

**Resistance to Europeanization:
National Barriers to Supranational Changes in Migration Policy**

Marco Giugni and Florence Passy

Department of political science
University of Geneva

Forthcoming in La Lettre de la Maison Française d'Oxford.

March 2000

**Resistance to Europeanization:
National Barriers to Supranational Changes in Migration Policy**

Abstract

We argue that the national state remains the main frame of reference in the field of immigration and ethnic relations. The cultural-historical imprint of state formation has produced distinct regimes for the incorporation of migrants which largely explain variations in government policies, public debates, and collective mobilizations concerning this policy area. We first discuss the debate seen in the literature between supporters of the primacy of national sovereignty and post-nationalist theorists. We then describe the process of construction of a EU migration policy,

stressing the economic foundations that has driven efforts at policy coordination and the prevailing intergovernmental approach. Finally, we present results of an ongoing project which show the strong variations that exist between countries as regards policies, debates, and mobilizations pertaining to international migration.

Resistance to Europeanization: National Barriers to Supranational Changes in Migration Policy

Yasemin Soysal (1993: 171) stated a few years ago that “[i]mmigration, along with other social issue areas such as health and social welfare, remains a relatively less developed and formalized policy area with a limited set of policy instruments, despite its apparent bearing on the creation of the Community’s Internal Market.” At a time when the Schengen Agreements were still not applied and the Maastricht Treaty was about to come into force, EU community policy in the field of international migration was at its beginnings and rested largely on the willingness of member states to give up part of their autonomy in favor of a coordinated migration policy. That was occurring about 35 years after the Treaty of Rome had expressed the principle of free movement of people. What about six years later? Is immigration still a weak policy domain or has the EU acquired decision-making power in this area? Have the Maastricht Treaty, the Schengen Agreements, and the Treaty of Amsterdam – only to mention the most far-reaching efforts at international coordination – strengthened European migration policy?

To be sure, a number of significant steps have been made at the European level with the aim of increasing policy coordination and harmonization in the area of international migration, especially during the past ten to fifteen years. Yet efforts in this direction were based mainly on an economic rationale and the search for policy coordination was driven mostly by an intergovernmental framework which largely guarantees national sovereignty, rather than by a truly integrated approach which allows for a shift of power from the national to the supranational level. Therefore the degree of institutionalization of migration policy-making instruments and procedures of the EU is still low. The characterization of the EU migration policy as weak and lacking effective policy instruments is still appropriate today. In spite of all the efforts that have been made, particularly in the 1990s, national states retain a large autonomy in the formulation and implementation of migration policies. In other words, the national state remains the principal frame of reference in this policy area.

The cultural-historical imprint of state formation has led to distinct national regimes for the incorporation of migrants which continue to influence government policies, public debates, and collective mobilizations pertaining to immigration and ethnic relations. This is particularly true for minority integration politics, which is most directly influenced by the cultural-institutional framework yielded by the prevailing modes of incorporation. National regimes of incorporation, in turn, help explain why member states have been reluctant to transfer an important part of their autonomy to the EU, hence leading to a weak European migration policy. The national state forms a powerful barrier to supranational changes in migration policy. Not only it is the main policy agent, but also the main political arena for the articulation of collective interests in the field of immigration and ethnic relations. The impact of the EU on national policy communities in matters pertaining to the regulation of international migration has so far remained quite weak, and this in spite of trends towards globalization and the increasing significance of transnational processes and outcomes.

National Sovereignty and the Post-National Challenge

The issue of European migration policy is embedded in a larger debate on the impact of globalization upon the national state and the emergence of transnational decision-making structures. Challenging the realist approach to international relations, which stresses the primacy

of national interests, scholars have pointed to the crisis of the national state and the multiplication of decision-making centers (Rosenau 1990), to the creation of international regimes that constrain state policies and lead to higher levels of cooperation (Keohane and Nye 1977), and to the existence of unifying principles and norms that underly the international order (Ruggie 1982). These developments point to an increasingly greater impact of structures and processes located beyond the national level. In the field of international migration the debate focuses on the alleged loss of significance of the concept of national citizenship as a result of the emergence of a post-national citizenship. Soysal, for example, notes that “[i]n a world within which rights, and identities as rights, derive their legitimacy from discourses of universalistic personhood, the limits of nationness, or of national citizenship, for that matter, become inventively irrelevant” (Soysal 1998: 210-211). In her view, in the postwar period the discourse on human rights has taken on a universalistic dimension and crystallizes around the idea of personhood. Such discourse, together with its institutionalization into social norms and practices, forms the normative basis for an expansion of citizenship. While the organization of the incorporation of immigrants in the host society remains anchored in the national state, its legitimacy is increasingly located at the global level, specifically in international institutions and conventions on human rights (Soysal 1994). This would have led to an erosion of the determination power of the national state, particularly so in the field of immigration. Jacobson (1996: 8-9) advances a similar argument, maintaining that “[t]ransnational migration is steadily eroding the traditional basis of nation-state membership, namely citizenship. As rights have come to be predicated on residency, not citizen status, the distinction between ‘citizen’ and ‘alien’ has eroded” (Jacobson 1996: 8-9). Like Soysal, Jacobson posits the emergence of a post-national citizenship based on the transnationalization of migrant communities and on the growing importance of supranational organizations and conventions. In a similar vein, Sassen (1998) speaks of a “de facto transnationalizing of immigration policy.”

Opposed to this approach, which considers the state and its relations with citizens as being increasingly defined by the international order, is a view that stresses the state’s autonomy and its prerogatives. For example, Schmitter Heisler (1992) argues that citizenship provides the best framework for analyzing relationships between immigrants and host societies. In the terminology of international relations theories, we may say, as Weiner (1985) does, that states tend to regulate international migration following their national interests. Rogers Brubaker’s Citizenship and Nationhood in France and Germany (1992) brought fresh water to the mill of those who adhere to this line of reasoning. According to Brubaker (1992: 3), citizenship remains a bastion of national sovereignty, for it is anchored in national historical traditions of membership in the state: “[...] definitions of citizenship continue to reflect deeply rooted understandings of nationhood. The state-centered, assimilationist understanding of nationhood in France is embodied and expressed in a expansive definition of citizenship, one that automatically transforms second-generation immigrants into citizens, assimilating them – legally – to other French men and women. The ethnic-cultural, differentialist understanding of nationhood in Germany is embodied and expressed in a definition of citizenship that is remarkably open to ethnic German immigrants from Eastern Europe and the Soviet Union, but remarkably closed to non-German immigrants.” Following the way paved by Brubaker, several comparative studies have recently shown that the modes of incorporation of immigrants into the host society are largely dependent on national configurations of citizenship (Castles 1995; Favell 1998; Koopmans and Kriesi 1997; Koopmans and Statham 1999a; Safran 1997; Smith and Blanc 1996).

These two positions are reflected in the debate on EU migration policy, a debate that offers us two streams corresponding to the theoretical views we have outlined. Ugur (1995) has

called them, respectively, state-centric and society-centric. Proponents of the state-centric approach stress the notions of sovereignty and national interests. In this view, the lack of a unified European immigration policy stems largely from the reluctance of national states to give up their sovereignty. Single countries are expected to regulate migration issues according to domestic interests and priorities. As a result, migration policies should display significant differences from one country to the other. Coordination at the European level is reached mainly through intergovernmental agreements. Supporters of the society-centric approach, in contrast, point to the increasing interdependence of national situations, globalization, and the impact of transnational institutions. Jacobson (1996), for example, stresses the role of the European Convention of Human Rights as an international legal basis to which individuals and non-governmental organizations can refer to claim their rights. In his view, these “rights across borders” bring a fundamental challenge to the traditional basis of national membership, that is, citizenship. More generally, authors working within this framework focus on nonstate factors that undermine the role played by national sovereignty (Hammar 1990; Plender 1988; Straubhaar and Zimmerman 1993). From the point of view of the regulation of immigration, this view underscores policy harmonization through the creation of power centers and institutions located above the national state. Thus Soysal (1993) argues that, despite the lack of formal EU authoritative rules and structures, one observes much standardization at the European and national levels, both as regards policymaking processes and policy outcomes. This, together with the expansion of the EU agenda to include various new issue areas which contributes to the creation of a common discourse and understanding, would point to a Europeanization of immigration policy beyond the simple aggregation of national agendas.

Although we acknowledge the increasing relevance of global processes and outcomes as well as recent trends towards a Europeanization of migration policies, we think that it is much too early to speak of a loss of significance of the national state in this policy area. As several authors have argued (Dummet and Nicol 1990; Heisler 1992; Hollifield 1992a, 1992b; Joppke 1998), in a way combining the state-centric and the society-centric approaches, dynamics inherent to national politics affect the saliency and extent of international and transnational developments. In the remainder of this paper we will try to show that the national state remains the main frame of reference for the elaboration and implementation of migration policies, first by looking at the difficulties encountered in the creation of a truly integrated European migration policy and second by arguing that the national regimes for the incorporation of migrants largely explain the prevalence of country-specific responses in the field of immigration and ethnic relations.

The Long and Difficult March towards a European Migration Policy

Reduced to the essential, EU migration policy can be described as a series of steps aimed at easing internal freedom of movement and strengthening control of external borders. The driving force behind the easing of internal freedom of movement was basically economic, as the creation of a common economic market was an objective that could not be reached without introducing geographical mobility of the labor force, in addition to free movement of goods, capitals, and services. In the Treaty of Rome of 1957 free movement was granted to people who would move for economic purposes, not to people as citizens (Callovi 1992). As stated in Article 48 of the treaty, the purpose was to eliminate discrimination based on nationality, but only with respect to employment, remuneration, and other conditions of work. This focus on the market, the weak emphasis given to rights of immigrant workers (other than those regarding the access to the labor market) and their family members, and the virtual absence of discussion on migration flows from third countries at the Community level, clearly indicate to the lack of a European migration

policy at this stage.

This state of affairs did not change after 1968, when Regulation 1612/68 completed the gradual transition to internal freedom of movement for nationals of the member countries. The nationality principle as a basis for the free movement of labor within the Community was now definitively accepted; only those workers that were nationals of one of the member states had the right to move freely within the Community. The acceptance of this principle finalized the process of creating insiders and outsiders in the area on international migration (Ugur 1995), and shows the willingness on the part of European institutions to regulate this policy area following a double logic: internal freedom versus external control. At this stage, in spite of having shifted from being merely a service organization to sharing implementation responsibilities, the role of the Commission was still limited. In addition, the regulation of immigration flows in the area of third country nationals was made on the basis of an intergovernmental framework. In fact, this area was regarded as the exclusive preserve of national sovereignty at least up to the mid 1970s (Callovi 1992). Attempts by the Commission to establish an integrated framework of policy coordination in the field of migration during the 1970s found much resistance from member states, which were more inclined to follow an intergovernmental approach, especially with regard to immigration from third countries.

A number of important initiatives for the harmonization of migration policy took place in 1985, a year that marks the speeding up of the process of European integration. To begin with, the Commission submitted to the Council a communication on guidelines for a Community policy on migration in which it proposed to increase consultation and cooperation in the area of third-country migration. In addition, it adopted a related Decision aimed precisely at promoting prior communication and consultation on migration policies regarding non-member countries. Yet in the early 1980s “the concerns of the member states were about maintaining national control on immigration policy and not about whether or not policy harmonization is necessary or desirable” (Ugur 1995: 985). This is clearly seen in the Single European Act (SEA) of 1986, the first major amendment to the Treaty of Rome, which institutionalized the creation of the internal market. The main point of the SEA was the removal of physical controls, an objective that was pursued in respect of the principle of national sovereignty. As a general declaration part of the treaty states: “[n]othing in these provisions shall affect the right of Member States to take such measures as they consider necessary for the purpose of controlling immigration from third countries” (quoted in Callovi 1992: 258). To be sure, a Political Declaration attached to the SEA committed the member states to cooperate among other in the area of immigration control, but this cooperation would follow an intergovernmental framework, hence excluding Community institutions (Dearden 1997).

The stress on the intergovernmental approach can also be seen in the Schengen Agreement signed in 1985 by France, Germany, and the Benelux countries. This charter outside the EU attests quite clearly to the ambivalence inherent in the harmonization of migration policy at the European level. The basic aim of the Agreement is quite representative of the whole process of policy coordination in the field of migration at the European level: the elimination of internal border controls and the intensification of control on external borders. Of course, open frontiers imply rules regarding external control and specific provisions for regulating the establishment and circulation of foreign nationals (in particular, a common visa policy and the treatment of requests for asylum). Thus this accord, together with its more elaborated Implementing Convention (Schengen II) signed in 1990, secures freedom of movement within the territory of the signatory countries, while representing at the same time another move towards the creation of “fortress Europe.”

Indeed, intergovernmentalism increased during this period. A number of further intergovernmental initiatives were taken after the 1985 Schengen Agreement, attesting once more to the difficulties of creating a European migration policy based on an integrated framework. Among those initiatives are the expansion of the activities of the TREVI group to immigration issues in 1986, the Convention on External Borders, the Ad Hoc Immigration Group within the Council's secretariat, the 1990 Dublin Convention on asylum seekers, and the 1992 London Resolution. However, the common control of external borders or certain rules regulating the responsibilities for accepting asylum seekers did not mean the creation of an active and coordinated policy on migration. Thus, as Callovi (1992: 359) has noted, "no doctrine has been developed on a gradual common policy on immigration nor on the way domestic immigration policies could fit into a coherent Community strategy. Each country has been trying to solve its own problems." In addition, member states have sometimes explicitly opposed common charters aimed at policy coordination, for they stroked against national interests. At least up to the Maastricht Treaty, among the main features of policy coordination in the field on international migration were "the insistence on avoiding Community's powers and responsibilities and the will to embody any common decision in a series of intergovernmental agreements rather than in Community legally-binding instruments" (Callovi 1992: 362).

Things changed only slightly after signature of the Treaty on European Union (TEU), or Maastricht Treaty, in 1992. The TEU extends Community rights from the mere economic dimension to the social, cultural, and political realms. Article K1 defines the following areas as matters of common interest: asylum policy, border control and regulation, as well as immigration and immigrant policy. In brief, virtually all aspects of migration policy are defined in the TEU migration policy as common interest. In these areas the European Commission and member states share the power of initiative. Most of these common interest matters, however, continued to be dealt with following an intergovernmental framework: "[i]n accordance with the Maastricht Treaty's concept of subsidiarity, the field of immigration from nonmember states, together with the associated fields of justice and home affairs, remains what is known as an intergovernmental pillar of the Treaty, that is to say, the business of individual sovereign member governments working together, although the European Commission is to be associated with decisionmaking and has some limited powers of initiative" (Convey and Kupiszewski 1995: 941).

With the TEU freedom of movement is definitively detached from the status of economic agent that was prevailing in the early years of the European project. Yet the main point here is that, due to opposition from some member states (in particular, the United Kingdom) to the erosion of national sovereignty, the TEU explicitly adopted a double-track approach to policy coordination in the area of migration: an integrated framework based on Community law and institutions, and an intergovernmental framework resting on direct consultation and agreements among member states. But the latter approach was still prevailing.

The most recent and powerful move towards an integrated European migration policy came with the Treaty of Amsterdam of 1997. Three contributions of this treaty are noteworthy for our present purpose. First and foremost, a new Title was added to the EC Treaty regarding the free movement of people and immigration policy, including visas, asylum policy, and judicial cooperation in civil matters. As a result, many of these issues are transferred from the third to the first pillar of the EU and therefore fall under EU responsibility. In practice, the matters of common interest as defined by the TEU become part of Community law and treated supranationally. Second, the Treaty of Amsterdam incorporates the arrangements agreed upon at Schengen (now involving 13 countries), as well as subsequent acts such as the Implementing Convention. Some of these arrangements are allocated by means of Protocol to the first pillar of

the EU, some others to the third pillar. In the former case, this implies a shift from an intergovernmental to an integrated framework of policy coordination. Third, the role of the European parliament and of the President of the European Commission is strengthened. The parliament, in particular, witnesses a considerable extension of the scope of the “co-decision procedure.” In addition, there are some extensions of the jurisdiction of the European Court of Justice and other institutions.

With the Treaty of Amsterdam, intra-EU freedom of movement applies to everybody regardless of nationality. In other words, once a person has entered the EU, she can move freely. Hence the need to reinforce control at the external borders and a resulting likely homogenization in this area. However, we must not forget that competence and responsibility as regards immigration policy is far from being fully transferred to the European level. In spite of a real advance in this respect, member states will keep large part of their sovereignty. For, in accordance with Article 63 of the consolidated version of the Treaty establishing the European Community, they can at any time keep or introduce national provisions insofar as the latter are compatible with international treaties and accords. In addition, the treaty reinforces the idea that European citizenship is subject to national citizenship rather than replacing it. Therefore, in spite of the real advances made with the Treaty of Amsterdam, it is difficult to assess the extent of the strengthened role of European institutions in this area.

The Persistence of the National State as the Main Frame of Reference for Regulating, Debating, and Mobilizing in the Field of International Migration

The difficulties encountered in creating a common migration policy within the EU both reflects and explains the persistence of the national state as the main frame of reference for regulating, debating, and mobilizing in the field of international migration. In spite of the willingness to reach better policy coordination and harmonization – especially with the aim of easing intra-EU freedom of movement, seen as a necessary condition for creating the single market –, member states have shown some reluctance to give up their sovereignty in this area. Such reluctance stems above all from the need to retain control over national borders and territory, hence over security matters, and leads to important cross-national differences in immigration policies. For example, much variation exists as regards the “gates” regulating the inflow and settlement of foreigners (Convey and Kupiszewski 1995): entry visa requirements, border external controls, long-term and residence permits, internal controls, permanent residence permits and regularization systems, and naturalization.

The most visible differences among states, however, can be observed in the ways they deal with ethnic minorities living in the host society. In this respect, recent comparative work has stressed the importance of citizenship rights for determining the ways in which migrants are incorporated into the receiving country (Brubaker 1992; Castles 1995; Favell 1998; Smith and Blanc 1996; Schnapper 1991; Soysal 1994). In particular, it is useful to distinguish between different national regimes for the incorporation of migrants according to the formal criteria for obtaining citizenship and to the cultural obligations posed on prospective citizens (Koopmans and Statham 1999a). On the one hand, citizenship is accorded on the basis of ethnic-cultural or civic-territorial criteria, a distinction that grossly reflects that between *jus sanguinis* and *jus solis*, that is, between citizenship rights based on birth and kinship or, alternatively, on choice and belonging to a political community (Brubaker 1992). On the other hand, the acquisition of citizenship is contingent upon assimilation to the dominant (national) culture or, following a cultural-pluralistic view, allows for the recognition of particular cultures and identities of migrants. Of course, these are analytical distinctions. The empirical cases always present some

combinations of these criteria. Nevertheless, these analytical distinctions allow us to explain variations from one national context to the other.

Combining these two dimensions, we stress three basic models of incorporation of migrants in the host society. The ethnic-assimilationist model, as the name indicates, combines an ethnic-cultural definition of citizenship with an assimilationist view of the cultural obligations for obtaining it. In this case, migrants (which tend to be seen as foreigners) encounter a closed national community and, at the same time, are asked to adapt to the norms and cultural codes of the host society, thus downplaying their ethnic difference. Switzerland and Germany are examples of this model. The civic-pluralist model is characterized by a civic-territorial conception of citizenship which tends to include migrants within the national community and poses little demands as to the cultural obligations for becoming members of that community. In other words, ethnic minorities have easy access to citizenship and are at the same time recognized their right to difference. Britain and the Netherlands are often mentioned examples of this regime of incorporation of migrants. The civic-assimilationist model is a sort of intermediate case, for it combines a civic-territorial conception of citizenship with an assimilationist view of the cultural obligations posed on migrants. Most typically, this is the case of France. While it is relatively easy to become French, ethnic-based identities must be given up and the republican ideal of the state must be accepted.

The strong imprint of the national regimes for the incorporation of migrants explains to a large extent the difficulty encountered by the EU in developing a common framework on immigration and ethnic relations. At the same time, national traditions and regimes for the incorporation of migrants allow us to understand the existence of important cross-national variations in state policies, public debates, and collective mobilizations pertaining to the regulation of immigration flows and the management of ethnic difference. In the following we draw from an ongoing research on the mobilization on ethnic relations, citizenship, and immigration (MERCİ) to show the extent to which different national regimes for the incorporation of migrants affect claim-making in this field. Public claim-making includes all political decisions, speech acts, and collective mobilizations that appeared in the public space. Specifically, we collected acts involving demands, criticisms, or proposals about immigration, ethnic minority integration, xenophobia, and antiracism. The data were collected on a national newspaper in each country and cover the period from 1990 to 1994.

In order to assess the impact of national regimes for the incorporation of migrants, we compare two countries that have quite distinct national traditions: France and Switzerland. Switzerland, as we said, follows an ethnic-assimilationist model. The ethnic definition of citizenship implies the exclusion of migrants from the national community. Much like Germany and in spite of hosting nearly 20 % of migrants, Switzerland has never defined itself as a country of immigration. Newcomers are officially labeled as “foreigners” and traditionally considered as guestworkers living in the country only on a temporary basis or as asylum seekers and political refugees. As a consequence, little is done to improve the conditions and integration of migrants in the host society, both at the policy level and in public discourse. In contrast, France’s civic-assimilationist model tends to consider newcomers as members of the national community. However, this inclusiveness has an assimilative bias. Unlike for example in Britain and in the Netherlands, the republican principles of universality and equality between all the members of the French community prevent migrants from receiving special treatment as collectivities. Thus French authorities do enact policies aimed at the integration of migrants, but these policies avoid to promote cultural and ethnic difference. They tend instead to facilitate the access of migrants to French institutions and to promote equal treatment of all the members of the national community.

National regimes for the incorporation of migrants impinge on the structure of public debates, political decisions, and collective mobilizations pertaining to immigration and ethnic relations. To begin with, we expect France and Switzerland to display substantial variations in the content of public debates in this field. The ethnic-assimilationist model of incorporation should frame public debates in terms of regulation of flows rather than minority integration. As in Switzerland migrants are not fully part of the national community and tend to be considered as workers residing in the country only on a temporary basis, we expect public debates not to focus on the ways they could or should be integrated into the host society. In contrast, as migrants in France are considered and consider themselves as belonging to the national community, we expect public debates there to deal extensively on their integration into the French society rather than on the regulation of immigration flows.

Table 1 gives us a first indication of the varying ways in which the politics of immigration and ethnic relations is framed in different national contexts. It shows the distribution of public claims pertaining to the thematic field under study in France and Switzerland for the period from 1990 to 1994. The differences are quite striking and largely support our predictions. While public debates in Switzerland focus mainly on immigration, asylum, and aliens politics, that is, on the regulation of flows, in France minority integration politics and issues related to racism, xenophobia, and antiracism play a greater role. In Switzerland, 60.6% of the claims appearing in the public space regard the inflows (but also the outflows) of migrants, especially in relation to the situation of asylum seekers. More detailed analyses show indeed that the management of asylum seekers (entry and border controls, expulsions and deportations) captures most of the attention of Swiss political actors. Political asylum in Switzerland has deep historical roots which go back to the flow of protestant refugees from Italy, the Low Countries, southern Germany, and above all France during the 16th, 17th, and 18th centuries (Caloz-Tschopp 1989; Vuilleumier 1987). Furthermore, “Switzerland – country of asylum” is a myth that has nourished the formation of Swiss national identity, and still partly does so (Parini 1997). It is therefore not surprising that a large share of the public debates in this country deal with an issue that in the 1990s became very salient. The conflict between supporters and opponents of a more restrictive policy towards asylum seekers in Switzerland has dominated the public debates in recent years, while the question of the integration of residents of migrant origin into the Swiss society has a lower mobilization capacity. Within the category of minority integration politics and that of racism, xenophobia, and antiracism, the issues that mobilize most frequently are those of naturalization and the general evaluation of governmental policies regarding minorities and racism. However, as we saw, these issues are relatively marginal as compared to the regulation of immigration flows, particularly that of asylum seekers.

Table 1

Public debates have a different structure in France. Minority integration politics and issues related to racism, xenophobia, and antiracism cover 69.4% of the claims in the field of immigration and ethnic relations. They are by and large the main focus in the French context. More detailed analyses indicate that minority rights and their participation in the host society are salient issues with a high mobilization capacity. In particular, the issue of the respect (or, conversely, denial) of specific religious rights has played quite an important role. The Islamic veil affair has provoked an intense debate in France in the first half of the 1990s. Muslim migrants asked the respect of their cultural practices, especially with regard to the freedom for young women to wear the Islamic veil in public places such as schools. The authorities and other

political actors replied that the politics of difference is not acceptable in the French Republic. The principles of universality, equality, and *laïcité* could not stand the promotion of ethnic difference by the state.

Within the category of racism, xenophobia, and antiracism, most claims regard the general evaluation of governmental policy and the condemnation of the extreme right. The large share of antiracist claims can be explained in part with the strong presence of an extreme right party – the *Front National* – in French politics, which is the explicit or implicit target of most antiracist claims. Also criticized are the alliances that other political actors establish with this party and which provide it with opportunities to seize the power at the local level. More generally, demands are made for social and educational responses against racism.

The regulation of immigration flows is clearly less salient in France than in Switzerland. Furthermore, it is related to asylum politics to a much lesser extent. French public debates less often deal with entry and border control issues. There is also the question of the status of residence, which can be seen in the claims dealing with the attribution of working and residence permits. The civic-assimilationist model encourages such claims. In a country where newcomers belong to the national community, permits become an important stake. The issues of *sans-papiers* and illegal immigrants is quite salient in French politics. The French civic-assimilationist model hardly accepts the presence of individuals who live on its territory without being fully part of the national community.

Thus far we have shown the differences existing between France and Switzerland in the public debates pertaining to immigration and ethnic relations. What about political decisions? Minority integration policies adopted by European countries share a number of characteristics, in particular with regard to the rights and status of migrants (Soysal 1993). In addition, several more specific common trends can be observed (Mahnig and Wimmer 1998): first, there is a general trend towards equality of rights; second, most policies and measures against social marginalization no longer target migrants only, but all groups subject to exclusion; third, integration policies are increasingly based upon mediation and dialogue with minority groups and their spokespersons, specifically through the sponsoring of migrant organizations and the creation of institutions that mediate between them and the state. Nevertheless, minority integration policies display strong cross-national variations as each nation tends to privilege certain policy areas depending on the cultural-institutional setting that frames the shared understanding of the criteria of membership of migrants in the national community.

Back to our comparison of France and Switzerland, it is reasonable to maintain that Swiss authorities so far have not enacted specific policies aimed at the integration of migrants. The latter are perceived in Switzerland as guestworkers and are welcome to the extent that they can contribute to the progress of the Swiss economy. The status of seasonal worker was developed to better adapt immigration flows to the needs of the economy. The Swiss model of incorporation of migrants is based on the principle that the integration of migrants in the host society depends on their integration in the labor market. Very little has been made at the national level to improve the situation of newcomers. For example, a federal commission was created in 1970 with the aim of improving the relations with ethnic minorities. However, this commission has little competence and financial resources (Soysal 1994). The same applies at the local level. Most cantons have created special agencies to improve the integration of migrants, but these offices are relatively ineffective, although much more has been done as compared to the national level.

Minority integration politics in France faces a dilemma. On the one hand, it has to grant full access to the society, that is, equal opportunity for migrants. On the other hand, however, this objective must be reached without offering specific programs to ethnic minorities as the

recognition of ethnic difference is not accepted. The republican ideal of universality and equal treatment among all the members of the national community does not provide for specific programs targeting particular social groups. The republican dilemma has promoted public aid for migrants to grant them a better access to French institutions (schools, administration, social security, labor market, housing, etc.), but without dealing with the politics of difference. For example, the French administration has enacted policies in favor of the population of the *banlieues* (suburbs) in order to improve the quality of life and to prevent social exclusion. Special programs for young people (sport, cultural and social programs, etc.) have in particular been promoted. In most suburbs migrants are the main recipients of these programs. Yet the latter were set up for the entire population living in disadvantaged neighborhoods, not specifically for migrants. The republican philosophy clashes against the politics of difference such as it exists for example in Britain and the Netherlands.

Table 2 shows the distribution of political decisions regarding immigration and ethnic relations in France and Switzerland for the 1990-1994 period. As can be seen, they largely reflect public claim-making in general: a much greater emphasis on minority integration policy as well as on racism, xenophobia, and antiracism in France and on the regulation of immigration flows in Switzerland. As we said, the Swiss authorities seldom legislate to improve the integration of migrants. Most of the time they act as gatekeepers, in particular vis-à-vis asylum seekers. Political decisions pertain primarily to entry and border control, expulsions, the reorganization of institutions in charge of asylum policy (usually with the aim of speeding up the decisional process), and legal permits for migrants. Decisions concerning minority integration, on the other hand, are rare. Only a third of all the political decisions taken in the field of immigration and ethnic relations during the period under study deal with this aspect.

In France, the structure of political decisions pertaining to immigration and ethnic relations differ very much from those taken in Switzerland. French legislation focuses on minority integration and on issues related to racism, xenophobia, and antiracism. Much like public debates, political decisions deal primarily with migrants' rights and their participation in the host society. In addition, the French authorities lead an active policy of repression and judicial response against racist behaviors. While the share of events dealing with the regulation of immigration flows is larger for political decisions than for public debates, this aspect is much less salient for the French authorities than for the Swiss authorities. Like in Switzerland, decisions concerning the regulation of flows deal mainly with entry and border control, residence and labor permits, and the expulsion of illegal immigrants. In France, however, they are much more frequent.

Table 2

After having examined public debates and political decisions, we now turn to collective mobilizations. We focus on the mobilization of ethnic minorities in the host society. Again, we expect national traditions to influence the possibility for migrants to address their claims in the public space. The symbolic definition of citizenship and more generally the shared understanding of the modalities of inclusion in or exclusion from the national community influence the degree to which migrants feel as belonging to that community. In the Swiss ethnic-assimilationist context minorities have little room for intervening in (national) public debates on issues pertaining to immigration and ethnic relations. They tend not to be seen as members of the national community and therefore are given little legitimacy to act as collective actors in the national public space. The French civic-assimilationist model, in contrast, offers a more favorable

environment for minority groups to address issues related to their integration into the host society. But again, this model poses a dilemma. The inclusion of migrants in the national community grants ethnic minorities access to the public space. However, the republican principles of universality and equality between all the members of the French community do not legitimize them to mobilize along ethnic lines. Thus ethnic minorities in France have ambivalent opportunities. On the one hand, they are granted access to the national public space. On the other hand, however, they have little legitimacy to mobilize on the basis of their cultural diversity. Migrants should therefore have a stronger presence in public debates in France than in Switzerland, but a weaker presence than in a country following a civic-pluralist model of incorporation, such as Britain or the Netherlands. The civic-pluralist model not only grants migrants easy access to the public space, but denies the recognition of ethnic difference and hence makes it legitimate for them to mobilize along ethnic lines.

Table 3 shows the distribution of public claims by ethnic minorities in France and Switzerland for the period under study. If we consider all claims regardless of the policy field addressed, the difference is not very strong as minorities have a slightly larger presence in the public space in Switzerland (13.1 %) than in France (12.4%). If we get a closer look, however, we realize that more than a half of their claims are addressed to their homeland, asking for more democracy, the respect of human rights, and other homeland issues. Only rarely do migrants address issues related to their integration in the Swiss society. In contrast, when they enter the public space in France their claims often deal with French politics, although their presence is weaker than in Britain (Koopmans and Statham 1999a). In this sense, France is an intermediate case between “closed” Switzerland and more “open” Britain, whose civic-pluralist model provides ethnic minorities with larger opportunities for participation.

Table 3

National traditions go a long way in explaining cross-national variations in political decisions, public debates, and collective mobilizations in the field of immigration and ethnic relations. These variations from one national context to the other show how important the national state remains for both policy-making and claim-making. We have a further indicator of that if we look at the scope of claim-making. Table 4 shows for the period studied the distribution of public claims according to their territorial and/or political scope. By and large, the main scope in both countries is the national state and its sublevels (regional, local). This holds true especially in France, while in Switzerland migrant homeland claims are more frequent. Regarding homeland politics, as we said, this is a result of the poor opportunities for ethnic minorities to address issues related to their situation in the receiving country. The strong emphasis on the national level contrasts with the minor relevance of Europe as the scope of claim-making. Thus the Europeanization of migration policy seem not to have deeply affected the national debates in this area. This finding is confirmed when we look at the addressee of claims (for those events for which we have coded an actor as addressee, positive reference, or negative reference) as European-level actors are virtually never targeted.

Table 4

Conclusion

To deny that policy coordination and harmonization efforts aimed at creating a European migration policy have led nowhere would mean to largely overlook the advances made in this

field. The situation today has no doubt improved as compared to ten or fifteen years ago. EU institutions are increasingly involved in policy-making to regulate immigration flows as well as to improve the rights and conditions of ethnic minorities. Furthermore, member states tend to take into account what the other states do when they look for policy solutions to a much larger extent than in the past. In brief, we have certainly witnessed policy convergence in this area. However, the search for common solutions has been made mostly within an intergovernmental framework, at least up to the Treaty of Amsterdam, which has for the first time transferred substantial competencies to the EU. A truly integrated European migration policy is far from being established.

The lack of an integrated, coherent, and effective migration policy results in part from the strategic refusal on the part of certain member states to give up their sovereignty with regard to the regulation of migration flows for fear of losing control over national security matters. Of course, it also stems from the difficulties inherent in mounting a project that involves several countries with different needs and aims. The absence of a genuine EU migration policy, in turn, reverberates upon the possibility for the emergence of a political arena for the articulation of collective interests in this area at the European level. As was recently stressed with reference to ethnic mobilization, “[t]he opportunities for this kind of mobilization are extremely limited by the early stage of institutionalization of supranational powers over immigration, and those opportunities which do exist for transnational mobilization are monopolized by a small range of elite actors who dominate the emerging ‘political field’ of immigration at the European level” (Favell and Geddes 1999: 3-4). The weakness of EU institutions and procedures for regulating migration makes the task of creating a European political arena for addressing issues in this area particularly difficult. For, without a well-defined power center, there is little room and few opportunities for the articulation of collective interests. In addition, we must not forget the difficulty to create a European public space which can convey in an adequate fashion the public debates on migration issues. The creation of such public space is a very difficult task, perhaps an impossible one, if only due to the plurality of languages among member states (Kriesi 1999). Nevertheless, should it emerge in the future, the national state and the national public space would be likely to lose much of their present relevance.

Given this state of affairs, it should not be surprising that domestic actors and institutions remain the principal agents for dealing with migration issues. National policy communities have certainly adapted to the changes occurring at the supranational level, not only European. Yet national barriers to supranational changes in migration policy have formed a front of resistance to Europeanization. As a result, differences, at least for the time being, seem to overwhelm similarities and convergences. The national state remains the main frame of reference for regulating, debating, and mobilizing over immigration and ethnic relations. This is not only due to the lack of a European political arena and a European public space. It stems above all from the historical legacy of the construction of the national state itself, whose principles of definition of the rights and duties as well as of the inclusion and exclusion of those who are entitled to such rights and duties – i.e. citizenship – still fundamentally influence the interests and behaviors of social and political actors.

References

- Birnbaum, Pierre 1998. La France imaginée. Paris: Fayard.
- Brubaker, Rogers 1992. Citizenship and Nationhood in France and Germany. Cambridge, MA: Harvard University Press.
- Brubaker, Rogers 1999. "The Manichean Myth: Rethinking the Distinction between 'Civic' and 'Ethnic' Nationalism. In Nation and National Identity, edited by Hanspeter Kriesi, Klaus Armingeon, Hannes Siegrist, and Andreas Wimmer, 55-71. Zurich: Verlag Rüegger.
- Callovi, Giuseppe 1992. "Regulation of Immigration in 1993: Pieces of the European Community Jig-Saw Puzzle." International Migration Review 26: 353-372.
- Castles, Stephen 1995. "How Nation-States Respond to Immigration and Ethnic Diversity." New Community 21: 293-308.
- Convey, Andrew, and Marek Kupiszewski 1995. "Keeping Up with Schengen: Migration and Policy in the European Union." International Migration Review 29: 939-963.
- Dearden, Stephen J.H. 1997. Immigration Policy in the European Community. Discussion Paper no. 4. Manchester Metropolitan University, European Development Policy Study Group.
- Dummett, A., and A. Nicol 1990. Subjects, Aliens, and Others. London: Weidenfeld and Nicolson.
- Favell, Adrian 1998. Philosophies of Integration. Houndmills/Basingstoke: McMillan.
- Favell, Adrian, and Andrew Geddes 1999. European Integration, Immigration and the Nation State: The Institutionalization of Transnational Political Action? Paper for the 27th ECPR Joint Session. Mannheim, 26-31 March.
- Hammar, Tomas 1990. Democracy and the Nation State. Aldershot: Avebury.
- Heisler, M. O. 1992. "Migration, International Relations and the New Europe: Theoretical Perspectives from Institutional Political Sociology." International Migration Review 26: 596-621.
- Hollifield, James F. 1992a. Immigrants, Markets, and States. Cambridge, MA: Harvard University Press.
- Hollifield, James F. 1992b. "Migration and International Relations: Cooperation and Control in the European Community." International Migration Review 26: 568-595.
- Jacobson, David 1996. Rights across Borders. Baltimore: Johns Hopkins University Press.
- Joppke, Christian 1998. "Why Liberal States Accept Unwanted Immigration." World Politics 50: 266-293.

Keohane, Robert O, and Joseph S. Nye 1977. Power and Interdependence. Boston: Little, Brown.

Koopmans, Ruud, and Hanspeter Kriesi 1997. "Citoyenneté, identité nationale et mobilisation de l'extrême droite: Une comparaison entre la France, l'Allemagne, les Pays-Bas et la Suisse." In Sociologie des nationalismes, edited by Pierre Birnbaum, 295-324. Paris: Presses Universitaires de France.

Koopmans, Ruud, and Paul Statham 1999a. "Challenging the Liberal Nation-State? Postnationalism, and the Collective Claims making of Migrants and Ethnic Minorities in Britain and Germany." American Journal of Sociology 105: 652-96.

Koopmans Ruud, and Paul Statham 1999b. "Political Claims Analysis: Integrating Protest Event and Political Discourse Approaches." Mobilization 4: 203-221.

Mahnig, Hans, and Andreas Wimmer 1998. Integrationspolitik in Grossbritannien, Frankreich, Deutschland und den Niederlanden: Eine vergleichende Analyse. Neuchâtel: Schweizerisches Forum für Migrationsstudien.

Parini, Lorena 1997. La Politique d'asile en Suisse. Paris. L'Harmattan.

Plender, Richard 1988. International Migration Law. Second edition. Dordrecht: Martinus Nijhoff.

Rosenau, James 1990. Turbulence in World Politics. Princeton, NJ: Princeton University Press.

Ruggie, John G. 1982. "International Regimes, Transactions and Change: Embedded Liberalism in the Postwar Economic Order." International Organizations 36: 379-415.

Safran, William 1997. "Citizenship and Nationality in Democratic Systems: Approaches to Defining and Acquiring Membership in the Political Community." International Political Science Review 18: 313-335.

Sassen, Saskia 1998. "The de facto Transnationalizing of Immigration Policy." In Challenge to the Nation-State, edited by Christian Joppke. Oxford University Press.

Schmitter Heisler, Barbara 1992. "The Future of Immigrant Incorporation: Which Models? Which Concepts?" International Migration Review 26: 623-645.

Smith, David M., and Maurice Blanc 1996. "Citizenship, Nationality and Ethnic Minorities in Three European Nations." International Journal of Urban and Regional Research 20: 66-82.

Soysal, Yasemin Nuhoglu 1993. "Immigration and the Emerging European Polity."

In Making Policy in Europe, edited by Svein S. Andersen and Kjell A. Eliassen, 171-186. London: Sage.

Soysal, Yasemin Nuhoglu 1994. Limits of Citizenship. Chicago: University of Chicago Press.

Soysal, Yasemin Nuhoglu 1998. "Toward a Postnational Model of Membership." In The Citizenship Debates, edited by Gershon Shafir, 189-220. Minneapolis: University of Minnesota Press.

Straubhaar, T., and K.F. Zimmerman 1993. "Towards a European Migration Policy." Population Research and Policy Review 12: 225- 241.

Ugur, Mehmet 1995. "Freedom of Movement vs. Exclusion: A Reinterpretation of the 'Insider'-'Outsider' Divide in the European Union." International Migration Review 29: 964-999.

Vuilleumier, Marc 1987. Immigrés et réfugiés en Suisse. Zurich: Pro Helvetia.

Weiner, M. 1985. "International Migration and International Relations." Population and Development Review 11: 441-455.

Table 1: Public claims in the field of ethnic relations, citizenship, and immigration in France and Switzerland, 1990-1994

	France	Switzerland
Immigration, asylum, and aliens politics	27.6	60.6
Minority integration politics	29.3	16.7
Racism/xenophobia and antiracism	43.1	22.8
Total	100%	100%
N	1773	966

NOTE: Includes both verbal and non-verbal claims.

Table 2: Political decisions in the field of ethnic relations, citizenship, and immigration in France and Switzerland, 1990-1994

	France	Switzerland
Immigration, asylum, and aliens politics	48.8	72.7
Minority integration politics	35.5	21.3
Racism/xenophobia and antiracism	15.7	6.0.5
Total	100%	100%
N	242	216

Table 3: Distribution of public claims by ethnic minorities in France and Switzerland, 1990-1994

	All claims	ERCI field		
	France	Switzerland	France	Switzerland
Minority actors involved	12.4.	12.6	13.1	4.6
Other actors involved	87.6	87.4	86.9	95.4
Total	100%	100%	100%	100%
N	2449	1193	1773	966

NOTE: Includes both verbal and non-verbal claims.

Table 4: Territorial and/or political scope of public claims in France and Switzerland, 1990-1994

	France	Switzerland
Supra- or transnational: European	4.9	2.9
Supra- or transnational: other	2.5	3.1
Foreign national: migrant homeland	0.7	11.9
Foreign national: other	0.2	0.7
Bilateral	0.1	-
National or sub-national	91.6	85.0
Total	100%	100%
N	2064	1043

NOTE: Excludes non-verbal claims. Includes claims by ethnic minorities and the extreme right not related to immigration, ethnic minority integration, xenophobia, or antiracism.

Notes