an overall Fortress Europe" but "a circle of 12 mini-fortresses."¹²⁹ In this sense, while the "logic of the internal market," may be to recognize some free movement for non-Community resident nationals, it is unlikely to counter the

"logic of the nation-states" that make up the Council. In addition, it is also unlikely to counter the pre-existing "logic" of particular national debates pertaining to immigration. The case of France is useful in revealing this feature.

France: Free Movement and Rights for Some and Not Others

The tension between the question of free movement in the Community and broader immigration issues were quite apparent in the French debate, and subsequent referendum, on the Maastricht Treaty. As Franklin et. al. note, the Maastricht Treaty was supported by the "vast majority of organized political forces throughout the European Community," and "most political parties in all Community countries supported it."¹³⁰ Yet, as the case of France indicates, opposition did emerge in its referendum on the Maastricht Treaty (as it did to varying degrees in the two other countries that held national referenda on Maastricht: Ireland and, particularly, Denmark). In June 1992, President Mitterrand proposed a referendum for September 20, 1992. Over the course of the campaign, popular support for the treaty dwindled progressively and in the end, while the pro-treaty forces emerged triumphant, they did so with only 51% of the French public voting "yes" to the statement: "do you agree with the law project proposed to French people by the President of the Republic and authorizing the ratification of the treaty on European Union."¹³¹

Voting was related to outlooks on Europe, as 95% of those highly supportive of integration voted "yes" and 90% of those not supportive of integration voted "no."¹³² At the same time, there is evidence to suggest that domestic party competition had an important role to play in the declining

popularity of the treaty over the course of the referendum campaign.¹³³ For this reason, it is relevant to look at the general positions of political parties, and the sentiments tapped by political elites.

As summarized by one analyst looking at the French referendum "France vs Europe and nationalism vs Europeanism were the real terms of this debate."¹³⁴ In this context, immigration was a relevant issue to those against the agreement. Parties supporting the treaty included the ruling Socialist Party of François Mitterrand (PS); the Génération Ecologie and the Greens; the Union for French Democracy (UDF) led by Valéry Giscard d'Estaing; and Jacques Chirac's Rally for the Republic (RPR). Support was tied, in general, to the perceived economic and other benefits the Treaty would accrue. This position was countered by the Communist Party who portrayed the Maastricht Treaty as creating "the Europe of bankers and multinationals, of job losses, of lower spending power, of public sector employees threatened by EC competition rules."¹³⁵

There were, however, notable lines of dissent within parties. Most evidently, while Chirac (belatedly) came out in support of Maastricht, he indicated that he would not hold the RPR to that position and in fact two former ministers in Chirac's government from 1986-88 —Charles Pasqua and Philippe Séguin— actively campaigned against the accord.¹³⁶ Similarly, Phillipe de Villiers, a UDF deputy, also actively campaigned against the accord, "seeking a Europe of sovereign states" and rejecting Maastricht as "deflationary, encouraging immigration, diminishing sovereignty and increasing technocracy."¹³⁷ Other UDF activists, such as Michel Poniatowski portrayed Maastricht as creating a " 'free market in immigration, drugs and crime'."¹³⁸

The immigration theme and populism of the "No" side was also picked up, predictably, by Le Pen of the National Front who saw Maastricht as "a 'worldwide conspiracy' organized by 'Maastrichteurs' leading France to 'national suicide'." ¹³⁹ In particular, Le Pen "exploited most" the theme of the "no" side that "Maastricht would see a tide of immigrants and criminals washing into France." ¹⁴⁰

For the "no" side, the issue of immigration was intertwined with the question of European citizenship. Criticisms against European citizenship appear to have had a wide popular appeal. Franklin et.al. suggest that there was evidence to show that "people were appalled to discover that their leaders had acquiesced in signing a treaty that would allow other European citizens to vote in French local elections." ¹⁴¹ As Koslowski notes:

During the subsequent referendum on the Treaty on European Union, arguments about the renunciation of sovereignty echoed through the public. Exit polls showed 'loss of French sovereignty' to be the number one reason for voting 'no' as stated by those who did so. Similarly, prompted by interpretations of anti-Maastricht politicians, voters associated European citizenship's reduction of barriers to free movement with migration of undesirables and drug dealers rather than with the migration of professionals, students and retirees. ¹⁴²

In addition, prior to the referendum, the Parliament had to actually approve an amendment to the French constitution to allow EU nationals residing in France the right to vote. This debate inspired by European citizenship also brought out questions about the rights of non-citizens, from outside of the Community, but living in France. In particular, some suggested that European citizenship opened up room for the argument that voting rights also should be extended to non-EC foreigners residing in France (or as one journalist put it "Derrière le droit de vote pour le "Européens" se profile le

fantôme du droit de vote de l'ensemble des "étrangers" présents en France"¹⁴³). As stated explicitly by Charles Pasqua, leader of the RPR in the Senate (and former Minister of the Interior), the danger was that non-EC foreigners, in particular Arabs and Africans, would demand the right to vote if the constitution was changed:

Si on donne le droit de vote aux ressortissants de la Communauté, ce sera une ouverture dans laquelle d'autres s'engouffreront inévitablement. Les 3,5 millions de Maghrébins et d'Africains qui n'ont pas le droit de vote le demanderont.¹⁴⁴

As noted in Chapter Three, the issue of granting foreigners permanently residing in France the vote at a local level has been a long-standing issue in French politics, and the promise made by Mitterrand in 1981 to extend local voting rights to non-citizens never fulfilled. It is interesting that in the Maastricht debate, the parties were silent on the question of the validity of extending voting to all foreigners residing in France. This argument was relegated to other circles, like intellectuals such as Etienne Balibar, who argued that extending the right to vote to all foreigners in France could set an example in Europe that would counter the "apartheid" logic of the Maastricht Treaty:

Elle esquisserait un véritable apartheid legal au niveau européen, avec les conséquences dramatiques qu'on peut imaginer, et qu' il faut prévenir d' emblée.

Au contraire, l'extension du droit de vote local à toutes les communautés étrangères de France aurait valeur de commencement et d' exemple pour l ' Europe entière. Elle signifierait que nous concevons celle-ci non comme un syndicat de nantis — une "fortresse blanche" — mais comme un pôle de justice et une institution d' avant-garde de la démocratisation dans le monde.¹⁴⁵

Nonetheless, the constitutional changes inspired in France did not go in the direction of providing voting rights for non-EC nationals. In recognizing

the voting rights of EC nationals, changes to the constitution have effectively blocked the possibility of non-EC nationals being granted political rights:

The RPR's Charles Pasqua. . . said that such a constitutional revision meant renouncing sovereignty and he called it 'treason.' The RPR sponsored an amendment in the Senate that denied resident alien EU nationals the right to vote, but it was rejected. In order to avoid an impasse, Prime Minister Pierre Bérégovoy opened the door to a compromise that could garner sufficient support from more moderate conservatives. In response, the Union for French Democracy (UDF) proposed an amendment that, instead of extending the right to vote, only allowed its possibility. The amendment approved by the Senate states that 'eligibility and the right to vote may be granted to citizens of the Union residing in France' and that 'the citizens cannot exercise the function of mayor or deputy mayor, nor take part in the appointment of senatorial electors or the elections of senators.'¹⁴⁶

As Ladrech notes, the reason for the amendment barring EC nationals from the right to run as mayors or elect senators was "that representatives or localities make up more than 95 per cent of the Senate electors, thus indirectly influencing national politics. Mitterrand at first resisted this clause, then later backed down when UDF insistence and strength seemed to jeopardize his careful maneuvering."¹⁴⁷

Both in France and in the European Community then, the prevailing debates and emerging policy frameworks are underlining a difference between "foreigner/immigrant" and "European/citizen." In the EC, control over immigration— both "legal" and "illegal," has become an increasing emphasis. Ironically, even proposals coming from the more accommodating institutions when it comes to immigrant-rights, such as the Parliament or Commission for "immigrant integration" and the recognition of some rights, are also premised on the need to control further immigration into the Community. In this sense, they mimic the more guarded attitude of the states that make up the Council, such as France. As in the U.S. then, within the EC,

and France, regional free movement issues appear imprisoned by national immigration debates and the continued importance of maintaining privilege over those from peripheralized countries.

New Sites of Resistance in an Era of Globalization

For the most part, the preceding discussion has focused on the actions of national and transnational political and economic elites in forging regionalism through the 1980s and 1990s, and the unfolding impact of these efforts on immigration. However, there are also other forces to consider in this era of regionalism and globalization, as witnessed in emerging discussions of new transnational actors. Richard Falk for instance, distinguishes two distinct kinds of "globalization" affecting peoples lives, if not the very future of citizenship itself. While "globalization from above," revolves around the political elites of core states and the agents of transnational capital, "globalization from below," in contrast, "consists of an array of transnational social forces animated by environmental concerns, human rights, hostility to patriarchy, and a vision of human community based on the unity of diverse cultures seeking an end to poverty, oppression, humiliation, and collective violence."¹⁴⁸ For Falk, the nature of "global citizenship" remains in the balance:

The reality of global citizenship is unavoidable, but its form remains contested. It is not yet clear whether it is largely a globalized identity of elites arising from the integration of capital, or whether it represents a growth of human solidarity arising from an extension of democratic principles as a result of the exertions of peoples and their voluntary associations.¹⁴⁹

Similar to the concept of "globalization from below," is the more widely emerging concept of "global civil society," which Laura Macdonald argues opens up space for addressing the "democratic deficit" in the current world order, though Macdonald notes that such transnational interactions characterizing global civil society tend to be characterized by the conflicts and contradictions of the domestic societies they emerge from.¹⁵⁰

In certain ways, the developments over free movement in both the United States/North America and France/Europe reflect on an interconnected layering of inequitable power relationships that also show up when considering progressive transnational actors in the immigration field. These inequitable relationships include: the historic inequalities between colonizer and colonized; the inequality of circumstance and life chances between peoples born in first and third worlds; the inequality of material condition between citizens and non-citizens residing in first world states; and the myriad inequalities produced by cultural systems of domination that view as inferior those deemed to be "different" on the basis of "race," "foreignness," or "custom." Nonetheless, in each setting there are forces which may serve to challenge contemporary exclusionary developments.

North America

The case of NAFTA raises the extent to which business has succeeded in pushing forward a program of market liberalization without a corresponding liberalizing of migratory flows. At the same time, NAFTA has created both new opportunities and reinforced existing patterns and biases in the area of free movement and immigration. As summed up by one observer, "free trade can become another immigration-deterring pipe dream like the Immigration

Reform and Control Act, or a propitious occasion for resolving this most delicate and substantive of bilateral issues."¹⁵¹

In regard to the latter, Thorup has highlighted that in the United States and Mexico, the strengthening of bilateral relations through the North American Free Trade Agreement has led to a "transnationalization of civic participation," in the sense that increasing economic integration has provided the basis for further interaction between non-governmental grass-roots actors in the US and Mexico in a variety of policy fields, including immigration. Specifically, she argues that the debate over free trade has served "as a catalyst for networking among a variety of heretofore disconnected individuals and domestic interest groups in the United States, Mexico and Canada."¹⁵²

While there has been an important cross-border role played by Canadian NGOs around NAFTA in general, immigration issues have had more bilateral (US-Mexico) than trilateral (US, Mexico and Canada) salience.¹⁵³ In part this is because local networks of immigrant-support groups (such as in the San Diego/Tijuana area) have had a longer history in co-operative efforts aimed at reducing human rights abuses on both sides of the border; challenging the xenophobic "Light Up the Border" campaigns,¹⁵⁴ and banning curbside hirings.¹⁵⁵ Thus, it may be anticipated that the North American Free Trade Agreement will further enhance the salience of immigration because the focus on the free movement of goods, capital and services is also bringing popular pressures to re-examine (if not re-negotiate) the rules governing the free movement of peoples across borders.¹⁵⁶

But how successful such efforts at contesting the concepts of free movement will be remains to be seen. In 1992 Garcia y Griego pointed out the

opposing nature of the different assertions with respect to NAFTA and posed the question of their implications:

Can the U.S. and Mexico have it both ways? (Canada has participated little in this debate.) Can their governments reasonably sustain the argument that, on the one hand, closer U.S. - Mexican - Canadian economic ties will serve as a palliative for or a barrier to Mexican labor emigration, and, on the other, that trade and capital flows can be increased and economic policy coordination advanced without liberalizing international labor migration?¹⁵⁷

In the final analysis, as the passage of NAFTA in the form that it took attests, this is what occurred.

Moreover, the fact that neither side in the pro or anti NAFTA debate in Mexico or the US— sung the benefits of immigration, "illegal" or otherwise,¹⁵⁸ suggests how powerful the negative image of immigration from Mexico is in the United States, and how difficult it is to challenge this discourse. Indeed, currently, the largest Latino organization in the U.S., the National Council of La Raza actually argues that there should be more funding given to the U.S. border patrol along the Mexican border in the hope that a better trained police force and "good government" approach would counter some of the abuses that occur, and would deflect the criticism that they have an unrealistic "open border" position.¹⁵⁹ Thus, groups in the US have a tough battle if wanting to retain credibility, and fight the prevailing "bordermania" in the US. Given this, free movement of persons seems to be a long way in coming, though the fledgling basis of resistance in the form of national and cross-border alliances is there.

Europe

The question of progressive transnational immigration forces in Europe raises two inter-connected issues in the European context: 1) the power of states versus the EC; and 2) the subordinate status and weak position of migrants in Europe. With respect to the first issue, it is plain to see existing arrangements in the area of immigration are characterized by "inter-governmental" as opposed to "Community" co-operation and have been criticized in so far as the "European Parliament and the Court of Justice are shut out," and they "lack the necessary exposure to scrutiny and have little or no democratic legitimation."¹⁶⁰ Others have gone further to argue that a Community approach "also offers more advantages as regards judicial review, a uniform interpretation of laws, and a common approach to human rights problems, at national and Community levels."¹⁶¹

As it stands, the national states making up the Council retain considerable power over non-EC nationals. Moreover:

... most member states believe that they are completely free as regards immigration law *vis a vis* non Community nationals. In their view, European institutions were not able to consolidate national positions and even less to legislate in their place, hence the quarrel about who has competence in which area is not an intellectual exercise, nor even simply one involving politicians in search of a confrontation, but goes to the heart of the question that international immigration raises in Europe.¹⁶²

In the current situation, with respect to the different bodies that make up the European Community, there appears to be the feeling amongst European-focused interest groups that the European Parliament is the most receptive to the interests of non-EC citizens within Europe. With respect to the receptivity of the issues the European Migrant's Forum raises, the President of this group noted that:

The European Parliament is very much concerned, but they've got no power. They are a pressure group but are very much concerned. So is the Commission, but to a lesser degree because they have to work within constraints. And the member states do not want to know the non-community citizens. The recognition of those whose ethnic origins are outside the member states varies from one country to another. . . . But overall, the member states do not want to know, and this is why they kept the issues of immigration and race out of community control in the Maastricht Treaty. Because it is out of community control, there was no administrative control by the Commission; there was no democratic control by the European Parliament; and there was no judicial control by the European Court of Justice. So they can do what they like.¹⁶³

Similarly, the General Secretary of the Churches' Commission for Migrants in Europe, a multi-denominational Brussels-based NGO, also reiterated a similar sentiment:

Leaving the Court aside, you see that the Parliament is usually the most liberal. As we say, the less power you have, the more liberal you can be. Because the Parliament does not have so much power they can make sweeping statements and quite often they do so. It may sound strange from a person working for a non-governmental organization, but quite often they are more liberal in their approach than we are. . . . The Commission is in between the Parliament and the Council. The Council of Ministers, that really pulls the strings, is the least forthcoming in things related to EC immigration and all that.¹⁶⁴

This, of course, sets the stage for political activity that tends to be directed towards member states and the Commission rather than the Parliament. As the General Secretary of the Churches' Commission for Migrants in Europe noted:

. . . . Usually we do not attack the Commission, we push them and say do more. We are not saying they are our friends. But they are not our enemy. If we draw the line they are partly our ally and partly our enemy. The Parliament is always our friend. . . [and so] we leave them. . . . The enemy is the national governments and national parliaments.¹⁶⁵

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PM-1 3½"x4" PHOTOGRAPHIC MICROCOPY TARGET
NBS 1010a ANSI/ISO #2 EQUIVALENT

PRECISION^{SM} RESOLUTION TARGETS

Whether a "Community" approach to immigration would necessarily lead to advantages for non-EC migrants is an open question however.

As in the case of the US and Mexican NGOs, regionalism has resulted in new cross-border alliances by national organizations. For example, one of the most prominent anti-racist organizations in France that emerged in the early 1980s was SOS Racism. Since 1991, however, as outlined by their International Secretary, SOS Racism in France has been attempting to co-ordinate more activities at a European level with other groups through the European Network Against Racism:

There is a lot of violence, murders and aggression against migrants in Europe. Unfortunately, we are the first country that had this. But after racism emerged in Italy, in Spain, and— very importantly— in Germany we decided to work for a European answer to these problems. European policies are made in Brussels now with the system of directives in the European Community. And for us, we say that if the extreme right is organized at the European level, we have to be organized also to fight against these people and to fight against the discriminatory laws the Community wants to do. In France, now, you can't reason or think only at the French level. You have to think at the European level with Schengen, with Maastricht and with all the violence in Europe. This is our logic, and this is why for the first time we have an anti-racist network. . . . working with important national groups. Everybody has to band together.¹⁶⁶

Nevertheless, to date, the actual effectiveness of NGOs at a European level was pointed out to be lacking by one activist:

Once an official of the European Community's Commission said to me that if the Commission is considering to say a few words on the size of tomatoes, we have one hundred lobbyists on our back, but if we start talking about immigration policy, there is a big silence. . . . So there is a big non-presence of European NGOs here in Brussels on these kinds of issues. Business has the means of course, but they are far more intelligent. They know how to lobby and who to meet. NGOs still think we are against the EC so we ignore it and, therefore, we are effective. This is not true. The reason why they are against it is that they see only the negative things: the Dublin Convention; Schengen; the Secretive Group. So the European policy

makers are generating anti-European feeling by doing so much behind closed doors, and having restrictive measures. NGOs think Brussels means restriction. Many NGOs are convinced that if they could run their affairs on a national basis they would be better off.¹⁶⁷

In addition, the potential to "band together," in the European context may in some ways be more difficult than in the North American, particularly between the U.S. and Mexico. This is because, along with nine different official languages in the Community of twelve, the actual legal, political and social situation of non-EC migrants within the EC is considerably variable. In fact, the President of the European Migrant's Forum highlighted that even terms such as "ethnic," or "migrant," were not always accepted by different national groups:

So far, we have been able to create a degree of unity in the otherwise disparate body that makes up the migrant community. . . . Because in Britain they object to the word migrant, they say why should we be called migrants? So a lot of them would not join because it is called migrant. . . because the word migrant has got various connotations. In Germany there is no such word as migrant. Any if you use the word "ethnic" in France, it is a dirty word; they don't understand that it is not in Britain and Europe.¹⁶⁸

As in North America, in Europe there is a basis for progressive alliances across borders. In the final analysis, as highlighted by Marie, in contemporary Europe,

The real challenge for the democracy of tomorrow is therefore that of the affirmation of the rights of the citizen, such that a "difference", real or imagined, might never be the excuse for a denial (even partial) of the rights of common law.¹⁶⁹

As the analysis suggests, efforts at democratization in this sense are in place today, but true equality is unlikely to emerge quickly.

CONCLUSIONS

As this chapter has highlighted, the communities being forged by regionalism in the North American or European contexts are not identical. It is evident that the NAFTA framework, with its emphasis on "free trade," is a distinct project from the European Union's emphasis on granting mobility and other rights to nationals of signatory countries, and the broader historically rooted goal of some kind of political union. Thus, not surprisingly, the movement of peoples is unfolding in different ways in each region. However, in both cases individual states still have a lot of power in determining who is granted citizenship and the rights associated with citizenship. In this period, as in others, formal citizenship, race and ethnicity and controls over state boundaries continue to etch out the lines upon which some groups are granted privilege and other groups are excluded from privilege.

Thus, in both settings, the ability of people to "freely move," is differential. In the case of NAFTA, there is an overt class bias to its temporary-entry provisions. In the case of the European Union, residents in member countries not holding Union citizenship are denied mobility, and often, other rights as well. In this regard, it would be premature to completely write off the nation-state and its citizenship as anachronistic.

In both North America and Europe, regional developments have been animated by the question of immigration control, particularly as it pertains to countries on the periphery of the global economy. In this context, national immigration debates are not un-connected to developments, and perceptions about the question of free movement in regional blocs. In the U.S., the emblematic group of Mexicans, and the discourse on "illegal" immigration that has characterized debates since the 1980s fuels the manner in which both the

NAFTA and post-NAFTA climate has been characterized, showing the inter-connection between domestic and international developments. Amongst the countries of the European Union, the evolving (re)creation of a "European identity," is important in underscoring the tenacity of race and ethnicity and highlights that the feature of national belonging has not disappeared as result of regional integration, when further considering the case of France and its debates over Maastricht.

Given these points, does an easing up of control by states on the flow of capital, goods and services necessitate an easing up of the control over people? The answer to this question clearly varies with locale. In the case of North America there is less evidence for this than in Europe, although in both contexts states have ceded some power to facilitate the movement of some (but not all) people. Racial, class and gender inequalities can impinge on the ability of people to freely move in both settings.

In the final analysis, a full-blown "free movement of people" would likely serve to challenge the existing inequitable distribution of global resources and wealth. Indeed, the perception (or hope) of some American elites that Third World immigration will lessen with trade, or European elites that immigration from peripheralized countries will decrease with aid, poignantly underscores the extent to which there is implicit recognition that immigration is a feature of an unfair world system, in which Western states have been advantaged.

Nonetheless, as the discussion has shown, current developments are also characterized by the emergence of "transnational" actors in the immigration field. In this context, it may well be the case that immigration will become the touchstone, or litmus test *par excellence* of the confrontation of globalization and liberal democratic nation-states. It is here where we may see most

transparently the discourses of inclusion/exclusion which reveal the underlying premises upon which equality and participation in these polities is based, and which serve to illuminate where challenges to exclusion may be forged.

NOTES

- 1 David Reiff, "Multiculturalism's Silent Partner: It's the Newly Globalized Consumer Economy, Stupid," Harper's 287, 1719 (August 1993), p.70.
- 2 In this chapter, unless otherwise stated, the terms European Community and European Union are used synonymously to refer to the Europe of 12.
- 3 Henk Overbeck, "Towards a New International Migration Regime: Globalization, Migration and the Internationalization of the State," in Robert Miles and Dietrich Thränhardt (eds.), Migration and European Integration: The Dynamics of Inclusion and Exclusion (London: Pinter, 1995), p. 22.
- 4 For a class-based account of the decline of the nation-state see Harriet Friedman, "New Wines, New Bottles: The Regulation of Capital on a World Scale," Studies in Political Economy 36 (Fall 1991); for one focusing on economic as well as technological factors leading to the erosion of the nation-state see David Beethan, "The Future of the Nation-State," in Gregor McLennan et.al. (eds.), The Idea of the Modern State (Milton Keynes: Open University Press, 1984). For an account that focuses on the European Community and the weakening of national identity and state power see James Laxer, Inventing Europe: The Rise of a New World Power (Toronto: Lester Publishing, 1991). Of course, neither Marxist nor non-Marxist scholars are in agreement that the state is in decline. Arguing from a class perspective, Pooley contends that nation-states remain critical not only in relation to economic regulation, but also popular politics. From a liberal perspective, both Mayall and Kennedy have suggested that there is no immediate or obvious replacement to the political organization of the modern state. See Sam Pooley, "The State Rules, OK? The Continuing Political Economy of Nation-States," Capital and Class 43 (Spring 1991): 65-79; and James Mayall, Nationalism in International Society (Cambridge: Cambridge University Press, 1990) and Paul Kennedy, Preparing for the Twenty-First Century, (Toronto: Harper Collins, 1993).
- 5 Canada, External Affairs and International Trade, NAFTA: What's It All About? Ottawa: 1993.
- 6 The SEA involved close to 300 technical changes to ensure market completion. These were cemented by two procedural changes; the first aimed at replacing harmonization by mutual recognition and the second aimed at replacing unanimity by majority voting on the Council.
- 7 Stuart Holland, Uncommon Market: Capital, Class and Power in the European Community (London: Macmillan Press, 1980), p. 4.
- 8 Carl H. Pegg, Evolution of the European Idea: 1914-1932 (Chapel Hill: The University of North Carolina Press, 1983), pp. 3-7.
- 9 Indeed, in overviewing the literature on European integration between the 1950s and early 1970s, it is perhaps not surprising that Pentland finds that the assumption that integration is positive underlies most of these accounts,

despite the explicit attempt at producing empirically based theory. See Charles Pentland, International Theory and European Integration (London: Faber and Faber, 1973), p. 18. Arguably, this attempt at employing the scientific method to study human behaviour appears to be the main difference between post-war accounts of integration, and earlier writings which posit the value of a united Europe.

10 European Communities, Commission of the European Communities, Strengthening Democracy in the EC, (Brussels: Directorate-General for Audiovisual, Information, Communication and Culture, 1993), p. 2.

11 Andrew Moavesik, "Negotiating the Single European Act: National Interests and Conventional Statecraft in the European Community," International Organization 45, 1 (Winter 1991), p. 19.

12 During the 1950s and 1960s, the dominant theory of European integration, neofunctionalism, predicted that the process of economic integration would inevitably result in political integration or unity. This theory was most widely associated with the work of Ernst Haas in The Uniting of Europe (Stanford: Stanford University Press, 1958). However, beginning with the "crisis of 1965," when France boycotted the Community, analysts began to reassess the predictive strength of neofunctionalism. By the 1970s, Haas himself argued that neofunctionalism should be replaced by efforts at understanding global interdependence in his work "Turbulent Fields and the Theory of Regional Integration," International Organization 30, 2 (Winter 1976): 173-212. The signing of the Single European Act, however, led some analysts to attempt to retrieve neofunctional theory. See for example David Mutimer, "1992 and the Political Integration of Europe: Neofunctionalism Reconsidered," Journal of European Integration XIII, 1 (1989): 75-101.

13 See e.g., Stanley Hoffman, "Goodbye to a United Europe?," The New York Review of Books (27 May, 1993): 27-31.

14 For example Doern and Tomlin suggest that critical to the development of the FTA was the personal conviction and faith of Canadian Prime Minister Brian Mulroney in its benefits. Moravesik suggests that the SEA was a result of ruling party coalitions within and interstate bargains between Britain, France and Germany. Ludlow has drawn attention to the important role of the Commission and of former President Jacques Delors in particular in certain directions taken over the 1980s. See G.B. Doern and B.W. Tomlin, Faith and Fear: The Free Trade Story (Toronto: Stoddart, 1990); Andrew Moavesik, "Negotiating the Single European Act: National Interests and Conventional Statecraft in the European Community," International Organization 45, 1 (Winter 1991), pp.20-21; and Peter Ludlow, "The European Commission," in Robert Keohane and Stanley Hoffman (eds.), The European Community: Decision Making and Institutional Change, (Boulder: Westview Press, 1991): 85-132.

15 For the neo-liberal underpinnings of the 1986 Single European Act, and the role played by powerful enterprises see John Grahl and Paul Teague, "The Cost

of Neo-Liberal Europe," New Left Review 174 (March/April 1989): 35-50. For a similar account of the growing role of transnational corporations underpinning the NAFTA arrangement see Ricardo Grinspun and Maxwell A. Cameron, "The Political Economy of North American Free Integration: Diverse Perspectives, Converging Criticisms," in Ricardo Grinspun and Maxwell A. Cameron (eds.), The Political Economy of North American Free Trade (Montreal and Kingston: McGill-Queen's University Press, 1993): 3-25.

16 Grinspun and Cameron, "The Political Economy of North American Free Integration: Diverse Perspectives, Converging Criticisms," p. 17.

17 Elizabeth F. Kraus, "The Systemic Effects of Economic Trade Zones on Labor Migration: The North American Free Trade Agreement and the Lessons of the European Community," Georgetown Immigration Law Journal 7, 323 (1993) p. 325.

18 Jeff Faux and Thea Lee, "Implications of NAFTA for the United States: Investment, Jobs, and Productivity," in Grinspun and Cameron (eds.) The Political Economy of North American Free Trade, pp. 235-236.

19 Sidney Weintraub, "North American Free Trade and the European Situation Compared," International Migration Review XXVI, 2 (1992), p. 515.

20 Ann Dummett and Jan Niessen, Immigration and Citizenship in the European Union, (Brussels: Churches Commission for Migrants in Europe and the Commission for Racial Equality, 1993), p. 7.

21 As cited in Canada, NAFTA: What's It All About?, p. 96.

22 Aristide R. Zolberg, "International Migration," in Joel Krieger (ed.), The Oxford Companion to Politics of the World (New York: Oxford University Press, 1993), p. 445.

23 Anthony Giddens, The Nation-State and Violence: Volume Two of a Contemporary Critique of Historical Marxism (Berkeley: University of California Press, 1987), p. 50.

24 *Ibid.*, p. 210.

25 North American Free Trade Agreement (Volume I, Chapters 1 to 16), (1992), Chapter 1, p. 1.

26 Stephen Fielding Diamond, "U.S. Labor and North American Economic Integration: Toward a Constructive Critique," in Grinspun and Cameron (eds.), The Political Economy of North American Free Trade, pp. 253-254.

27 As Mel Watkins brilliantly states: "A dab of deconstruction is in order. Why *side* -deals? Why is trade a deal unto itself, but the quality of the environment and the nature of working conditions merely side-bars? One

could easily argue that *they* should get the priority, that trade is not an end in itself but a means to higher "good" ; at minimum, there might be parity." See Mel Watkins, "Afterword: The NAFTA Side-Deals," in Duncan Cameron and Mel Watkins (eds.), Canada Under Free Trade (Toronto: James Lorimer, 1993), p.284.

28 North American Free Trade Agreement (Volume I, Chapters 1 to 16), (1992), Chapter 16, Article 1608, p. 2

29 Ibid., Chapter 16, p.1.

30 Ibid.

31 Ibid., Chapter 16, Appendix 1603.D, p. 6.

32 Ibid., Chapter 16, Section B and Section D, pp. 3-4.

33 Canada-Mexico flows are relatively insubstantive.

34 Dolores Acevedo and Thomas J. Espenshade, "Implications of a North American Free Trade Agreement for Mexican Migration into the United States," Population and Development Review 18, 4 (December 1992), p. 741-2 footnote number 1.

35 Fred Langan, "Canadians Get Easier Entry to US," The Christian Science Monitor (12 June, 1991), p. 7.

36 North American Free Trade Agreement (Volume I, Chapters 1 to 16), (1992), Chapter 16, Article 1603, p. 1.

37 Ibid.

38 Analyses of American and Canadian immigration policy have revealed for example that the notion of "national security." was used during the Cold War Era to deny entry to suspected Communist and left-leaning potential immigrants. See Reg Whitaker, Double Standard: The Secret History of Canadian Immigration (Toronto: Lester and Orpen Dennys, 1987).

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40 Horst Reichenbach, "A Politico-Economic Overview," in Dudley Seers and Constantine Vaitsos (eds.), Integration and Unequal Development: The Experience of the EEC, (London: Macmillan Press, 1980), pp. 92-93.

41 EEC Treaty, Articles 48(1) and 48 (2) and 48(4) in Jean-Claude Seche, Freedom of Movement in the Community: Entry and Residence, (Luxembourg: Office for Official Publications of the European Communities, 1988), p. 11.

42 Seche, Freedom of Movement in the Community: Entry and Residence, p. 11.

43 European Communities, Freedom of Movement for Persons in the European Community, (Luxembourg: Office for Official Publications of the European Communities, 1982), p.14.

44 Joseph H.H. Weller, "Thou Shalt Not Oppress a Stranger: On the Judicial Protection of the Human Rights of Non-EC Nationals — A Critique," European Journal of International Law 3, 1 (1992): 65-91.

45 See Patrick Ireland, "Facing the True 'Fortress Europe' : Immigrants and Politics in the EC," Journal of Common Market Studies 24, 5 (September 1991): 457-480.

46 Tomas Hammar, "Economy and Ideology," in Tomas Hammar (ed.), European Immigration Policy: A Comparative Perspective, (Cambridge: Cambridge University Press, 1985), pp.252-254.

47 Seche, Freedom of Movement in the Community, p. 7.

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50 Klaus-Dieter Borchardt, European Unification: The Origins and Growth of the European Community (3rd Edition), (Luxembourg: Office for Official Publications of the European Communities, 1990), p. 77.

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53 Dummett and Niessen, Immigration and Citizenship in the European Union, p. 7.

- 54 Steven Cohen, Imagine There's No Countries: 1992 and International Immigration Controls Against Migrants, Immigrants and Refugees (Manchester: Greater Manchester Immigration Aid Unit, 1990), pp. 14-19.
- 55 European Communities, "Abolition of Border Controls," Press Release (Luxembourg: June 19, 1990), p. 2.
- 56 Paul Gordon, Fortress Europe: The Meaning of 1992 (London: Runnymede Trust, 1989), p. 11.
- 57 "Chirac Wants Border Checks," The Globe and Mail, (6 September, 1995), A6.
- 58 European Communities, Council of the European Communities and Commission of the European Communities, Treaty on European Union (Luxembourg: Office for Official Publications of the European Communities, 1992), pp. 7-9.
- 59 *Ibid.*, Title II, Part Two, Article 8a.
- 60 Jan Niessen, "European Community Legislation and Intergovernmental Cooperation on Migration," International Migration Review (XXVI, 2), p. 678
- 61 Council of the European Communities and Commission of the European Communities, Treaty on European Union, Title II, Part Two, Articles 8b and 8c.
- 62 Author's Interview, 1993.
- 63 Council of the European Communities and Commission of the European Communities, Treaty on European Union, Title VI, p. 131.
- 64 *Ibid.*, Title VI, pp. 131-132.
- 65 *Ibid.*, Title VI, p. 132.
- 66 Dummett and Niessen, Immigration and Citizenship in the European Union, p. 11.
- 67 John Salt and Reuben Ford, "Skilled International Migration in Europe: The Shape of Things to Come?," in Russell King (ed.), Mass Migration in Europe (London: Belhaven Press, 1993), p. 297.
- 68 In 1985, spearheaded by the Socialist group of the European Parliament, and against the protest of J.M. Le Pen, a committee was established to inquire into the issue of racism and fascism, though its findings have found little application. While the Commission has touched on the issue of racism and xenophobia, most recently as evidenced in the report Legal Instruments to Combat Racism and Xenophobia, its recommendations are clearly exhortations to national governments. Hence, after reviewing existing measures to deal with discrimination in the member states, it is "recommended that each state

review existing legislation for gaps in coverage and consider the adoption of comprehensive anti-racism and anti-discrimination legislation." Thus when it comes to race and discrimination, there is no "Community" application. See European Communities, European Parliament, Report on the Findings of the Committee of Inquiry into the Rise of Fascism and Racism in Europe, (Luxembourg: EP, 1985), and European Communities, Commission of the European Communities, Legal Instruments to Combat Racism and Xenophobia, (Brussels: Directorate General: Employment, Industrial Relations and Social Affairs, 1992): 75.

⁶⁹ Elizabeth Meehan, Citizenship and the European Union (London: Sage, 1993), pp. 141-142.

⁷⁰ Martiniello, "European Citizenship, European Identity and Migrants," pp. 38-42.

⁷¹ Alan Frizzell, Jon H. Pammett and Anthony. Westell, "Conclusion," in A. Frizzell, J.H. Pammett and A. Westell (eds.) The Canadian General Election of 1988, pp. 131-132.

⁷² Bowker did suggest that the temporary entry for business people and professionals was problematic, stating, "the argument is heard that Canadians are equally competent to compete in any of these fields. The issue is not one of competence, but of population imbalance (26 million as opposed to 260 million). Canadians entering the United States, even in substantial numbers, would be only a trickle compared to the total number of Americans in any particular category (Marjorie Montgomery Bowker, On Guard for Thee: An Independent Review of the Free Trade Agreement [Hull: Voyageur Publishing, 1988], p. 88).

⁷³ See e.g. Duncan Cameron (ed.) The Free Trade Deal (Toronto: James Lorimer, 1988), and for an update Duncan Cameron and Mel Watkins (eds.) Canada Under Free Trade (Toronto: James Lorimer, 1993).

⁷⁴ Joel Guberman, as quoted in Fred Langan, "Canadians Get Easier Entry to US," The Christian Science Monitor (12 June, 1991), p. 7.

⁷⁵ Dianna Solis, "Illegal Immigration by Mexicans, Despite Reform of Laws, Nears '86 Record Level," The Wall Street Journal (3 June 1991), p. A8.

⁷⁶ See also Sidney Weintraub and Georges A. Fauriol, "Migration and Economic Intervention," in Kimberley A. Hamilton (ed.), Migration and the New Europe (Significant Issues Series, Volume XVI, No. 2), (Washington: The Center for Strategic and International Studies, 1994), p. 79.

⁷⁷ Richard W. Stevenson, "Selling a Free-Trade Pact with Mexico," The New York Times (11 November, 1990), p. 12.

78 United States, Report of the Commission for the Study of International Migration and Cooperative Economic Development, Unauthorized Migration: An Economic Development Response (Executive Summary) (Washington: U.S. Government Printing Office, July 1990), (Mandate)

79 Acevedo and Espenshade, "Implications of a North American Free Trade Agreement for Mexican Migration into the United States," p. 731.

80 United States, Unauthorized Migration, p. 4.

81 This is measured in the long terms as the CSIMCED argued that "the major paradox" is that "the development process itself tends to stimulate migration in the short to medium term by raising expectations and enhancing people's ability to migrate." Ibid., p. 41.

82 Ibid., p. 11.

83 Ibid.

84 Under both President Miguel de la Madrid (1982-1988) and President Carlos Salinas (1988-1994) there was an ideological commitment to market-oriented economic reforms. "Structural adjustment," measures were begun in 1985 with trade openings, and in 1988 by a major reduction in tariffs. By the 1990s sales of public telephones, airlines and banks were followed in the name of privatization.

85 United States International Trade Commission, Review of Trade and Investment Liberalization Measures by Mexico and Prospects for Future United States - Mexico Relations (Investigation No. 332-282, Phase II: Summary of Views of Prospects for Future United States - Mexico Relations) (Washington, October 1990), p. iii.

86 Ibid., p. 1-16.

87 In the context of discussing the potential job losses from a NAFTA, one American union leader stated "we favor the free movement of workers around the world. But we know why so many people want to come here from Mexico—it's because people are horribly exploited. No nation in the world can accept unlimited immigration. There have to be global solutions" (Mr. Jack Henning, Executive Secretary-Treasurer, California Labor Federation, AFL - CIO, as quoted in Carl T. Hall, "Immigrants Mold U.S. Economy," The San Francisco Chronicle [8 July, 1991], p. B5).

88 This joke is found in Stephen Zamora, "The Americanization of Mexican Law: Non-trade Issues in the North American Free Trade Agreement," Law and Policy in International Business 24, 2 (1993), pp. 391-392.

89 Mike Hailey, "Salinas Says Pact Would Boost U.S. Jobs," The Houston Post (13 April, 1991), p. A-21.

- 90 cited in Gregory Katz, "Migrant Worker Pact Urged: Salinas wants Accord Apart from Free Trade," The Dallas Morning News (10 March 1993), p.1A.
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- 92 United States International Trade Commission, Review of Trade and Investment Liberalization Measures by Mexico and Prospects for Future United States - Mexico Relations, p. 1—9.
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- 94 Arnolando Garcia: "Immigrant Rights at the NAFTA Crossroads: The Cause for Human Rights and Labor Mobility Protections," Network News VI, 2 (May-June 1993), p. 1.
- 95 Federation for American Immigration Reform (FAIR), 1992 Annual Report, (Washington: 1992), p. 6.
- 96 See in particular Sherman Robinson, Mary E. Burfisher, Raul Hinojosa-Ojeda and Karen E. Thierfelder, "Agricultural Policies and Migration in a U.S. - Mexico Free Trade Area: A Computable General Equilibrium Analysis," in United States International Trade Commission, Economy - Wide Modeling of the Economic Implications of a FTA with Mexico and a NAFTA with Canada and Mexico (Washington: USITC Publication 2508, May 1992), pp. 455-507. This paper projects that because of the effects in the area of agriculture, free trade with Mexico would increase rural to urban migration in Mexico, and consequently migration from Mexico to the U.S. For an overview of other debates, and the counter-argument that NAFTA would have little effect on migration, see Sidney Weintraub and Georges A. Fauriol, "Migration and Economic Intervention," in Kimberley A. Hamilton (ed.), Migration and the New Europe (Significant Issues Series, Volume XVI, No. 2), (Washington: The Center for Strategic and International Studies, 1994), pp. 72-95.
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CHAPTER SIX

SUMMARY AND CONCLUSIONS

There is now a world culture, but we had better make sure we understand what that means. It is marked by an organization of diversity rather than by a replication of uniformity. Not total homogenization of systems of meaning and expression has occurred, nor does it appear that there will be one any time soon. But the world has become one network of social relationships, and between its different regions there is a flow of meanings as well as of people and goods.

Ulf Hannerz, 1990¹

The purpose of this dissertation was to comparatively address political debates and policies relating to contemporary immigration in two distinct countries: the United States and France. In particular, it has sought to uncover what discourses pertain to the boundaries of inclusion and exclusion in the citizenship, national and regional communities in each locale, and to what extent these discourses result in similar consequences for minoritized immigrants. If the preceding analysis on the politics of migration has shown anything, it is that liberal notions of citizenship fundamentally collide with immigration controls, nations, nationalism and racial and ethnic distinctions in both the United States and France. "Difference," lies at the heart of this tension, and this historical tension appears tenacious— even in this era of unfolding regionalism and globalization.

One way that "difference" is located is in the designation "immigrant." In the historical overview of immigration and immigration policies in France and the United States in Chapter Two, it was highlighted that the term

"immigrant" is not simply an objective legal or statistical category, but rather has taken on historically and culturally specific meaning in each country through both state and popular discourses. In the contemporary context, each country is characterized by what I term "emblematic immigrant groups"—groups that have become the prism through which both popular *and* policy discussions of "immigration problems" are fueled, irrespective of the fact that in both countries there are a variety of migrant groups, filling a variety of labour market positions. In the case of the United States, Mexicans form the emblematic group, and in the case of France, Algerians form the emblematic group.

Making a similar point about how in countries of Western Europe national popular and political discourse tends to identify only certain migrant populations "immigrants," Robert Miles notes that across such varied countries as Britain, France and Germany those distinct populations designated "immigrants" share in common "Third World" origins from outside Europe.² Moving beyond the European context, it is also evident that groups popularly defined as "immigrants" in Canada also extend beyond legal definition. Thus, the term "immigrant," is now used frequently to refer to people of colour, people from countries of the Third World, people who may speak English or French with an accent, and who may hold menial jobs.³

With respect to the United States and France specifically, the groups that have emerged as "emblematic" immigrants also share certain characteristics, beyond this apparent proclivity in Western industrialized countries to define "immigrants" in relation to "Third World" origin. Hence, both emblematic groups have in common not only Third World origins, but also a colonial history with the "host" country, as well as a tendency to be located in marginalized positions in the economy and further subordinated by

citizenship status. These last two features have been exacerbated by employers preferring "illegal" immigrant labour, and the historic compliance of state officials in meeting this preference. As this suggests, the United States, as a settler colony and "immigrant nation" and France with a history of immigration but no official discourse as a "nation of immigrants," have tied immigration to the economy, business interests, and perceived economic benefits. Cultural icons (such as the Statue of Liberty) and national myths aside, in both countries immigration policy is less about generosity of spirit and more about calculation of gains.

In addition, both emblematic groups are also characterized by the move away from the migration of single males in the two decades following World War Two, towards the migration of females and families through the 1970s and 1980s. This has raised a host of new issues in the field of migration that require sensitivity on the part of analysts. These include the distinct patterns of labour market employment, and unique abuses that may characterize the experience of female migrants; the gender-specific stereotypes that may impinge differently on male and female migrants from the same group; and generational differences characterizing the political involvement of the offspring of these immigrants.

At base, however, the trend towards the migration of females and families indicates a pattern of more permanent settlement for the emblematic groups, and their descendants. This means that contemporary debates and policy discussions implicating the emblematic groups are not about to disappear through a voluntary mass departure of these groups, even though the "solution" of departure has had policy resonance in the form of "repatriation" schemes in France especially.

Therefore, to sum, in both the American and French settings, "immigrants" have been defined in relation to real material processes reflecting on inequitable power relations established in the post-war era through the economy and through state laws, and by history, as a result of colonialism. In short, in both of these countries, the fault lines of "difference," are determined through historical processes and through power relations.

Given such commonalities between the emblematic groups in these two locales (and by extension across countries of the industrialized West today, insofar as there is an evident conflation of "immigrants" and "Third World" origins) it is extremely relevant to address the emblematic groups not only in relation to immigration, but also in relation to broader theoretical debates implicating all liberal democracies.

Although immigration has become both a salient political issue, and as a result, a salient topic of research, individual country case studies, as opposed to comparative analyses, have been the norm. Moreover, typically the relatively few comparative analyses dealing with the migration phenomenon have been rather narrow in scope, evading larger theoretical debates pertaining to national, and also international, contexts. In order to overcome these limitations, the comparative empirical data from the U.S. and France were presented in relation to current theoretical debates over three key areas that have both national and international influences and implications:

1) citizenship; 2) nation and nationalism; and 3) regionalism in Europe and North America.

The concern in this study with identifying the language and ideas used by state and non-state actors in contemporary political debates over immigration in France and the United States suggests that each country is

characterized by distinct discourses that are rooted in divergent histories, and ideological referents. Yet, there are similar consequences for the emblematic groups, which are more sharply evident in an era of unfolding regionalism and globalization.

The discussion on "Political Communities," in Chapter Three explicitly addressed formal citizenship or nationality. By focusing on policies relating to immigration and citizenship acquisition and recent debates and amendments in these areas, the evidence shows how the increasing emphasis on immigration control has led to a corresponding emphasis on protecting both citizenship and its attendant rights from immigrants, though this has been linked to slightly different rationales or discourses in the United States and France.

In the United States, the overarching discourse concerning immigration policy has emphasized eliminating "illegal" immigration, particularly from Mexico, though "legal" immigration is still encouraged. The apparent support of legal immigration, and the fact that national myths define America as a "nation of immigrants," appear as features characterizing the United States as "open" to immigrants. However, both the stress on "immigrants," in the national myth, and recent policies aimed at encouraging legal immigration, are characterized by an exclusionary emphasis on "white" "Europeans." These features act to exclude Mexicans and more broadly Third World/non-white immigrants from national myths, and increasingly from immigration criteria, which currently aim at attracting immigrants from more "diverse," countries, in particular "skilled" immigrants, and immigrants from Europe.

While policies regulating citizenship acquisition have, to date, remained intact in the United States, policies aimed at combating illegal immigration—

principally through employer sanctions— were shown to have a negative discriminatory impact on both immigrants (legal or otherwise) and minority group citizens especially Latinos. This suggests that there is a permeable membrane dividing ("illegal") "immigrants" and citizens when race/ethnicity becomes the basis for determining lawfulness.

The focus on citizenship as a status defining rights and obligations in the United States, coupled with the stress on limiting the movement of Mexicans into the United States, finds parallels in developments at the regional level, where the "free movement of labour" was blocked by American officials from NAFTA negotiations, over protests from Mexican officials. These protests still emerge after NAFTA's ratification in 1993. For instance, California's referendum over Proposition 187 which would deny public services to illegal immigrants and their children led former Mexican President Carlos Salinas de Gortari to argue in late 1994 that the U.S. and Mexico need to enter into negotiations on the free flow of workers, as they have done with trade.⁴

While NAFTA does allow for the temporary entry of business persons, by and large, economic integration in North America (between Canada, the United States and Mexico so far) must contend with the unique feature of American nationalism— which continues to celebrate nationhood in the form of the U.S. constitution, American culture, and American citizenship. There is no form of citizenship at a regional level, and rights extended to immigrants continue to be defined by local and state processes. Immigrants may or may not be perceived as "Americanized," but there is no likelihood in the foreseeable future of any form of "North American Citizenship," obviating "difference" on a continental scale.

In France, contemporary immigration policy has been driven by a discourse that links eliminating "illegal" immigration with encouraging the

"integration" (through the granting of rights) of those immigrants already in the country. Reflecting on the uneasy tension between making rights dependent on controlling immigration, as well as the unique colonial history implicating Algerians in France, is the way rules regarding citizenship acquisition have become an arena of controversy and amendment over the course of the 1980s and 1990s. These debates and amendments concern first and foremost "second generation" North Africans and have been focused around the persistence of nationality, as connoting an international status of recognition of nation-state belonging. This has put into question the necessary or automatic "allegiance" of second generation North Africans, especially Algerians born in France. This emphasis on nationality is different from the American context where legality and citizenship are united in a proposal (which has been unsuccessful to date) to ban the offspring of "illegal" immigrants from citizenship, in effect making the children "pay" for the "crimes" of the parents.

If the position of contemporary Hispanic groups in the U.S. reflects an attempt to turn the immigration issue into a civil rights issue through highlighting the discriminatory impact of employer sanctions on citizens and legal residents, in France, the emphasis of some second generation North Africans has been on using recently granted civil rights and freedom of association for foreigners to demand other rights (such as voting). In this context, the question of citizenship rights for foreigners residing in France has been increasingly contested, and moreover the extension of such rights increasingly differentiated on the basis of the formal citizenship held by non-French foreigners residing in France.

Specifically, in marked contrast to the United States/North America, France, as a signatory to the 1993 Maastricht Treaty, is party to an agreement

which creates a new regional European citizenship between countries of the European Union and, therefore, at one level, gives a greater regional based character to political membership in the contemporary era. However, there is differential extension of rights to European versus non-European foreigners, which is also underpinned by efforts in Brussels at forging a "European identity." To the extent that such efforts find support amongst national popular and political forces, this reflects on the elasticity of nations. In any case, the differential extension of rights joins with long-standing distinctions in France pitting desirable "European" immigrants from undesirable "non-Europeans," and underscores how "difference" is being upheld through European integration.

Taken as a totality, the findings show that the "communities" constructed in the two countries around citizenship, nation and region, are characterized by certain distinguishing features in relation to the discourses impinging on the emblematic groups in each locale since the 1980s, as well in relation to their responses. However, the consequence for the emblematic groups are quite similar in the French and U.S. contexts. Generally speaking, the exclusion of the emblematic groups in each locale is replicated, in different ways, at all three levels — citizenship, nation, and region. This may be explained by the long-standing tension between the inclusionary principles of citizenship and the exclusionary elements of nations, and the manner in which immigration controls serve to exacerbate these exclusions.

The relationship between citizenship and nation has always been a contradictory one, because the two countries whose historic revolutions in 1776 and 1789 inspired the (re)emergence of abstract, universal notions of citizenship and formal equality⁵ have excluded groups stigmatized as "different," from such formally inclusionary principles. In the discussion of

the "national communities," in France and the United States, the tensions in liberal democracies formally committed to equality for everyone and nations/nationalism was revealed in the context of addressing slightly different state responses to "difference," in each country. It was noted that the conception of the United States as a "nation of immigrants," as a feature of discourse, has a strong articulation in both political and popular circles. Moreover, as seen in the Census, ethnicity and especially race play an important role in the construction of the contemporary American order. This contrasts with France where immigration has never been part of the myth of the national character, and moreover the Census itself defines "immigrants" as foreigners, and "citizens" as devoid of any "particularistic" ethnic or racial characteristics. In France, groups face a slightly different framework for articulating their claims. Hence, in the United States where race predominates, there is more scope for making equality claims through recognition of "difference," whether in the form of affirmative action, or the more recent emphasis on "multiculturalism," in the field of education. In France it is more difficult to make group based claims, and the contemporary emphasis in equality-aiming claims has been on integration and universalism.

In both the U.S. and France, however, there appears to be a convergence in the growing opposition to equality claims based on recognizing and valuing difference — a feature that is difficult to divorce from the backlash against immigration. In fact, this twinning of anti-immigration sentiment with opposition to recognizing and valuing "difference," seems endemic in Western countries as we head into the twenty-first century. For instance, Canadian opposition to official multiculturalism is also linked to increasing opposition to immigration.⁶ This would suggest that valuing "difference," in liberal democracies is actually *dependent* on discourses

valuing immigration, and goes a long way in explaining why debates over the recognition of difference have become exceedingly bitter at the same time as immigration (and immigrants) have become a "problem" in national debates.

This development may induce some immigrant/minority groups to shy away from striving for equality claims based on "difference." Indeed, groups such as France Plus in France have organized primarily around claims for "similar" treatment, and the move away from emphasizing a "right of difference," by S.O.S. Racisme may also be reflective of this. However, in the final analysis equality for minorities, and the flexibility to fight the manifold ways in which racism and discrimination make themselves apparent requires a strategy that includes discourses valuing both equality and difference.⁷ This also requires a particular kind of response in capitalist democracies, for as Amy Guttmann has observed, liberal democracy is "at its best with *both* the protection of universal rights and public recognition of particular cultures."⁸

The anti-immigration/anti-difference link may be further tied to state policies relating to immigration that produce exclusion and inequality. In both the United States and France, the policing of borders from immigration—in the name of protecting universal citizenship and rights— has also involved the policing of those deemed to be "different" (such as potential "illegal immigrants") within the borders of each state. In this sense, immigration controls can be seen to create exclusions and inequalities not only between those (citizens) "inside," and those (non-citizens) "outside" the state, but also between majority and minority groups and majority and minority citizens inside the state. Far from disappearing in an era of regionalism and globalization, these patterns and lines of inequality have been thrown into sharper light.

The ability of goods, as well as people, to move unhampered are tenets of liberal economics. Both the processes of globalization, and the moves toward regionalism reflect on this as it pertains to goods. The free movement of peoples, however, has been highly differentiated in both the actual provisions of agreements when comparing Europe and North America, as well as by the continued policing of borders from unwanted migrants. Far from being arbitrary, these processes in both France and the United States reflect on controlling the movement of those that are "different." This pattern reflects on the salience of the nation-state even in an era of unfolding globalization, not only in so far as regional developments may in some ways preserve rather than whither away the nation-state,⁹ but because such exclusions relate to the long-standing problem of inclusion and exclusion in liberal democratic nation-states.

In particular, debates over inclusion and exclusion reflect on tensions within liberal democratic thought, and are endemic to liberal democracies committed to the principle of equal representation of all.¹⁰ Discussions relating to "nation," and the "nation-state" and "citizenship" will inevitably turn to problems and discourses of inclusion and exclusion based on categories of "difference." For this reason, the evident collision between the abstract inclusionary promises of citizenship versus nationalism historically, and today, in France and the United States, has pertinence not only for the two countries under examination but for all liberal democracies. This is especially the case in the contemporary era where globalization is bringing into greater relief the tensions inherent in abstract liberalism and real historical and contemporary processes, policies and politics.

Though the specific form and content of debates and policies have differed in France and the United States, both cases highlight the inter-

connected character between immigration control and citizenship rights, participation and national belonging. These suggest important avenues for future research. In recent years, citizenship has re-emerged as a theoretically fashionable concept garnering a great deal of attention across disciplines, and exploration in relation to a number of themes. However, almost invariably, most of these theoretical debates have not incorporated findings from what appears as a "specialized" literature on immigration. The question of immigration, formal citizenship, and nationality is essential to integrate into "mainstream" citizenship debates in a more explicit manner, because the current popularity of "citizenship" may just be a phase in the evolution of social science, and reflective of a social climate of ideas of the late 1980s and 1990s.

Evidently, immigration is one area that makes citizenship poignantly real and always relevant. Moreover, it is precisely because neither the process of migration nor the interconnections between migration and citizenship are about to end that "citizenship" should continue to command theoretical attention.

Regionalism in the form of the North American Free Trade Agreement, and in Europe as defined through the Single European Act, and the Maastricht Treaty reflect two distinct regional responses to globalization. The European case is particularly unique, and deserving of further study of its unfolding dimensions. At one level it would appear to be creating a citizenship that is not state based, but rather based on rights and belonging in the European Union. However, at another level, when considering the situation of the many non-European Union foreigners permanently residing in countries of the European Union, the way that European union citizenship is rooted in national membership and citizenship in a member state is also evident.

In the final analysis, both regionalism in Europe, and in North America, seem to serve, in different ways, the purpose of keeping out immigrants and would-be immigrants from peripheral countries. Yet neither of these regional responses to restricting immigration is without counter-response or counter-discourse, and this warrants attention.

To this end, debates over "citizenship," need also to incorporate the claims of immigrants, and pro-immigrant groups, especially given the context of regionalism and globalization. The discourses of marginalized migrants are situated in a larger context of increased attention and information about human rights abuses, itself one of the consequences of globalization, and technological advances— such as fax machines and the Internet— that escape state control. The citizenship claims of migrants *vis a vis* the nation-state, and European Community institutions, may be a forerunner of future claims of "global citizenship" and, therefore, have broad theoretical relevance. The formation of transnational NGOs dealing with the immigration issue is one example as well as a factor in the acceleration of this emergent trend.

This suggests the merit of investigating a number of related areas. For example, among the research questions that need to be explored are the following:

- 1) To what extent do new definitions of citizenship (such as that of a European union citizenship) provide new opportunities for national and transnational pro-immigrant groups to pursue their claims?
- 2) What discourses are used by national and transnational actors in pursuing these claims, and what effect do these have *vis a vis* national governments (and also, in the case of the European Union, community institutions)?
- 3) What is the basis of the formation of such groups and to what extent are they dependent on state funding (or funding by other institutions such as the European Commission) and with what implications?

In the area of national belonging, it is clear that immigration has traditionally not been explored in relation to nation/nationalism. Yet, immigration brings out a number of issues reflecting on the elasticity of nations, and the construction of "difference." The perseverance of nationalism in the contemporary era should prompt academic researchers to examine how nationalism is shaped by international/foreign as well as by domestic forces, and how these forces may interact. Because both France and the United States have increasingly posited "European" immigrants as positive in contradistinction to non-Europeans, and because current efforts at European integration are undergirded by efforts to forge a "European" identity, this category is sometimes treated as homogeneous. However, as the history of immigration in the United States and France, as well as the history of conflict between European nation-states reveals, "Europeans" have also been differentiated. Stated otherwise, there has historically been a lot of elasticity to the concept of "European." As Messina notes, the growth of far right xenophobic and anti-immigrant groups characterizing France and other countries of Western Europe since the 1970s, may portend negatively for any group — whether "European" or not.¹¹ The ongoing (re)creation of a "European identity," provides a unique opportunity for analysis on the question the elasticity of nations. In particular, it provides an opportunity to empirically examine the larger question of under what periods and conditions are nations more open (and to whom) and under which periods and conditions are they more closed.

In addition, the question of "difference," needs also to be linked to be theoretically linked to still another fact that contrasts the emblematic groups, and has slightly different national, regional and indeed international implications when considering the specific debates implicating Mexicans and

Algerians over the 1980s and 1990s. Hispanic immigrants in the U.S. have been challenged by the English-only debate, with its obvious domestic link to a backlash against immigration. However, whether Mexicans speak Spanish in Mexico (or Spanish is spoken in other countries) is not an issue driving American foreign policy. In contrast, in France, the focus on Islam, and the problematization of Islamic fundamentalism has an acute focus not only on Algerian/Muslim immigrants in France, but also on Algeria as well. One official of the French foreign ministry noted that the "Islamic threat" posed by the civil war raging since 1992 in Algeria between the French-backed military government and Islamic fundamentalist groups was "equivalent to if a communist revolution occurred in Mexico" for the United States due to the foreseeable immigrant and refugee movements from Algeria to France.¹² This explains why the 1994 decision to ban the hijab from schools was also matched by the extension of helicopters and night-vision equipment to aid the Algerian military in fighting Muslim militants. This latter decision was premised on warding off a mass exodus of refugees from Algeria to France, and both decisions were inspired by preventing religious radicalism in France.¹³

The intensity of debates over Islam in France, find global and not just national intensity. As an example, the initial reaction of American newscasters and political commentators to the devastating 1995 bombing of a federal government building in Oklahoma was that it could *only* have been carried out by foreign, Middle Eastern, Muslim fundamentalists, or perhaps Muslim Arab-Americans.¹⁴ The eventual tracing of this event to extreme right (American) anti-government xenophobic groups was, therefore, a "national shock."

These issues implicating Islam and Muslim immigrants/citizens reflect on the manner in which immigration politics, and moreover regionalism in

France and Europe more specifically, may be seen as reinforcing discourses of what political scientist Samuel Huntington has called the "clash of civilizations" which he posits as "the fundamental source of conflict in the new world," following the collapse of Communism.¹⁵ In Huntington's view "civilizations" represent the "highest cultural grouping of people and the broadest level of cultural identity," defined primarily through religion.¹⁶ For Huntington, the clash of civilizations may be characterized as "the West versus the rest" and "the rest" may be further differentiated by greater and lesser degrees of mutual cultural orientations. Hence:

The obstacles to non-Western countries [and by extension peoples?] joining the West vary considerably. They are least for Latin American and East European countries. They are greater for Orthodox countries of the former Soviet Union. They are still greater for Muslim, Confucian, Hindu and Buddhist societies.¹⁷

The "clash of civilizations," may be emerging in the manner in which globalization induces market integration and in turn political processes of greater or lesser political integration, which as in Europe can acquire racist colouration as well (as seen in the emerging discourse that contrasts European citizens with Muslim, non-white immigrant "others"). For this reason, it is important to explore some of the themes raised by Huntington in the context of ongoing regionalism and globalization.

Yet, ultimately Huntington's specific portrayal rests on the problematic assumption that religious groupings (such as between Islam and Christianity) are static, unchanging and that "believers" are all dogmatic. There is no place for casual Christians or particularly casual Muslims in this articulation, which belies the lived-experience of many people (including Muslims in France¹⁸).

Moreover, Huntington's portrayal assumes that the divisions are immutable, making it very difficult to explain the very evident and very visible uniting of the Papacy and political elites of Muslim countries over

opposition to abortion and cohabitation without marriage during the United Nation's 1994 Cairo Conference on Population and Development,¹⁹ an alliance mirrored around similar themes in the 1995 United Nation's Beijing Conference on Women. Indeed, the social control over women would appear as a powerful inducement in the international sphere to uniting both the governments and the religious groupings that Huntington posits as necessarily opposed. This suggests that questions relating to identity, nations and even "civilizations," can be remiss if they ignore gender, as well as if they ignore the fictive and mutable boundaries of these phenomena.

In contrast to the essentialist "clash of civilizations," perspective forwarded by Huntington, the fault lines of "difference" examined in this study are seen to be historically determined in relation to power and inequality. Thus, the history of colonialism characterizing Algerians and Mexicans is crucial, but these fault lines also relate to imperialism, slavery, racism and immigration. From this vantage point, ethno-nationalist discourses justifying inequality by positing immigrants as "different," are *not* immutable precisely because they are socially and politically constructed.

In the context of France and the United States, liberal ideology contains discourses of equality as well as community or belonging and participation that may be used to challenge efforts at excluding immigrants and minority citizens. For example, ethno-nationalist discourses of protective entitlement ("they" are taking "our" jobs, "our" welfare benefits) may be countered by discourses basing rights on participation in the labour market, or on long-term residence. Given that permanent residents also pay taxes, a discourse emphasizing taxpayers' rights for instance may also be used to undercut or oppose ethno-cultural definitions of citizenship and entitlement.

In the name of treating all human beings as free and equal, liberal discourses may even be used to call for more open borders.²⁰

More broadly, ethno-nationalist discourses on culture and immigration may be challenged through a focus on the undeniable realities of global migration and cultural inter-mixture. This study has not focused on global migration, but rather groups that are defined as "immigrants," in state and political discourse. Yet, while emblematic groups, or groups defined as "immigrants," are critical to address in relation to the politics of migration, precisely because of the ways these groups have been profoundly implicated in contemporary popular and policy discussions in countries of the industrialized West, this is not an end in itself. Rather, it is a starting point in understanding and theorizing about migration in a changing world.

Clearly, the phenomenon of global migration is variegated, and both France and the United States are characterized by having a mixture of peoples, from a variety of countries, with a variety of positions in the labour market — a feature that is not unique to these countries alone. More broadly, global migration today reflects a mixture of temporary and sometimes permanent settlement not only from the developing to the developed world, but also between Northern and between Southern countries. These realities suggest that both legal and popular definitions of "migrants," and "immigrants" may also be supplanted by a counter-vision or discourse that emphasizes movement and settlement in terms of what Paul Carter calls a "mode of being in the world."²¹ Moreover, this "mode of being" either directly or indirectly affects *everyone*. In a flurry of postmodern zeal, Iain Chambers has likened the situation of migrancy and the mixing of cultures to the modern condition:

The chronicles of diasporas— those of the black Atlantic, of metropolitan Jewry, of mass rural displacement— constitute the ground swell of modernity. These historical testimonies interrogate and undermine any simple or

uncomplicated sense of origins, traditions and linear movement. Considering the violent dispersal of people, cultures, and lives, we are inevitably confronted with mixed histories, cultural mingling, composite languages and creole arts that are also central to our history. . . .

. . . . we are all destined to live in what the Chicano novelist Arturo Islas nominates as a 'border condition.'²²

Whether in such a poetic or less poetic form, the reality of how movement and the mixing of cultures have shaped nation-states everywhere needs to be realized and acted upon by policy-makers and publics. The emphasis should be on movement and migration as a commonality of peoples living in the modern world, and not as a basis for differentiation or point upon which to make explicit or implicit invidious distinctions between "desirable" and "undesirable" migrants.

Undoubtedly, questions relating to immigration, cultural diversity and "difference," will not go away. Given their salience across countries of the West today, they are deserving of both progressive political struggle across borders and political analysis from a comparative perspective that links national and international developments. Accordingly, an important implication of this study for the discipline of political science concerns the artificiality of domestic and international distinctions that can skew interpretation. The domestic/international dichotomy is especially meaningful to challenge in an era where migration is set up to become central in the confrontation between globalization and the nation-state, and inequality and equality.

NOTES

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