

The logo for the Refugee Studies Centre, featuring the text 'REFUGEE STUDIES CENTRE' in white, uppercase letters on a dark blue background with a torn-edge effect at the bottom.

REFUGEE
STUDIES
CENTRE

WORKING PAPER SERIES NO. 82

Contesting *fraternité*

Vulnerable migrants and the politics of
protection in contemporary France

Jennifer Allsopp
jennifer_allsopp@hotmail.com

July 2012

Refugee Studies Centre
Oxford Department of International Development
University of Oxford

Working Paper Series

The Refugee Studies Centre Working Paper Series is intended to aid the rapid distribution of work in progress, research findings and special lectures by researchers and associates of the RSC. Papers aim to stimulate discussion among the worldwide community of scholars, policymakers and practitioners. They are distributed free of charge in PDF format via the RSC website. Bound hard copies of the working papers may also be purchased from the Centre.

The opinions expressed in the papers are solely those of the author/s who retain the copyright. They should not be attributed to the project funders or the Refugee Studies Centre, the Oxford Department of International Development or the University of Oxford. Comments on individual Working Papers are welcomed, and should be directed to the author/s. Further details may be found at the RSC website (www.rsc.ox.ac.uk).

Contents

Introduction	3
1 <i>Fraternité</i> in historical and political context	7
2 Contemporary contestations of <i>Fraternité</i> : the <i>délit de solidarité</i>	13
3 <i>Fraternité</i> as grounds for civil disobedience	20
4 Universal <i>Fraternité</i> and the nation-state: analysis and implications	25
Conclusion	29
Bibliography	30

List of abbreviations and acronyms

GISTI	<i>Groupe d'information et de soutien des immigrés</i> (Immigrant Information and Support Group)
LDH	<i>Ligue des Droits de l'Homme</i> (Human Rights League)
NGO	Non-governmental organisation
PICUM	Platform for International Cooperation on Undocumented Migrants
PS	<i>Parti Socialiste</i> (Socialist Party)
RESF	<i>Réseau Education Sans Frontières</i> (Education without Borders Network)
UMP	<i>Union pour un mouvement populaire</i> (Union for a Popular Movement)

Glossary

<i>Collectif des Délinquents Solidaires</i>	Delinquents of Solidarity Collective
<i>Collectif Fraternité</i>	Collective Fraternity
<i>délit de solidarité</i>	crime of solidarity
<i>France Terre d'Asile</i>	France, Land of Asylum
<i>immigration choisie</i>	chosen immigration
<i>Liberté, Egalité, Fraternité</i>	Liberty, Equality, Fraternity
<i>pays des droits de l'homme</i>	country of human rights
<i>Secours Catholique</i>	Catholic Aid Service
<i>Solidarité</i>	Solidarity
<i>terre d'asile</i>	land of asylum

Introduction

In general the French don't like immigration but this is a different question, a deeper question. It's about citizens, it's not a question of immigrants.

Claire, Groupe d'information et de soutien des immigrés
(Immigrant Information and Support Group, GISTI), Interview, 04/04/2011

On 28 April 2007, Marie Françoise Durupt, a 60 year old grandmother, protests at the placing of cushions over the mouths of two Malian men being deported on her Air France flight, asserting "I'm ashamed to be French. I didn't buy an air ticket to take part in such things". She is removed from the aeroplane, searched and placed in custody overnight, accused of inciting two undocumented migrants and other passengers to "rebellion with a view to violently resisting people in authority" (FIDH/OMCT 2009). On 17 February 2009, following the arrest of an undocumented migrant outside an *Emmaüs* homelessness shelter in Marseille, the centre is raided and the director is detained for six hours following a refusal to provide the details of guests with "foreign sounding names". In a statement, *Emmaüs* denounces this criminalisation as contrary to its mission to provide refuge and "a serious attack on the principle of unconditional welcome" promoted by the President of the Republic (*Le Post* 2009). Early the next day, on the other side of France, 59 year old Monique Pouille, a volunteer with the homelessness charity *Restos du Coeur* and migrant support organisation *Terre d'Errance*, is placed in custody in Calais. Her "crime" has been to recharge the mobile phones of undocumented migrants. One month later, as a debate that will ignite both the streets and the National Assembly begins to mount, a local paper hails her as "the national symbol of resistance to anti-immigration politics" (*La Voix du Nord* 2009).

Episodes such as these have been cited by French non-government organisations (NGOs) in past years as evidence of the criminalisation of assistance to vulnerable undocumented migrants¹, or, to use the phrase at the heart of a 2009 debate on the issue, of the existence of a "*délit de solidarité*" (crime of solidarity). They are representative of a string of similar episodes which have led some to claim that French migrant support organisations are operating in a climate of intimidation in which Good Samaritans like Monique Pouille are named and shamed as unwitting resisters to the state's anti-immigration regime. Following several such arrests in quick succession early in 2009, around twenty major human and migrant rights organisations founded the *Collectif des Délinquants Solidaires* (Delinquents of Solidarity Collective). Through a series of petitions and protests, the *Collectif* called for the abolishment of the "crime" for which many "delinquents" were being charged and for the reinstatement of the republican principle of *Fraternité*² in the face of its denigration. Almost 30,000 signed a petition asserting "the France we love stresses solidarity and *Fraternité* over fear of foreigners...the *Fraternité* inscribed on the front of all the town halls of France cannot be repressed". The movement was backed by Socialist parliamentarians who proposed an

¹ "Vulnerable migrant" is used throughout to refer to irregular migrants who are vulnerable to detention, deportation and other immigration control practices. It also alludes to the material and psycho-social needs which they may have as a result of their underground existence.

² *Fraternité* can be translated as "fraternity" or "brotherhood". We shall see in Chapter 1 that its meaning has long been contested.

amendment to the controversial law, rejected 276 votes to 225 by the National Assembly on 5 May 2009.

This paper analyses the *délit de solidarité* debate through the discourse of politicians, NGOs and citizens. Through this it seeks to answer the following questions: (i) what role has the republican principle of *Fraternité* played in debates over vulnerable migrants in contemporary France? (ii) to what extent does the political instrumentalisation of the principle of *Fraternité* and the related concept of *Solidarité* reflect a broader tension in the way French citizens understand their responsibilities towards “outsiders”, between particularism and universal obligation?³ Particular attention is given to the conflicting ways in which both government delegates defending state policy and campaigners wishing to change it discursively link the protection of vulnerable migrants to questions of national identity through their evocation of *Fraternité*.

The argument proceeds in four parts. Chapter 1 traces the tension between particularism and universalism historically to the foundation of the French nation-state and its republican philosophy of citizenship. The concept of *Fraternité* is depicted as a floating signifier for the two strands and the foreigner is situated as a catalyst for their conflict in the past and present. Chapter 2 offers an empirical analysis of the *délit de solidarité* debate as a case study for the ambiguity outlined in Chapter 1. It examines legislation and policy in light of critiques advanced by various institutional and civil society actors in order to explain the issue’s politicisation and elevation to a matter of national concern. Chapter 3 analyses the discourse of the government and opposition throughout the debate, identifying *Fraternité* as a synecdoche for a range of national ideological and historical tropes including France’s reputation as the *pays des droits de l’homme* (country of human rights) and a *terre d’asile* (land of asylum), as well as collective national guilt for the deportation of Jews under the 1940s Vichy regime. It is argued that the *délit de solidarité* debate demonstrates the possibility of articulating a universalist nationalism and of thus challenging the Right’s hegemonic association of national identity with anti-immigration discourse. Chapter 4 considers the shortcomings of the nationalist framing outlined in Chapter 3 through an examination of the marginalisation of non-citizens as well as alternative discourses of solidarity. On the basis of this analysis it is argued that the *délit de solidarité* debate politicised concerns regarding the protection of vulnerable non-citizens in France, reducing the issue to a debate over the rights and reputation of French citizens and the scope and substance of *Fraternité*.

Literature review

A vast body of literature exists on what Christian Joppke (2008: 534) has called the “immigration-citizenship nexus” in France, with national identity frequently used as an analytic bridge between the two fields (Noiriel 1988; Brubaker 1992; Silverman 1994; Weil 2005). The historical approach is most common, and many studies adopt what Miriam Feldblum (1999) has called the “political-cultural perspective”. Such studies, embodied in Brubaker’s work, take entrenched national models as explanatory variables and tend to “reify

³ This thesis defines universalism and particularism pragmatically in the context of French history and ideology. This context will be outlined in Chapter 1. Briefly, particularism involves placing greater weight on the interests of those with whom one shares communal bonds. Universalism implies an unbounded sense of community.

various historical and ideological strands into more or less static national models” (7). In this context, the contribution of immigrants to national debates is mainly examined through the lens of integration, and they are examined alongside national identity rather than along *with* it as a constitutive factor. Such juxtaposition of citizens and immigrants either side of a one-way barrier hinders studies such as this which seek to analyse the political implications of their interactions. The growing body of literature on securitisation (Freedman 2004), religion (Fekete 2009), race (Silverman 1994; Fassin 2001) and the far-right (Davies 2002) in France similarly falls short in this respect, often failing to recognise the diversity of political actors which contribute to discussions of national identity.

In its break with tradition, this study situates itself within a growing corpus of literature which sees state immigration control practices such as deportation as forms of coercion that are indirectly constitutive of citizenship (Nyers 2003; De Genova 2010; Anderson *et al.* 2011). Detailed studies of the political significance of relations between non-citizens and citizens in this context are scarce. A recent article on activism in Calais includes some consideration of solidarities between migrants and European nationals (Rygiel 2010), whilst Freedman has highlighted the role of French anti-deportation campaigns in challenging the state’s position as the sole regulator of access into and out of the political community (Freedman 2009; 2011). Ellermann (2005; 2006; 2009) has made similar observations in her work on anti-deportation movements in Germany, whilst Nyers’s (2003) analysis of citizen solidarity with deportees in Canada touches upon similar themes. Rodríguez’s (2004) work on the involvement of citizens in the *sans papiers* (without papers) regularisation movement sheds some light on the conflict of interests raised by such solidarity, as does literature examining humanitarian giving and relations of solidarity among American citizens and undocumented Mexican migrants (Nevins 2003; Lynn-Doty 2006; Cabrera 2010). This fragmented backdrop suggests that the precedents for this study are few and far between.

Given the shortage of literature on the relational aspects of immigration and citizenship in France, it is unsurprising that *Fraternité* has been little examined in this regard. Studies have either taken a historical approach and considered the construction of the foreigner as a common brother in the fight against tyranny in revolutionary France (Fassin *et al.* 1997; Wahnich *et al.* 1997), examined the political symbolism of asylum (Burgess 2008), or focused on the role of trade unions in regularisation movements (McNevin 2006). Meaghan Emery’s (2010) recent study on “the Sarkozyean concept of *Fraternité*” is a welcome if not somewhat superficial exception, recognising that the concept has been doing important political work by promoting a communitarian⁴ vision of French society at the expense of immigrants in recent national identity debates. Emery’s article sets the stage for this study which seeks to explore how the concept has been re-appropriated by members of the polity who seek to advance a more inclusive vision of membership.

With the exception of a passing note in Emery’s study, the *délit de solidarité* has received no critical attention in Anglophone scholarship. French scholars have broached the topic, though largely from a legal perspective (Müller 2009; Matinge 2009). A growing body of reports drafted by human rights organisations trace the criminalisation of assistance to irregular

⁴ Communitarianism is arguably the main contemporary form of particularistic political philosophy. It suggests that shared forms of life and identity are the locus from which collectives draw their moral value and democratic authority.

migrants in France and elsewhere in Europe (Webber 2006; Fekete 2008; FIDH/OMCT 2009), and both the *Groupe d'information et de soutien des immigrés* (Immigrant Information and Support Group, GISTI) and the Platform for International Cooperation on Undocumented Migrants (PICUM) keep online dossiers which are frequently updated.

By focusing on a category of migrants who are referred to throughout as “vulnerable migrants”, this study examines a population oft-neglected in studies examining citizenship and immigration. Studies too often project an idealised immigrant, a dogmatic Muslim or a politically active undocumented Senegalese male, who is studied in a one-way relation to integration. The category of migrants with which this study is concerned features predominantly transient migrants, (such as those heading to England), refused asylum seekers and other potential “deportees”. They are migrants who embody the so-called asylum-migration nexus, caught between the rock of their country of origin, and the hard place that is France. Such migrants are frequently examined as charity cases akin to Giorgio Agamben’s *homo sacer* and disenfranchised from politics both in academic works and reality. This study suggests that far from being the abandoned subjects some would claim (Arendt 1994; Douzinas 2000; Agamben 2007), it is the vulnerability and lack of protection of these migrants that encourages the development of relationships of solidarity with citizens. Indeed the significance of the *délit de solidarité* debate is precisely that it shows the citizen’s will to enfranchise socially, if not politically, the “outsider”, and the state’s desire to prevent it.

Methodology and analytical frame

This study is qualitative and locates itself within the domain of exploratory social science. Whilst *Fraternité* is employed as an explanatory variable throughout, it attempts to avoid the “nostalgic, historical focus” which Adrian Favell (1998: 16) warns against. Instead, it identifies with “the study of political ideas and justifications in action”, using “the arguments found empirically in the political reflections surrounding policies and their application” as its “raw materials” (14). It also draws on Feldblum’s (1999) “political process” framework which considers interactions not simply at an institutional or statist level, but in terms of interactions between individual actors. Analysis is shaped by the three constitutive components identified by Feldblum as central to the political process: political agency, the interaction of institutions and agents, and the construction of ideas and interpretations. Consideration of campaign materials draws on social movement theory developed by McAdam, McCarthy and Zald (1996) in addition to Westby’s (2002) theories of strategy and ideology.

The research draws on primary and secondary sources including academic papers, reports, press releases, campaign materials, media coverage and parliamentary archives. Where material is in French, the author has provided a personal translation. Whilst it is impossible to document all materials consulted, efforts have been made to cover a broad range to ensure that conclusions are as representative as possible. Nine semi-structured interviews were conducted in Oxford and Paris in April 2011 with a view to clarify events and examine certain questions in more detail. Interviews were conducted with representatives from the following organisations: Amnesty France, *Réseau Education Sans Frontières* (Education without Borders Network, RESF), *Ligue des Droits de l’Homme* (Human Rights League, LDH), *France Terre d’Asile* (France, Land of Asylum), *Secours Catholique* (Catholic Aid Service), GISTI and Calais Migrant Solidarity. All interviews in Paris were conducted in French, the author’s second language, whilst those in Oxford were conducted in English, the author’s mother tongue.

1 *Fraternité* in historical and political context

As the hybrid brainchild of universalist and particularist currents of republican thought, *Fraternité* has historically been a floating signifier within France's ideological landscape. This chapter seeks to pin down *Fraternité*, the maverick of the republican triptych (*Liberté, Egalité, Fraternité*), by situating it in political and historical context. The first part examines the tension between universalism and particularism and highlights the foreigner's role as a catalyst for their conflict. It is then argued that the ideological saliency of *Fraternité* and the related principle of *Solidarité* in contemporary debates over vulnerable migrants finds its roots in this tension. We shall see that the polarised positions advanced by various political and civil society actors make the contested nature of *Fraternité* an important issue with concrete consequences for citizens and non-citizens alike. This chapter thus supports the general thesis that, in her appeal for protection, the vulnerable migrant is caught precariously between a communitarian politics of restrictionism and a philosophy of the universal.

The universal and the particular

Maxim Silverman (1994: 27) has rightly claimed that the “tension between the universalism of the Enlightenment concept of Man, and the particularist framework of the nation in which he was to be situated, is central to the history of the modern French nation”. Such tension was codified in the Rights of Citizens and the Rights of Man of 1789, inaugurating what Joppke (2008: 533) has called “the paradox of universalism; the need to reconcile ‘shared humanity’ with ‘the particularism of states’, without which the promise of ‘liberty, equality, solidarity’ could never be reality”. Hannah Arendt (1994 [1951]: 291) famously outlined this paradox in *The Origins of Totalitarianism*, stressing that since the French Revolution marked the invention of the modern nation-state, civil rights had been decoupled from human rights, and “the people, and not the individual, was the image of man”. Costas Douzinas (2000: 98) similarly laments the paradox by which “these declarations of universal principle founded local sovereignty” and instantiated a “perennial contradiction”.

Whilst this tension is arguably a feature of all modern nation-states, both Silverman (1994) and Joppke (2008) have argued that the French version of the nation constitutes its starkest manifestation. France's continuing attachment to its image as both a sovereign stronghold and a *terre d'asile* certainly makes this proposition tenable (Burgess 2008). It is further substantiated by the persistent employment of the concept of *Fraternité* for a variety of cross-purposes, evoking both bounded duties to “insiders” and universal obligations to “outsiders”. Indeed it can be argued that the word's usage fits squarely with what Silverman (1994: 148) has termed “the crisis in the language of universalism and the individual” which “has left new social movements trapped within the contradictory claims of universalism and particularism, the individual and the collectivity”. This thesis also testifies to Silverman's claim that “nowhere are these contradictions more visible today than in the discourse around illegal immigration” (133).

***Fraternité* as a public philosophy**

Like many philosophical concepts, *Fraternité* has always been an axis of competing conceptions of man and visions of relations between men. Unlike *Liberté* and *Egalité* it is “of another order”, of “duties and not of rights...of community and not of individualism” (Ozouf 1997: 594). In this respect it equates to what Favell (1998: 16) has called a “public philosophy”: both “a description of an idealised past and a prescription of what needs to be recognised and

affirmed in the present”. Mona Ozouf examines the prescriptive potential of *Fraternité* in her analysis of the “little sister” of the republican triptych, alluding to its emblazonment in the midst of the poor immigrant suburbs with particular irony (584), and noting how the Left have long employed the term as part of an immanent critique of inequality and discrimination: “it is impossible to speak...of *Fraternité* when they are expelling foreign workers!” (623). Ozouf argues that such usage has contributed to the perpetuation of the principle within the collective memory (584).

Public intellectuals have played a similar role in embedding *Fraternité* in the public imagination, often further entrenching its polarised nature. Feminists have been especially important in revealing its exclusionary potential (Nye 1989; Scott 2005). Recent work has focused on the expansion or contraction of the concept in the face of foreigners both inside and outside the state, as well as the humanitarian scope of the term. Jacques Attali (1999) outlines a cosmopolitan utopia with *Fraternité* at the core, arguing that its promotion now would be the realisation of the project of promoting *Liberté* in the 20th century, and *Egalité* in the 21st century. In its negative form he equates *Fraternité* with “protection against violence” (124), whilst its positive form is akin to Kant’s ideal of “universal hospitality” (131). In the other camp, Danny Kruger (2007) and Régis Débray (2009) argue that as a means of achieving the corollaries of *Liberté* and *Egalité*, *Fraternité* necessarily requires national closure. The key question raised by these debates is thus an old one which has challenged political theorists for years: what is the purpose of community, and who is included in the community? A brief exploration of the ideological development of *Fraternité* will help us to reflect on such questions in the French context with regard to vulnerable migrants.

Republican *Fraternité*

Although *Fraternité* only became canonical once it began to be inculcated by schools under the Third Republic (1870-1940), and only first appeared with *Liberté* and *Egalité* on public edifices from 1880, historically the term can be traced back to France’s Christian roots and establishment as the first modern nation-state following the 1789 Revolution. The 1789 *Declaration of the Rights of Citizens and Man* does not employ the term, however in the French Constitution of 1791, *Fraternité* is mentioned in relation to the universal extension of rights: “men of all countries are brothers: he who opposes a single nation declares himself the enemy of them all” (cited in Ozouf 1997: 587). This usage evokes the universal spirit which bonded Frenchmen and foreigners in a common struggle for liberty in the post-Revolutionary period: “*Fraternité* or death!...” (Attali 1999: 134). Historians have stressed that refugees were an important part of the universal dimension of this revolutionary quest for liberty, and the great value attributed to asylum by leaders like Robespierre is well documented (Noiriel 1991; Fassin, *et al.* 1997; Burgess 2008). Against this backdrop, eminent French historian Gérard Noiriel (1991: 33) has called asylum “a major stake of the revolutionary struggle”.

The endurance in French ideology of a “liberal and universalist conception of asylum” born in the early days of the First Republic has been well-noted (Boyd 1996: 7). Indeed, even in the face of a recent constitutional amendment to harmonise French legislation with European agreements, attachment to a particularly “French” idea of asylum is demonstrated in the country’s symbolic distinction between constitutional asylum, and a right of asylum based upon an application of the 1951 Convention relating to the status of refugees (Lambert, *et al.* 2008). France’s Constitution reads: “the Republic shall remain empowered to grant asylum to any foreigner who is persecuted for his action in pursuit of freedom or who seeks the

protection of France on other grounds” (Article 53-1). This language echoes early republican sentiments whereby foreigners were seen as brothers worthy of incorporation within the republican *Fraternité* to the extent that they were engaged in a common cause.

Refugees did, however, also enter into conflict with more nationalistic sentiments from the very beginning of the republican project; as traitors were rounded up in the violence of the Terror, foreigners indiscriminately bore the brunt of the fear as easy scapegoats (Fassin *et al.* 1997; Wahnich *et al.* 1997). The differentiation between “insiders” and “outsiders” which such violence installed can be understood by the fact that whilst *Fraternité* was on one hand “the issue of liberty, defined and cemented by the common cause”, it was also “the invisible figure of the nation...to which a fraternal act had given political existence” (Ozouf 1997: 596). *Fraternité* was thus revealed to be not simply elective, but constitutive; not a universal collective which any like-minded soul could join, but exclusionary and intimately bound up with the national project. Sophie Wannich (1997b) has suggested that the thin line between inclusion and exclusion which marked the early revolutionary period came to mark France’s future relationships with immigrants. Atteli (1999: 133) similarly notes “the establishment of a sort of defensive solidarity towards outside dangers” in which foreigners become embroiled. Just like her “big brothers” then, the stakes run by *Fraternité* during the revolutionary period were extremely high.

Along with the quite secular, bellicose conception of *Fraternité* which evolved under the First Republic, it is important to note that another interpretation spanned the period before and after the Revolution. It was the *Fraternité* of the Church, epitomised in the figure of Abbé Gregoire (Ozouf 1997: 597). This was not a *Fraternité* forged in combat, but a given *Fraternité* based on the equality of all men before God. Both conceptions of *Fraternité* entail duties and obligations constituted by a sense of reciprocity and solidarity. *Fraternité* and solidarity have arguably always been mutually reinforcing. A banner in Marseille in 1879 read, “*Liberté, Egalité, Solidarité*” (618), and in 1886, the journal of theological philanthropy, *Fraternité Universelle*, defined republicanism as a “fraternal and solidary” form of mutual aid (619).

In light of the above, it seems that tensions have always existed within the concept of *Fraternité*, making it a frequent source of debate. We have observed distinct religious and secular conceptions, as well as universalist and particularist ones relating to obligations held by members of a common community. It is nevertheless also important to note that attempts have long been made to reconcile diverse readings. In the eyes of Charles Péguy, writing under the Third Republic, *Fraternité* enabled the unification of socialism with Christian charity. For Lamartine, 19th century poet and Foreign Minister, it was at once a national and a universal sentiment. As he wrote in one poem, “selfishness and hate have but one country, *Fraternité* has none!” (Tournier 2001: 139).

***Fraternité* in the modern age**

As a concept based on a sense of sacrifice for the common good, some claim that *Fraternité* has suffered in the modern climate of expanding marketisation, mass migration and new systems of thought (Attali 1999; Débray 2009). Indeed the weakening of fraternal bonds has long been diagnosed as a symptom of growing consumerism, individualism and social “atomisation”. Such a weakening was noted in France as early as 1816 by Benjamin Constant (1988 [1816]). Constant diagnosed the symptoms of modernity as a clash between two conceptions of liberty which the pre-revolutionary philosopher, Jean-Jacques Rousseau, had

confused in his influential vision of the model state. The ancient model required citizens to forfeit personal liberty to the General Will in return for political enfranchisement and guarantees, whilst the modern model stressed the supremacy of individual rights. Citizens were no longer willing, Constant claimed, to forfeit their rights since they failed to see their fruits of their sacrifice: “lost in the crowd the individual can hardly see the influence that he exerts...nothing confirms in his eyes his own cooperation” (6). The backdrop to Constant’s evocation of loss reflects the wider process of societal contraction and expansion which we know today as globalisation: “back then, each people constituted an isolated family...now there is a mass of human beings that have the same basic nature” (3).

Constant’s fears are echoed by modern communitarian political theorists who claim that a sense of common purpose among citizens is a crucial condition of effective political community that is often lacking in modern liberal polities (Miller 2000; Sandel 1998). Critics of this stance have argued that the fortifying of fraternal bonds within the community may occur at the expense of or in contrast to “outsiders” (Douzinas 2000). In France, the 19th century Dreyfus affair whereby a Jewish Captain was falsely convicted for treason was arguably a haunting reminder of this logic, as were the Jewish deportations engineered by the Vichy government during World War II (Lindenberg 1992; Cohen 1996). Nationalism had been enshrined in the Vichy regime’s alternative triptych: *Travail, Famille, Patrie* (Work, Family, Country).

The Sarkozy concept of *Fraternité*

As the candidate for the right-leaning *Union pour un mouvement populaire* (Union for a Popular Movement, UMP) in the 2007 election, Nicholas Sarkozy effectively played the *Fraternité* card as part of a nationalist, anti-immigration hand (Emery 2010; Calvert and Véronis 2008). It is important to note that national identity and common purpose have been a constant feature of political discourse on both the Left and Right in recent years and were not exclusive territory of the Right. Indeed during the 2007 election campaign, Segolène Royal, then President of the *Parti Socialiste* (Socialist Party, PS), called for a range of patriotic measures to be introduced in schools, including the singing of the *Marseillaise*, and in November 2009 she responded to the government’s call for a country-wide debate on national identity by claiming, “I was the first to raise the issue of the nation and national identity...what makes the French stand up together? This debate is fundamental” (*Le Figaro* 2009). On this backdrop, the successful foregrounding of *Fraternité* in Sarkozy’s communitarian discourse is of special interest.

Sarkozy used the concept of *Fraternité* as part of his rhetorical toolbox from the outset of his election campaign. On 30 March 2007 he claimed:

I want to put Fraternité back at the heart of politics. It’s not out of fashion. It’s not simply the concern of civil society. It’s not only the preoccupation of the NGO world. It should be the combat of the President of the Republic: Fraternité ! Because without it we cannot come together.

It was clear that this ‘we’ was the communitarian ‘we’ of nationalism, not the liberal ‘we’ of universalism. It was certainly a ‘we’ that contrasted with the *Fraternité* long associated with the PS. In 2008 Royal epitomised the more universalist leanings of Socialist patriotism by equating *Fraternité* with “the will of humanity” (*Le Post* 2008). Sarkozy’s assertion that the principle should be the “combat of the President” poses a particular challenge to such open

interpretations, for it is arguably *Fraternité*'s status as a norm guiding how people relate to one another in a way that is not strictly dependent on the state that provides its maverick quality. In calling for the concept's politicisation, it can thus be argued that Sarkozy sought to fuse *Fraternité* with his articulation of a particularistic purpose for the nation.

The revival of *Fraternité* in the language of the political Right can be traced back to the period following Sarkozy's appointment as Minister of the Interior in 2002. In 2004 *Fraternité* became the national cause and the *Collectif Fraternité* (Collective Fraternity) was formed to reconnect *Fraternité* with its more fashionable brother, *Solidarité*, and re-awaken a "*fraternité du quotidien*" (everyday fraternity). The website suggested that "all our organisations and... practices... should be analysed in light of the values which found our social contract" (Collectif Fraternité 2004). As part of the mission to connect locals, mayors signed a Municipal Charter of *Fraternité*, promising, among other things, to host a *Fête de Fraternité* (*Fraternity Day*) each year, a tradition which had been inaugurated under the Second Empire. The importance of shared history was enshrined in a project reaching out to the elderly: Your history is our history. Common history is a key pillar of the public culture advocated in David Miller's (2000) republican citizenship, as is the encouragement of citizen engagement and interdependence.

Echoing French historians such as Patrick Weil (2010), Emery (2010) has claimed that under Sarkozy, the encouragement of fraternal bonds between citizens has nevertheless increasingly come at the expense of solidarity with "outsiders". The creation of a Ministry of Immigration, Integration, National Identity and Co-development upon Sarkozy's election, under which asylum was also placed, certainly established a discursive link between national identity and immigration control from the beginning of his presidency. In this context, Emery argues that *Fraternité* in particular became an "increasingly exclusive right, if not of a biologically based people then of a culturally homogenized nation", accusing Sarkozy of reducing it to "a concept more akin to that used by Le Pen" (125). Jean-Marie Le Pen, the ex-leader of the *Front National*, memorably described the French nation as "a community of women and men united by links of *Solidarité* and *Fraternité* which are somewhat comparable to those that exist in a family" (Souchard *et al.* 1997: 95-6).

Sarkozy recognised that his treatment of national identity would be controversial. In a speech in Besançon on 13 March 2007 he claimed "talking about national identity doesn't scare me, even if for certain people it's a dirty word" (*Le Monde* 2007). A number of NGOs and public intellectuals responded negatively from the offset, realising Sarkozy's predictions about its reception. In 2007, Noiriel and Weil resigned from their advisory positions with the newly opened immigration museum and created a website, *Usages Politiques de l'Identité Nationale* (Political Uses of National Identity) in protest (Martin 2007). By late 2009 a petition had been signed by both historians and a number of other prominent figures demanding the Ministry's abolition. It claimed that refugees and migrants were being "separated from a national 'us'" via borders which "draw themselves up in concrete administrative and ideological terms" and situated the Ministry in the context of an array of recent anti-immigration measures:

What gave rise to this Ministry? New objectives for the expulsion of foreigners, rafles⁵ of sans-papiers, the shutting up of children in detention centres, the délit de solidarité, the expulsion of exiles to certain war-torn countries in contempt of the right of asylum, the expansion of racial profiling, à la carte naturalisation...

It concludes, “today, against this nationalist kidnapping of the idea of the nation, it is time to publicly reaffirm the *universalist* ideas which are at the core of our Republic” (LDH 2009). The LDH magazine, *Hommes et Libertés*, also published a series of letters at the time, including one that explicitly compared the placing of asylum under the new Ministry to the Vichy regime’s State Secretariat for the Jewish Question. A petition was also created by those refusing to participate in the national identity debate which the government had promised to facilitate, accusing it of governmental bias and lack of pluralism: “to accept that the State...defines in our place what belongs to us...is to open the door to the arbitrary, to authoritarianism, and to submission”. In contrast to this, the signatories confirmed their commitment to a France of “freedom of opinions, equality of rights and *Fraternité* of peoples” (*Mediapart* 2009).

These letters and petitions demonstrate that the political mood which both shaped the *délit de solidarité* debate and immediately followed it was dominated by a broader contestation over the nature of national identity and citizenship. The relationships of solidarity between citizens and vulnerable migrants raised a particular challenge in this climate, challenging the us/them paradigm which the state appeared to be endorsing and raising more fundamental questions about the nature and boundaries of community. In the face of the reification of *Fraternité*’s constitutive function, dissenters on the Left appeared to stress its elective one. Determined not to lose a key national concept to the Right they insisted that *Fraternité* involved bonds which reached outwards as much as inwards and could be a means of enfranchising immigrants within the community.

This chapter has shown that *Fraternité*’s unique status as an open-ended moral norm has long made it susceptible to political contestation and strategic appropriation. Furthermore, we have seen that in the past and present, the presence of immigrants and refugees has raised crucial questions regarding inclusion and exclusion with respect to France’s “community of brothers”. In this context it has been argued that *Fraternité* is not simply a normative statement concerning how people should relate to one another within a group, but that it is constitutive of the group’s boundaries in the first place. The next three chapters will develop some of the examples of dissent given above through an explanation of the challenges involved in the state’s attempt to advance a communitarian vision of *Fraternité*.

⁵The term *rafle* is associated with the round-ups and deportations of Jews under the Vichy regime.

2 Contemporary contestations of *Fraternité*: the *délit de solidarité*

The previous chapter suggests that the historical tension between universalistic and particularistic notions of *Fraternité* was made more acute with Sarkozy's communitarian glossing of the term. This chapter develops this point through an analysis of the nexus between the *délit de solidarité*, state immigration policy and national identity. In particular, it considers how acts of solidarity came to be perceived as criminalised, giving rise to public debate in 2009. This empirical analysis provides the foundations for the discourse analysis in the following chapters. It is suggested that many of the fears advanced by those acting in solidarity with migrants were based on concrete observations regarding strict government policy on irregular migration and that these concerns interacted with wider questions of national identity and citizenship. It is this wider context evoked by the *délit de solidarité* debate that makes it a valuable case study to explore the tensions articulated in the previous chapter.

The *délit de solidarité* in context

When it became an issue of national debate in the early months of 2009, the *délit de solidarité* was not a new idea. GISTI has been monitoring arrests and intimidations of migrant rights defenders in France since 1986 with a dossier including “crimes” such as protesting against deportations, employing an irregular migrant, and assisting irregular entry, circulation or sojourn (Claire, GISTI, Interview, 06/05/11). The notion that such cases represented the sacrifice of a key republican value for the sake of a clampdown on irregular immigration had also surfaced in the 1990s under the name *délit d'humanité* (crime of humanity). In 1998 it was Lionel Jospin's plural Left-wing government that faced criticism as *Verts* (Greens) deputy, Noël Mamère, attempted unsuccessfully to modify an article that had been of concern to NGOs for some time. The article in question was Article 21 of the Revised Ordonnance of 2 November 1945 concerning the conditions of entry and sojourn of foreigners in France:

any individual who, while s/he is in France, facilitates or tries to facilitate the entry, circulation or irregular residence of a foreigner in France, either directly or indirectly, will receive a five-year prison sentence and a fine of 200,000 FF (€30.490,00).

This article had adopted the terms of Article 4 of the 3 May 1938 *décret-loi* (decree-act) on the policing of foreigners (Matringe 2009). In spite of a few exemption clauses, the scope of the law has always been large and penalties have accrued with time (Müller 2009). The law of 27 December 1994 was a significant turning point in this regard, marking a first attempt to harmonise French law with the Schengen agreement.

In an effort to combat trafficking and smuggling, the Convention implementing the Schengen Agreement of 19 June 1990 had called on member states to introduce appropriate sanctions towards anyone who helped or attempted to help a foreigner to enter or sojourn on the territory of a Schengen state for personal profit. The French government refused to introduce the for-profit provision into domestic legislation on the grounds that it would exempt terrorist networks or spies. This omission caused some social workers and NGOs to fear that they might be at risk of working outside the law. In October 1995, the Director of the *Fédération Nationale des Associations de Réinsertion Sociale* (National Federation of

Welcoming and Social Rehabilitation Associations) specifically asked the Minister of Justice to clarify any risks run by social housing which welcomed irregular migrants. The Minister attempted to assuage his fears by explaining that the article only applied “if the agent demonstrates a genuine intention to commit the crime” (Carrère 2004).

In the following years the article was modified again. The law of 22 July 1996 introduced some family immunities however they remained limited to the aiding of irregular sojourn, meaning that family members could still be arrested for assisting irregular entry or circulation. This condition was not altered, despite the expansion of family immunity regarding irregular sojourn in the law of 11 May 1998. The 1998 law also increased penalties for crimes committed in an “organised group”. It was the ill-definition of this term which sparked the first public protest by NGOs and led to Mamère’s aforementioned attempt to modify the law. The domestic controversy over the article did not go unnoticed internationally, and in its 2003 *Book of Solidarity* PICUM examined two cases in the late 1990s which had provoked particular dissent: the arrest of Jacqueline Deltombe in 1997, sentenced by a court in Lille for housing an undocumented Zairian migrant, and the case of Michel Beurier, the departmental secretary of the CGT trade union who faced a two-month suspended prison sentence and fine of 3,000 FF (€457) in 1999 for helping an undocumented migrant to resist deportation. Beurier was accused of manhandling a policeman and allowing a Senegalese migrant to flee during a session of the Administrative Tribunal in Clermont Ferrand after a judge told him that he would be taken from the courtroom for immediate deportation. Beurier denied this act, claiming that “from the outset it was clear that politics was involved in the matter” (PICUM 2003: 46). Both cases had sparked public outcry and begun the process of framing solidarity as an act of resistance in the face of an authoritarian regime.

The law of 26 November 2003 met with renewed opposition in its selective transposition of provisions from three main international texts: the Protocol against the Smuggling of Migrants by Land, Sea and Air supplementing the United Nations Convention against Transnational Organized Crime (12/12/2000); Council Directive 2002/90/EC defining the facilitation of unauthorised entry, transit and residence (28/11/2002), and the complementary Council Framework Decision 2002/946/JHA on the strengthening of the legal framework to prevent the facilitation of unauthorised entry, transit and residence (28/11/2002). The law expanded the geographical scope of the article and penalties were again extended. The government’s failure to incorporate the for-profit clause for the sake of efficiency met with renewed opposition, as did its refusal to introduce the recommended exemption clause for those who assist “with the aim of bringing humanitarian aid” (Webber 2008).

By this point, the idea that solidarity was at risk was firmly rooted in the minds of a minority who were mainly active at a regional level. In June of the same year, for example, some 354 organisations and 20,000 individuals had expressed support for Charles Frammezelle, a former teacher who belonged to a Calais-based NGO established to provide humanitarian assistance following the closure of the Red Cross camp at Sangatte in 2002. The NGO welcomed undocumented migrants from Calais’s streets and helped them to receive money from abroad. Frammezelle was convicted on 20 August 2004 under Article 21 and again in 2005 for “contempt of police” for protesting against police violence during round-ups of undocumented migrants. Following Frammezelle’s trial, a manifesto was signed declaring what would become the dominant refrain of the 2009 debate: “if solidarity is a crime, I demand to be prosecuted for that crime”. In the introduction to a 2006 European Race

Bulletin, *Asylum: from deterrence to criminalisation*, Frammezele is said to exemplify “a new breed of conscientious objectors who will not be bowed by unjust laws” (1).

The 2009 debate

In spite of its transfer almost word-for-word into the 2005 Code on the Entry and Sojourn of Foreigners and Right of Asylum (CESEDA) as Article L622-1⁶, the controversial provision did not receive significant national attention again until 2009 (Müller 2009). Regional campaigns had continued to champion individual causes prior to this, and the arrest of two social workers working with mainstream NGO *France Terre d'Asile* in November 2007 had caused a small upsurge of interest, leading to the creation of a petition, “No to the Penalisation of Social Work!”, and new calls to modify the law (*France Terre d'Asile* 2007). In her analysis of the coverage of the *délit de solidarité* debate in national newspapers between 1996 and 2009, Olivia Müller notes unprecedented interest in the issue between March and June 2009 which focused on the idea of the “crime” itself over specific cases. This trend, she argues, suggests that a more “in-depth debate had arisen” (25).

Several interrelated events appear to be short-term catalysts for this revival: two well-publicised cases involving well-respected NGOs in late February, the release of *Welcome*, an award-winning film on the issue directed by Philippe Loiret on March 11, and the tabling of a Socialist bill attempting to amend the article on 18 March. The cases, mentioned in the introduction to this paper, concerned Monique Pouille, a charity volunteer in the Nord Pas-de-Calais region, and Kamel, the director of an *Emmaüs* homelessness shelter in Marseille.

In response to these events, the *Collectif des Délinquants Solidaires* was formed, encompassing almost all major refugee and migrant support organisations in France. These included *Emmaüs*, LDH, GISTI, RESEF, *Secours Catholique* and *France Terre d'Asile*. The *Collectif's* first move was to draft a petition calling for the abolition of the *délit de solidarité* from French law. It claimed that recent arrests had been “emblematic of a climate of intimidation which aims to dissuade all aid, all gesture of *Solidarité* and *Fraternité*...towards foreigners with irregular status” and lamented the insulting lack of distinction between trafficking networks and NGOs in the current law. It concluded by asserting:

The Fraternité erected on the front of all the town halls of France cannot be repressed. We call to be punished collectively for this crime. We demand that the crime of solidarity be abolished from our legislation (Délinquants Solidaires 2009).

On 8 April a national protest took place and tens of thousands of citizens assembled before *Préfectures* and courthouses in 92 cities to declare themselves “criminals of solidarity” and to invite police to arrest them. Many wore signs reading, “‘aidant’: I am prepared to be arrested” (YouTube 2009; Rue89 2009). The term was drawn from a government bill (an Annex to the 2009 *Projet de Loi de Finances*) which had set a target of 28,000 deportations and 5,500 arrests of “aidants” for the year. The term ‘aidant’ (helper), which had been used as an extension of the noun ‘aide’ (help) in Article L622-1, had been particularly controversial.

⁶ “Any person who has, through direct or indirect ‘aide’, facilitated or attempted to facilitate the irregular entry, circulation or sojourn of a foreigner in France will be punished with 5 years imprisonment and a fine of €30,000.”

PS deputy Daniel Goldberg responded swiftly to the mounting debate by organising a screening of *Welcome* at the National Assembly and presenting a *Proposition de Loi* (Proposed Law) aiming to “suppress the *délit de solidarité*”. His reasoning borrowed much from NGOs. Whilst affirming the need to combat illegal immigration, Goldberg lamented the symbolic and practical problems caused by the article’s conflation of volunteers with traffickers through words like ‘aide’ and ‘aidant’. Setting the moral and political register of the debate that would ensue, the report submitted to the General Assembly on 8 April to support the Bill asserted, “these citizens are...doing nothing but realising the republican triptych and not forgetting its last term, *Fraternité*”. It claimed that arrests had placed a “sword of Damocles” above the heads of volunteers with the effect of dissuading assistance to migrants who are often “in extreme distress”. The report also stressed the out-dated historical context of the law and lack of proportionality to the risk: “a crime of aiding the perpetration of another crime can only be justified by a particularly strong motive of general interest”.

The issue of “general interest” is significant since it exposes contested notions of what precisely it *is* that is in the general interest of citizens. For the Right, a tough stance on undocumented immigration was of the utmost interest, even at the expense of making some Good Samaritans feel insecure. For the Left, the principles at stake were in direct opposition to such hard-hitting measures. These differences, outlined in the previous Chapter, may help to explain the split in voting between the *Group socialiste, radical, citoyen et divers gauche* (Socialist, radical, citizen and miscellaneous left)⁷ and the UMP on May 5. The rejection of the Bill by 326 votes to 225 was strictly divided along party lines with the exception of one UMP delegate, Etienne Pinte. Pinte framed his objection according to his own experience as the son of Jewish refugees who had been welcomed in France.

Explaining the emergence of the *délit de solidarité*

Having outlined the emergence of the *délit de solidarité* as a politically divisive issue in 2009, this chapter will now consider various explanations for its particular resonance in the French political context. It is certainly important to interrogate why an article that had existed since the 1930s and impacted on very few individuals came to be the source of a heated two-hour debate in a Parliament representing 60 million. The main factor would appear to be the crackdown on irregular migration that had begun in the 1980s and the new momentum given to this stance under Sarkozy’s centralised migration management policy, *immigration choisie* (chosen immigration). The quota-led management stance which the policy entailed was especially relevant, both in terms of its operational impact and symbolic resonance. It is also possible to locate these factors in the wider context of European securitisation and restrictionism. The way in which the *délit de solidarité* interacted with questions of national identity and republican citizenship is also of particular significance to this study. As suggested by *La Voix du Nord*’s designation of Monique Pouille as a “national symbol of resistance to anti-immigration politics” in 2009, citizen resistance to criminalising immigration laws was interpreted by some as an indirect attack on Sarkozy’s communitarian appropriation of *Fraternité*.

⁷ A Left-wing parliamentary group which unites the PS with the Radical Party of the Left, the Citizen and Republican Movement, various independents and deputies from minor parties.

Towards *immigration choisie*

The rise of anti-immigration discourse and legislation can be traced back to the years following the 1974 oil crisis and a stream of controversial laws passed by governments on the Left and the Right (Boyd 1996; Freedman 2004). By the 1990s this climate had rendered the combat against irregular migration a national concern. Socialist Michel Rocard memorably captured the new climate in 1990: “France cannot welcome all the misery of the world”. The general trend towards restrictionism is exemplified in the *Loi Bonnet* (Law Cap) of 1980 that made irregular sojourn an expellable offense and institutionalised detention, and the controversial Pasqua laws of 1986 and 1993. The first Pasqua law decreased access to appeal for deportable foreigners along with a range of immunities, whilst the second law cut back access to social security for undocumented migrants and restricted the conditions of family reunification and naturalisation. The early 1990s also saw the introduction of restrictive entry measures such as aircraft carrier sanctions and waiting zones in airports (Freedman 2004). Although these developments in part responded to domestic fears, as manifested in the growing popularity of the *Front National* from the 1980s, they also corresponded to an international shift towards the securitisation and centralisation of asylum and immigration control (Loescher 1996).

The closure of Sangatte in 2002, the extension of the maximum detention time from 12 to 32 days in 2003, and the expansion in detention capacity from 739 to 1,724 between 2003 and 2007 (Global Detention Project 2009) were all part of Sarkozy’s centralised migration management strategy of *immigration choisie*. Along with the privileging of economic migration over family reunification, the fight against irregular migration was a central component of this strategy which necessitated the cooperation of both bureaucrats and citizens. From July 2007, employers had to submit documentation about all foreign workers to the *Préfecture*, whilst in some cities landlords renting properties to foreigners were asked to do the same (Bertossi 2008). In January 2009, UMP spokesman Frédéric Lefebvre went as far as to declare the act of denouncing criminal trafficking networks a “republican duty” (*Figaro* 2009). Lefebvre had sought to combat criticism directed at then Immigration Minister, Eric Besson, who had previously made similar remarks.

The “politics of quotas” for which Sarkozy’s centralised managerial stance became known was reflected both in the launching of a commission to examine the possibilities of amending the Constitution to allow for a quota-based system for entry in 2008 and in the annual issuing of expulsion quotas. Targets were specifically stressed in the Mission letter received by the Immigration Minister from the President in July 2007, creating an impression that local bureaucrats and police were under increasing pressure (Bertossi 2008; Freedman 2011). This perception does not appear unfounded. In January 2008 Yannick Blanc, the Director of General Police at the Police *Préfecture* in Paris in charge of irregular migration, was dismissed by Presidential Decree after it emerged that only 2,800 of the anticipated 3,600 expulsions had been achieved in the Paris region (Bertossi 2008).

As early as 2005, the moral implications of quota-led migration management had been raised when French border policeman, Roland Gatti, denounced the inhumanity of expulsion orders given out to police:

Sarkozy has asked us to meet the number, just the number...[e]ven my toughest colleagues began to find the work inhumane... We deport people left, right and centre, we scratch the bottom of the pile (Libération 2005).

Gatti explained that he would alert families the night before their deportations since morning calls reminded him too much of *rafles*. His conscience was awoken when he accompanied a deportee back to Algeria, only to find out eight days later that he had been killed. Facing accusations of betrayal, Gatti framed his resistance as a moral obligation.

The politics of deportation

With reference to neo-institutional management theory, Müller (2009) documents the misplaced arrests and intimidation implicit in this target-based strategy as an important backdrop to the *délit de solidarité* debate. Such practices are confirmed in various human rights reports. Issues raised include the arrest of those opposing deportations (Hammarberg 2008), “unjustified body searches”, and other intimidatory measures which constitute “a very effective method of dissuasion to stop citizens expressing a critical opinion concerning the way in which police apply a law concerning deportation” (FIDH/OMCT 2009: 25). Pre-emptive methods and isolation strategies are also cited, such as the issuing of leaflets to aeroplane passengers informing them of the legal sanctions they would face if they should object to the deportation taking place on their flight (FIDH/OMCT 2009), and the introduction of rules making it more difficult for citizens to access *Préfétures* in order to advocate for the cause of friends facing deportation (GISTI 2010; Jean Haffner, *Secours Catholique*, Interview, 06/04/11). Against this backdrop “misunderstandings” seem to appear with worrying regularity.

These strategies can be read in light of Ellermann’s (2006) analysis of state methods used to combat public opposition to deportation policies in Germany. The pre-emptive threats issued to passengers in particular evoke her theory of “conflict prevention”. Ellermann explains the importance of such methods by arguing that “a key condition for the state’s capacity for migration control is the ability of bureaucrats to deal effectively with public opposition to the implementation of particular control measures” (298). Whilst proactive mobilisation is seen as the central threat in her analysis, in France, the emphasis on quotas appears to have intensified the situation through depicting even the simplest act of solidarity as a threat to the deportability of migrants through a lessening of their vulnerability. Against this backdrop, the case that intimidation was being used as a political strategy appears more than plausible, if not explicit.

The moral and political dilemmas raised by quota-driven deportation policies hit two national nerves which help to explain the wide attention afforded to the *délit de solidarité* debate. This is significant since the actual quotas in themselves are not that high.⁸ The first factor relates to the ghost of Vichy’s centralised expulsion regime, whilst the second relates to France’s symbolic standing as a *terre d’asile* and *pays des droits de l’homme*. The impact of the *immigration choisie* policy on asylum seekers is perhaps implicit in the decrease in applicants from 50,547 in 2004 to 26,269 in 2006. Recent years have also seen the expansion of “safe third

⁸In 2006, there were an estimated 200-400,000 irregular migrants in France, with an estimated 80,000 to 100,000 entering per year (France Inter 2006)

country” lists, the reduction of avenues for appeal, and an acceleration of procedures (Bertossi 2008; GISTI 2010).

Though formulated with reference to the political activism of deportees themselves, Nyers’s (2003: 1071) theorisation of the “politicisation of protection” is informative here. Developing Honig’s (2001) examination of (re)-founding moments in the context of the inclusion of foreigners into the political community, Nyers considers how exclusion expresses a similar sovereign function which serves to reify the boundaries of the citizenry. This idea has recently been developed by Anderson, Gibney *et al.* (2011: 1) who have similarly stressed that deportation in particular is a practice that is “constitutive of citizenship” and “reaffirms the formal and normative boundaries of membership”. Significantly, they also note that “as a particularly definitive and symbolically resonant way of dividing citizens from (putative) strangers, deportation is liable to generate conflicts amongst citizens and between citizens and the state over the question of who is part of the normative community of members” (1-2). In the context of an immigration policy known as *chosen immigration*, which requires the cooperation of citizens in tracing and expelling deportable subjects, the key debate thus becomes who has the authority to *choose* who is to be expelled, and who is to be recognised within the community. For Nyers (2003: 1086), asylum decisions are an exemplary expression of such conflicts since “the decision over who will, and who will not be provided with protection is not just a humanitarian determination, but a moment when the sovereign state (re)founds its claim to monopolise the political”. Critical engagement with the “politics of protection” through campaigning thus “constitutes an important challenge to an order that already claims to have resolved the relationship between universality-particularity through the principle of territorial state sovereignty” (1086).

Equating *délits de solidarité* with Nyers’s acts of “cosmopolitan dissent” suggests that the *Fraternité* envisaged by Sarkozy was more bounded than some were willing to tolerate, opposed to the more universal solidarity which they practiced in ways not just different from, but often in opposition to, the state’s particularistic politics of membership. This context facilitated the construction of the act of assisting vulnerable migrants as an act of resistance and politicised protection.

In a government press dossier entitled *The legislative bill on the so-called “délit de solidarité”: useless and dangerous*, the persistence of opposition to the controversial article is dismissed as “the revival or a corny old angelic tune”. Having explained the history of Mamère’s proposal to abolish the “crime of humanity”, the dossier predicts that the amendment “will probably resurface again in ten years under the name ‘crime of charity’”. Although its tone is dismissive, in recognising the persistence of the debate the dossier also appears to recognise its profound resonance. This resonance can be traced to the tension between universalist and communitarian ideas of citizenship, a crucial aspect of French identity which cannot be suppressed. The next chapter will further illustrate this relationship by demonstrating how the unique political currency of universalism within the French national model meant that citizens could mobilise for the cause of vulnerable migrants in a way that was consistent with the nation.

3 *Fraternité* as grounds for civil disobedience

Opposition to the *délit de solidarité* drew on particular French historical and ideological resources which, as we saw in Chapter 1, have long been employed to advocate for the rights of citizens and non-citizens alike. These include: the French values embodied in the republican triptych; elements of collective memory and imagination, such as France as a *terre d'asile* and *pays des droits de l'homme*; and collective history, such as collaboration with the Vichy expulsion of Jews. The employment of these tropes by movements advocating for the rights of immigrants has been well noted (Lindenberg 1994; Burgess 2008; Zølner 2000; Freedman 2011). Zølner (2000: 45) in particular examines how the legacy of colonialism and the Vichy collaboration have been exploited by individuals on the Left and Right “in order to discredit one’s opponents and to justify one’s own positions” in the fight to “re-imagine the nation”.

Drawing on this backdrop, this chapter considers how *Solidarité* and *Fraternité* came to be instrumentalised as historical signifiers by both the *Collectif des Délinquents Solidaires* and parliamentarians throughout the debate as a kind of proxy for the broader principles at stake. It is argued that this frame allowed the Left to advocate for a more open conception of community that challenged the dominant discourse of the Right on immigration and national identity. It also allowed them to mobilise broad-range support, including from those who may not normally sympathise with a pro-immigrant agenda. Two intersecting dimensions of this frame are discussed in detail: the depiction of acts of solidarity with vulnerable migrants as acts of civil disobedience and the evocation of collective historical guilt for Vichy. The two dimensions are related, as both concern citizens’ duty to disobey in the face of an oppressive government and a sense of loyalty beyond legal obligation. The state response, which can be read as a strategy of strong repression and partial concession, is interpreted as an indirect recognition of the subversive resonance of such articulations.

***Délits de solidarité* as acts of civil disobedience**

Throughout the *délit de solidarité* debate, and in particular during the national protest, offering protection to vulnerable migrants through the provision of basics such as food or shelter was consistently depicted as an act of civil disobedience. For the sake of this study, civil disobedience can be defined as an illegal action committed by a citizen or a group of citizens in order to change a law and remedy a common injustice which they feel to be contrary to what the liberal legal theorist Steven Macedo (1991: 79) has called a society’s fundamental “principles of justice”. Macedo’s “principles of justice” equate to the “essential principles” highlighted by ex-President of the LDH, Michel Tubiana (2010: 3) as justification for breaking the law to assist vulnerable migrants. In his article, *Disobey they say...*, Tubiana frames the *délit de solidarité* as part of a long trajectory of citizen mobilisation in the face of illegitimate state oppression including protests against French aggression in Algeria and the pro-choice *Manifesto of the 343 sluts* fighting to legalise abortion in the 1970s. Like these historical precedents, the *délit de solidarité* can be seen as what Macedo calls a “hard case” (1991: 86) which only recognition of the moral principles which underlie legal rules can settle. It is in this context that the concept of *Fraternité* gains so much political currency and serves to raise the stakes of the protection of vulnerable migrants to an issue of national concern. Jean Haffner, Head of the Foreigners in France department of *Secours Catholique*, explained the relationship between civil disobedience and *Fraternité* thus: “it’s a citizen duty, a question of

principles, and one of those principles is the third part of the republican devise, *Fraternité*” (Interview, 06/04/11).

The *Fraternité* frame is one that stresses the interconnectedness of the rights of the self and the other – “the fact that others don’t have rights threatens my own, and if I don’t use my rights I will lose them” (Marie-Cécile, RESF, Interview, 04/04/11) – but also one that forefronts questions of national pride: “the France that we love is that which stresses solidarity and *Fraternité* rather than fear of foreigners” (*Délinquents Solidaires* Petition 2009). It also raises the issue of democratic legitimacy or “the ideal of public justification” (Macedo 1991: 85): “this is liberticidal and it’s important to fight for liberty in a democracy” (*Secours Catholique* 2009). The following statement about RESF thus appears to have more general resonance: “what is at stake is not simply the fate in store for foreigners in difficulty, but their capacity to preserve a citizen vigilance in the face of what they call a ‘degradation of the values of the Republic’” (FIDH/OMCT 2009: 8).

This rooting of universal values and obligations towards outsiders within national tradition enables supporters to pre-empt criticism from the Right that they are unpatriotic and expands the breadth of the movement to a broader spectrum of citizens.⁹ The frame adopted by the *Collectif des Délinquents Solidaires* in particular exemplifies a combination of ideology and strategy theorised by Westby (2002: 297) whereby framing “strategically appropriates hegemonic ideology”. This strategy, common in democratic polities and among social movements involving civil disobedience, “displays the ideology and its lived contradictions in collective actions that affirm rather than deny the basic legitimacy of the system”. Matringe (2009: 13) has similarly stressed that protesters sought “the modification of the rule or institution, not the throwing into doubt of the entire system”.

In order to affirm their attachment to the system as a whole, “delinquents” must demonstrate the relationship between national loyalty and civil disobedience. In a YouTube video from a protest in Mélung, an RESF member defines the relationship thus:

I’m proud to be French...to belong to a country which is supposed to respect human rights. And from the moment when the government threatens those human rights, me, I’m ready to place myself outside the law. It’s a duty to disobey (YouTube 2009).

This quote exemplifies the relationship between civil disobedience and national loyalty through depicting it as a kind of immanent critique, as holding the government to account for what it is “supposed” to do.

The patriotic defence presented by protesters and delegates was also dependent on their advancement of a more universalist reading of what citizen duties entail. It was in this context that Mamère referred to three philosophers detained for protesting to the deportation of individuals to the Democratic Republic of Congo during the parliamentary debate: “who are these people who you call... ‘delinquents’ if not men and women who believe in the universal vocation of our country, who believe in the spirit of *Solidarité*”. Other PS delegates also stressed that their unbounded interpretation of *Fraternité* represented the utmost

⁹ A poll cited during the National Assembly debate claimed that 80% of the public wished to see the *délit de solidarité* abolished from French law.

commitment to French values and that it was the government that was unpatriotic in undermining them.

In this vein, Serge Blisko cited a 1941 edition of *Christian Witness*: “France, be careful not to lose your soul”. Here, to disobey in order to realise the values that the government is seen to betray is to stay true to France’s “soul”. Blisko thus follows the majority of speakers in suggesting that the issue has as much to do with public philosophy as migrant protection. Catherine Coutelle similarly frames her defence in terms of the upholding of “essential principles” in the face of their denigration. She appears to implicitly twin this imperative with the memory of repression under Vichy:

Minister, you have reproached me in this auditorium for not being proud of my country, for not being proud of the welcome that France gives to migrants...when you go to Calais, you remove migrants with a Bulldozer. If you are proud of this, I am not! If you are proud of stopping, handcuffing and threatening NGO volunteers, I am not! If you are proud of the tears of children who see their friends disappear from school, I am not!

The Vichy regime had been established by Marshal Pétain following France’s defeat by Germany in World War II. Whilst it participated in a range of repressive German foreign policy goals, it is remembered for its collaboration with the mass expulsion of Jews, minorities and political opponents. Eighty-five convoys of Jews left for the East between March 1942 and August 1944 carrying between 60,000 and 65,000 Jews (Martin 2003:165). Of these, around 6,000 were French citizens (Zølner 2000: 46).

The collective Vichy memory is similarly instrumentalised by the *Collectif des Délinquents Solidaires*. In a press release issued before the national protest, the obligation to act is framed through the following historical reminder:

Tomorrow, which daily gestures will be punished to fulfil the Immigration Minister’s objectives? Will your doctor be taken in for questioning for caring for a patient without papers, or your postman for having delivered his mail? Will your children’s teacher be interrogated for having taught a child whose parents have irregular status to read?

This statement is especially persuasive in its evocation of *First they came...*, Pastor Martin Niemöller’s famous statement regarding the inactivity of German intellectuals during the Nazi rise to power.

The Holocaust echo is also an underlying theme in *Welcome*. When the protagonist allows an Iraqi Kurdish asylum seeker heading for England to take shelter in his flat he is denounced by his neighbour and taken in by the police, the enactment of a warning issued by his ex-wife earlier on in the film. His ex-wife directly alludes to the logic of Nazism in her objection to the banning of immigrants from local stores: “this is just how it begins...”. Marie-Cécile of RESF explained this framing as “a useful propaganda tool” which plays on collective guilt and facts that resonate with every citizen through their education: “we study the rise of the Nazis a lot in schools here along with the rise of human rights” (Interview 04/04/11). Yet several interviewees also stressed the very real comparisons: “sometimes when you’re sending people back you’re literally sending them to their death” (Sylvie, RESF, Interview, 07/04/11); “it’s not having the same mass impact, but we’re treating people as a mass group and no longer as individuals... it’s that thing of ‘everyone knows someone’ but we feel powerless to act”

(Claire, GISTI, Interview, 07/04/11). The historical imperative thus proved extremely useful in mobilising wide-ranging support and in “helping people understand the character of what is going on, to show how awful it is”.

Throughout the debate, “delinquents” are thus depicted as citizens who remain loyal to the Republic in the face of its denigration in the same way that many citizens stayed true to the French Republic and values of exiled De Gaulle in the face of the establishment of the Vichy State. For a long time, the crimes committed under Pétain were portrayed as a betrayal of France rather than as something for which the Republic should assume guilt. Indeed, when Jacques Chirac first assumed national responsibility on 16 July 1996, there was a sense that he had “sullied the nation and its memory” (Martin 2003: 165). Martin suggests that the problem of French guilt is inseparable from the issue of human rights (166) and that the triumph of human rights discourse has led to a portrayal of Vichy as “a regime guilty of having harmed human rights” over “a regime guilty of having harmed a collective person” (169). Both of these frames are arguably at play in the *délit de solidarité* debate. As we have seen, the treatment of vulnerable migrants is portrayed as both an affront to human rights and an affront to national pride. Furthermore, just as Pétain was accused of treason and not crimes against humanity, the *Collectif des Délinquents Solidaires* mainly accuse Besson and Sarkozy of betraying republican principles through the criminalisation of *Fraternité*, not of inhumane treatment of migrants in and of itself.

The Right responds

The government’s response can be seen as recognition of both the force of critics’ arguments and the importance of the principles at stake. Indeed to accuse the government of being anti-republican and of undermining the *Fraternité* to which Sarkozy had professed such attachment was seen as tantamount to libel. Whilst Besson admitted that the use of the term ‘aidant’ in the 2009 *Projet de Loi de Finances* had been clumsy, he also adopted a tough stance which riled many NGOs and left-leaning politicians. This animosity can perhaps partly be explained by his position as a “traitor”: an ex-PS member who had transferred to the UMP. However it also relates to the contempt he repeatedly expressed for his opponents in the media. Besson publicly warned the director of *Welcome* that he had “crossed the line” with his Vichy comparisons (RTL 2009) and was especially critical of GISTI for publishing a dossier listing around 60 examples of the “crime”. In one interview Besson claimed “if I was in GISTI’s place I’d hesitate between liquefying myself completely or of never mentioning the issue again” (Daily Info 2009). He insisted that “in 65 years of the law’s application nobody in France has ever been condemned for simply welcoming, accompanying or housing a foreigner with irregular status” and that the climate of intimidation was a myth.

In response to the press release calling for a national protest, Besson issued a similarly critical letter to the President of each signatory NGO. He tackled claims that NGOs were filling a state protection gap by stressing that “the State itself is the first to welcome foreigners in distress” and “gives €20 million annually to NGOs”. Defining ‘aidant’ as “persons participating actively in networks of illegal immigration”, Besson claimed that those condemned for the so-called *délit de solidarité* had gone “much further than humanitarian action”. He distinguished ‘humanitarian action’ as “the response to a situation of emergency, a state of necessity, an immediate and punctual need of protection and support” from “those who participate in an active collaboration, through passion, ideology or imprudence, with networks indignantly exploiting human deprivation”. Besson concluded his letter by lamenting that the NGOs had

allowed their humanist values to be undermined by a “campaign of disinformation which plays into the hands of such networks” (Besson 2009). The letter was widely condemned and Besson was accused of intimidation. His narrow definition of humanitarian action was especially controversial (Müller 2009), as was his use of the historically resonant term ‘collaboration’. By recasting the shadow of Vichy onto his opponents Besson appeared to be turning criticism levelled against the government on its head.

Besson used a similar tactic to dismiss appeals to France’s universal vocation during the parliamentary debate about the issue. He spoke of “caricatures” and “utopias” and claimed that the PS was advocating for a policy of open borders that would undermine the security of the nation. He told Marylise Lebranchu in particular “not to be more ‘royal’ than the king” (a pun on ‘Royal’, the previous PS leader known for her universalism). At this point Jacques Myard gave a mocking cry of “*Fraternité!*” at which the parliamentary archive recalls “UMP deputies smile”.

Besson’s stance appears consistent with a wider intimidatory framework which had been used to suppress opposition to the government’s deportation policies for some time, as noted in the previous chapter. Censorship through libel was especially criticised in this regard (FIDH/OMCT 2009; Hammarberg 2008). A well-cited case concerned Romain Dunant, an RESF member fined €800 euros (and the symbolic sum of €1 euro, payable to Sarkozy) for slandering the President in February 2008 by comparing his deportation policies to Vichy expulsions: “so this is Vichy coming back!” (FIDH/OMCT 2009). PICUM (2010: 11) also notes that, beyond individual cases of censorship, “the Immigration Minister pressured...France Inter not to rebroadcast a show exploring the increase in proceedings against those assisting irregular migrants”.

Besson appears to have complemented this strategy of repression with a façade of concessionary dialogue with the *Collectif des Délinquants Solidaires*. He invited representatives to form a working group to re-examine the controversial article, and advocated for the creation of a good practice guide to help NGOs avoid prosecution. A note was also sent to *Préfets* to clarify the law’s scope. Whilst the terms of the article itself did not change, including the controversial term ‘aid’, an amendment was introduced in the new Immigration Bill which expanded the humanitarian immunity clause so that it would apply to the protection of the “person” rather than simply the “life or physical integrity” of the foreigner (GISTI 2010). Most organisations met this change with scepticism, feeling that they had been insulted and ridiculed only then to be manipulated to bolster the Minister’s slightly damaged image (Claire, GISTI, Interview, 07/04/2011). Jean Haffner of *Secours Catholique*, called the legislative change “a tiny modification that will change nothing”, as well as alluding to the hypocrisy of the concession: “having said no, it’s a myth, Besson’s now recognising that there’s a problem, that the crime exists!” (Interview 07/05/2011). Several NGOs wrote a critical letter to Besson voicing their concerns and reiterating their wish to see the article changed. The noise had died down and the letter went unanswered (Emmaüs et al. 2009).

The Left’s success in articulating an alternative national discourse of *Fraternité* may thus appear to have been short-lived; however it does seem to have left a mark on the Right. This mark arguably endures in the government’s repeated dismissal of the Left’s critiques. Besson’s brash rejection of criticism following the expulsion of more than 200 Roma to Romania in late 2010 would appear to epitomise this trend:

When it comes to that ‘universal Fraternité’, France does more than its fair share...I think that a lot of the criticism which we face abroad comes from the fact that it’s always in our country that the controversy is the most vivid and the caricature the most rife...you’ve seen the words we’ve been hearing in the last three weeks, one has the impression that we’re in the second world war, we hear “nazi”, “fascism”, “deportation”...(France Inter 2010).

This chapter has argued that during the *délit de solidarité* debate the Left instrumentalised a universalist vision of *Fraternité* in order to launch a popular critique of the government’s particularist policy of *immigration choisie*. In this context, supporting vulnerable migrants was depicted as a national imperative to uphold universal *Fraternité*, the most civil type of disobedience. The echo of the Vichy collaboration was especially acute due to the perception that vulnerable migrants were being scapegoated and deported to situations of danger, whilst “aidants” were depicted as unpatriotic “traitors” who threatened to undermine government policies that were in the “general interest” of citizens. Such framing politicised the debate, making it as much about public morality and the scope of *Fraternité* as migrant protection. The next chapter will consider the ideological tenets of the Left’s stance in more detail as part of a wider examination of challenges posed by attempts to mediate the universal through the national.

4 Universal *Fraternité* and the nation-state: analysis and implications

This chapter considers the implications of the debate outlined in the previous chapter in terms of the marginalisation of alternative discourses. It is suggested that, as that which defines the parameter of what is national and what is not, the framing of the debate with reference to *Fraternité* foregrounded national imperatives to act at the expense of less bounded identifications. With the stress on national tropes, the participation of non-citizens in the debate was also restricted. Using the *Délinquents Solidaires* movement as an example then, this chapter argues more generally that movements which seek to mediate universal obligations through national loyalties are inherently paradoxical. They reify the nation-state as the dominant locus of inclusion at the very moment in which they reveal its shortcomings and seek to overcome it.

The marginalisation of alternative discourses

One of the main discourses side-lined in the collective action frame employed by the *Collectif des Délinquents Solidaires* appears to have been a religious imperative to act, or a Christian commitment to asylum. This motive is widely evoked in online materials, especially those published independent from the *Collectif* by *Secours Catholique*. In a video edited by the NGO which features interviews from the national protest, one campaigner frames her motives for assisting vulnerable migrants thus: “I’m a Catholic, so I do it to serve my neighbour”. Another stresses, “we are extremely attached, beyond judicial problems, beyond legal problems, beyond political problems...to the freedom to support all those who are suffering” (Secours Catholique 2009). In a recent interview, *Immigration: why Christians disobey*, François Soulage, the President of *Secours Catholique*, specifically identifies the moral authority for civil disobedience in this Catholic imperative: “when, in conscience, the citizen judges that the

political ‘right of welcome’ does not permit the respect of the foreigner in danger and is thus contrary to the exigencies of morality and the Evangel, he can refuse to obey civil authorities” (*Temoinage Chretien* 2011). Soulage supports his argument with reference to the Bible: “we must obey God rather than men” (Acts 5:29). These comments suggest that the collective action frame of *Délinquents Solidaires* did not represent the main loyalties of many Christians and that for some there was a disjuncture between motive and mobilisation.

Appeals to religious motives are also largely absent from the parliamentary debate. When Etienne Pinte, the only UMP delegate to speak out in favour of the amendment, calls on Assembly members to act as “awakeners of conscience”, for example, he is careful to frame it with reference to his personal history as a Jewish refugee, thus evoking the national historical imperative. Such framing avoids what Macedo (1991: 104) calls the undermining of the “symmetry of duties” which the law imposes, within which private conscience has no place. Given that the *laïcité* (secularism) is widely considered the fourth republican pillar, to articulate the right to civil disobedience in terms of a religious imperative would go against the social contract and be inappropriate for an act framed in terms of deliberative democracy (Macedo 1991; Rawls 1999). In framing their actions in terms of a secular conception of *Fraternité*, those with religious motives thus appear to follow Rawls (1999: 365) in recognising that justified civil disobedience “does not appeal to principles of personal morality or to religious doctrines” but “evokes the commonly shared conception of justice that underlies the political order”. The Christian roots of *Fraternité* outlined in Chapter 1 nevertheless do appear to make it an attractive collective action compromise for many Catholic activists (Jean Haffner, *Secours Catholique*, Interview, 06/04/2011). Indeed some see the national and the religious imperatives as combined. When asked why she attended the nation protest, one protester epitomised this mixed sentiment thus:

...I’m a Catholic, and...a French woman, a Republican. So I think that each man is our brother, whether one is just simply humanist or republican, and I don’t understand how in France, the country of human rights, we can be so inhumane (Rue89 2009).

The statement suggests that whilst the moral authority of civil disobedience may stem from something beyond the nation, its efficacy in this context is seen to depend on national frames.

Member groups of the No Borders Network such as Calais Migrant Solidarity appear to have been less willing to situate themselves within the collective action frame, although one interviewee did stress that the politicised nature of terms like *Fraternité* and *Solidarité* was a welcome change from charitable campaigns which she felt patronised immigrants (Interview, 17/03/11). The voice of the No Borders Network was nevertheless entirely absent from the public debate. Given their important role in offering shelter and psychological support to vulnerable migrants in Calais, as well as their well-documented share of experiences of criminalisation in the form of police intimidation and brutality (Rygiel 2011; CMS activist, interview, 31/03/11), this absence merits explanation. A member of CMS with dual French and British nationality explained her reticence thus:

My identity as an anarchist promoting no borders comes before any critique of the government qua citizen. Yes, nation states are significant, they impact hugely on people’s lives, they are responsible for deaths, tens of thousands of deaths worldwide, but it is for me, in another sense they are wholly insignificant...in the way I engage with people, borders are not there at all (Interview, 31/03/2011).

It is thus important to stress that the collective action frame does not represent the motives of many of those involved in protecting vulnerable migrants and may even serve to discourage some individuals from participation.

Whilst Amnesty had played on France's reputation as the *pays des droits de l'homme* in past reports, as an international NGO they were also largely silent during the *délit de solidarité* debate and refused to join the *Collectif*. The Head of the Displaced Persons Programme specifically explained this in terms of a reluctance to become embroiled in domestic politics: "France's image is very linked to the *délit de solidarité* debate...you have to ask, are they defending the migrants' rights or themselves, that is, a certain vision they have of France. Do they have scores to settle with the past?" (Jean François Dubost, Interview, 05/04/2011). Amnesty thus took a more international stance, restricting itself to an endorsement of *Welcome* with reference to the *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*. This stance is perhaps partly explained by the distinction between moral authority and political authority outlined by Stephen Hopgood (2006) in his analysis of Amnesty. Hopgood specifically contrasts Amnesty's moral authority, which derives from being impartial and above the fray of politics, with political authority in which identity matters.

It is thus clear that competing motives encouraged citizens to act in solidarity with vulnerable migrants and caused them to defend this activity when they perceived it to be under threat. Whilst some historically resonant motives like the Christian religious imperative may be relatively compatible with the national frame, others, such as those based on the rejection of national borders or those which serve to fortify rights internationally in a depoliticised manner, appear less so. These alternative voices are important in demonstrating the limits of *Fraternité* as a mobilising frame. Furthermore, they illustrate the perception that the debate was highly politicised, about something more than the protection of migrants per se.

The marginalisation of non-citizens

Another viewpoint which appears to have been marginalised within the *Délinquents Solidaires* movement was that of non-citizens, or French citizens of foreign origin who may or may not feel the same attachment to French history and ideology. Whilst one interviewee stressed that many irregular migrants did in fact share in a strong commitment to French ideas of human rights and solidarity (Marie-Cécile, RESF, Interview, 04/04/11), their voice is largely absent from campaign material. In contrast to this, GISTI's dossier contains a range of cases of foreign nationals, or individuals with temporary residence cards, prosecuted for the crime of "aiding" an irregular migrant. These include an Algerian charged in Lille in December 2008, and two Guineans charged in Limoges in November of the same year. When charged €1,000 for housing a compatriot by a correctional tribunal in Bobigny in November 2009, a Pakistani immigrant explicitly defended his actions on the grounds of *solidarité*. These cases raise some questions which went unaddressed in the debate. If the *délit de solidarité* was an act of civil disobedience which affirmed the "basic legitimacy of the system" (Matringe 2009: 13), the defiance of the French state for French principles, then how could a non-citizen or temporary resident participate? This tension raises the question of who is really part of the community, reminding us of the constitutive as well as normative function of *Fraternité*.

In the face of these challenges, *délits de solidarité* can be read comparatively with the “acts of citizenship” theorised by Isin and Nielsen (2008) as “acts of *Fraternité*”. An act of citizenship is defined as an act through which subjects constitute themselves as holders of new rights and obligations. If we read “crimes of solidarity” as enactments of global citizenship, that is, the realisation of obligations vis-à-vis the vulnerable migrant, they can certainly be interpreted in this way. Relations of solidarity may also serve to enfranchise the vulnerable migrant as a social subject, or as a political subject with certain entitlements. By refusing to recognise these relations as such and in attempting to reduce them to emergency appeals, the government seems to implicitly recognise this subversive potential.

By framing such relations as enactments of a republican duty (acts of universal *Fraternité*), it can nevertheless also be argued that “delinquents” fail to realise the wider subversive potential of their actions. The patriotic framing reifies their citizen subject position, as a certain type of actor with a specific claim against the state, at the very moment in which they seek to overcome it. In order to present their actions as acts of citizenship they would thus need to show that they were creating new political opportunity structures rather than adapting to those that already exist at the national level.

In addition to the above, the immanent critique approach for which the discourse of *Fraternité* is employed also reproduces a major shortfall of colonial protest movements. Antinette Burton’s (2003) reflection on the immanent critique practiced by colonial historians is informative in this regard. Burton points out that much research on French colonialism focuses on the gap between republican rhetoric and colonial realities and challenges France for “failing to follow through on its own...republican promises” (129). An alternative approach, she argues, “would analyse the colonial context in order to reconceptualise our very understanding of universalism, republicanism, and the French nation-state”, thus demonstrating “the intrinsic relationship among the republican nation, its universalist politics, and colonial racism”. By framing their objection as an immanent critique of the government, the *Collectif des Délinquents Solidaires* arguably make a similar mistake. They fail to see the contradictions between their national frame and aspirations of universal solidarity: the vulnerable migrant’s standing as a product of the nation-state in the first place (Arendt 1994; Haddad 2008).

The mediation of universal solidarities via national frames can thus be conceived as both a positive and a negative and we should take heed of the noble characters involved in the *Délinquents Solidaires* movement as well as of historical warnings concerning immanent critique. Indeed it must be noted that the language of *Fraternité* constrains solidarity as much as it creates space for its expression. The advocacy strategy of the protesters may have had wide resonance, but it restricted the possibility of more radical alternatives, stressing that the Good Samaritan was first and foremost a French citizen.

Conclusion

Using the *délit de solidarité* debate as a case study, this paper has argued that the contested usage of the concepts of *Fraternité* and *Solidarité* in debates concerning vulnerable migrants reflects a broader tension between particularist and universalist visions of French republicanism. In her appeal for protection, the vulnerable migrant is uniquely placed to expose this tension since she draws attention to the boundaries of the national community and to the distribution of powers to include and to exclude.

Throughout the *délit de solidarité* debate, the contested employment of *Fraternité* by a range of political and civil society actors reflected this tension in its exposition of both the outward-reaching normative potential of *Fraternité* and its inward-looking communitarian function. These competing interpretations were contested as both sides attempted to frame their position as a commitment to national principles. For the Right, the need to control irregular migration was presented as a crucial stake in France's preservation as a community of values. For many on the Left, the measures necessary for such control threatened to undermine the very values which the community was supposed to represent: they constituted an affront, not a safeguard to *Fraternité*.

Whilst the contestation provoked by the *délit de solidarité* reiterates the possibility of articulating a universalist nationalism, as the 2012 election approaches, the relationship between immigration and national identity is still predominantly framed as adversarial. In December 2010, *Front National* leader Marine le Pen joined the debate: "*Fraternité* is not a question of obliging us to sacrifice ourselves so that we can take all the misery of the world!" (*Présent* 2010). Faced with such rhetoric, as well as the government's own restrictionist response to the current influx of North African refugees into Europe, many on the Left have re-diagnosed the demise of universal *Fraternité*. Meanwhile, recent reports give the impression that the criminalisation of assistance is a Europe-wide trend (Webber 2008; PICUM 2010).

A comparative study of the criminalisation of solidarity across several European states with due consideration of opposition movements would allow us to further theorise the role of shared histories and national ideologies in filtering global duties through domestic frames. More research could also be conducted on the role of collective guilt for Vichy crimes in shaping French responses to deportation, and on the significance of national constructions of civic duty in stimulating an ethic of mutual aid.

Bibliography

AGAMBEN, G. (1998) *Homo Sacer: Sovereign power and bare life*, (trans. Heller Rozaen) Stanford, Stanford University Press.

ANDERSON, B., GIBNEY, M. and PAOLETTI, E. (2011) *Citizenship, Deportation, and the Boundaries of Belonging*, unpublished.

ARENDT, H. (1967) *The Origins of Totalitarianism*, 3rd ed., London, Allen & Urwin.

ASSEMBLÉE NATIONALE (2009) Transcription of the parliamentary debate on the ‘suppression of the “délit de solidarité”’, second session of April 30. Available from: <<http://www.assemblee-nationale.fr/13/cr/2008-2009/20090228.asp>> (accessed 18 January 2011).

_____ (2009b) Transcription of the vote on the ‘suppression of the “délit de solidarité”’, second session of May 5. Available from: <<http://www.assemblee-nationale.fr/13/cr/2008-2009/20090232.asp>> (accessed 19 January 2011).

ATTALI, J. (1999) *Fraternités: une nouvelle utopie*, Paris, Editions Fayard.

BAUMAN, Z. (1993) *Postmodern Ethics*, Oxford, Blackwell.

BERTOSSI, C. I. (2008) *France: the State strives to shape ‘chosen’ immigration*, IFRI, Paris, Centro Studi di Politica Internazionale.

BOYD, M. (1996) ‘Jaws of the Crocodile: 1993 Asylum Reforms in France’, *Georgetown Immigration Law Journal* **10**: 257-275.

BRUBAKER, R. (1992) *Citizenship and nationhood in France and Germany*, London, Harvard University Press.

BURGESS, G. (2008) *Refuge in the Land of Liberty: France and its Refugees, from the Revolution to the End of Asylum, 1787-1939*, Basingstoke, Palgrave Macmillan.

BURTON, A. (2003) *After the imperial turn: thinking with and through the nation*, London, Duke University Press.

CABREBA, L. (2010) *The Practice of Global Citizenship*, Cambridge, Cambridge University Press.

CALVET, L. and VÉRONIS, J. (2008) *Les mots de Nicolas Sarkozy*, Paris, Editions du Seuil.

CARRÈRE, V. and BAUDET, V. (2004) ‘Délit de solidarité’, *Plein Droit* 59-60 (May).

CIMADE *et al.* (2009), Letter to Eric Besson (letter), November 29. Available from: <<http://www.cimade.org/uploads/File/admin/Lettre.pdf>> (accessed 14 May 2011).

- COHEN, R.** (1996) 'Diasporas and the nation-state: from victims to challengers', *International Affairs* 72(3): 507-520.
- COLLECTIF FRATERNITÉ** (n.d.) (online). Available at: <<http://collectif-fraternite.fr>> (accessed 17 February 2011).
- CONSTANT, B.** (1988) *The Liberty of the Ancients Compared with that of the Moderns*, Cambridge, Cambridge University Press.
- DAILY MOTION** (2009) *Besson et le délit de solidarité* I and II (interview), April 30. Available from: <http://www.dailymotion.com/video/x95ake_besson-et-le-delit-de-solidarite_news> (part I) and <http://www.dailymotion.com/video/x95ao1_besson-et-le-delit-de-solidarite-2_news> (part 2) (accessed 10 May 2011).
- DAVIES, P.** (2002) *The National Front in France: ideology, discourse, and power*, London, Routledge.
- DEBRAY, R.** (2009) *Le moment Fraternité*, Paris, Gallimard.
- DE GENOVA, N.** (2010) 'Theoretical Overview' in De Genova, N. and Peutz, N. (eds.), *The Deportation Regime: Sovereignty, Space, and the Freedom of Movement*, Durham, NC, Duke University Press.
- LES DÉLINQUENTS SOLIDAIRES** (2009) *Dossier de Presse: encourager la solidarité, non la dissuader* (press release), December 14. Available from: <http://www.delinquants-solidaires.org/pdf/09_12_14_DP_delinquants_solidaires.pdf> (accessed 05 April 2011).
- _____ (2009) 'Pétition des Délinquants Solidaires : Supprimons le délit de solidarité!' (petition). Available from: <<http://www.delinquants-solidaires.org/pdf/petition.pdf>> (accessed 04 March 2011).
- DOUZINAS, C.** (2000) *The end of human rights: Critical legal thought at the turn of the century*, Oxford, Hart.
- ELLERMANN, A.** (2005) 'Coercive Capacity and the Politics of Implementation: Deportation in Germany and the United States', *Comparative Political Studies*, 38(10), 1219-1244.
- _____ (2006) 'Street-level Democracy? How Immigration Bureaucrats Manage Public Opposition', *West European Politics*, 29(2), 287-303.
- _____ (2008) 'The Limits of Unilateral Migration Control: Deportation and Interstate Cooperation', *Government and Opposition*, 43(2), 168-189.
- _____ (2009) *States against migrants: deportation in Germany and the United States*, Cambridge, Cambridge University Press.

_____ (2010) 'Undocumented Migrants and Resistance in the Liberal State', *Politics & Society*, **38**(3), 408-429.

EMERY, M. (2010) 'Europe, Immigration and the Sarkozy Concept of *Fraternité*', *French Cultural Studies* **21**(2): 115-129.

EMMAÜS FRANCE et al. (2009) 'Letter to Eric Besson' (letter). November 26. Available from : <<http://www.la-croix.com/illustrations/Multimedia/Actu/2009/4/8/lettreassociations.pdf>> (Besson letter)> (accessed 25 May 2011).

FASSIN, D. (2001) 'The Biopolitics of otherness: undocumented foreigners and racial discrimination in French public debate', *Anthropology Today* **17**(1): 3-7.

FASSIN, D., MORICE, A. and QUIMINAL, C. (1997) *Les lois de l'inhospitalité : les politiques de l'immigration à l'épreuve des sans-papiers*, Paris, La Découverte.

FAVELL, A. (1997) 'Citizenship and immigration : pathologies of a progressive philosophy', *Journal of Ethnic and Migration Studies* **23**(2): 173-195.

_____ (1998) *Philosophies of integration: immigration and the idea of citizenship in France and Britain*, Basingstoke, Palgrave Macmillan.

FEKETE, L. (2008) 'Grinding down the human rights defenders', *European Race Bulletin*, **65** (Autumn).

_____ (2009) *A suitable enemy: Racism, migration and Islamophobia in Europe*, London, Pluto.

FELDBLUM, M. (1999) *Reconstructing citizenship: the politics of nationality reform and immigration in contemporary France*, Albany, State University of New York Press.

FIDH/OMCT (2009) *Le délit de solidarité: stigmatisation, répression et intimidation des défenseurs des droits des migrants* (online). Available from: <<http://www.fidh.org/IMG/pdf/obsfra11062009.pdf>> (accessed 15 February 2011).

LE FIGARO (2009) 'Denonciation: devoir republicain', February 7 (online). Available from: <<http://www.lefigaro.fr/flash-actu/2009/02/07/01011-20090207FILWWW00527-denonciation-devoir-republicain-ump.php>> (accessed 06 March 2011).

_____ (2009b) 'Identité nationale: Ségolène Royal se démarque du PS', October 29 (online). Available from: <<http://www.lefigaro.fr/politique/2009/10/29/01002-20091029ARTFIG00022-identite-nationale-segolene-royal-se-demarque-du-ps-.php>> (accessed 16 May 2011).

FRANCE CULTURE (2010) 'Devenir Français sous la IIIe République', April 24 (podcast). Available from: <<http://www.franceculture.com/emission-concordance-des-temps-devenir-francais-sous-la-iiie-republique-2011-04-23.html>> (accessed 15 April 2011).

FRANCE INTER (2010), Interview with Eric Besson (interview), August 28. Partly available from: <http://www.dailymotion.com/video/xejdta_roms-besson-fait-fi-des-critiques-d_news> (accessed 12 December 2010).

FRANCE TERRE D'ASILE (2007), 'La pénalisation du travail social n'est pas acceptable !' (press release), November 21. Available from: <http://www.france-terre-asile.org/component/flexicontent/items/item/2252-communicue-presse-garde-ue-> (accessed 26 May 2011).

FREEDMAN, J. (2004) *Immigration and insecurity in France*, Aldershot, Ashgate.

_____ (2009) 'Mobilising against detention and deportation: Collective actions against the detention and deportation of 'failed' asylum seekers in France', *French Politics* 7(3): 342-358.

_____ (2011) 'The Reseau Education Sans Frontières: Reframing the Campaign Against the Deportation of Migrants', unpublished.

GARCIA, A (2006) 'Combien d'immigrés clandestins en France?' *RFI*, April 13. Available from: <http://www.rfi.fr/actufr/articles/076/article_43041.asp> (accessed 4 May 2011).

GISTI (n.d.) 'Délits de solidarité' (online dossier). Available from: <<http://www.gisti.org/delits-de-solidarite>> (updated 22 January 2011, accessed 17 May 2011).

_____ (2010), *Pourquoi il faut combattre la loi Besson* (pamphlet), July 2010. Available from: <http://www.gisti.org/IMG/pdf/hc_ucij_mini-analyse_2010-07.pdf> (accessed 17 May 2011).

GLOBAL DETENTION PROJECT (2009) *France Detention Profile* (online). Available from: <<http://www.globaldetentionproject.org/de/countries/europe/france/introduction.html>> (updated April 2009, accessed 5 April 2011).

GOLDBERG, D. (2009) 'Rapport fait au nom de la commission des lois constitutionnelles, de la législation et de l'administration générale de la république sur la proposition de loi (N° 1542) de M. Daniel Goldberg visant à supprimer le « délit de solidarité »' (report), April 8. Available from: <<http://www.assemblee-nationale.fr/13/rapports/r1600.asp>> (accessed 26 March 2010).

HADDAD, E. (2008). *The refugee in international society: between sovereigns*, Cambridge, Cambridge University Press.

HAMMARBERG, T. (2008) *Memorandum by Thomas Hammarberg, Council of Europe Commissioner for Human Rights, following his visit to France from 21 to 23 May 2008*, November 20. CommDH(2008)34. Available from: <<https://wcd.coe.int/wcd/ViewDoc.jsp?id=1410711>> (accessed 27 March 2011).

HONIG, B. (2001) *Democracy and the Foreigner*, Princeton, NJ, Princeton University Press.

- HOPGOOD, S.** (2006) *Keepers of the flame: understanding Amnesty International*, London, Cornell University Press
- ISIN, E. and NIELSEN, G.** (2008) *Acts of Citizenship*, London, Zed Books.
- JOPPKE, C.** (2008) 'Immigration and the identity of citizenship: the paradox of universalism', *Citizenship Studies* 12(6): 533-546.
- KRUGER, D.** (2007) *On Fraternity: politics beyond liberty and equality*, London, Institute for the Study of Civil Society.
- LAMBERT, H., MESSINEO, F. and TIEDEMANN, P.** (2008) 'Comparative Perspectives of Constitutional Asylum in France, Italy, and Germany: Requiescat in Pace?', *Refugee Survey Quarterly* 27(3): 16
- LDH** (2009) 'Nous exigeons la suppression du ministère de l'Identité nationale et de l'Immigration' (petition), December 4. Available from: <<http://www.ldh-toulon.net/spip.php?article3626>> (accessed 25 May 2011).
- LINDENBERG, D.** (1994) 'Guerres de mémoire en France', *Vingtième siècle* 42 (April-June): 77-95.
- LINDERMANN, A. S.** (1992). *The Jew Accused: Three Anti-Semitic Affairs (Dreyfus, Beilis, Frank), 1894-1915*, Cambridge, Cambridge University Press.
- LOESCHER, G.** (1996) *Beyond charity: International cooperation and the global refugee crisis*, Oxford, Oxford University Press.
- LOIRET, P.** (2009) *Welcome* (film), release date: September 16, WHV.
- MACEDO, S.** (1991) *Liberal virtues: Citizenship, virtue, and community in liberal constitutionalism*, Oxford, Clarendon Press.
- LYNN-DOTY, R.** (2006) 'Frontiers compasivas and the ethics of unconditional hospitality', *Millennium Journal of International Studies* 35(1): 53-74.
- MARTIN, J.** (2007) 'Identité nationale et immigration, un intitulé qui ne passe pas', *Rue89*, June 2. Available from: <<http://www.rue89.com/2007/06/02/identite-nationale-et-immigration-un-intitule-qui-ne-passe-pas?page=0#comment-13984>> (accessed 17 May 2011).
- MATRINGE, J.** (2009). *Le délit de solidarité et la résistance à l'oppression.*' Paper delivered at the Observatoire Juridique de la vie politique on 24 September 2009. Available from: <<http://ojiv.org/Members/karine/le-delit-de-solidarite-et-la-resistance-a-l-oppression-par-jean-matringe-professeur-a-luniversite-de-versailles-saint-quentin>> (accessed 27 December 2010).

- McADAM, D., McCARTHY, J. and ZALD, M.** (1996) *Comparative perspectives on social movements: Political opportunities, mobilizing structures, and cultural framings*, Cambridge, Cambridge University Press.
- McNEVIN, A.** (2006) 'Political belonging in a neoliberal era: The struggle of the sans-papiers', *Citizenship Studies* **10**(2): 135-151.
- MEDIAPART** (2009) 'L'Appel de mediapart : « Nous ne débattons pas »' (petition), December 2. Available from: <<http://www.mediapart.fr/journal/france/021209/lappel-de-mediapart-nous-ne-debattons-pas>> (accessed 13 March 2010).
- MILLER, D.** (2000) *Citizenship and national identity*, Cambridge, Polity Press.
- MINISTÈRE DE L'IMMIGRATION, DE L'INTÉGRATION, DE L'IDENTITÉ NATIONALE ET DU DÉVELOPPEMENT SOLIDAIRE** (2009) *La proposition de loi sur le prétendu « délit de solidarité » : inutile et dangereuse* (press dossier), April 30. Available from: <<http://www.immigration.gouv.fr/IMG/pdf/DPPretDelitSolidarit290409.pdf>> (accessed 27 May 2011).
- LE MONDE** (2007) 'L'identité nationale, thème récurrent de Nicolas Sarkozy' (online), October 26. Available from: <http://www.lemonde.fr/politique/article/2009/10/26/l-identite-nationale-theme-recurrent-de-nicolas-sarkozy_1259095_823448.html> (accessed 17 February 2011).
- MÜLLER, O.** (2009) 'la pénalisation de l'aide au séjour irrégulier: De la volonté politique à la réalité judiciaire', Masers thesis, IEP, 2009. Available from: <http://www.gisti.org/IMG/pdf/Memoire__IEP_olivia_-muller__2009.pdf> (accessed 29 December 2010).
- NEVINS, J.** (2003) 'Thinking Out of Bounds: A Critical Analysis of Academic and Human Rights Writings on Migrant Deaths in the US-Mexico Border Region', *Migraciones Internacionales* **2**(2): 171-190.
- NOIRIEL, G.** (1988). *Le creuset français*, Paris, Editions du Seuil.
- _____ (1991). *La tyrannie du national: le droit d'asile en Europe, 1793-1993*, Paris, Calmann-Lévy.
- NYE, A.** (1989) *Feminist theory and the philosophies of man*, London, Routledge.
- NYERS, P.** (2003). 'Abject cosmopolitanism: The politics of protection in the anti-deportation movement', *Third World Quarterly* **24**(6): 1069-1093.
- OGATA, S.**, (1993) 'Refugees in Europe'. Key note speech, Academy of Graz, Austria, May 1993.

OZOUF, M. (1997) 'Liberté, égalité, fraternité', 4353-4389, in Nora, P. (ed.) *Lieux de Mémoire, III*, Paris, Quarto Gallimard.

PICUM (2003) *Book of Solidarity: providing assistance to undocumented migrants in France, Spain and Italy*, Volume 2. Available from:
<http://picum.org/picum.org/uploads/file_/bos2en.pdf> (accessed 29 December 2010).

_____ (2010) *PICUM's Main Concerns about the Fundamental Rights of Undocumented Migrants in Europe*, October. Available from:
<<http://picum.org/picum.org/uploads/publication/Annual%20Concerns%202010%20EN.pdf>> (accessed 17 May 2011).

LE POST (2009) 'Marseille descente de police à la communauté d'Emmaüs pour chercher des sans-papiers' (online), February 18. Available from:
<http://www.lepost.fr/article/2009/02/18/1428627_marseille-descente-de-police-a-la-communaute-d-emmaus-pour-chercher-des-sans-papiers.html> (accessed 15 February 2011).

_____ (2008) 'Ségolène Royal : "La Fraternité, c'est penser d'abord à l'autre... toujours..."' (online), November 8. Available from:
<http://www.lepost.fr/article/2008/09/28/1275522_segolene-royal-la-fraternite-c-est-penser-d-abord-a-l-autre-toujours.html> (accessed 16 May 2011).

PRÉSENT (2010) 'Entretien avec Marine Le Pen' (interview), December 21.

RAWLS, J. (1999) *A Theory of Justice*, Cambridge Mass., Belknap Press of Harvard University Press.

RODRÍGUEZ, E. G. (2004) 'We Need Your Support, but the Struggle Is Primarily Ours': On Representation, Migration and the Sans Papiers Movement', *Feminist Review* 77:152-156.

RTL (2009) 'Eric Besson: le réalisateur de "Welcome" a franchi la ligne jaune' (online), March 6. Available from:<http://www.rtl.be/info/magazine/cinema/224684/eric-besson-le-realisateur-de-welcome-a-franchi-la-ligne-jaune_> (accessed 28 May 2011).

RUE 89 (2009), 'Manifestation contre le "délit de solidarité"' (video). Available from:
<http://www.dailymotion.com/video/x8x3rh_manifestation-contre-le-delit-de-so_news> (created 8 April 2009, accessed 22 April 2011).

RYGIEL, K. (2011) 'Bordering Solidarities: migrant activism and the politics of movement and camps at Calais', *Citizenship Studies*, 15: 1-19.

SARKOZY, N. (2007) 'Speech in Nice', March 30. Available from: <<http://sites.univ-provence.fr/veronis/Discours2007/transcript.php?n=Sarkozy&p=2007-03-30>> (accessed 28 May 2011).

SANDEL, M. (1982) *Liberalism and the Limits of Justice*, Cambridge, Cambridge University Press

- SOUCHARD, M., WAHNICH, S., CUMINAL, I., and WATHIER, V.** (1997). *Le Pen, les mots: analyse d'un discours d'extrême droite*, Paris, *Le Monde*.
- SCOTT, J. W.** (2005) *Parité!: sexual equality and the crisis of French universalism*, London, University of Chicago Press.
- SECOURS CATHOLIQUE** (2009), 'Manifestation contre le délit de solidarité' (video). Available at: < http://www.dailymotion.com/video/x8xoav_manifestation-contre-le-delit-de-so_news> (created 10 April 2011, accessed 22 April 2011).
- SILVERMAN, M.** (1994) *Deconstructing the nation*, London, Routledge.
- TEMOIGNAGE CHRETIEN** (2011) 'Immigration: quand les chrétiens désobéissent' (online), April 5. Available from: <<http://www.temoignagechretien.fr/ARTICLES/Societe/Immigration-quand-les-chretiens-desobeiss%C2%AD%C2%AD%C2%AD%C2%ADent/Default-18-2537.xhtml>> (accessed 10 May 2011).
- TOURNIER, M.** (2001) 'Humanitaire est-il apolitique de naissance?' *Mots* 65(1): 136-145.
- LA VOIX DU NORD** (2009) 'Monique Pouille devient icône humanitaire' (online), March 25. Available from: <http://www.lavoixdunord.fr/Locales/Bethune/actualite/Autour_de_Bethune/Artois_Lys/2009/03/25/article_monique-pouille-devenue-icone-humanitair.shtml> (accessed 15 February 2011).
- WAHNICH, S. and GAUTIER, C.** (1997) *L'impossible citoyen. L'étranger dans le discours de la Révolution française*, Paris, A. Michel.
- WAHNICH, S.** (1997b) 'L'hospitalité et la Révolution française' in Fassin, D. and Quiminal, C., (eds.) *Les lois de l'inhospitalité: les politiques de l'immigration à l'épreuve des sans-papiers*, Paris, La Découverte.
- WEBBER, F.** (2006) 'Asylum: from deterrence to criminalisation', *European Race Bulletin* 55.
- WEIL P.** (2005) *Qu'est-ce qu'un Français?: histoire de la nationalité française depuis la Révolution*, Paris, Gallimard.
- WESTBY, D. L.** (2002) 'Strategic imperative, ideology, and frame', *Mobilization: An International Quarterly* 7(3): 287-304.
- YOUTUBE** (2009) 'Manifestation de solidarité aux sans-papiers : Melun' (video). Available from: <<http://www.youtube.com/watch?v=o6A-4IrKq1s>> (created 16 April 2009, accessed 12 February 2011).
- ZÖLNER, M.** (2000) *Re-imagining the nation: debates on immigrants, identities and memories*, Bern, Peter Lang Publications.