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"Migrants as a Threat": A Comparative Analysis
of Securitarian Rhetoric: The European Union (France)
and the United-States (California).

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"Migrants as a threat": A comparative analysis of securitarian rhetoric: The European Union (France) and the United States (California).

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ABSTRACT :

Since the early nineties there has been a striking rhetorical similarity vis-à-vis immigration between the EU countries -especially France- and the U.S. It can be stressed in a comparative analysis of Pasqua and Debré Laws with Californian Proposition 187 and the new immigration law adopted in 1996. Analysis of these texts and the discourses produced by the security agencies and politicians reveal that immigration is more likely to be constructed as a securitarian issue. It is identified as a threat and included in a securitarian continuum where questions related to border crossing, illegal immigration, crime, drug trafficking, terrorism, incivilities, urban violence and ethnicity are linked to each other. According to this construction, immigration threatens not only the state security but also the societal (identitarian) security. Among the rhetorical arguments there is a growing focus on cultural and identitarian ones. Nevertheless, the referent objects of the discourses are both state security and societal security. These two are more likely to be interpenetrated than separated. And furthermore, the new form of control implied by the new legislation adopted in both countries confirms this link: a bifocal control focused at the same time on the border and on the interior (especially via welfare controls).

Although with different histories, immigration traditions and integration policies, we can notice a striking rhetorical similarity between the European Union (EU) countries - especially France - and the United States vis-à-vis immigration and the place of migrants (1) in the society since the beginning of the nineties.

In contemporary European politics, including the Maastricht negociations - especially the Third Pillar debates - as well as in American politics, migrants are more and more cast as an object of fear and as a threat than as suitable candidates for *E Pluribus Unum* solutions. In both cases a new figure of the migrant as an adversary has been introduced by a securitarian discourse in which as Didier Bigo affirms "questions related to border crossing, migration, asylum, terrorism, crime, drug trafficking, incivilities, urban violence and ethnicity are coupled up in a continuum of threat" (2) and which calls for the reinforcement of border controls as well as for the adoption of restrictive immigration policies. As examples, we may cite for the European Union, Schengen agreements, the Third Pillar of the Maastricht Treaty and different national immigration laws such as those adopted in France (the Pasqua Laws of 1993 and the Debré Law of 1997). For the United States, we may consider the Proposition 187 adopted in California in 1994, and the new Immigration law of 1996 (3).

Why in both cases at the same time, although some visible differences in the practices, is immigration entered into the security agenda and transformed into a securitarian issue? We should point out here that the migration in question is not the one that occurs between developped countries, but the one which comes from underdevelopped countries (called countries of the South or "third countries" in EU semantics). To justify the securitization of migration, in the European Union one evokes the European construction and the loss of security that the free movement of persons inside the Union may result in, whereas in the United States the argument brought forward is the fear about a slow but steady creeping hispanization of the society.

These justifications express different ways of coupling the questions of free movement of persons and border controls in both the European Union and the United-

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1-In this paper I use the term general "immigrants" (or migrants) and "immigration" that includes both immigrants (immigration) and refugees (asylum).
2-Didier BIGO, *Polices en réseau*, Paris, Presses de Science Po, 1996, chap V, pp 258 - 266
3-Although this law does not reduce the number of legal immigration, it is however written in a certain securitarian logic (see chapter 3.2).

States. The EU, which is still in process of construction, although it has already realized the free movement of goods and services, has problems with the realization of free movement of persons inside the Community, while the United-States which is a federal state, resolved this problem long ago. In the EU, since the Single European Act of 1986 that pushed for the creation of a full internal market presented as "an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured..."(art 13) there has been a spill over from an economic approach to the internal market in a securitization of the free movement of persons. The interplay between the removal of internal borders and the free movement of persons has been considered -especially by France and Germany - as leading to a "security deficit" generated by transnational flows (migration). Consequently, the full realization of these two basic principles were presented as requiring the adoption of "compensatory security measures" such as the strenghtening of external borders and the police cooperation between the EU members. We notice that this theme of "security deficit" is present in Third Pillar matters as well as in Schengen Agreements, especially in the second one (1990) which clearly embeds the question of free movement and migration in a security approach of the abolishment of internal borders.

Within the European countries we may consider France as the one which represents best the securitization of migration since the end of the Cold War. It is the first EU country where anti-immigrant discourse were drawn up and restrictive legislation enacted. It is likely that it served as a model to another European countries and as an impulse for the "Europeanization" of migration, i.e. its discussion at the European level and the adoption of common initiatives and rules.

Regarding the United-States, we can notice a similar securitization of border controls and migration but with different couplings because of the North American Free Trade Agreement (NAFTA). Unlike the EU which is an economic and political union, NAFTA signed in 1992 between the United-States, Canada and Mexico is, as its name indicates, a free trade agreement. It foresees only the free movement of certain goods between the three countries but refuses the free movement of persons. It does not abolish traditional borders and maintain border controls of persons. Thus the Americans, while constituting a free trade zone with Canada and Mexico, open the borders to the legal flow of certain goods but close it to migrant labor. As we can see especially with the example of California-Mexico border, on the one hand, they liberalize the border on the other hand they fortify it with strengthening the controls by increasing the number of security agencies, adopting new

technologies and stiffening legislation (4). We should take note here that although there is a strong legal and illegal migration from Mexico, Americans had deliberately refused to include labor migration issues in the NAFTA negotiations. In fact in the United States and especially in California which receives about 80 % of migrants from Mexico, migration is shown as a problem by local and federal authorities and border relations between the two countries have emphasized conflictual situations. Like the Europeans which transformed since the end of the Cold War every transnational flow originating from non-Western countries in an attempt of the state sovereignty and security, Americans consider transborder movements from Mexico as a threat to their security and identity. As in Europe, as in the United States, there is the construction of a discourse which stages the problem of migration and border crossing explicitly in a security context.

We also notice that in the securitarian discourse, there is an increasing focus on what is called "societal factors" such as culture and identity. As Yosef Lapid stresses for the IR theory, "there is a dramatic come back of the ship of culture and identity" (5) at the migration pier as well. Culture, identity and migration are linked to each other by the perception of the migrant as a "cultural other" who comes into western countries and disturbs its cultural identity. Not only when questions related to crime, to incivilities and to the new forms of violence arise, but also when questions concerning the quality of education, the preservation of the national language (or of the language spoken by the majority such as in the US), the way of life, the family are evoked, there is a focalisation on groups who cross the border or who are already inside and to whom one attributes different cultural identities. Barry Buzan and Ole Waever designe this concern as the expression of a new conception of security: the idea of "societal security" (6)

4-See James SCOTT, Alan SWEEDLER, *The Future of Borders and Border Region in North America and Europe,* San Diego, IRSC, 1995; J.A.BUSTAMANTE, C.W.REYNOLDS, R.A. HINOJOSA OJEDA (eds), *US-Mexico Relations. Labor Market Interdependence,* Stanford University Press, 1992; and numerous publications of Wayne A.CORNELIUS on Mexican labor migration to the United States.
5-Yosef LAPID, "Culture's Ship: Returns and Departures in International Relations Theory" in Y.Lapid, F.Kratochwill (eds),*The Return of Culture and Identity in IR Theory,* Boulder, London, Lynne Rienner, 1996, p. 5.

6-Barry BUZAN, *People, States and Fear. An Agenda for International Security Studies in the Post Cold-War Era,* London, Harvester, Wheatsheaf, 1991; Ole WAEVER,"Societal Security: the concept", in O.Waever, B.Buzan, M.Kelstrup,

defined as the "sustainability, within acceptable conditions for evolution, of traditional patterns of language, culture, association, religious and cultural identity and custom" (7). This identitarian focus influences rhetoric on border control, on welfare redistribution and on access to citizenship.

At the same time, questions related to the recognition of minorities (different cultural identities) are also interpreted as a threat to the national and cultural unity and identity. Even though in the United States, where compared to France the question of multiculturalism has a certain legitimacy at least in philosophical circles (8), the demand for recognition of differences is interpreted by those who defend a monocultural idea of the american nation as "destabilizing", "disuniting" (A.Schlesinger) (9), as a threat of the "balkanization" of the country (Ch.Krauthammer). As David Campbell stresses, what is of most interest about the cultural arguments over the identity and purpose of America is that "those arguments attempt to do links what are perceived as resistant elements to a secure identity on the "inside" of the nation with threats identified and located on the "outside"of the state through a discourse of danger that contains elements applicable to both" (10). This double focus constitutes the core of my interrogation. How, what is seen as a threat from the outside and how the threat from inside are linked to one another and constitute an overlapping threat ?

In this paper I will discuss how migration (with regard to inside and outside) is discurively constructed as a threat and as a securitarian issue. On the analytical level, the questions that underpin this discussion refer to a "constructivist" approach. This approach elevates the explanatory status of socially constructed variables and puts emphasis on the study of change by revalorizing the social and political actors and by investigating into their

P.Lemaître, *Identity, Migration and the New Security Agenda in Europe*, NY St Martin Press, 1993.
7-Ole WAEVER, op cit, p.23.
8-For this ongoing debate see Amy GUTMANN (ed), *Multiculturalism and "The Politics of Recognition": An Essay by Charles Taylor*, Princeton, NJ, Princeton University Press, 1992. For a discussion on that debate see Ayse CEYHAN, "Le communautarisme et la question de la reconnaissance" *Cultures & Conflits* no 12, 1993.
9-Arthur SCLESINGER, *The Disuniting of America: Reflexions on a Multicultural Society*, New York, W.W.Norton, 1991.
10-David CAMPBELL, "Violent Performances: Identity, Sovereignty, Responsability", in Y.Lapid, F. Kratochwil, *The Return of Culture and Identity in IR Theory*, op. cit. pp.163-181.

beliefs and the meaning attributed to political behavior.
According to it, social and political realities are not
given but the product of social, interactive constructions
within specific institutional environments (11).

As discourse I consider legislation (Pasqua and
Debré Laws, Proposition 187 and the new American immigration
law), measures, devices, speechs, writings, debates, ads,
campaigns etc. What are the rhetorical arguments deployed
and on which assumptions are they based upon ? How are
different arguments articulated to each other? How do they
structure a securitarian continuum which slowly creates
links and obviousness between different questions such as
immigration, border, crime, violence, culture/identity? How
are they put in series ? What are the main linguistic
resources? Even, if some linguistic and semantic characters
are important, discourse however is not only a "speech
act", a concept developed by the pragmatic linguistic
(Austin, Searle) meaning that it is the enunciation itself
that is the act. As Jef Huysmans writes, "discursive
construction does not just refer to speech but to a real
construction of an issue like migration into something it
was not before implying that different kinds of institutions
such as the police or the military are involved and
different kind of regulations such as a more repressive,
conflictual regulation are applied" (12). Which kind of
social construction of the threat emerges from this
securitarian discourse ? Where are they emerging from ? Who
are the actors that fabricate them? Insisting on actors
doesn't mean their only identification (who speaks ?) but it
is interrogating on their social positionning, their power
and domination relations and games and on practice. Within a
sociological analysis some scholars like Didier Bigo (13)
discusses the hypothesis of the existence of a security
field regrouping security agencies such as police, customs,
immigration services, security industries, intelligence
agencies and even military. To these actors I add the
politicians and the anti-immigration associations such as
FAIR (14) in the United States. What are their relationships
with the securitarian agencies ? Are they just spring boards
or do they take part in the production of the securitarian
discourse? How they read immigration as a threat? How they
link immigration, security and identity? And finally how

11-Peter BERGER, Thomas LUCKMANN, *The Social Construction of
Reality*, New York, 1967; Didier BIGO, op cit, Yoseph LAPID,
op cit, Ole WAEVER op cit.
12-Jef HUYSMANS, "European Identity and Migration Policies,
Socio-Economic and Security Questions in a Process of
Europeanisation", *Paper for Annual Bisa Conference at
University of Durham,* 16-18th December 1996.
13-Didier BIGO, op cit.
14-Federation for the American Immigration Reform. See note
17.

is the securitarian discourse translated into the national legislation ? What new type of control does this legislation implement ?

1 - THE EMERGENCE OF THE SECURITARIAN DISCOURSE: FRENCH ROOTS

For once, there is a discourse not imported to France from the United States but whose paternity belongs more likely to the Frenchs themselves. France is one of the first European countries where the securitarian discourse came into being. We can find its roots in the late eighties, in the explanations and readings developped by the different security agencies, especially the police, about the end of the bipolarity with reference to the notion of insecurity, international disorder, crime, grey zone, "clash of civilizations" (before Huntington), threat of the migration coming from the East (with the end of the communism) and from the South. We should remember here that while at the end of the eigthies, when authorities proposed the reinforcement of border controls the reason that was cited was the risk of mass migration from the freshly liberated ex-communist countries (an exaggerated number of 30.000.000 new comers were anticipated to migrate into the EU). But later, this danger has been deliberately shifted due to the reason of the future entry of what is called "First Circle Eastern Countries" (Poland, the Czech Republic, Hungary) into the EU. It has been replaced by a risk of mass migration from the South (especially North and Black Africa countries), with special emphasis on its securitarian dimension: risk of islamic fundamentalism and the danger of terrorism (especially after the bombings of 1986).

This reading gave root to the belief that the migration flows were constituting a real danger to the European nation-states and to their well-being as a political and cultural entity. So, they had to be taken under control by reinforcing border controls, rendering the obtaining of visas and work permits difficult, limiting the benefit of welfare, limiting access to the citizenship and to nationality. However, what is important to stress here is not only the acceptation of migration as the new threat by different agencies, but also the interrogation about the social construction of the threat by them on their way to define it as well as on their proposition regarding the way to deal with it. These differences which can be explained by the struggles between various agencies, lead to a game of definitions and control proposals. Each agency considers itself competent and presents its own solution and develops new conceptions and forms of controlling, identifying, defining, surveilling, filtering etc. However from this game

emerges a new conception of surveillance that benefits the internal affairs and justice ministers and politicians. Regarding politicians we should note that since the eigthies almost all position themselves in terms of different definitions and regulation/control of migration. For them the problematization of migration had become a political necessity. To be able to take part in that seems to them the way to reconfort or resettle their position. Thus, we have seen a wide range of them belonging not only to the Right but also to the Left positionning themselves in terms of problematization of migration. They present the reinforcing of border controls, the adoption of internal control measures and the europeanization of police cooperation as a necessity. Since 1981, the ordonnance of 1945 which had reglemented the entry and stay of foreigners has been modified 13 times. The Socialists at power instituted visas requirements and a number of devices destinated to control the entry of foreigners as well to their surveillance inside the country (certificate of accomodation, visa of departure). The Parties on the Right, winners of the parliamentary elections of 1993 adopted the Pasqua Laws and very recently the Debré Law (1997).

2. 1 - France and the stiffening of immigration legislation

A - The Pasqua Laws (1993):

The Immigration control legislation adopted in 1993 and called Pasqua Laws after the former Minister of Interior Charles Pasqua is composed of three separate laws. The first one concerns the modification of the naturalization law. Eliminating the automatic citizenship (*jus soli*) of children born in France from foreign parents, it requires that they file a request for naturalization between the ages of 16 and 20, and until then they remain foreigners with a resident card (Law of August 24, 1993 called also Mehaignerie Law). The second law is on the reinforcement of immigration control measures (Law of August 24, 1993). It touches not only illegal immigration but legal immigration as well. With special emphasis on reinforcement of border controls and on internal control, it puts migrants under control from the moment of their request of visa in the country of residence (control en amont) to their stay in France regulating also their private life via control over marriage. Among the innovations we can mention the prevention of illegals from benefiting of the French social security system especially the health care and the retiree rights; the limitation of family regrouping and the denial of students from the benefit of resident card after the end of their schooling. The third law is the reinforcement of police powers and the restriction of civil

liberties for foreigners and foreign looking individuals. It creates an immigration police (DICILEC) and gives the police much wider powers such as identity checks at random, its power to detain and to deport unwanted migrants. It facilitates the deportation procedure and limits the right to petition against it.

B - The Sauvaigo Report (1996)

The proposals developped in the report prepared by Jean-Pierre Philibert (UDF) and Suzanne Sauvaigo (RPR) gave place to the draft of a more repressive new immigration law prepared by Jean-Louis Debré, the present minister of Interior. It is interesting to cite some them here because there are striking similarities with the Proposition 187 which was adopted in California in 1994. The most noteworthy similarity is the denial of the medicaid (emergency health care) to the undocumented migrants. There is also an argument linking the schooling of foreign children to the immigration status of their parents. The report also proposes the limitation of the automatic renewal of resident card to the legal migrants settled in France for alongtime, the fingerprinting of illegals, the reform of the certificate of accomodation with the requirement that citizens declare the arrival and the departure of their foreign guests to the city authorities. Except the provision concerning the medicaid and the schooling of foreign children, most of the proposals in this report are the same in the Debré Law.

What is interesting for our analysis is to see how this report had been transformed into the Debré Law. After having discussed the proposals presented in it, the government had decided at first not to adopt a new immigration law, but to apply the already existing Pasqua legislation. After the occupation of the Saint Bernad Church by the undocumented migrants during the summer 1996, and after their hunger-strike, the government changed its mind and decided to enact a new law. It is interesting to note that those most willing to accept this change were parliamentarians belonging to the UDF (rightist party, defending a liberal economic policy) and partner of the majoritarian gaullist RPR at the Assembly. What were the reasons of their insistance on this issue ? What are the conflict and cooperation relationships between the two parties in power ? Among several explanations there is the role of the competition between these two parties. Although they share almost the same ideology, the UDF seems unable to stand being placed on a second level by the RPR since the election of Mr Chirac to the presidency, and it aims to regain power at the legislative election. Hence its overwhelmingly positionning itself in terms of problemizing

immigration. Concerning legislation, what are the mechanisms to adopt certain proposals and not others? How was this report transformed into a new law? These are the main interrogations upon which I intend to work.

C - The Debré Law (1997)

So called after the present minister of Interior Jean-Louis Debré (RPR), this new immigration control law is presented as a "technical adjustement" to the Pasqua Laws. It is written in the same logic: transforming migrants in a danger for France and inventing more and more repressif control and surveillance mechanisms and devices. It includes: controlling the entry and the departure of non-european migrants with the certificates of accomodation, developping data base on those who lodge foreigners and on those who are housed, controlling the border crossings with a new form of control on buses and tracks within a zone of 20 km, fingerprinting illegals and confiscating passports of asylum seekers, authorizing police to enter into the workplace in order to catch illegal workers, reorganizing detention procedures, limiting the release possibilities and petition rights.

The principal novelties of this legislation (Pasqua + Debré) are the new forms of control that it implements and the technologization of the logic of surveillance that it induces. Thus, on the one hand it brings a new internal control where the social and the relational (personal, familial relationships) constitute the new places of control and where those who work for welfare (and education) services as well as individual national citizens are transformed into control agencies. (This aspect constitutes one of the similarities with Californian Proposition 187). It is not only the police forces but also the citizens, via certificate of accomodation, via marriage, via school enrollement or social services who take parts in the process of controlling immigration. On the other hand it links the reliability of the new system to high technology by intoducing sophisticated devices such as fingerprinting illegals, developing data base on targeted persons or groups (high risk groups). By refering to high technology, the new legislation thus aims to give a sentiment of "anticipating and controlling the events". As Gary T. Marx notes, it is as if the controlling capacity of social phenomena were measured in the light of the possibility of controlling the physical phenomena (15).

15-Gary T. MARX, "Technologies de sécurité et société", *Cahiers de la sécurité intérieure,* no 21, 3è trim. 1995.

2 - THE DISCURSIVE "EUROPEANIZATION" OF MIGRATION AND A COMMON SECURITARIAN LOGIC

On the European level, immigration entered into the security agenda with the TREVI Groups (in the mid seventies), the Schengen Agreements (1985; 1990), the Dublin Convention (1990) and the Third Pillar on Justice and Home Affairs (JHA) of the Maastricht Treaty (1992), where questions related to migration and asylum were put together with the struggle against terrorism, drugs, police cooperation and mutual assistance in criminal matters. With the article K 1 of the Maastricht Treaty these issues were incorporated for the first time as "matters of common interest" into the framework of the Community and were linked to each other. But placed within the Third Pillar they were however left to the field of intergovernmental cooperation. In this field there is a parallel process between the European Ministers of the interior that was developed outside the Community framework. The best example is the Schengen system. Having become operationnel in 1995, it abolishes border controls between its members (16), regulates the control and the movement of third country nationals inside the Community and establishes a number of law enforcement measures such as the Schengen Information System (SIS), police cooperation in cross-border observation, controlled delivery of illegal goods and "hot pursuit". Facing the predominance of the intergovernmental framework the debate these days is to know if questions concerning free movement of persons originated from third-countries as well as the questions related to migration and asylum should continue to stay within the Third Pillar or should be fully incorporated into the community level with the article 100 C of the Treaty. As shown in a recent debate concerning a Commission's proposal for a Council Directive on the right of third-country nationals to travel in the Community (Com(95)346 final, Brussels, 12.07.95) majority of EU members are still reluctant to integrate this question within the Community level (17).

When we say "Europeanization of migration", this does not however correspond only to an institutional framework where the decision-making power is moved from the national to supranational level. This is also a discursive

16-To the seven full members (France, Germany, Belgium, Luxembourg, Netherlands, Spain, Portugal) all EU members are now joined with the exception of the United Kingdom and Ireland. Norway and Iceland are associate members.
17-On the rejection of this proposal by the French government see André FANTON, Xavier de ROUX, L'Europe de la liberté et de la sécurité, Rapport d'Information, Assemblée Nationale no 3226, 11 décembre 1996.

practice that is used by politicians and the security agencies of the member states to justify the initiatives that are taken at the national and the community level which refer to Europe as a signifier and lead them to cooperate together.

"Europeanization" entered into the discursive sphere when facing events such as the Paris bombings of 1986, the increase of hard drug use throughout Europe, the continuation of transnational flows even though the official freezing of immigration in 1974, French politicians followed by German and Dutch felt themselves unable to deal with these questions within the national framework and transfered them to the European level. At the same time, security agencies, inspired and pushed by the politicians drew upon a securitarian discourse and started to co-ordinate their initiatives on Community scale by constituting networks and collaborating on targets et data. They justified their action by reference to the European construction.

As I mentionned above, the main argument fostered for the "Europeanization" of immigration has been the need for security measures to compensate for the opening of the internal borders. This led to the distinction between "internal borders" and "external borders" and implied the adoption of "compensatory security measures" such as the reinforcement of external border controls and the police cooperation between the EU members. We should however note here that this acceptation is far from being adopted commonly by all member states of the EU. For example the United-Kingdom, refusing to lose the advantages of its insular position, continues to carry out the traditional border controls. Furthermore, it refuses to sign the Convention on the Crossing of External Borders, arguing the non resolution of the Gibraltar question that opposes it to Spain.

The interplay between abolishment of border controls, free movement of persons and the notion of "security deficit" led to the construction of an "internal security" problem. Its core-theme is the protection of public order (18). In it migrants are linked to crime, disorder, terrorism and drugs and are suspected of entering illegally into the country. Its adoption was accompanied with changes in control points. Henceforth, within the Community, controls are not located at the conventional border lines (which no longer exist within the members of the EU except in the United-Kingdom) but at the border zone that is to say at any point within a 20 km perimeter beyond

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18-Didier BIGO, "The European Internal Security Field: Stakes and Rivalries in a Newly Developing Area of Police Intervention", in M.Anderson and M.Den Boer (eds), *Policing Across National Boundaries*, London, Pinter, 1994, p.164.

the border (*moving controls*). This implied the increase of the number of police officers, the creation of common police-stations at the border zone and the hut pursuit. At the same time, as we can see with the example of France, it also implied the legalisation of random police checks carried out inside the country.

To analyze these trends, in addition to the European construction, we may cite the evolution of the means of controlling transnational flows as well as the development of an elaborate structure of transnational bureaucratic interests surrounding policing and JHA matters (19). Thus on the one hand, since the end of the seventies there has been a move from the traditional methods of surveillance toward a new method of policing less concerned with territorial surveillance and more focused on transnational movements of groups such as immigrants and ethnic minorities who were presented as constituting a threat to the European nation-states. This led to a close European police collaboration by constituting a transnational network, sending of liaison officers, interconnection of systems and data. On the other hand, there were personal and professional interests of national bureaucracies and security agencies, as well as struggles within them that influenced the definition of the threat as well as the way to control it. Each agency had its own definition and solution (which was at the end the same) and considered itself competent. Some of them such as police or ministries of Interior (Home Affairs) and Justice, established a European network of relationships. But others such as the French gendarmerie or the British customs (Her Majesty Customs & Excise) which are specifically national bureaucracies and have no direct correspondants within the European countries, stayed out of the network and struggled to defend their professional identities and interests on the national ground. Hence their discourse focused more on the necessity of tightening the national borders than the external European borders.

There is also the European Police Office (Europol) which is planned as a system of information exchange for preventing and combatting terrorism, drug trafficking and other types of crime. But there are numbers of obstacles to its full implementation due especially to the opposition of the United Kingdom to recognize the extent of its powers and the role of the European Court of Justice.

By almost all politicians and security agencies of the EU countries, immigration was linked to the discourses of Middle East terrorism, East European mafias, crime, urban

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19-Monica den BOER, Neil WALKER, "European Policing after 1992", in *Journal of Common Market Studies*, no 31, 1993, pp.3-28; Didier BIGO, *Polices en réseau*, op cit, p. 18.

insurrection, "clash of civilizations", loss of sovereignty, and phrased as a security problem. Nevertheless this did not lead to the full integration of the issue into the Community level (First Pillar/qualified majority decision rule) or to the homogeneization of different national immigration policies and naturalization laws. It rather implied the alignement of national policies of the member states (they all reinforced the border controls and stiffened the conditions of entry and stay in their countries) and created a framework for an intergovernmental cooperation which largely consists of a patchwork of agreements without any real substantive institutional changes. Over the decision-making process Council and the COREPER exert a significant influence alongside with the individual member states (intergovernmental level/ unanimity rule). They may adopt joint positions and actions and rules as well as draw up conventions. Till now only two joint actions were adopted: one is relative to the circulation of school children originated from the third-countries, and the other to the field of action of Europol Drug Unit (EDU). But these actions have no normative character so that they can not constitute a legal basis for a judicial appeal. The only matter that was decided at the Community level was the adoption within the article 100 C of the Maastricht Treaty of a common list of 126 third-countries whose nationals must be in possession of a visa before entering the EU (September 25, 1995).

Besides the debate on the institutional question of decision-making power, what is important to stress is the aim of the actions that are undertaken either under the Third Pillar or Schengen agreements or Dublin Convention. They converge almost completely in their provisions regarding third country nationals. They are written in a securitarian and a defensive logic. Their aim is to dissuade migrants to come to Europe. For that, they strenghten the control mechanisms and devices, adopt common visa-requirements, harmonize policies towards illegal migrants, sanction carriers, set up a system of unique responsability for the examination of an asylum claim amongst the contracting parties and adopt the common rule of "safe third country". This latter signifies countries outside the EU that are deemed to be safe and extends the system of control outside the Community, especially to the countries of the first circle such as Poland, Hungary, the Czech Republic. As Randy Willoughby notes this provision interests closely American authorities who seek to transform Mexico partly in a "safe third country" vis-à-vis migration to the US originated from the Latin America countries and the Middle East) with intercepts at the Mexican airports, along its southern border and off the Pacific coast (20).

20-Randy WILLOUGHBY, "Immigration, Race and Security on the California-Mexico Border", in Alan Sweedler and James Scott

3-THE UNITED-STATES: PROPOSITION 187 AND THE NEW IMMIGRATION LAW

3.1 - California and the Proposition 187: a gambit for the securitization of immigration.

After the end of communism, while in Europe migration was becoming more and more the new figure of the enemy, in the United States for the security agencies, the threat was essentially limited to the fight against drugs (war on drugs) and to the criminality linked to it. Although some concerns on clandestine immigration coming especially from Mexico and from other Latin America countries, migrants were still considered according to the "ideology of migration" and to the myth of "country of migrants" as a "wealth" rather than as a threat. There was of course, since the 19th century a nativist rhetoric attributing priority to the WASPs which gave way from time to time to restrictionist policies (like the Chinese Exclusion Act of 1882, the adoption of quotas on nationality in 1921 etc) but, since the end of the Second World War these restrictionist policies were counter balanced by the economist rhetoric presenting immigration as a benefit to the American society.

In the nineties, California became the forerunning state in the convergence with rhetoric produced in France. Paradoxically it is in this State once described as the "place of internal and external migrations where life consists on crossing the border constantly" by Michel de Certeau (21) that the turning upside down of the image of the migrants took place. It is here that a discourse criminalizing migrants was produced and a repressive measure on clandestine immigration, Proposition 187 was adopted (by 59 % of the electoral votes) (22).

Proposition 187 prohibits undocumented migrants from receiving any welfare service such as health care, it denies schooling to their children and foresees their deportation to the country of origin. It further requires

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(eds) *Border, Region in Functional Transition,* IRS, Berlin, 1996.
21-Michel de CERTEAU, "La Californie, un théatre de passants", *Autrement,* no 11, 1981, p.11.
22-On the Proposition 187 see Kitty CALAVITA, *The New Politics of immigration: "Balanced Budget Conservatism" and the Symbolism of Proposition 187,* University of California, Irvine, January 1996; Randy WILLOUGHBY, op cit.

doctors and teachers to report to the INS (23) those they suspect living in the country illegally and makes the sale of false documents a state felony. Although the Federal Judge blocked its implementation based on the non constitutionality of the measure concerning the schooling of undocumented children (the Constitution attributes to all children in the US the right to an education), we can say that with the debate it generated on immigration (not only illegal but also legal), with the discourse linking immigration, security and identity, Proposition 187 was not an ephiphenomenon but a "revelating event", in the sense that Patrick Champagne uses this expression (24). That is to say that it permits to understand important changes that occured in the American way of thinking immigration and security since the end of the eighties. On the other hand we should not forget that it inspired most of the provisions of the federal Law on Welfare (25) adopted by the Clinton administration in August 1996 (such as the prohibition of the illegals from most federal, state and local public assistance programs – many of the same programs addressed by Proposition 187 on the state level) (26) that are also included in the new Immigration Law adopted in October 1996 (see below).

Security is no longer linked to an external ideological threat. A new reading has developed. It transformed the immigration flow into something threatening not only the sovereignty of the state but also the cultural identity of the United States. Migrants (especially Mexicans and other "Latinos") who are not admitted to come but who cross the border illegally are shown as threatening the state sovereignty. They are identified with drug trafficking and with the growing criminality. They are cast as the reasons of socio-économic and fiscal issues of California, and stressing on their "cultural otherness" they are shown as a threat to the cultural identity (27). Proposition 187 had the merit of revealing this new lecture.

23-INS – Immigration and Naturalization Service, federal agency depending to the Attorney General, as its name indicates, it is in charge of immigration and naturalization matters.
24-Patrick CHAMPAGNE, *Faire l'opinion, le nouveau jeu politique,* Paris, Ed de Minuit, 1990, p.8.

25-The exact title of the law is " Personal Responsibility and Work Opportunity Reconciliation Act".
26-Both the Welfare Law and the new Immigration Law do not however deal with one of Proposition 187's most controversial provision: banning illegal immigrant children from attending public schools.
27-See below the section on the arguments.

When analyzing the authors of this discourse we can find among them: security agencies such as Border Patrols (28), Military, INS, anti-immigration associations such as FAIR (29), Citizens for Responsible Immigration, Coalition to Stabilize Population, Americans Against Illegal Immigration, United We Stand America etc., and politicians like Pete Wilson, Governor of California (R) or even Senator Diane Feinstein (D-Calif) who in the eighties had declared San Francisco as "the sanctuary of refugees coming from Ireland and El Salvador" and who made now strong statement about the need to control the U.S. borders. We notice that in their different speeches, writings, meetings, campaigns etc. they use almost similar arguments about migrants. Besides this we can see some informal links between the authors of Proposition 187 and different security agencies. For exemple Alan C.Nelson and Harold Ezell co-authors of the Save Our State (S.O.S.) Initiative which gave place to Proposition 187, worked for the INS under the Reagan Administration. After then, they worked for FAIR (Nelson was the director of the office of the FAIR in Sacramento) before creating another lobbyist organization called "Americans Against Illegal Immigration". The group that supported the S.O.S. Initiative was composed of ex-Border Patrol Agents, ex-INS agents, retired military man, university professors, unionists, some businessmen and members of the powerful American Association of Retirees.

However the similarity of construction on immigration and these informal links don't mean that those different actors deliberately put together or constitute a united block (conspiration theory). Rather, it means that because of the struggles between these actors generated by social and professional positioning stakes, protection of interests etc., they are in competition and while criminalizing immigration they propose a variety of solutions. This provokes cooperation and rivalry at the same time. We can cite as an example the differences of views between the INS and the other actors during the campaign on Proposition 187. For example, while most of these actors were incriminating migrants independently of their migration status, the INS held an integrationist discourse

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28-Paramilitary force depending from the INS. Its mission is to control the terrestrial borders and to stop the undocumented migrants while they try to enter into the U.S.
29-FAIR is a powerful anti-immigration association. Founded in 1979, it takes inspiration from nativist, conservative, environmental (population-control) and libertarian thesis. Defends the idea of the sovereignty of the nation-state and proposes the limitation of legal immigration. It counts about 50.000 membership (30.000 in California). It focuses communities and grass-roots efforts, seeking support across the board from business, labor, security agencies and elected officials.

distinguishing between documented and undocumented migrants, criminalizing only the latter and urging the residents to apply for American citizenship (which is agafrom the FAIR thesis that refuses the naturalization of non European migrants). The INS also disputed the data published by FAIR and Governor Wilson concerning the number of undocumented immigrants in California and in the United States (for them this number was respectively 2 million and 4 million). We can also pinpoint the relationships between the Border Patrols and the military (JJF6) deployed at the Mexico border since 1986 (Operation Alliance) to work on surveillance, on the the development of high technologies and on the strategies of forecasting disorder and conflict. As Jean-Paul Hanon writes, "the unique reading of the threat sets forward a cooperation against nature between the police and the military. In reaction it gives way to new affiliations to sub-groups, to the search of protection, in sum, to new networks..." (30).

3.2 - The Immigration Law of October 1996: pragmatism and security concerns

In October 1996, just before the presidential election, the Clinton administration voted a new immigration law (31). While French authorities constantly insist on the freezing of legal immigration, Americans, after long debates, chose a pragmatic approach by not attacking directly the size of legal immigration, but by putting emphasis on the reinforcement of border controls and internal controls (via welfare). In fact, initially, the authors of the bill (Representative Lamar Smith R-Texas and Senator Alan Simpson R-Wyo) proposed to curb the number of legal immigrants permitted to enter into the country (which is about 750.000 per year). But, after the bargaining of an unusual alliance of *"strange bedfellows"* (32) such as high technology companies, grass-roots immigrants' groups, civil liberties organizations and conservative think tanks such as Cato Institute, this proposal was rejected. And the legislative focus shifted to the more popular course of cracking down on illegal immigration. But three important provisions that had been debated during the Proposition 187

30-Jean-Paul HANON, "L'armée veille à El Paso", *Le Monde Diplomatique*, October 1996.

31-The title of the law is "Illegal immigration reform and Immigrant responsibility act of 1996".
32-I borrow this expression to Aristide ZOLBERG, "Reforming the Back Door: perspectives historiquesw sur la réforme de la politique américaine d'immigration", in J.Costa-Lescoux et P.Weil (dir), *Logiques d'Etat et immigration,*Paris, Kimé, 1992, pp.221-250.

campaign won quick bipartisan approval and were included
into the new law. They are: 1) restricting public benefits
to illegal but also to some legal immigrants. Like the new
Welfare Law, the Immigration Law makes illegal immigrants
ineligible for most welfare benefits except emergency
medical care and some nutrition programs. It also restricts
public benefits for legal immigrants chiefly by
strengthening and extending the legal obligation of their
sponsors to help support them ; 2) tightening borders by
doubling the size of Border Patrol agents to 10.000 and
increasing the current detention spaces by 66 % . It also
makes it easier for the immigration service to deport
arriving foreigners and makes it harder to win a waiver of
deportation. The law also stiffens requirements for the
granting of political asylum. It requires refugees to be in
possession of proper travel documents and attributes an INS
officer at the border the right to decide the refugees
claim, thus limiting their petition rights; 3)speeding
deportation of illegals who have already entered into the
country and of immigrants who are criminals or who use false
documents. The law also gives the states the right to link
the obtention of drivers' licences to the legal immigrant
status.

Thus, although the new law seems *a priori* not to
make concessions to the restrictionist claims, it stiffens
the conditions of migrants and asylum seekers by adopting
new, complex requirements, and control mechanisms. The
United States which is a traditional immigration country who
had emphasised external control and made relatively little
use of the internal one now makes a combination of the two.
Controls are focused both at the border (with the increase
of the number of Border Patrols, the deployment of the army
with JJF6, the adoption of high technology surveillance
devices etc.) and on the inside where they are exercised
wherever migrants encounter welfare authorities.
Furthermore, arguing to combat a booming bogus document
industry, the law puts emphasis on the identification
documents. It authorizes a standardized counterfeitproof
birth certificates and other state-issued identification
documents. More important, within a pilot project, it
establishes a national computerized databank to verify job
applicants work eligibility. Henceforth employers would have
the option of calling into a new telephone confirmation
system for each new hiring, instead of checking specified
documents as currently required. With this provisions the
law reanimates the debate on the establisshment of ID cards,
at least for migrants, with the risk of encroachment of
individual liberty.

The comparison between France and the United
States shows us growing similarities about the construction
of migration as a problem and as a threat to the society.
Although the recent American immigration law does not curb

the number of legally admitted migrants, as we have seen above, in many aspects the two legislations are resembling one another. They are underpinned by the same assumptions, written in the same logic of control and surveillance that create a securitarian continuum between the external and the internal and focus on the similar control points.

We can however discern some differences not in the discourse but in the mechanisms of designing the immigration policy and on the role of different actors during this process.

Concerning immigration policy-making, compared to France where it is exclusively a state prerogative, in the United States immigration is designed at two levels: federal and state. Moreover in the United States, it is easier to identify actors other than politicians and members of the administration involved in this process. Here, although immigration is a prerogative of the federal state, and states are not authorized to regulate it directly, one can not underestimate the role of the state and local levels in the designing of immigration policy. One can say that while the federal state defines the general immigration policy with admissibility criterion and control mechanisms, the states define the policing of migrants at the local level. They decide who may benefit the welfare and how. They determine their strategies of collaboration or non-collaboration with federal agencies. Thus, as practiced in San Francisco during the eighties and is done in New York today, state (and local) authorities may refuse to collaborate with INS agents for the arrestation of illegals.

In the United States there are not only politicians and bureaucrats but also different actors such as businesses, unions, lawyers, pro or anti immigration organizations, grass-roots organizations and churches etc., who take part in the designing of immigration policy. Their role and opinion are much more transparent than it is in France. As we have noted above, during the recent debate on immigration, actors such as high technology companies such as Hewlett-Packard, Microsoft, clearly affirmed their opinion about the pursuit of legal immigration and lobbied for it. In France, such a situation would be almost impossible to witness especially because of the continuing strength of the Jacobin tradition derived from Rousseau which, as Stanley Hoffmann points out, "looks at the French polity as a relationship between state and citizens but makes no room for *corps intermédiaires* and groups" (33). Even via the Decentralization Law (Lois Defferre, 1982-83) parties and politicians gained more power at the local level

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33-Stanley HOFFMANN, "The Institutions of the Fifth Republic", in J.F.Hollifield, G.Ross (eds) *Searching for the New France*, London, N.Y., Routeledge, 1991, p.56.

and via the Association Law (1981), more representative
local institutions were created, it did not challenge the
Jacobin tradition. The centralized state remains the
preponderant actor in designing and regulating immigration.
However, this does not mean that what is called "civil
society" institutions (economic actors, unions, associations
etc.) are not concerned with the question, but their
involvement is more likely to be kept veiled. In general, at
least at the level of discourse, they prefer to be in
synergy with the government than to be in open
confrontation.

4 - PRINCIPAL RHETORICAL ARGUMENTS

When we compare the French and the Californian
immigration laws, we notice that they are underpinned by
virtually the same presuppositions and reproduce similar
themes. There are however specific differences due to the
different coupling of themes within each country because of
differences in context: the European construction for France
and the proximity of Mexico for California (34).

One of the striking common characteristics of the
two legislation is that they both appear at first as if they
were positionned against illegal immmigration. In France,
Jean-Louis Debré argued that the aim of his law was "to
deter illegal immigration in order to facilitate integration
of the legal residents". Proposition 187 was underlined by
the same argument. But in 1993 Charles Pasqua was more
blunt: the aim of his law was "zero immigration". As
justification he had advanced the integration of the
residents" (we can notice some similarities with FAIR's
proposals (35)). In fact as well as in the legislation than
in the practical level there are no distinctions between
illegal immigration and legal immigration. The immigration
discourse target the migration in general, articulating it
more as a problem, as a security issue facing the country.

Here we will quickly develop the key common
arguments.

34-For a comparison see Ayse CEYHAN, "Emulation sécuritaire
franco-américaine", Le Monde Diplomatique, October 1996.
35-"A temporary respite from continued high levels of
immigration would facilitate the assimilation of these new
comers into the economic and social mainstream", Why America
Needs a Moratorium, FAIR, March 1996

4.1 - Loss of sovereignty and the necessity of tightening borders.

For almost all security agencies and politicians the shared commonsense argument is "if the number of illegal migrants is so high,· ·this is because the border is not controlled enough" . "A non controlled border is a "sieve", "therefore not controlling its borders is a sign of a loss of sovereignty for the State". In the U.S., Jonathan Winer, the deputy assistant secretary of state for law enforcement and crime, has advocated the increase of control by saying: "Every country· must develop· tough new policies aimed at restoring its borders so that · they are again meaningful protection against criminals, drugs, weapons and illegal immigrants" (36). The symbolic strength of the border as a protection ·from the dangers is one of the key arguments of the securitarian rhetoric. As Malcolm Anderson stresses, borders define in a legal sense a sovereign authority, they are institutions and processes. As processes they define identities, they become a *mythomoteur* of the whole society (especially in the U.S.: the myth of the pioneer frontier), they also mark boundaries between friend and foe and they constrain the policies and the practices of the governments by the degree of de facto control which they have over them (37).

If in the American policy the articulations between ·border, state, sovereignty and identity seem more straightforward, one may ask if this schema is valid for France as well, regarding the process of Europeanization. France like other EU countries takes into consideration the opening of internal borders and the shifting of controls to the external borders. Paradoxalement, at the same time, national borders are more likely to continue to make sense for security agents and politicians. Although the Europeanization of ·migration policies and the *"policing by network"*, these actors ·continue to position themselves, at least in their rhetoric, vis-à-vis the nation-state rather than Europe. The principal referent object of their discourse is the French nation-state.

4.2 - Correlations between illegal migration, drug trafficking and crime.

In the discursive construction of the migration as a security problem, migrants, especially undocumented

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36-Cited by Peter ANDREAS, "U.S.-Mexico: Open Market, Closed Border, *Foreign Policy*, no 103, Summer 1996, p.53.
37-Malcolm ANDERSON, *Frontiers. Territory and State Formation in the Modern World,* Cambridge, U.K., Polity Press, 1996, pp 3-5.

migrants are often cast to be linked to drug trafficking and
to crime. As Jef Huysmans explains : "illegal migration has
been a major issue along which migration slipped in a
security discourse. Clandestine migration has been
approached more and more explicitly as a problem of
smuggling people into a country which is considered a
particular form of crime. This link between crime and
illegal migration has been strenghtened by almost
organically linking illegal migration to drug traffic and
terrorism. As a result a commonsense linkage has been
established between illegal migration, drugs, terrorism and
crime" (38). Most police data express this link.

In the United States this interconnection is
generated by national security policy concerns. In France
it is articulated with the question of Europeanization and
the free movement of persons within Europe.

As Peter Andreas explains (39), drug trafficking
and illegal immigration have long been a U.S. policy
concern. But, since the end of the Cold War for the U.S. law
enforcement agencies as well as the national security
agencies fighting them endorsed a new mission, making these
institutions rather front line participants than a reluctant
ally. In their construction of the threat, the links between
drug trafficking and immigration, both originating from
Latin America countries, are positionned in a very
straightforward manner. "Consequently, relations between the
United States and many countries in the region are
"narcotized", (40) and the undocumented Latino migrants are
seen as potential drug traffickers and criminals.

In France, with Europeanization, discursive
connections are made between drugs and criminality because
of the free movement of persons in the EU and thus the
abolishment of internal borders. The internal market is seen
as permitting the extention of criminal activities involving
non-indigenous people, especially those who are shown as
ethnically different. This interplay between migrants, drugs
and crime is explained by reference to socio-economic
characteristic of migrants (their poverty, their mobility,
their network relations etc), to their cultural otherness,
to their " "subterraneous" character i.e. their non-fully
integration in western societies, the retaining of their own
language and culture and their reconstitution of their own
economy" (41). And more and more police data focus on these
characteristics.

38-Jef HUYSMANS, op cit, p.11
39-op cit. p.54.
40-idem p.55.
41-Monica den BOER, "Immigrants, Asylum Seekers and
Criminalization: The Interaction between Criminal Justice
Policy and Criminology", *Paper presented at the Round Table*

The relationship between the free movement of persons inside the EU and the criminal and securitarian issues leads also to the public order concerns. The State, has to guarantee the public order, and for that, it finds legitimate to focus on migrants (linked to illegality, drugs and crime) who are suspected to be trouble makers.

4.3 - Correlations between migration, unemployment and the crisis of welfare

The idea that migrants take the jobs of the nationals is largely developed by the extreme right in France (the National Front) and in the United States by Pat Buchanan and FAIR. In order to distinguish themselves from this discourse, politicians of centrist parties, even if they share this perception, prefere using in their discourse the focus on illegal workers. Thus for exemple, Jean-Louis Debré, the French Minister of Interior, saying that "fighting against illegal immigration is working for employment".

Explaining the economic anxieties by scapegoating the migrants is a longstanding tendancy in times of economic crisis. But since the beginning of the nineties, a new thematic shift has been developped about the economic consequences of migration. The general cost/benefit analysis has moved away from the labor market to focus on the welfare and fiscal impacts of the migration. In the new rhetoric migrants are shown as free-riders of welfare and as tax burdens (fiscal charge) with statements like "migrants stain the resources of the welfare-state". "migrants empty the public purse".

Kitty Calavita sees something new within this discourse for the United States. She indicates that there had already been periodic concerns in the late 19th century over the immigration of "paupers" and immigrants who had became "public charges". There is nevertheless something unusual in the present rhetoric: it is "the perception that immigrants in general are a drain on taxpayers and must be excluded from receiving basic social services, which has never before been the dominant theme of nativist sentiment" (42) For her, this theme derives from a particular set of material conditions and related ideological developments in particular the balanced-budget conservatism whose symptoms

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CERI, "The New Field of Security in Europe: Internal and External Security Concerns", 4-5 October 1996, Paris.
42-Kitty CALAVITA, op cit p.17.

are "deficit-mania", disdain for a government, and resistance to taxes (43).

Besides a symbolic reaction to the State which is part of American political culture, in France and in the United States the focus on welfare is moved by a dual logic. On the one hand, there is an economic rationale linked to the more global political question about how to stop the dismantling of the welfare state. In this logic, States try to control the number of persons that will access to the limited goods of welfare. On the other hand, there is a securitarian logic transforming welfare into something that attracts "undesirable" migrants into the country.

The assumption that welfare services are the key driver for migration underpins the French and American legislation. The idea that migrants from poor and culturally different countries rush to developed countries in order to benefit from a "generously distributed" welfare benefits is largely admitted. It is also magnified by the assumption that welfare drives those who are already illegally infiltrated in the country to stay and to survive at the expense of national citizens. The solution is not only to deny the benefit of these services to the illegals but also to transform the places and locations where welfare is distibuted to deter illegals. As we have mentionned it before (p. 8) this implies the addition of a new form of control of the society: control from the interior, not only with identity checks (as it is done in France), but also with control at the social level, by welfare and schooling controls (44) (France and the U.S.).

4.4 - Invasion - demography

The theme of the invasion is one of the oldest and most recurrent themes of the anti-immigration discourses. As Hervé le Bras explains, it is underpinned by the presupposition that the power of a nation is equal to the number of its population. Taking population and nation as synonymus, it interprets any population change (decrease) as a danger of the "decline" of the nation. For Le Bras, there is in the idea of decline, a military discourse tone that recalls the decline of an army face to the invasion of the enemy. Thus in the statements like "differential of

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43-idem p.23.
44-As we have already mentionned, this point had not been introduced into the legislation in both countries. But this doesn't mean that it is erased from the discourses and on the level of practices it may lead to some driftings such as the verification of the migrant status of students ordored by an inspector of academy in Caen in 1995.

demographic pressure", "invasion", "defense against the invasion", "fifth column" composed of existing migrants, "there is a kind of reproduction of a military confrontation with the enemy (45).

We notice that the theme of the invasion appears especially in the United States after almost every publication of the Census bureau about the demographic lanscape of the country. Since the data stress the decrease of births of the native citizens and the increase of the migrants', alarming thesis appear. By attributing a high degree of fertility to these communities, these publications announce the rise of migration flows and consequently the decline of the nation. In France one focuses on North Africans and predicts an increase of the populations around the Mediterranean and foresees according to the IFRI prevision "the arrival before the year 2025 of about 50 million muslim migrants in Europe and especially in France" (46). In the United States, Mexicans constitute the focal population since the publication by the Census Bureau in 1990 about the demographic previsions for the year 2005. It foresees a sharp increase for Mexico's population and for the Hispanics living in the U.S., especially in California and announces a transformation of its ethnic composition: "by the beginning of the 21th century the white population of California will become the new minority". Naturally, with this prediction, the rhetoric took an alarming edge stressing on the "Mexicanization of California". Hence, discourses insisting on the cultural differences of the Mexicains and showing them as a destabilizing the ethnic and cultural identity of the country.

4.5 - Lack of assimilation of migrants and the fear of multiculturalism

Arguments on migrants from non-European countries are underpinned by the presupposition of their lack of assimilation to the society. Hispanics (especially Mexicans) in the United States, and Africans, especially Algerians in France are accused of being unwilling to integrate to the host society by maintaining their own language, avoiding mix marriages, keeping close links with the home country and staying away from the indigenous people etc. This presupposition transforms the problem of integration into a cultural issue. Migrants are cast with cultural characteristics which are attributed to them through an essentialist and fixist construction based on religion,

45-Hervé Le BRAS, Le sol et le sang, Paris, L'aube, 1994, p.46.
46-Institut Français de Relations Internationales (IFRI), Rapport Ramses, 1987-88, Paris 1989.

customs, lifestyle etc. Higlighting the cultural differences positions the migrant as a culturally other and shapes his relationship with the society in a conflictual way. He is seen as disturbing a culturally harmonious society by his otherness and by his presence.

One can see some communalities between such constructions of today and those of the turn of the century. For example, Mexicans have already been cast as non assimilables since the beginning of the 20th century as we can note it with the hearing before the Commission Dilingham on Immigration in 1911 :"The Mexican immigrants are providing a fairly adequate supply of labor. While they are not easily assimilated, this is of no very great importance as long as they must return to their native land. In the case of the Mexican he is less desirable as a citizen than as a laborer" (47). To this example we can we can add a recent example from France where we are witnessing the construction of a new category such as "Muslim" to identify especially women migrants originated from North Africa. This appellation which refers only to the religious component of the identity generates on the labor market a culturally biaised reflex as the one stressed in the declaration of an employer in the vignard of Provence " I prefer hiring Muslims because they work non-stop and without any contact with outside. It is better than hiring (non-muslim ndlr) students who only think about partying" (48). Although these two examples may appear identical they have however different significations and implications due to the differences between today and the beginning of the century. Today migrants are no longer guest workers but settlers and are part of the society. Stressing on the cultural differences has now different implications on the questions of integration and identity. What we see today is a strategic deployment of the concept of culture to the articulation of socio-economic relations and to the construction of identity which is more and more defined in antagonistic terms between *we* -the culturally homogeneized people - and *others*- the culturally different people. This gives way to the to the apprehension of the society as being divided between "us" and "they", "we" and the "others". And insisting on the incompatibility of cultures, transforms the others in a danger threating the way of life in which the nationals say they are at home.

A second issue which raises the question of the cultural difference is multiculturalism. Although some differences in the practices, in France and in the United States, multiculturalism is apprehended as a danger

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47-U.S. Congress, Senate 1911; 690-91.
48-"Une enquête du CNRS pour la CFDT démontre la réalité de la discrimination à l'embauche", *Le Monde*, February 21, 1997.

threatening the cultural and social homogeneity. The main argument against it, is it's defence of cultural differences.

One can note a striking contradiction when these two rhetorics (the lack of asssimilation of migrants and the danger of multiculturalism) - which are originally produced independently from each other -are deployed together in the dominant discourses. On the one hand, the argument of the lack of assimilation sets the specific cultural characteristics of migrants by expressing them. On the other hand the expression and the defence of cultural differences are presented as a danger to the national culture and unity. One explains the difficulties of the process of integration by stressing on the cultural differences of the migrants, which leads to their transformation into cultural others. But when it comes to multicultural issues such as the recognition of cultural differences, changes in the educational curricula, the political correctness etc., one presents it as a danger to the unity of the country, to its culture and to its identity. Critics like Alan Bloom, Arthur Schlesinger or Dinesh D'Souza, see the multiculturalism as an attempt to the "European origins of the American identity". Samuel Huntington, accuses it of "encouraging the infiltration of the American civilization by foreign values and leading the United States to the "balkanization" (49). Of course the debate is much more profound and complicated, and needs to be widened. But it is interesting to notice the antagonistic way of transforming cultural differences into an issue by attesting their existence and at the same time by refusing their recognition.

What is important to note here is that the issue of cultural differences creates in addition to the threat from the "outside" (migration flows), another threat, a threath which is located on the "inside", and which attempts to the security of the nationals. The title of a booklet published during the campaign on Proposition 187 "The Path to National Suicide: An Essay on Immigration and Multiculturalism" (50) represents a significant example of how these two threats are linked to each other.

Does the identification of a threat located on the "inside" mean that migrants as cultural others are primarily threating the society than the State ? Can we say with Barry Buzan and Ole Woever that the "societal security"

49-Samuel HUNTINGTON, "If not Civilization What? Paradigm of the Post-Cold War World", *Foreign Affairs*, no 72/5, Nov-Dec 1993, p.190.
50-Published by the American Immigration Control Foundadtion, Virginia, 1994

predominates the contemporary security discussions? In a normative interrogation there are many points to discuss about the construction of this concept and the issues it creates, such as the definition of society with identity, the equation between society and nation, the apprehension of identity as given and static, the lack of the exploration of its social construction etc. But if we question it with reference to the outcomes of the analysis of French and American securitarian discourse we can say that even if the cultural identity is at the core of the new rhetoric it doesn't lead to the conclusion that there is a dramatic shift from the state security to the societal security. Rather it can be said that state security and societal security are more likely to be complementary to each other than to be separated. The main referents of the securitarian discourse are state, borders, culture and identity and they are linked to each other in a securitarian continuum. We can easily see the interrelation between threatened borders and threatened identities in the realisation of a new kind of control that is focused at the same time at the border and at the inside.

CONTENTS