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### Citizenship Case Study

The focus of this paper is principally on the citizenship status of modern-day Maghrebi immigrants to France, particularly those from Morocco. I discuss the factors involving the negative treatment of this minority, and I examine the concept of French citizenship itself with a historical background as pertains to the group. Consistent socio-economic inequality has brought to light a citizenship debate in France and other European countries; with this in mind, it is essential to examine exactly what makes a citizen conventionally French or foreign, and how this translates to the different treatment of and largely lessened political participation of the Maghrebi migrant population in France as a whole. I will also briefly examine the history of political organizations pertaining to the North African countries such as Algeria, Tunisia, and Morocco from where these immigrants came. **This is a good introduction**

The majority of the Maghreb **I think the term's "Maghreb"?** diaspora in France are Arab **are they "Arab" – at least many Berber would not want to be considered "Arab"!** and Muslim, and it is disproportionately young<sup>1</sup>. Groups of migrants from the Maghreb region, particularly Morocco, are among the largest in France with a history dating back to the beginning of the twentieth century **and considerably earlier**. Around fifty years ago, the Moroccan government repressed its leftist opposition and exiled most of its political malcontents to France and a minority to other western nations. Though there has been much debate over whether Moroccan citizens living in France should have the right to vote in their original nation, most migrants from

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<sup>1</sup> Rahsaan Maxwell, "Political Participation in France Among Non-European-Origin Migrants: Segregation or Integration?," *Journal of Ethnic and Migration Studies* 36, no. 3 (December 17, 2009).

the North African region see a greater need to focus on their French citizenship and its exercise.<sup>2</sup>  
 (expand on this – the colonial legacy of France in North Africa makes these distinctions in citizenship particularly difficult and fluid)

The *Association des Marocains en France* was founded in 1962 upon the merging of several different political groups. A member of the association, Ahmed, made a statement essentially declaring that while French immigrants from Morocco desire to maintain their culture, they see themselves as French and as citizens of France foremost (reference?). Since he and the other Moroccan exiles are not able to vote in their home country, they do not see any political utility in retaining a Moroccan identity. Many of these migrants and their families have lived in France for several decades, and as a result they desire to engage politically in their new home of France. The extent of this political engagement depends on the extent to which the French Moroccans deem it useful; voting seems to take less of a priority than does the founding of communities and organizations. The generally lower rate of voter turnout for the minority might not be due to their perceived identity but rather due to circumstantial differences between those residing in the *banlieues* and the native French metropolitans. Due to the strained political circumstances in North Africa during the past fifty some years, these migrants often have no choice but to at least partially renounce their former allegiances<sup>3</sup>.

The professor Maxwell believes that the low voter turnout of Moroccan and other non-European migrants is ultimately attributable to political and historical factors that systematically

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<sup>2</sup> Thomas Lacroix, *Moroccan in France: Their Organizations and Activities Back Home*, (University of Poitiers, 2013), 27.

<sup>3</sup> Thomas Lacroix, *Moroccan in France: Their Organizations and Activities Back Home*, (University of Poitiers, 2013),

exclude these migrants from French political life. Immigrants from the Maghreb region, most of whom came to France as non-citizens without voting rights, are probably more likely to go through discrimination and to experience long delays during the process of acquiring citizenship than are those of the European group (the latter being what?).<sup>4</sup>

France has historically seen itself as a civic nation since the French Revolution. The Constitution of 1791, for instance, states that both foreigners in France and French citizens are subject to the same contractual, criminal, and mercantile laws. Citizenship was defined not formally but by an individual's willing participation in existing social structures and use of political rights<sup>5</sup>. Thus, we can see that although French Maghrebis are not explicitly barred from citizenship rights, politicians, especially those of the far right, have implicitly discouraged them from utilizing its benefits (give examples, evidence)

Maxwell collected data on voting behavior from the 2004 Electoral Participation Study as well as the 2003 Permanent Demographic Sample. He performed regression on this data while controlling for variables such as age, high levels of education, urban density, socio-economic resources, and the probability of living in destitute urban neighborhoods. Finally, he determined that the only reason for lower voter turnout among Maghrebian migrants and native French was that the migrants were more likely than the latter to live in deprived urban neighborhoods. He calls this spatial segregation – this concept implies that while migrants are integrated into mainstream French culture and receive the same legal benefits of citizenship, they have been

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<sup>4</sup> Rahsaan Maxwell, "Political Participation in France Among Non-European-Origin Migrants: Segregation or Integration?," *Journal of Ethnic and Migration Studies* 36, no. 3 (December 17, 2009), 425-427.

<sup>5</sup> Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge, Massachusetts; London, England: Harvard University Press, 1992), 41-45.

segregated spatially and are thus not functionally seen by mainstream society as true citizens. This segregation limits their opportunities to become assimilated fully into the economy and political life<sup>6</sup>.

Historically and presently, French citizens' sense of national identity is fabricated (word choice) through the schooling system. Thus, migrants' ability to integrate is potentially linked to the way in which their children, often Muslims to an extent, are able to be educated. The first leader of *SOS Racisme*, Harlem Désir, explained in 1990 that religious differences should be treated no differently than are class differences. While school principals discriminate against and expel students based on religious scarves, for instance, they do not notice non-Muslim children's quality of clothing because those children are viewed as French. This policy supporting *laïcité* in schools can be viewed as a source of conflict.

While the Socialist party, which gained dominance in 1981, made France more accepting of immigrants, the *Front National* has subsequently won elections to politicize Muslim and Arab immigrants whether or not they have citizenship. The political far right, believing that the French people have a right to be insular (word choice), gained power in 1986 and proposed to change the nationality code so that migrants' children would not become citizens automatically by the age of eighteen but rather would have to essentially swear their allegiance to French values by making a formal request. The proposal of this law indicates that there exists a

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<sup>6</sup> Rahsaan Maxwell, "Political Participation in France Among Non-European-Origin Migrants: Segregation or Integration?," *Journal of Ethnic and Migration Studies* 36, no. 3 (December 17, 2009), 431-438.

pervasive sentiment within France speaking to its Roman legacy that not everyone has natural rights; people migrating to escape regions such as Morocco must be loyal to France<sup>7</sup>.

In October of 2005, riots occurred in the Parisian suburbs and other major French cities. These riots were inspired when two French young men descended from Tunisian and Malian immigrants were electrocuted as they were being chased by the police. The unrest raised questions of how politicians' conception of and emphasis on Islamic *communautarisme*, in conjunction with the idea that France is secular, causes marginalization and difficulties in achieving upward mobility that ultimately entrap North African migrants as second-class citizens. Essentially, the nationalist rhetoric of conservative politicians, the lack of substantial housing, the scarcity of job opportunities, and the generally inferior schools in the *banlieues* contribute to the migrants' inability to take full advantage of their legally defined citizenship<sup>8</sup>.

Roger Brubaker demonstrates how the concept of French citizenship evolved in the second chapter of his novel *Citizenship and Nationhood in France and Germany*. He explains social inequality within the *Ancien Régime*. Old French society was one in which a person's legal duties and rights were determined by their position in society; the French nobility was legally exempt from certain direct taxes and governed the high ranks of the military, foreigners were restricted from giving and inheriting property upon their death by the *droit d'aubaine*, and the concept of citizenship itself was not formerly agreed upon and was adapted to each

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<sup>7</sup> Judith E. Vichniac, "French Socialists and 'Droit à la Différence': A Changing Dynamic," *French Politics and Society* 9, no. 1 (1991), 43-45.

<sup>8</sup> Nora Fellag, "The Muslim Label: How French North Africans Have Become 'Muslims' and Not 'Citizens,'" *Journal on Ethnopolitics and Minority Issues in Europe* 13, no. 4 (2014), 1-6.

individual case. And while the French Revolution did much in the name of equal rights, it did not do much for those who did not pay taxes such as passive citizens and women<sup>9</sup>.

The history of migrants in France sheds some light on the situation. In the mid-eighteenth century, as mercantilism took precedence over French insularity in the minds of the monarchy, financial and foreign ministers implemented policies based on maximizing commerce and wealth within the French nation-state. Scholars such as Montesquieu and Guillaume-François Le Trosne then held property rights to be essential and originating from natural law. They began to describe the exclusion of foreigners from these rights as a remnant of post-Roman barbarity and an obstacle to trade<sup>10</sup>.

A similar idea induced support for the migration of immigrants from the Maghreb and other regions of the world after the Second World War – France was continuing to experience shortages in labor and high unemployment rates and it needed temporary guest workers. It needed unskilled foreigners to live separately from mainstream society and provide cheap labor working in factories to the French economy. These groups lived in their own enclaves, and were not considered to have the potential to be citizens; the republican framework disallowed political barons from rallying around migrants' native identities. As a result of this disregard for ethnic and religious identity-based differences, the second generation's effort to gain inclusion into French culture and society has met with some resistance<sup>11</sup>. When the economy is going well, the

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<sup>9</sup> Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge, Massachusetts; London, England: Harvard University Press, 1992), 35-41.

<sup>10</sup> Peter Sahlin, *Unnaturally French: Foreign Citizens in the Old Regime and After* (United States of America: Cornell University Press, 2004), 237.

<sup>11</sup> Rahsaan Maxwell, "Political Participation in France Among Non-European-Origin Migrants: Segregation or Integration?," *Journal of Ethnic and Migration Studies* 36, no. 3 (December 17, 2009), 426-427.

French nation can afford to disregard this invisible portion of the population. It is when the economy undergoes periods of recession and stagflation, as it did in the 1970s and 1980s, that disproportionately rising unemployment rates among these Moroccan and Algerian migrants and their children demands attention.

The lack of the minority's participation in the political process indicates a concern regarding their power in and the efficiency of the public institutions in fixing the socio-economic disadvantages that migrants continue to face. This lack of representation is confirmed by statistics: it was only recently in 2002 that two cabinet members of Maghreb origin were appointed. Politicians often inseparably associate the religion of Islam with the migrants. With the un-favorability of Muslims increasing from 29 to 38 percent in the four years prior to 2008, it is evident that the migrants and their progenies face a distinct disadvantage in that they are outsiders and cannot gain support for their cause due to stifling factors on their right to participate in the French political society<sup>12</sup>. Since there seems to be much more migrant involvement in the creation of the numerous organizations and communities that exist for them, it stands to reason that the North African minority, while citizens of France, have elected to participate in a fundamentally different and parallel society<sup>13</sup>. The aspect of nationhood and citizenship that involves a sense of belonging is absent for North Africans in the mainstream French metropolitan society, and as such many first-generation and second-generation migrants

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<sup>12</sup> Nora Fellag, "The Muslim Label: How French North Africans Have Become 'Muslims' and Not 'Citizens,'" *Journal on Ethnopolitics and Minority Issues in Europe* 13, no. 4 (2014).

<sup>13</sup> Rahsaan Maxwell, "Political Participation in France Among Non-European-Origin Migrants: Segregation or Integration?," *Journal of Ethnic and Migration Studies* 36, no. 3 (December 17, 2009), 429.

seem to be almost indelibly resigned to a parallel life of greater difficulties in obtaining employment and lower wages than their European counterparts.

Since being legally stateless can cause many difficulties, the French law as per the European Convention of Human Rights' guidelines only strips citizenship if a person has citizenship elsewhere. Fairly recently, a Franco-Moroccan man who became a citizen in 2003 was the eighth individual since 1973 to be stripped of citizenship on the grounds of recruiting jihadis for other nations. Formally, all migrants have the right of citizenship if they do not have citizenship elsewhere. It is only when they have dual citizenship and they engage in terrorism that the French law permits divestment of their citizenship<sup>14</sup>.

Although the formal code considers French Maghrebis to be legal citizens of France, there are numerous implicit barriers that prevent them from fully exercising their rights. Being irrevocably associated with the Islamic faith and culture, they experience a great difficulty in conforming to the Franco-French insistence on *laïcité* and cultural uniformity<sup>15</sup>. Certainly, France has historically defined itself as a civic nation focused on equality. The clergyman Sieyès once wrote in 1789 that those who hold any legal privilege do not belong to the third estate and that the exclusion of the third estate is a disservice to both parties because it encourages ineptitude<sup>16</sup>. Yet there seems to be a persistent element of ethnic requirement to citizenship that certain immigrants cannot fulfill. Individuals of European descent have faced substantially less obstacles to integration since the First World War.

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<sup>14</sup> The Associated Press, "French Court Upholds Stripping Citizenship in Terror Case," *Haaretz*, January 23, 2015.

<sup>15</sup> Alan Cowell, "France Tries to Define Frenchness," *The New York Times* (International Herald Tribune), November 14, 2014.

<sup>16</sup> Emmanuel Joseph Sieyès, *What Is the Third Estate?*, (1789), 119-121.



The former president Nicolas Sarkozy recently proposed that laws forbidding the establishment of terror courts and the exile of individuals without trial must be removed. These laws, which derive from the era of the Dreyfus affair, provide a barrier against the persecution of ethno-religious minorities and the dangers of ethno-nationalism<sup>17</sup>. They are a reminder that citizenship is not defined solely by a minority's commitment to the nation in which it lives; the French nation's treatment of its second-class citizens is a fluctuating barometer of its virtue and an indicator of the fact that citizenship also involves an element of trust.

This is an excellent paper for which you have chosen a very specific case that you support with a wealth of pertinent evidence. You link a number of secondary sources skillfully with literature you have read in class on citizenship and give concepts such as laïcisme and comonautarisme their due in the process. The issue you might have been able to shed some more light on would be the complications arising for the concept of citizenship from France's colonial past – as opposed to Britain, France's colonial project did envisage the idea of French citizenship for the denizens of its colonies which gives the civic citizenship claim much more rhetorical force. What happened to this idea at the time of de-colonization? How did French citizenship law reflect the changes brought about by de-colonization?

#### 95% A Bibliography

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<sup>17</sup> Dov Alfon, "France's War on Terror Revives Dreyfus-Affair Debate - Europe," *Haaretz*, October 17, 2016, <http://www.haaretz.com/world-news/europe/.premium-1.747772>.

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