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Breakdown in Legitimacy?¹
Immigration, Security, Social Cohesion and Nativism

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Introduction

In Europe and North America in the 1990s and early 2000s, a dual image of international migrants emerged in the media (Jakubowicz, 1995; Cottle, 2000; Karim, 2000; Downing, 2001; Qureshi and Sells, 2003; Deltombe, 2005; Geisser, 2003; Islam & Laïcité.org, 2006; Unkelbach, 2008; Fekete, 2008), in public discussion and in government initiatives. The overriding view was negative, describing migrants as undesirable elements that drive up costs for the Welfare state, weaken social cohesion, increase criminality and threaten national identities and cultures, and even the values of modern Western society. It was accompanied by government decisions that went against the principles that had been in force since the 1960s, by reducing migrants’ basic freedoms and social rights, militarizing border surveillance and migratory flows, detaining migrants turned away at borders, imposing cultural compliance testing for future citizens or immigration applicants—all forms of negative treatment that were exacerbated by the Islamic terrorist attacks of September 2001.

The other image, which received less play, was a positive one, stressing the inescapable economic and demographic utility of immigration, and giving rise to debate on a new theme in which Canada was a figurehead—the adoption of immigration policies in Europe and of new temporary workers programs in the United States.3

I. The dual status of immigration

I.1. Immigration as a threat

The negative image is not only the work of a few ideologues defending the superiority of Western civilization or the nativist idea that a state and the society it governs must remain within the cultural and political control of the descendants of their historical “founders.” In most countries, 40% to 50% of public opinion is xenophobic.

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2. In the U.S., according to the Inspector General of the Social Security Administration, contributions from illegal migrant workers between 1937 and 2003 amounted to $520 billion (Nemeth, 2008; Riley, 2008).

3. Currently, the H-1B visa exists for workers with three years of university (bachelor’s degree), the H-2A for farm workers, and the H-2B for unskilled workers.
While the European Union (EU) was expanding to the East and a debate around illegal immigration was raging in the U.S., surveys were conducted about immigration. Two examined by Simon and Sikich (2007) were conducted in 1995 and 2003 regarding attitudes towards immigration in the Netherlands, the U.S., Canada, Japan, Australia, Great Britain, France and Germany. The questions dealt with increasing immigration, its economic utility, its link to criminality and unemployment, and its contribution to culture. In both years, in every country, between 50% and 80% of the respondents wanted to see less immigration, with the Germans and British feeling the most strongly against immigration and Canadians and Australians the least strongly against it. In both years, Australians and Canadians felt that immigration was good for their country’s economy, but 40% or more of the British, East Germans and Americans did not. About 50% of Americans and Brits in 1995 and 43% in 2003 thought that immigrants caused unemployment among native-born citizens (job stealing), compared with 27% of West Germans in 1995 and 39% in 2003. Further, although Americans, Australians and Canadians in both years stated that they did not think that immigrants increased crime, 27% of Brits in 1995 and 40% in 2003 thought they did (compared with 44% of the French in 2003). During that period, the British reflected the rising negative trend in views of immigration’s cultural contribution, with 54% in 1995 believing that immigrants brought in new ideas and ways of doing things, but 34% by 2003.

The authors (Simon and Sikich, 2007) reached three conclusions: opposition to immigration was strong; the Australians and Canadians were the most open; and the Americans and British had become more xenophobic during that period. In their words,

In both 1995 and 2003 most respondents favoured decreasing the number of immigrants allowed into their country. Over the eight-year period, while more positive feelings were expressed about the role immigrants play vis-à-vis the economy, more negative feelings were voiced about immigrants and criminal behaviour and the likelihood that they improved their adoptive countries by bringing in new ideas. But in 1995, the U.S., Great Britain, and East Germany were the nations with the highest percentage of respondents agreeing that immigrants take jobs from people born in the country. Eight years later, there was a decrease in the percentage of respondents who felt that way in the U.S. and Great Britain while the percentages increased in East and West Germany and Japan.
Other surveys conducted in 1997, 2000 and 2003 showed that the percentage of those who rejected immigration had increased over the six years, particularly in Greece, Italy, Great Britain and the Netherlands, but had remained stable in other countries. In 2003, 58% of Europeans felt that immigrants were a threat to their country’s economy and culture, and the Greeks, Germans, Belgians and Austrians expressed the greatest opposition to the idea that ethnic, cultural and religious diversity enriched their society (Coenders, Lubbers and Sheepers, 2003 a, b). The Europeans who had a negative perception of cultural diversity and immigration tended to be less educated (primary or secondary school), self-employed, craftspeople, or retirees, have lower-than-national-average income and live in rural areas (Coenders, Lubbers and Sheepers, 2003a).

In another survey conducted by the Pew Research Center in the U.S. and Western Europe in the fall of 2007, the majority of respondents wanted to see restrictions placed on the admission of immigrants and feared that migrants were destabilizing their culture. The South Koreans, Palestinians and Japanese were the only ones not to express this fear (The Associated Press, 2007). In Quebec, in April 2008, 51% of residents felt that the province has reached its capacity to take in immigrants (Lévesque, 2008).

I.2. Muslims and illegal aliens

Two particularly negative images developed from 1990 to 2000—of illegal aliens and Muslims. Illegal aliens became emblematic of the threat to a nation’s integrity through their breaking the law when they cross borders, participating clandestinely in the labour force and gaining access to social protection. Muslims combined all of those negative traits with a culture that was supposedly totally foreign to the West. Practices, modes of dress, frequency of collective religious practice, interest in country of origin and community networks were considered manifestations at best of archaic exoticism and at worst of a cultural anomaly in advanced and secularized European societies (Bayat, 2008).

In the 1990s, animosity towards immigration became focussed on Islam in Europe, for two reasons: most of the immigrant minorities were from Muslim cultures,² and immigrants were mobilizing and causing political

² Muslims accounted for 18 million of the EU’s overall population of 400 million.
uproval with their demands for the adoption of anti-discrimination measures, better access to jobs, participation in politics and, in the case of Muslims, the building of mosques, the wearing of outward signs of religion and the addition of religious holidays.

In the United Kingdom, supposedly the European country most open to cultural differences, Runnymede Trust concluded in 1997 that the country was dealing with significant Islamophobia, disseminated by well-known writers and journalists and by the Church of England.\(^5\) In 2008, according to Shahid Malik, the Under-Secretary of State for International Development, British Muslims did not feel accepted and, according to a survey conducted that same year, 51% of British respondents blamed Islam for the terrorist attacks, while over 25% felt that Muslim and British values were incompatible. A study commissioned by the City of London of all dailies published in 2006 showed that just 4% of the 352 articles on Muslim issues were positive. Ken Livingstone, the Mayor of London, commented, “The overall picture presented by the media is that Islam is profoundly different from and a threat to the West” (Caulfield, 2007). Yet, 90% of the 1.6 million Muslims in the country expressed attachment to England (Milmo, 2008).

In Canada, another so-called tolerant nation, some of the media developed negative images of Islam after the first Gulf War and perpetuated them over the ensuing years (Karim, 2000; Helly, 2002b). The tolerance ended in September 2001. By November 2002, a survey by Maclean’s magazine, Global TV and The Citizen indicated that 44% of Canadians wanted to see a reduction in immigration from Islamic countries. The highest percentage was recorded in Quebec (48%), compared with 45% in Ontario, 42% in Saskatchewan and Manitoba, 43% in the Maritimes, 39% in British Columbia and 35% in Alberta\(^6\) (Helly, 2004a). A survey conducted in 2002 among women who wear the hijab and who had gone for a job interview revealed employers’ obsession with the custom of wearing the headscarf. Ninety percent asked about it, and 40% made its removal a condition of

\(^5\) For the first time in any British document, the report described Islamophobia as the “dread or hatred of Islam and therefore ... the fear and dislike of all Muslims,” giving rise to exclusionary practices in the labour market and in public life.

\(^6\) In August 2002, according to a survey by the Association for Canadian Studies, 43% of respondents felt that Canada accepted too many immigrants from Arab countries, 40% felt that too many came from Asia, 24% felt that too many came from Africa, 21% felt that too many came from Latin America and 16% felt that too many came from Europe. Among respondents who expressed a fear of a terrorist attack in North America, 49% wanted to see a reduction in immigration from Arab countries and 47% wanted to see a reduction from Asian countries.
employment (Women Working with Immigrant Women, 2002). The company Influence Communication, in commenting on media coverage in Quebec in 2007 during a controversy over rights of religious minorities, Muslims in particular, referred to the media’s “mob mentality.” The issue of reasonable accommodations was the most “inflated” and disproportionate news item of the year. Furthermore, 83% of the media coverage given to ethnic minorities in Quebec was dedicated to controversial topics or situations of conflict, and the Quebec press gave 10 times more attention to ethnic incidents arising in Quebec than the press in the rest of Canada (Cauchon, 2007; Influence Communication, 2007).

Examples of the widespread nature of the extremely negative perception of and media focus on Muslims can be found all over the European and North American continents. Two studies (Islam & laïcité, 2006; Gottschalk and Greenberg, 2008) sum up the situation in recent years: a significant proportion of Europeans and Americans are deeply anxious about Muslims. Thus, over the last quarter century, immigration has been built up as a negative goal and an association between immigration and Islam has developed, when in fact the majority of migrants to Canada come from Asia, the majority of migrants to the U.S. come from Asia, Latin and Central America and the majority of migrants to the European Union come from Asia, sub-Saharan Africa, the Balkans and Eastern Europe.

This association produces stereotypes that accuse Muslims of being unwilling or unable to integrate into Western societies. It is based on an omission: socio-economic and cultural integration is not a matter of simple individual desire or willingness but of structural conditions governing access to employment, housing and equal rights; and community organizations are often places where migrants without the social, cultural, linguistic, educational and professional capital to permit easy participation in the overall society can live and work. If life in an ethnic community is regarded as a harmful form of cultural and social seclusion, public policy must offer means of escaping it.

**I.3. Selective migration with a purpose**

Starting in the late 1990s, another definition, created this time by employers, experts and government authorities, countered the idea of migration as a
The evolution was particularly notable in Europe, where, since the 1970s, immigration had been declared to be of little economic benefit. Given the ageing populations and actual or projected labour shortages, immigration was presented as a key factor in the competitiveness of Western economies and a race for immigrant talent (Shachar, 2006) was set in motion among countries of the Organisation for Economic Co-operation and Development (OECD). The U.S., where 40% of doctoral degree holders in science and engineering were immigrants (The Economist, 2008a), appeared to be off to a winning start, but since the Seville Summit in 2002, the EU has stressed the economic and demographic benefits of immigration and advanced a principle that has been applied in Canada for generations—selection of the most productive migrants. This evolution occurred concurrently with a new trend: emigration of both native-born individuals and immigrants. This was a phenomenon that has always existed in Canada, but it appeared to be becoming a strong trend in the Netherlands and the United Kingdom. In 2006, 35% of the graduates from British universities emigrated and 75% of the doctors who emigrated were immigrants (The Economist, 2008b).

The following are some examples of measures adopted following this change in immigration status in Europe, starting in 1997–98. The United Kingdom, a country with strong economic growth, developed an immigration policy in 2007, whereby migrants are categorized into five qualification tiers, each corresponding to a different status in terms of free circulation on British soil and the right to select an employer, bring in family members and apply for permanent residence (Saint-Pierre, 2007). In addition, an one-year work visa is automatically granted to graduates of the top 50 business schools in the world.

In 2007, Spain, a country with high demand for unskilled labour, particularly farm workers, signed an agreement with Morocco (and similar agreements with Romania and the Ukraine) to recruit young women without children to work in agriculture for four to six months at a time. In 2007, France created a renewable three-year work visa called the “Carte compétences et talents” [skills and talents card] to be issued by consulates mainly to highly educated migrants, physicians and computer scientists. The Sarkozy government also considered a four-year program law (2009–2012) that would identify an

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7. France, a nation with low economic growth, created the first ad hoc initiative to address labour shortages, with a program for computer scientists in 1997. The hotel industry was also faced with shortages, and in 2008 employers asked that the situation of 30,000-50,000 hotel workers be regularized.
overall number of immigrants to be accepted, broken down by reason for immigrating (work, study, sponsorship). In July 2008, pleading skilled labour shortages and union fears, Berlin extended the restrictions on entry of foreign nationals admitted since 2004 to 2011, but granted automatic residence to graduates of European universities and conditional residence to graduates of non-European universities. However, Berlin lowered the minimum wage for highly skilled foreigners from 86,400 euros to 63,600 euros (Hansen et al., 2008; Walker, 2008). In 2008, the EU discussed creating blue cards (residence permits) that would fast-track citizenship for highly skilled migrants.

Canada, which is considered a model for its view of migrants as future citizens and which has for decades selectively chosen 20% of its immigrants (Helly, 2008a), seconded this affirmation of the economic utility of immigrants. In June 2008, the federal government appointed a committee comprising mainly businesspeople, which recommended strengthening the migrant selection process, choosing the most productive and reducing the percentage of unselected migrants (refugees and sponsored immigrants). It said that Canada needed to attract more investment and to become more competitive. In addition, it said that, by 2010, 100% of annual labour force growth would be due to immigration (Keung, 2008).

In countries recording strong economic growth, selection of the most qualified migrants is accompanied by an increase in temporary (four months to two years) migrant worker programs that usually focus on the lowest-paying, unprotected jobs in which native-born people have no interest, such as service industries and manual labour. The term “circular migration” is used to refer to these workers, who are forced or encouraged to return to their country of origin at the end of their work contract or in the event of an economic downturn. In May 2007, faced with that very situation, Madrid offered financial assistance equal to the unemployment benefits workers would receive for the amount of time they had worked in Spain if they returned home voluntarily. Madrid also offered micro-credit to start businesses in countries of origin like Morocco, Equador and Romania (Junquera, 2008: 16). Italy signed an agreement with Sri Lanka in 2008 to

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8. The official percentage figure is higher but it includes spouses and children.

9. Of the salaried workers who lost their jobs in 2007, 40% (52,300 people) were foreigners. The percentage of foreigners living in Spain is less than 10%.
recruit homecare attendants for the homebound elderly people (The Economist, 2008b). Since the 1990s, Canada has issued some 130,000 temporary work visas\(^{10}\) a year, compared with 40,000 permanent residence visas to migrants selected for their human capital\(^{11}\) (Helly, 2008a; Sharma, 1997). And in the U.S., as in Canada, a debate surrounding the admission of temporary migrant workers began in spring 2008.

I.4. Migration controlled and deported

Corollary to the economic selection of migrants is a rise in control and rejection of “undesirables” or “useless” immigrants. The European Pact on Immigration and Asylum signed in July 2008 by the 27 members of the EU embodies the purpose of this new vision of immigration as an identifier of selective labour. Under the Pact, it is necessary to respond to market needs and increase coordination of border controls, apply common rules to asylum seekers, terminate amnesties and arrange for the “effective distancing” of illegal aliens, with deportation identified as a priority. Pre-deportation detention centres numbering more than 200 in 2007 (Rekacewicz, Le Monde diplomatique, 2008) are opened on Nauru Island in Australia (2001–March 2008), in the European Union and some neighbouring countries (Ukraine, Turkey, Libya), and in the U.S. By 2007, 30,000 illegal aliens had been detained in such centres in the EU and another 30,000 were being detained in the U.S. In 2006, the U.S. Immigration, Customs and Enforcement Agency (ICE) decided to incarcerate clandestine immigrants from all countries of origin,\(^{12}\) as well as asylum claimants. The portion of the Agency’s budget dedicated to detaining the two types of migrants was increased to a billion dollars (Mencimer, 2008).

According to Van Eeckhout (2008), economic selection and migratory controls\(^{13}\) are related because,

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10. About 10,000 were for workers travelling within North America under the free trade agreement between Canada, the U.S. and Mexico.

11. The official figure of selected migrants is 130,000 but it includes spouses and children.

12. Before 2006, only illegal Mexicans were taken to the border; other illegal aliens and asylum seekers were released pending a court decision on their fate.

13. A form of negotiated control, the signing of agreements with countries bordering the EU for readmission of illegal aliens expelled in exchange for removal of visa requirements for those countries.
The European Union does not have the means to take in with dignity all migrants who are seeking a better life. The immigration organization must therefore take into account Europe’s reception capacity in terms of the labour market, housing, health care, education and social services.

Recently the liberal think-tank CentreForum proposed a measure designed to give the 500,000 illegal aliens in the U.K. the opportunity to regularize their status for a fee of 5,200 pounds, which would be payable over a five-year period. If, at the end of that period, they were paying income tax, had gainful employment and could speak some English, they could obtain a permanent residence permit. Otherwise, they would be reimbursed 2,500 pounds and have to leave the country within six months. If they did not leave the U.K., they would forfeit the 5,200 pounds, which would be used to deport them (The Press Association, 2008).

Other methods of selecting out undesirable migrants involve restricting entrance to sponsored migrants, such as France’s policy in 2003 and 2006 and Spain’s in 2008. In Canada, it involves stricter verification of the genuineness of marriages among the 45,000 migrants sponsored by an immigrant or Canadian-born spouse. It also involves requiring travel visas (Guild and Bigo, 2003a, b) or criminalizing illegal entry, made punishable in Italy by six months to four years in prison starting in June 2008, and in Denmark by prohibiting Danish citizens from sponsoring a spouse unless they are both at least 24 of age (Deutsche Presse Agentur, 2008).

I.5. Liberal paradox?

The instrumentalization of immigration is not surprising. In the West, the state is the guarantor of the accumulation of wealth, as indicated by Diane

14. Sir Andrew Green, chairman of Migrationwatch, which campaigns against mass immigration, said “This is a lunatic proposal. Nothing could be more calculated to encourage still more illegal immigration.”
15. To fight against marriages of convenience, the deadline by which the spouse could apply for French nationality was increased to two years by the first Sarkozy law in 2003, then from two to four years, or even five years if the couple did not reside in France, by the second Sarkozy law of 2006.
16. Considered contraries to European laws.
17. But on July 25, 2008, the European Court ruled in an Irish case that all legal residents have the right to live as a family regardless of their country of residence in the EU.
Finley, Minister of Citizenship and Immigration, in April 2008 at a debate on the inefficiencies of Canada’s immigrant selection system (Cryderman, 2008):

The government has an obligation to the country and businesses to bring workers with needed skills to Canada. The system right now was meant to protect the domestic labour market. [but] that doesn’t provide any flexibility for changing circumstances.

On the other hand, one may question the dual status of immigration as beneficial and harmful, advantageous and risky, as well as the gap between the rhetoric and border control measures. Politicians have demanded increased surveillance of migrants for over 10 years now, but no European or international agreements are yet in existence.¹⁸ Thousands of clandestine immigrants arrive in Malta and the Canary Islands¹⁹ and some 5% die en route. Since the 1980s, Italy and Spain have regularized hundreds of thousands of illegal aliens, for both ideological and budgetary reasons.²⁰ In August 2007, the Netherlands gave amnesty to 27,000 illegal aliens who arrived before 2001, and the U.K. is considering doing likewise. The European Pact on Immigration and Asylum of July 2008 is not legally binding on state signatories.

Canada is another example. Built on immigration, with an age-old affirmation of the economic benefit of immigration and with increasing numbers of temporary migrant workers admitted since the 1990s, Canada has also produced security-related rhetoric about immigration (Gilbert, 2008). It does not, however, have borders to control against undesirable migrants on its western, eastern or northern fronts and it has a long-standing history of losing people to its southern neighbour. As for the U.S., for more than 10 years now, while special visas have been created to accelerate the admission of qualified migrants and large numbers of clandestine workers

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¹⁸ A five-year general action plan was established by the 24 EU member states in November 2007 (The Hague Program). It includes measures to combat illegal immigration and regulate legal migratory flows, but as of yet, no concrete measures have been identified.

¹⁹ In 2007, 9,000 illegal aliens arrived in Lampedusa from Libya, where they could purchase a ticket for a clandestine voyage for about 2,000 euros. In 2007, in Spain, 55,938 irregular migrants were deported, 18,057 arrived on makeshift boats (pateras); 921 died on the way (6,000 died in 2006, Human Rights Association of Andalusia, 2006, 2007 reports).

²⁰ Regularized illegal aliens contribute to the pensions that are in shortfall in both countries.
have joined the labour force, the political pressure to regularize them and the pressure to deport them have cancelled each other out.

According to James Hollifield (1998; 2004:900), this dual status of immigration is simply a constituent feature of democracies and illustrates the liberal paradox: “The economic logic of liberalism is one of openness, but the political and legal logic is one of closure.” The openness stems from capitalist development, and the closure, from each state’s need to maintain the uniqueness of its nation and civil society compared with other states and societies. Hollifield (2000), and before him Gary Freeman (1995), also referred to the pressures on the state from social groups, voters and various interest groups.

True, but we still need an explanation for the temporal nature of this pressure and, in the case of immigration over the last 10 years or so, for the widespread dissemination of a negative defining image. Immigration and Islam were relatively uncontroversial topics in the 1970s and 1980s. The hostility increased in the 1990s regarding the high number of refugees, the construction of mosques, the Islamic headscarf and the establishment of national Muslim councils in France, Belgium and Spain (Helly, 2005a). Then it swelled in the new millennium in Europe with respect to the Polish, Romanian and Bulgarian “invasion” and the entry of illegal aliens and, in Europe and Canada, with respect to the cultural foreignness of Muslims.

In the U.S., the hostility is directed more at illegal immigration and at the cultural influence of the Chicanos (Huntington, 2004; Krikorian, 2008), growing to the point where the obligation for state police to expel illegal Mexicans starting in 2001 no longer met with much resistance, likewise greater control over employers of illegal aliens since 2006 (with 200 arrests in 2005 and 860 in 2007), or the adoption of some 1,000 measures by state legislatures by 2007 and the increase in the budget to control the border to $12 billion in 2008 (The Economist, 2008b). An agency of Syracuse University (the Transactional Records Access Clearinghouse, TRAC, 2008) referred to the following:

War On Immigrants: Immigration cases make up more than half (58%) of ALL federal prosecutions in April 2008—of all prosecutions for all charges brought against all defendants by all federal agencies (including FBI, ATF, DEA, ICE and IRS). The very heavy federal emphasis is concentrated in selected judicial districts along the border with Mexico.
In fact, in 2007, the town of Farmers Branch, Texas, declared war on illegal aliens with its Ordinance 2903, which made it illegal to rent property to illegal aliens. Something similar could well happen in Europe in the near future, where the increase in hostility is seen as a factor in declining migrant entries since 2006, two other factors being the economic downturn and the increased surveillance of the Southern border by drones, cameras, helicopters and 20,000 agents (*The Economist*, 2008c; Center for Migration Studies, 2008).

From the 1990s to today, immigration has become synonymous with threats on borders and on national territory. The propagation of images regarding the risks of immigration has occurred in the context of the “security shift,” which refers to the changing definition of security adopted by governments, from protection of citizens from crime and military dangers to protection from multiple risks and human security (Pratt, 2005; Gayet, 2008).

In the 1980s, there was a focus on controlling public order in urban areas (with video surveillance and crackdowns on delinquency, homelessness and minor offences). In the 1990s, the focus was on discouraging high-risk lifestyles for the sake of government purse strings (smoking, obesity, deterioration of the natural environment, dangerous driving, drug use, quitting school, etc.). Thus, for the last 20 years, we have seen repeated identification of risks in the area of the environment, terrorism, energy, demographics, medicine, disease, finance, migration and societal fragmentation. We hear talk of urban security, public health, the social cohesion, the war on terrorism, war of religion and violent radicalization (religious fundamentalists, harvest-destroying environmentalists, animal rights activists, anti-abortionists attacking clinics and doctors).

A recent example of such a list of cumulative risks was given on June 18, 2008. On that day, the Swedish parliament passed a law authorizing the Swedish National Defence Radio Establishment (FRA) to scan electronic mail, text messages and telephone calls beyond the country’s borders for information on [translation] “the energy crisis, ecological imbalances, threats to the environment, ethnic and religious conflict, major migratory

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21. The ban was declared unconstitutional by district judge Sam Lindsay (*Fort Worth Star-Telegram*, June 2, 2008, [http://www.star-telegram.com/state_news/story/669776.html](http://www.star-telegram.com/state_news/story/669776.html)).
movements of refugees, and economic challenges like currency and interest rate speculation” (Andersson, 2008). International migration is just one aspect of the new view of Western societies as societies exposed to multiple risks and threats. These various internal and external forms of risk had become a government issue since the 1980s.

II. State legitimization

The ideology of risk was disseminated in a particular historical context in which one political issue was central: reforming the legitimacy of Western democratic states as a result of three major, almost concomitant changes: the reorientation of the welfare state, economic and technological change and the emergence or consolidation of economic powers, and the downfall of the Soviet empire and the end of the democratic/totalitarian confrontation.

According to Christina Boswell (2007: 91), to assert its power, the democratic state must legitimize its actions in four areas: physical security, equitable treatment (redistribution), accumulation of wealth, and democratic principles (primacy of law, protection of individual freedoms, separation of powers). We will add the maintenance of specific public actions that allow the state to set itself apart from others, to ascertain its specificity.

The sociological question is what factors determine the themes of state legitimization at any given point in time, regardless of the governments of the day. The themes do not necessarily replace one another along a unilinear historical path, but, like technologies of power (law, discipline, security), they are interlinked in specific ways. As factors, Boswell cites public opinion and voters on the one hand and international agreements and pressure on the other. She gives the example of equality of rights granted to immigrants by states but rejected by segments of public opinion that associate citizenship with the exclusive enjoyment of rights by “nationals.” Two extremes of state legitimacy, equality of rights and voter support, are at loggerheads. For his part, James Hollifield (2004: 900) uses the term “liberal paradox” to designate the dual constituent pressure on states, that of economic forces that push for more open borders to maximize the

22. M. Foucault (2004, lessons of January 11 and 18, 1978) defines law as the setting of boundaries for bans, discipline, such as control mechanisms applying to the body (prisons, refuges), and the provisions for security, such as the forecasting of risk for one or more populations.
accumulation of wealth and that of political forces that push for closure to protect the social contract.

Questions remain, however, regarding the nature of agents that have the capacity to influence a government. The forms of state legitimization and their temporal nature are rooted in structural and historical contexts and in political/electoral and cyclical factors and contexts. The changing meaning of citizenship through the power struggles and capitalist development of the last two centuries bears that out (Helly, 2005b). New conditions for citizenship and the tests imposed on migrants by European states over the last 10 years are other illustrations (Réa, 2006). In the 1970s and 1980s, learning the official language was an egalitarian measure born of the 1970s designed to increase the human capital and to level the playing field for new migrants. It is currently defined as a financial obligation for migrants, an act required out of respect for a “national” culture or a debt to a so-called host society, clearly national, as indicated by Beck (2008). Egalitarian official language training programs have become vectors for xenophobia. Equality of residents is no longer a fundamental factor of state legitimization; the ethnonational referent is as well. Which context revives the nativist referent?

The temporal, historical nature of the respect for rights is further illustrated by the change in the status of the political refugee. Considered to be persons protected by democratic states since the 1950s, they now have to stay in the areas of their countries where they could be assured of state protection from militias and other predatory groups. The requirement to take in political refugees and treat them equitably is no longer a valued standard or practice. The refusal until 2007 by the U.S. and by the countries of the EU (except for the Scandinavian countries) to admit Iraqi refugees (because of Iraq’s “democratization”) illustrates this change in status. This change constitutes a breach that bypasses the ethical precepts and legal principles of international agreements and is often explained using hostile public opinion towards the massive admission of refugees and public ignorance of the difference between political refugees, humanitarian refugees and illegal aliens. That explanation may be valid, but why did this ignorance not cause such a strong stiffening of public opinion in the early 1990s, when millions of refugees were migrating to Western Europe? Does the fact that they came primarily from the Balkans, a European region, explain the absence of xenophobic reaction at the time? What is the current context?
The changes that give rise to the notion of immigration risks and that transform immigrant rights into a “national” culture must be addressed using more structural assumptions than pressure from voters, the increase in xenophobia, and other empirical factors. The rhetoric regarding the increase in multiple risks, including immigration, like any other rhetoric from or intervention by the powers that be, must be examined from the standpoint of the socio-historical context behind its appearance and its conditions of legitimization.

III. Socio-economic and ideological change since the 1980s

Over the last quarter century, various changes made it necessary to rethink the forms of state legitimization. Those changes were, on the one hand, an increase in social inequalities and cuts to social protection and redistribution programs and, on the other, the cooperation of national governments in economic and financial globalization.

III.1. Economic globalization and inequalities

Globalization refers to the expansion of the financial industry and international trade through political decisions, the first of which was the facilitation of foreign investment by the Nixon government in the early 1970s. The expansion accelerated subsequently through technological innovations that made it possible to connect businesses around the globe. It generated new international economic competition and a new international division of labour, and economic blocs were formed—the new hegemonies (Friedman, J., 1998)—while other powers emerged (China, India, Brazil). The North American Free Trade Agreement (NAFTA) is often referred to as an example of a new hegemony, but the EU is the prototype of this expansion; some authors refer to it as the European Empire (Pocock, 1991; Anderson, 2007).

III.1.a. A new socio-occupational hierarchy

Market globalization and new management, transportation, communications and production techniques transformed the socio-occupational hierarchy. From that point forward, 40% of human resources in the Western economies are in highly skilled positions of responsibility; 30% are in operational
positions; and 30% are in insecure, poorly paid and unprotected jobs (in the manufacturing sector and in high-demand but not high value-added service industries). This change in the boundaries corresponds, among other things, to a decline in industrial and manufacturing jobs and an increase in insecure jobs.

With no measures in place starting in the 1980s to improve labour force skills and economic productivity, with no products invented for environmental protection, the social economy and high technology, manufacturing and industrial laid-off employees had nowhere to go and lost their economic and social status. International migration in North America and the EU accelerated this social shift. Whether legal or illegal, international migration has an anti-inflationary effect on wages and reduces the employment opportunities for less-skilled native-born workers.

An associated change was the widespread increase in inequalities in OECD nations starting in the 1980s (Bihr and Pfefferkorn, 1995, 2008; Mingione, 1996; Cline, 1997; Fox Piven and Cloward, 1998; Carnevale and Rose, 1998; Chauvel, 2006; Rothkopf, 2008). Numerous economists saw the technological changes (Marchand, 1992; Rigaudiat, 1993; Rifkin, 1995; Krugman, 1998; in Helly, 1999), increased competition for domestic labour (Friedman, 1998), and the shift in the occupational scale (Carnevale and Rose, 1998) as processes whose non-egalitarian social impact could have been mitigated by states. But another factor was involved. Though globalization focussed high-tech and value-added activity in the Western economies and marginalized less-skilled labour, it also transformed the role of consumer markets. The middle classes were no longer the market base for domestic economies, and more profitable international demand played a bigger role than domestic demand. Immediately, post-war social policies partly designed to boost domestic markets had lost their effectiveness. New income-redistribution policies were not defined, so inequalities grew, despite significant gains in productivity of nearly 30% over the last 20 years (Krugman, 1998).

The Canadian example illustrates the increased inequalities. Drummond (2008) describes them as follows, based on the results of the 2006 census:

Median earnings (the level of earnings that divides the population in half) of Canadians working full-time for a year have barely changed in
after-inflation terms from 1980 to 2005. The earnings of those in the top 20 per cent rose 16.4 per cent. But the middle 20 per cent stayed flat, and the bottom 20 per cent had a 20.6-per-cent plunge in earnings. The lack of overall gain, and, more particularly, the widening of the income distribution, should be a call to arms for Canadian governments and all stakeholders. Weak overall incomes are a predictable result of Canada’s lacklustre productivity record in recent decades. The overall economic pie simply hasn’t grown much. Further, as in virtually every developed country, corporations have seen an increase in their share. That is reflected in individuals’ incomes through company ownership, capital gains and dividends. But these sources of income are disproportionately received by a fairly small number of the wealthiest.

Further, in Canada, increased inequalities have affected recent immigrants in particular (Boudarbat and Boulet, 2007). In Europe, poverty among immigrants is a historical fact: in 2007, Muslims in Great Britain had the highest rate of unemployment, the poorest health and the lowest skills in the country.

The most important factor in state legitimacy is the perception of inequality among voters. According to a 2008 survey in the U.S., Europe and Asia conducted by the Financial Times of London and by Harris (Van Auken, 2008), inequality has become the most antagonistic political topic, with the majority of respondents feeling that the gap between rich and poor has increased unacceptably over the last 10 years (76% in Spain, 87% in Germany, 80% in China, 78% in the U.S.). This perception places in doubt the legitimacy of the national states, while another shift calls into question a state function that has formed the heart of social and collective views since the 1950s.

**III.1.b. Reorientation of the Welfare state**

National states are supposed to guarantee equal opportunities for their inhabitants, but the decimation of industrial jobs and the growth of temporary employment eroded this principle and generated a social precariousness that the reorientation of the Welfare state was less able to check. Under pressure as a result of state debt and lower profitability of capital since the 1970s, state assistance, protection and redistribution programs were redesigned in the 1980s, and rhetoric was developed by experts and public technocrats, explaining the necessity of rethinking the
role of the Welfare state without involving a massive cut in state intervention; social expenditures would remain a major item in government budgets.

Public and academic debate initiated by neo-liberal schools of thought in the 1980s and 1990s and picked up by socio-democratic schools of thought in Europe and America illustrates the central issue of this rhetoric—the nature of citizenship. Is it passive and does it mean the simple enjoyment of rights or is it active and does it involve obligations and responsibilities towards society in general? The argument was made that collective solidarity programs result in irresponsibility and inertia among recipients and therefore handicap economic growth and increase state debt. The goal was not just to assume collectively the individual cost of unemployment and social marginalization, but to reintroduce risk in order to make individuals more accountable. Access to public social benefits (unemployment benefits, health benefits, social assistance) must be conditional (professional training, search for employment, certain conduct). The first such conditional program was established in the late 1980s by the State of Wisconsin, and it provided the inspiration for “workfare” programs adopted later on in Europe and North America (Helly, 1999, 2000a). One of the latest examples comes from France, where legislation in the process of being enacted in June 2008 describes the [translation] “rights and duties of job seekers,” whose benefits would be cancelled or suspended if they refuse [translation] “two reasonable offers of employment” that are compatible with their skills and located within 40 kilometres of their place of residence.

In 1997, Mead summarized the new vocation of the Welfare state regarding job readiness processes for unemployed youth. According to Mead, a new social contract must be established whereby the poor can obtain public assistance if they do something for themselves, for instance promise to stay in school and stop using drugs. At the same time, when the Secretary of State for Social Reform presented Labour’s plan to revamp the Welfare state in March 1998, he mentioned binding individuals and the state through a new social contract with mutual rights and obligations. The state must combat poverty, and individuals must work to guarantee their subsistence because, [translation] “We have to get people out of poverty and a state of

23. Unlike the workfare programs adopted subsequently, the Wisconsin version included job training for welfare recipients, a housing allowance, transportation and childcare.
dependency to lead them to a sense of dignity and independence” (De Beer, 1998). In Europe and the U.S., unemployment compensation programs were redesigned and programs developed to make residents of disadvantaged neighbourhoods more accountable. The Labour government created Education action zones in which businesspeople, merchants and other residents were encouraged to open homework clubs and daycares. Drop-outs and single-parent families were targeted (Helly, 2000a).

British author A. Power (1997) reported the results of similar programs in five countries. She underscored the success in the northern neighbourhoods of London, where cooperation among schools, police and municipal services in charge of housing “made it possible” to reduce rates of crime and delinquency, to improve housing conditions and the quality of life for inhabitants, and to avoid the cost of moving people to other neighbourhoods or buildings. Through such partnerships between the state and citizens, individuals with difficulties integrating are deemed to be responsible for their living conditions and for their position in the labour force, and are encouraged to improve their fate through behaviour that is more likely to be successful.

State intervention involved encouraging the marginalized to increase and mobilize their resources. It could be called interference in civil society to ensure new forms of social control. The reduction of inequalities and social antagonism was no longer solely a function of Welfare state programs but also of partnerships between the state and persons in advanced states of social deficit. Yet, although the forms of social protection seen from the 1950s to the 1970s are gone, Esping-Andersen (2008) describes other possible forms of social solidarity in globalized economies, citing support for employment for women, professional equality of women, work-life balance, reduction in childhood poverty through a minimum family income, paid parental leave and access to childcare.

The redefinition of unemployment assistance and social protection programs erodes established rights of the working and middle classes and contributes to their resentment of the state and immigrants. That resentment takes the form of rejection of immigrants’ civil, social and cultural rights and a dissemination of the idea that immigrants are too costly to the Welfare (Banting and Kymlicka, 2006; Soroka, Johnston and Banting, 2007; Banting and Kymlicka, 2003) and threaten national identity (Putnam, 2007). But
once again, it must be stressed that, in Western Europe, most refugees in the 1990s did not come as a result of globalization. Rather, they came as a result of the break-up of the Soviet Union and of Yugoslavia. Also, the flood of immigrants in the first part of the new millennium was largely a result of the expansion of the two current hegemones, the EU and the U.S., coming from Eastern Europe and Mexico. As for emigration from Southern countries, it resulted as much from globalization, which tended to increase their rate of emigration (Massey et al., 2002), as from factors present since the 1960s—political violence, ethnocide, pre-emption by the ruling classes and blocked social mobility for the educated. As for terrorism, it was the result of a tiny minority of individuals, and no connection can be made between being a Muslim and being a terrorist.

III.2. The national state at risk?

Other changes undermined or transformed the foundations of the national states legitimacy.

III.2.a. Economic globalization and national states

The theme of the decline in national power divided between nationalist and regionalist demands and the power of supranational financial, economic and cultural organizations and companies has been omnipresent since the 1990s (Bonet and Négier, 2008; Jouve, 2006). With its Eurocentric focus, it ignores the fact that globalization allowed the Chinese, Indian, Russian and Saudi states, among others, to consolidate.

Benjamin R. Barber (1996) and, more recently, Thomas Friedman (2005) heralded the forthcoming death of national state power, and they had an audience. The idea was and still is picked up by politicians who used voters suffering from the inequitable effects of globalization and by progressivist or reactionary national cultural elites who were losing their influence. The idea is that the state is succumbing to the pressure of globalization driven by external powers that counter or cancel out its objectives and that it thus has to reassert its authority in the economy, social protection and promotion of national popular culture (Barber, 1996; Bourdieu, 1998; Ramonet, 1997; Petrella, 1996).
Many economists criticize this concept of globalization victimizing nation-states, and Neil Fligstein (1997) termed it rhetoric. Indeed, although the financialization of transnational capital partially eluded states and reduced the historical link between capitalism, territory and national peoples, the reorientation of the Welfare state took place at a pace and in a form specific to each country and at the instigation of leading national technocracies, agents of globalization on the same level as multinationals and international organizations (WTO).

An American and Canadian school studied the political economics of globalization (Helleiner, 1994; Kapstein, 1994; Pauly, 1997; Strange, 1986; 1996), and Saskia Sassen (1996, 2002) showed how Western states were active participants in jettisoning some of their policies to support financial and industrial globalization (creation of free-trade zones, subsidies for big companies despite their job-cutting programs, financing of infrastructure and research that are useful to them, tax deductions). R. Boyer and D. Drache (1996) reminded us that multinationals are, through their headquarters, registered in a particular country and are subject to whatever control states may impose on them. In addition, to broaden national markets, states delegated powers to international organizations and agreements such as NAFTA, the EU, the Southern Common Market, the Shanghai Agreement, the Association of Southeast Asian Nations (ASEAN), the World Bank and the International Monetary Fund.

As for the idea that, following globalization, all existing capitalist forms would dissolve into one huge Anglo-American conglomerate, it has no basis, given the specific nature of economic control by each national state. Globalization is not an extension of one neo-liberal, American form of capitalism that is trying to recapture the world. Lastly, economists who do not ascribe to this neo-liberal trend have stated that technological change is greater than the financial globalization of the primary factors in the transformation of the labour market (Krugman, 1998), except in the U.S., where political intervention plays a major role in increasing inequalities (Krugman, 2008).

The argument that state power is reduced by globalization is also baseless. Paul Bairoch (1996) stated to the contrary—that globalization, far from causing the erasing of the national state, gave it a key role in protecting its people and in developing greater flexibility in relation to the markets. Thus,
we cannot refer to the decline of national states, but rather to a redistribution of power among national, regional and international, or even global levels.

The contribution of national states to economic and financial globalization made their legitimization of the negative social change caused by it more difficult for many Western populations, which were previously protected by national industries and by the Welfare state.

**III.2.b. Flexible borders**

Though economic globalization did not invalidate national state power but rather highlighted the active role of states, it nonetheless reduced the central nature and meaning of national borders (Basch, 1995; Balibar, 1998; Beck, 2000, 2004).

Immigration was a case in point, demonstrating how Western borders had been transformed, referred to by Peter Andreas (2003) as rebordering, by William Walters (2004) as delocalization and by Paolo Cuttitta (2008: 5) as flexible borders. Once again, states are active participants in this change, and one issue is the control of individual circulation, more so than the now less-effective control of physical borders (Mitsilegas, 2008).

In recent years, control over immigration occurs as much at official borders as it does through delocalization to areas adjacent to land borders and international waters (Canary Islands, the Strait of Sicily, the Strait of Gibraltar, the Aegean Sea, the Caribbean Sea), departure airports, transit

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24. The size of these areas within the country where arrests and searches are permitted without legal authorization varies: from 30 kilometers in Germany, to 100 miles in the U.S., in violation of the 14th amendment.

25. Frontex, the European agency for the management of operational cooperation at external borders (land to the east and maritime), has ships and military planes from EU members patrolling the Mediterranean and the Atlantic coast from Morocco to Senegal. A recent example is the surveillance of the Portuguese coast by a Spanish satellite (Spainsat). According to BBC Monitoring Services, (2008), “The system will include a central command in Las Palmas, Canary Islands, and information centres, one in Lisbon, two in Mauritania (Nuabibu, Nuakchot), one in Senegal (Dakar) and another in Praia City (Cape Verde), each of them having Spanish “secret” agents who will give the Las Palmas command relevant intelligence on illegal immigration. The system brings together state-of-the-art technology with more traditional spying on the ground. An example: the Praia centre detects a suspect boat sailing close to the archipelago heading north. It identifies the boat and its origin (for example Guinea-Bissau) for the Las Palmas command. Las Palmas informs the Dakar centre so that it can deploy Spanish “secret” agents in Bissau. After that, if suspicions are confirmed, the boat in question will be monitored by Spainsat until it comes close to the
countries and zones, countries of origin, so-called safe third countries or detention and humanitarian camps in, near or far from destination countries.

National borders were not abolished but were reconfigured, taking diverse forms that no longer follow in just their national historical footsteps. New territories and borders have been outlined. Globalization was based on the creation of multinational, transcontinental economic blocs, but it allows for connections between local and global. It links regional markets directly to the international market and facilitates the structuring of linguistic and cultural spaces that cross national borders (Robertson, 1995).

However, this reduced meaningfulness of national borders did not create universal fluidity (Urry, 1999). Despite the rhetoric about the importance of transnational networks (Basch et al., 1995), the appearance of global citizenship, cosmopolitanism or the volume of international trade, globalization did not abolish national borders. Hannerz (1996) sarcastically pointed out that transnationalism continually referred and gave meaning to the national space. Nonetheless, this new flexibility of borders did reduce the central nature of national borders by opening the way for Westphalian states to introduce national protection measures.

III.2.c. National power and international law

Another shift placed in question national power. In 1992, Roger Brubaker initiated a debate when he argued the political necessity of associating nation and citizenship. To his naysayers (Soysal, 1994), national citizenship lost its effectiveness in the face of a European or international system of law, a system criticized for its lack of democracy but which, by virtue of its distance from voters, was less likely to succumb to known pressure from national and local politicians.

The international order of respect for the rights of individuals and cultural minorities, created as early as 1945, was designed to prevent attempts by Western states to ignore those rights and counter any repetition of Fascism or the acts of state brutality against populations seen in the 1930s and 1940s,

Iberian coast. Here the SIVE (External Vigilance Integral System)—a network of coastal monitoring stations in Spain—will come into force with its radars, video cameras and night-vision equipment.”

including the Holocaust. The Cold War and the presence of totalitarian communist regimes worked to its advantage until 1989.

This construct, in the form of conventions and international courts, was an attempt to dominate the national state logic and legitimize the Western system. It was, one could retort, simply normative, given the weak power of sanction that existing control agencies have. Nevertheless, it impacted the adoption of non-democratic measures that did not respect individual rights by national states, particularly those in the West. Furthermore, it caused or presupposed the existence of infra-, supra- or transnational entities that superimpose or juxtapose their authority on that of national states, such as non-governmental organizations, ethnic or religious communities, interstate and international organizations.

Here are two examples. The end of the Cold War and the collapse of democracy’s “enemy”—the Communist bloc—diminished the aura of the political refugee category protected by the Geneva Convention since 1951. Those events comforted Western nations in their resistance to the Convention, and denial of rights of refugees increased (Lalou, 2008). Another form of affirmation of national sovereignty over the international order of individual rights: a nation vaunted for its exemplary treatment of immigrants, Canada, refused to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in the name of its sovereignty, and the U.S., a nation created out of military action, rejected the International Criminal Court.

National states can also instrumentalize international agencies (Hollifield, 2004). To escape the liberal paradox and the accusation that they do not preserve national interests, states demanded the creation of an international or European regime to control migration. In June 2008, the European Parliament adopted a directive on the maximum length of detention without charge for illegal aliens (18 months) and on their ban from Union territory for five years. The measure, called for by Germany, reduced the longer amount of time admitted in most member states but authorized its extension in France (32 days allowed) and in Italy (2 months allowed). However, Germany refused the creation of a European agency that would determine the status of all refugees in all member states of the Union. Another case of instrumentalization of supranational organizations to legitimize national power: the adoption in June 2008 of a European directive extending the
maximum length of the work week from 48 to 60 hours, which served both the British and French governments.

National borders were also endangered by another form of affirmation of an international legal order. The end of the Cold War, by putting an end to totalitarian opposition to democracy, displaced the ideological struggle in favour of imposing human rights and democracy on Southern nations. The right to interfere in the name of humanitarian or democratic imperatives was invented during the war in Bosnia in the 1990s, and the sovereignty of so-called voyeuristic, destructured or dictatorial states (Somalia, Zimbabwe, Liberia, Sierra Leone) or states strategically important to Western powers (Middle Eastern, Central Asian, Western Asian) could be made conditional on the respect for human rights. Republican philosophical authors, convinced that democracy and national sovereignty are linked, condemn that interference. Except in cases of genocide, terrorism, ethnic cleansing or deliberate famine, Michael Walzer (1977, 2007) sees it as international aggression against the sovereignty of national political communities. A political community has the right to decide its own reaction to abuses of power by the state and the right not to create free institutions. An absolute, universal right, says Walzer (2007), because if there is freedom to rebel, there is also freedom not to rebel. Furthermore, he says, political life in a democratic regime is not orderly and does not respond in any way to orders from ethicists.

III.2.d. Untying nation and citizenship

Another dynamic created a deficit of state legitimacy and opened nation-states up to challenge. In modern societies, a sense of belonging in society is built on a tension between a national, ethnic, cultural reference and a civic, legal and state reference (Greenfeld, 1998; Helly, 2005b). It is anchored as much in the idea of historical and cultural uniqueness as it is in the idea of one state uniqueness (Mayer, 1997; Duchesne, 1997; Helly and van Schendel, 2001; Helly 2002a). Cultural and political referents — culture, identity, language, history, territory, civility, political system, state

27. The responsibility to protect, or R2P, to assist populations when their governments are shown to be incapable of protecting them, was formally adopted in 2005.

28. According to Walzer (2007), terrorism is equivalent to genocide, because it makes all members of a group vulnerable (“random murder implies universal vulnerability”).
intervention (social protection, redistribution, international policy, etc.) — can thus be combined in different ways and give rise to several forms of belonging—societal, civic, state or ethnonational. And specific historical conditions determine the primacy of one of those forms. We can remember how the ethnonational rhetoric lost ground in Europe during the years of affirmation of the Welfare state, 1950–1970.

The age-old tension between national and international order increased, however, with globalization of the economy and cultural products, with the economic and cultural presence of immigrants and with the redefinition of redistribution by Welfare states. The historical connection between territory, nation, culture, economy and state lost some of its reality (1997, 2000b), and citizenship, some of its national aura. Being a citizen of a state no longer conveys social solidarity to the same degree, and immigrants have rights. Xenophobia exacerbated and is more present among social groups whose status depends on the state and who feel that their ethnonational membership should protect them from a loss of social status, and from a reduction in socio-economic benefits and in their share in political power.

This untying of nation and citizenship does not invalidate the national referent. Ulrich Beck (2008) provided an example. In the European debate, the wage gap between East Berlin and Bavaria is considered unwarranted, while the same gap between Bavaria and Belgium is considered relevant. And, according to the expression used by Andreas Wimmer and Nina Glick-Schiller (2002: 235), the “national matrix” still models the image of normal life for the majority of a state’s citizens. But other connections and identifications, whether local, transnational or historical, are revived or invented. Whereas the social groups promoted by globalization resonate more strongly on the injunction of individualism and cosmopolitanism, defined as an ironic distance from its culture, and skepticism with respect to the major modern narratives (Beck, 2006; Turner, 2001), others revisit the idea of a cultural wars (Huntington, 1996, 2003, 2004) and want to create a defensive front for modern Western society. They issue injunctions to Western states.
III.3. Progressivism, a new cultural majority

The return of religion (Derrida, 1991: 61), or rather, religions (Michel, 2003: 169) rekindled the debate around how to treat cultural plurality in democratic states. Return of religion refers, first and foremost, to an increase in new forms of belief but also to the political influence of evangelicals and fundamentalists in the U.S., as well as to the public position statements made by the Vatican, particularly with respect to morality. The revival of cultural, moral and political conservatism among Christian institutions, their engagement in politics, like demands from religious minorities, particularly Muslims, revived the questions surrounding secularization, forms of secularism, the place of religion in modern society and the idea of progress as the accumulation of knowledge in opposition to any belief in a supernatural principle.

Progressivism is a Utopian doctrine that arose during the Enlightenment and was strongly held in Europe at the turn of the 20th century. The doctrine was revived by left-wing ideologues in the form of belief in atheism, normative emancipation of women and positive evolutionism, and by right-wing ideologues in the form of superiority of Western civilization. In their own way, each promotes assimilation, and a cultural invisibility of migrants. Both currents are illiberal (Nagel, 2006) and superimpose on populist xenophobia and on nativism a xenophobia that pretends to be scholarly, and revive the colonial principle that certain peoples require civilization. And most importantly, they constitute a major ideological shift, because they represent influential currents of opinion, and both attempt to harness the entire debate on religion and to influence state decisions.

The ideology of progressivism assumes a positive relationship between progress and knowledge that should lead to a universal, Western-type civilization and the development of a desirable social order. Hayek calls this belief the synoptic delusion, and John Gray (2007), in his critique of the theories of progress, makes two points: accumulation of knowledge does not necessarily make humans more civilized; and the idea of progress towards a more rational, less religious and more pacifist humanity is invalid. Humanity can neither advance nor retreat; it is not a collective entity with intentions or plans. To Gray, progressivism is the secular substitute for monotheism, a belief, and, as Terry Eagleton (2008) says, “The only authentic image of the future is the failure of the present…. Pessimistic thinkers like Freud are of
more service to humane emancipation than those who seduce us with roseate visions of the future.”

In terms of intellectual advancement, after the wars, genocides, Fascism and multiple infringements of rights of the 20th century, one would have expected the myths of formal universalism and of humanity heading to a greater rationality to be abandoned, which among other things would have made it possible to consider other cultures (Bull, 2007). But progressivism aims to reproduce inequality between the cultural majorities and minorities of a society, and the politico-legal status of religion is the central focus of its fight. It opposes a strict application of the principle of the state’s religious neutrality—on the left, to exclude religious institutions from public life; on the right, to include them more widely.

Bryan Turner (2007: 501) refers to a crisis of liberal secularism. He adopts Aamir R. Mufti’s (2007) expression, majoritarianism of secular nationalism, to designate the progressivist doctrine that opposes formal universalism of rights, science, rationality, decline of religion, national culture, and traditions incapable of keeping up with progress. It is an ideology haunted by the memory of the antidemocratic positions of Catholic institutions and that stigmatizes cultures and groups that reject its interpretation of the world, characterizing them as pre-modern and in need of education and modernization. Major thinkers in sociology contributed to this stigmatization (Turner, 2007).

The ideology of progressivism conveys an authoritarian and utopian view of democracy and ignores the history of most societies. In its adherence to evolutionism, it claims that modernization combines capitalism, industrialization, nation-states building, individualization, democracy, secularism and secularization. This form of modernization was the one espoused only in Western European countries, not in central and Eastern Europe. Moreover, today’s globalization highlights other modes of modernization (Latin America, Japan, India, China) and makes the rhetoric on progressivism and the Western European norm less isolated. It makes it

29. Secularism, or the separation of church and state, dates back to the Treaty of Westphalia of 1648, which ended the Thirty Years’ War.
30. Mufti studied the status of Muslims in India and Jews in Europe in the 19th century and shows how the idea of “minority” was an inevitable creation of the modern political society.
necessary to draw conclusions regarding the variability of historical experience before imposing local versions of modernization and modernity.

The route to modernity took a number of forms. Shmucll Eisenstadt (1999) refers to ‘multiple modernity’. Community, religious and ethnic traditions have not disappeared under the influence of democratization and capitalist expansion, and religious traditions (Buddhism, Shintoism, Judaism, Islam, Hinduism, Lutheranism, Anglicanism) have remained constituent elements of the definition of states and national identities (Hutchinson, 1996; Davie, 2000). Every society has its own combination of religious and secular elements (Spohn, 2003). Moreover, secularization over history has been like a pendulum (Martin, 1978) and modernization is not the dissemination or local variation of a universal model of secularization and secularism, any more than economic globalization is the universal dissemination of a form of capitalism. Secular fundamentalists in France are the embodiment of this doctrinal vision of modernity; they claim that the separation of church and state means the banishment of all forms of religion from the public sphere and that it is the only valid form of secularism.

The proponents of progressivism reject a redefinition of the political and public arenas and are opposed to two ways in which they are now being reconfigured. As power struggles develop, victims of domination demand respect for their rights. Since the referents for domination are diverse—social origin, class, colour, gender, religion, level of education, age, culture, occupation, language—the number of social actors increase and the political scene becomes more complex. For the last 20 years, the proponents of progressivism have refused to allow Muslims onto the public scene. They reject another dynamic of the reconfiguration of the political scene, which is the new influence of conservative religious elements (on themes such as abortion rights, rights of the fetus, religious signs put on display by the state, evolutionist theory, divorce, homosexuality, etc.).

Lastly, they attempt to influence the state. In their view, all religious believers and their institutions should be banned from making political statements and Muslims more than others should be reeducated. This intolerance denies freedom of thought, religion and opinion and invalidates the attitudes that characterize modernity, such as reflexivity, doubt and uncertainty. The political struggle against schools of thought that one rejects cannot be combined with a ban on freedom of speech. Moreover, if we
follow Richard Rorty (1979), according to whom any belief should be judged by its usefulness, this secularist fundamentalism would exclude believers from political life and would lead to new wars among atheists and believers. Only the U.S. would live in peace, given the high percentage of Americans who claim to be believers! According to a Pew survey conducted in June 2008, 92% believe in God or a universal spirit, 58% pray in private every day (Helfand, 2008) and 25% has changed religious belief over the course of his or her life (The Economist, 2008d).

IV. Reviving legitimacies

Soci-economic changes, erosion of rights and social benefits, and questions surrounding democracy and secularism reduced the legitimacy of state agents and national models and, starting in the 1990s, three principal referents of legitimization were revived or invented.

IV.1. Security

Security, as the protection of people and property, is one of the state’s central vocations. We have seen how it has come to be universally used over the past 20 years, as Western states made the strengthening of domestic security in the 1980s and national security in the 1990s and the new millennium focal points for their legitimacy. According to Muchielli (2008), security became a channel of government communication.

Laurent Bonelli cited as an example the situation in France in the 1980s and 1990s (2008a, b). In that country, the security rhetoric allowed political elites who were in trouble to maintain their influence. Facing an increase in local social tensions, a decline in their electoral results among the working class, and the increasing popularity of the National Front, politicians, particularly from the centre-right, pleaded a security deficit. To explain the adoption of local security measures, they put forward the notion of the “authoritarian nature” of the working classes, an idea advanced by Martin

31. Not by its supposed correspondence to an invisible reality that goes beyond people’s daily lives.
Lipset\textsuperscript{32} (1959). They failed to see that the reason for their electoral setbacks might be due to the competition and increasing lack of security that those classes were dealing with in the labour and housing markets and in access to social benefits.

The theme of border security made it possible to reassert national sovereignty, which had supposedly been damaged by globalization, or to tighten borders in the new economic blocs. In reference to the EU, Didier Bigo (1998) described the extension of public bureaucratic intervention into security matters as a mode of legitimization for a European sovereignty rejected by some electorates.

Immigration was another security issue. Treated as a social issue and associated with urban delinquency in the 1970s and 1980s, it came to be identified as an internal threat by a segment of public opinion and was linked to border security by governments. In the absence of skills training and new wealth redistribution programs, technological and economic change in 1980–2000 solidified ethnonational forms of social solidarity, and staunching the flow of poor migrants met with little opposition from voters. Immigration controls at and within borders became an area of intervention and of legitimacy for states, which the Islamist attacks of 2001, 2004 and 2005 widened.\textsuperscript{33}

Didier Bigo (1992) pointed to the emergence of the rhetoric regarding risks and security, influenced by specific agents—ministries of the interior and other bureaucracies with police control (customs, border, organized crime units, traffic, illegal immigration)—that extended their surveillance capacity to European nationalist terrorist groups (ETA, IRA, Red Brigades) in the mid-1980s and then, starting in 1986, to anti-Western terrorism in the Middle East and then Europe. For their part, Dunn and Palafox (2000) stressed the central role of the armies and the police in border control since the end of the Cold War.

\textsuperscript{32} These social groups would be more hostile to minorities, more subject to authority and more favourable towards repression than others.

\textsuperscript{33} Putnam (2007) proposed an opposing explanation: in the short term too much diversity erodes trust and social solidarity among anonymous individuals.
Security was not simply an issue of legitimization evidenced by a few measures; as it was extended, it became a prism for the definition of social reality and state intervention. Regarding this process, Bigo (1998) referred to “government by anxiety,” while Engin Isin (2004) referred to control through the systemic production by the state of ‘neurotic’ citizens who are scared off by the constant talk of health, environmental, terrorist, humanitarian and financial risks, as well other dangers (pedophilia, local delinquency, urban violence, drugs) by the media, experts, politicians and managers.

Ulrich Beck (1992a, b; 1999a, b) created the expression “society of risk” and refuted any idea of the inevitability of risk as a condition of the modern person. Regarding the society of risk, he did not refer to a social and physical world that has become more dangerous, but to the ubiquity of a new referent for the interpretation of the physical, societal and political environment—a referent for interpretation, a discursive category, a body of knowledge, an épistémè delimited by experts, enshrined by laws, putting at stake relationships of power, and transforming facts into risks or risks into disasters foreseen. One must therefore refer to an ideology of risk, because the definition of risk is rarely if ever objective (Booth, 1991; D’Aoust et al., 2007; MacLeod, 2004) and only certain forms of risk are put forward and magnified.

A survey by the Kaiser Family Foundation conducted in October 2007 illustrates this politically charged construct of risk. Contrary to the fears identified by the White House, the majority of Americans are more fearful of losing their health care coverage, given the increase in insurance costs, than of being victims of a terrorist attack (Klein, 2008a). In examining the “risks” most frequently identified, Dan Gardner (2008) provided this illustration of the construct:

On the subject of terrorism, according to a U.S. study that compared travel and fatality patterns for the five years before the terrorist attacks on New York and Washington to those between 2001-2002, 1,595 road deaths were attributable to people shifting to travelling by car because of fear of flying in that immediate post-9/11 period -- six times the number aboard the three doomed airplanes and a little more than half of the total 9/11 death toll.

On the subject of children and abduction by strangers, the statistics from Canada, the United States and the United Kingdom tell pretty much the same story. Over two years from 2000-2001, the RCMP database reported that the stranger
abductions in Canada -- the definition included neighbours and friends of parents -- numbered five. There was just one abduction by an actual stranger. There are roughly 2.9-million children aged 14 or younger in Canada. Thus the annual risk to one of those children is 1 in 5.8 million. Similar ratios apply in the United States where the risk of stranger abduction is 1 in 655,555. The chance of a U.S. child drowning in a swimming pool is 1 in 245,614, or two-and-a-half time greater than stranger abduction. In 2003, 2,408 U.S. children 14 and younger died in car crashes, making the probability of a child dying in a traffic accident 1 in 29,070. So a child is 26 times more likely to die in a car accident than be abducted by a stranger. The point is that few people consider the risk of driving with a child and even fewer are fearful of it. And it certainly isn’t the material of the hysterical fear-mongering news coverage that invariably greets cases of child abduction.

Similarly, depending on the government and its relationship to international law, the definition of the risk of terrorism differs. Termed a war and an extraordinary military threat legitimizing the removal of freedoms in the U.S., terrorism in the United Kingdom is said to be a crime, and the U.K. is not using it to justify a rhetoric of imminent catastrophe or attacks on civil liberties, but rather to justify constant surveillance and work to infiltrate Islamist circles and to open up to Muslim communities (Donohue, 2008; Bonner, 2008). For Tom Parker, an official with the British Counter-Terrorism Unit who testified before the U.S. Senate Subcommittee on Homeland Security in September 2006, extremely repressive measures are ineffective. When they were adopted against the IRA, they radicalized the public from which the terrorists issued (Cole, 2008; Sheehan, 2008).

Furthermore, although risks may exist, they are not equally distributed; the most underprivileged are the most vulnerable. Yet, the social world is not divided into decision makers and victims (Beck, 1999). Decisions are the result of multiple agents who themselves suffer the consequences of decisions made by others. There is no risk class that makes decisions and holds the power to change the situation; there is no conspiracy, but simply a chain of events, trends and plans that creates a climate that fosters the development of the rhetoric on security.

Among the non-state agents that foster this development are private industries that market risks (Klein, 2008a). Industries do business in the area of border surveillance and detention of migrants who have been turned

34. The U.K. is the leader in television surveillance (CCTV, closed-circuit television cameras).
In Canada, the adoption of measures to govern U.S.-Canada border crossings after 2001 slowed down trade. Lobby groups wanting greater economic integration with the U.S. found that good for their plans and supported and obtained security measures that facilitated cross-border traffic (Gilbert, 2008). In 2008, increased economic integration as well as security remains at the forefront of the Security and Prosperity Partnership between the U.S. and Canada. Increased border security, harmonization of customs taxes and the supply of energy and water to the U.S. are the main topics on the agenda.

IV.2. Social cohesion

IV.2.a. Recreating solidarity

While they were setting favourable conditions for technological change and economic globalization, public, national, European and international technocracies were concerned with growing inequalities and the increase in anti-immigration sentiment. During the 1990s in Canada, and later in Europe and Australia, they came up with the idea of social cohesion. The rhetoric on social cohesion was intended to describe both objectively and normatively the trends in societies in the 1980s and 1990s. It referred to crises in authority, public engagement, civic-mindedness, trust, social ties and the lack of a sense of belonging to society and of value sharing (Helly, 2002c, 2003). It promoted a view of life in society through the same prism that supported the reorientation of the welfare state. But beyond the idea of individual responsibility and conditional state assistance for the underprivileged, it also brought in the idea of a necessary collaboration between citizens and a collective sense of belonging in order to revive social

35. In the U.S., the largest private prison company, Corrections Corporation of America, has partnered with the federal government to detain close to one million undocumented people pending deportation in the past five years. Critics suggest the CCA cuts corners on its detention contracts in order to increase its revenue at the expense of humane conditions. Thanks to political connections and lobby spending, it dominates the industry of immigrant detention. CCA now has close to 10,000 new beds under development in anticipation of continued demand. See http://www.businessofdetention.com.

36. However, the security measures have a significant negative impact on Canadian exports to the U.S. (Globerman and Storer, 2008).

37. But not in the U.S., where more significant social inequalities and racial antagonism would appear to make it inoperative from a public policy standpoint. On the other hand, it is a topic of debate, as shown by the success of the written works of R. Putnam (2007).
solidarity and reduce inequalities. It stimulated a paradigm for explaining economic and political inequality as a breakdown in links, networks among society’s members and communication, including differences in cultural values. It promoted a renewal of civic responsibility and engagement in social life and stressed the need to involve everyone in the management of collective affairs and to get them to develop a sense of societal belonging (Helly, 1999; Metropolis, Bulletin, September 2007; Hulse and Stone, 2007).

The national and European technocracies each had a specific version of social cohesion depending on the divisions separating them and the antagonisms and issues of their society (Hulse and Stone, 2007), and one could speak of national rhetoric on social cohesion. However, the Canadian public technocracy offered the most oft-cited definition. During the 1960s to the 1980s, faced with claims from minorities, Francophones, Aboriginals, separatists, ethnic groups and feminists, successive federal governments constructed the idea of a pluralistic, egalitarian Canadian cultural community that was moulded by one of the most advanced citizenship and individual rights protection regimes in the West (Helly, 2001, 2005c). The idea was attacked by circles hostile to immigration and by the Reform Party starting in the late 1980s. Those agents considered high levels of immigration from Southern nations and Canada’s multicularism policy to be yet more factors dividing a Canadian society economically weak, fragmented by nationalist conflicts and exposed to American cultural influence.

This criticism was taken. The term social cohesion appeared in the early 1990s, and by 1993, the federal government was talking about inspiring a sense of collective belonging and value sharing (Government of Canada, 1993). By 1996, the Privy Council expressed concern about Canada’s fragmentation, citing the divisions caused by social inequalities and demands from Aboriginals, Quebec separatists and ethnocultural minorities.

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38. Recent examples: official apologies and sometimes compensation programs for minorities mistreated by the Canadian government. 2002: apology for deporting Blacks from Africville; 2003, apology for deporting Acadians between 1755 and 1762; 2006, $10 million for a Canadian of Syrian origin tortured in Syria following a false accusation of terrorism by the RCMP and the Canadian Security Intelligence Service; 2007, apology for a discriminatory tax imposed on Chinese immigrants from 1885 to 1923; 2008, $2 billion to 90,000 Aboriginal people among the 150,000 children forcibly moved to 130 Christian boarding schools and apology for the 1914 refusal of entry to Indian immigrants who arrived on the ship, the Komagata Maru.
It founded the Policy Research Initiative (PRI), which was to examine the new societal issues created by economic and cultural change. In its report, the PRI defined social cohesion as the development of a sense of sharing of values, challenges and equal opportunity in a Canadian society based on trust, hope and reciprocity among Canadians (Jenson, 1998: 4). While social cohesion was devised to support the policy of multiculturalism against its attackers, the PRI wanted to make it the focus of the rhetoric on public policies, faced with the Canadian and American neo-liberal school of thought (Beauvais and Jenson, 2002: 30-32; Chan et al., 2006: 277; Hulse and Stone, 2007: 110). Social cohesion also became a subject of rhetoric among European (EU, Council of Europe) and international (OECD, 1997) technocracies and the Council of Europe gave the following definition (2004: 2): Social cohesion is the capacity of a society to ensure the welfare of all its members, minimising disparities and avoiding polarisation.

IV.2.b. Is there any social cohesion policy?

The rhetoric on social cohesion was a state strategy for explaining inequalities and social antagonism through both socio-economic change from 1980 to 2000 and missing links between members of society. In that sense, it was an ideology. The technocracies that created it did not manage the economic field, including regulation of the labour market; they managed the social and cultural field. Divisions existed within the Canadian and European states regarding the policies to adopt to deal with globalization and its impact, and the technocracies articulating the rhetoric on social cohesion did not dominate that fight (in Europe, they were ministries in charge of—depending on the country—communities, local development, social habitat, immigration or solidarity). In addition, the programs that they introduced were not sufficient in scope to absorb the social deficits to which they referred.

A case in point: The rhetoric on social cohesion presented the cultural plurality derived from immigration as a factor in the fragility of social ties and in urban riots (Bradford, Burnley, Oldham, U.K., 2001; Île-de-France region, 2005), and conflicts over demands for religious equality for Muslims made dissemination of that image easier. However, the programs introduced

39. The ongoing process of developing a community of shared values, shared challenges and equal opportunity within a Canada based on a sense of trust, hope and reciprocity between all Canadians.
to temper those conflicts did nothing to remedy their causes: socio-economic marginalization of immigrants, the harmful effects of immigration on unskilled native-born workers (Aydemir and Borjas, 2006; Sum, Harrington and Khatiwada, 2006) and a fear that the national referent was being lost. The status of immigration as a facet of the political conflict among national agents regarding the reconfiguration of Welfare states and management of the labour market was never exposed. Instead, it was erased and the emphasis was placed on differences in values and racist, xenophobic behaviour. Psychocultural aspects took precedence.

In Canada, institutional change and the increase in inter-ethnic relationships (Helly, 2004b) were the central aspects of multiculturalism policy since the 1990s. In Europe, it was the fight against exclusion in the form of renovation of immigrant neighbourhoods (France, Netherlands, United Kingdom), reinforcement of “community cohesion” (valuing diversity; developing links between schools, workplaces, neighbourhoods; sense of belonging; for United Kingdom, see House of Commons Selected Committee, 2004, Cantle, 2001, 2005; for Netherlands, see Penninx, 2006), the struggle against direct but not against systemic discrimination against women and ethnic minorities, and also the promotion of diversity in businesses. Employers greeted the latter idea positively, because it improved their image with the general public and their access to immigrant client pools.

These intervention programs could not substitute for an improvement in poverty conditions among immigrants in Europe and the mediocre socio-economic performance of the recent cohorts of immigrants to Canada. Authors show how employment difficulties, social and residential segregation, and the absence of policies demonstrating respect for pluralism mortgaged the egalitarian integration of immigrants, particularly in Europe (Vasta, 2007a, b; Joppke, 2007). At least, more sociologically and realistically, the House of Commons Communities and Local Government Committee admitted in its July 2008 report that social cohesion in areas with high immigrant populations (Peterborough, Burnley, Barking, Dagenham) was at its lowest level ever seen in England. It stated that hostility towards immigration could not be related to racist and xenophobic sentiments but rather to practical concerns: lack of housing, overstrained

40. According to the committee: “measured by how many people believe those from different backgrounds get along.”
public services and high numbers of allophone students in the schools. It enjoined the government to create an emergency fund to refinance public services in the region and bring them to a fair level (BBC News U.K., 2008).

The varying national and European Union rhetoric on social cohesion repeatedly used the terms fragmentation, segmentation, exclusion, social fracture, social capital deficit and public apathy, and proposed a consolidation of social ties between individuals, including a sense of belonging to society. They implied a link joining the members of a state society into a community of individuals contributing to the well being of all and resolving their conflicts. The link would be embodied and supported not only by equality of rights enshrined in a constitution but also by common values promoting a sense of living together in society. Common values were mutual respect, civic-mindedness, individual responsibility, political and social participation, and not least, a sense of common interest. According to that vision, state intervention had to promote the sharing of common values and foster cooperation among citizens, particularly in order to resolve the social difficulties of the most marginalized, the “excluded”, to use the European vocabulary (Nasse et al., 1992).

IV.2.c. Failures of social cohesion

The promotion of common values did not translate into promotion of equality of social conditions. It had zero sociological effectiveness, because it did not transform the relationships of power, and it was deceptive because its sociological premises put it at risk of vacuousness.

It was based on a functionalism that made the state a rational agent of problem solving. The state is not a rational distributor of wealth, any more than an omnipotent programmer who has control of all the resources. States are not simply looking for effective solutions to objective problems, but also and more often are seeking legitimate means of intervention, whether intervention is necessary or not (Meyer and Rowan, 1978 in Joppke, 2007: 46). The ideology of social cohesion ignored that status of the state, like its status as a stake in the influence struggles among social groups, a never-total, always-partial influence.
The ideology of social cohesion weakened the role of the modern state as an agent of empowerment for the most underprivileged, by referring more to their sense of responsibility than to mitigating the factors that made it impossible for them to exercise that responsibility. Again, it called for a renewal of citizenship, as though that status were an attribute with equal effectiveness for all. Sociologically speaking, citizenship describes a potential, a possibility, but not an actual state for all citizens, not to mention individuals who are not allowed to become citizens (temporary migrants). Citizenship has a social reality only if its attributes, rights and the recognition of collective belonging associated with it are exercised concretely and acted on. Having rights under a constitution and enjoying those rights are two distinct realities; being equal under the law does not mean being equal in fact, because some agents have to demand that equality (Rancière, 1995; 2004). The criticism of universal formalism and the struggles of Black, feminist, ethnic and national minorities show to what degree citizenship is an attribute that social groups cannot realize. Employment equity programs for minorities and women were required to ensure that the two social groups would have genuine, substantive equality in the labour force.

Neither does citizenship confer an unequivocal, ahistorical status. Michaël Mann (1987) and Bryan Turner (1990, 1993) amply documented the history of the forms and declines of citizenship (Helly, 2005b). Christian Joppke (2007) takes the demonstration further, distinguishing three facets of citizenship: status and conditions for recognition by a state, entitlement to rights, and actual or normative identity and behaviours associated with citizenship. He points out that the definition of citizenship is a political act and decision and that one of its facets—status, rights or identity—can be advanced. Citizenship can be de-ethnicized or re-ethnicized (pp. 40-41). In fact, a re-ethnicization of citizenship has been under way for the past 10 years.

Any rhetoric about the sharing of common values conveys a significant semantic confusion and a sociological impossibility. It combines values and norms (always specific to a cultural group) and main principles of current democracies (respect of the law; equality; etc.). As for the sharing of cultural values as the basis of social life, it would be a negation of democracy. It would allow, if not impose, the values of the cultural majorities. Joseph Heath (2004) demonstrated the fundamental difference between values and
principles (equality, efficiency, autonomy, non-violence, pp. 24-28): principles allow for the expression of moral and cultural values that are in opposition and ensure freedom of cultural choice for everyone. He points out that without such a distinction, the Canadian Charter of Rights and Freedoms would not allow for behaviour based on differing values.

Lastly, the ideology of social cohesion conveys a naive or pernicious vision of power by making the state the creator and guarantor of societal consensus. The function of the state is not to resolve conflicts among stakeholders but to ensure that the stakeholders are equally equipped to defend themselves. The reality of rights for numerous social groups under rule is not guaranteed, and it is by creating a radical political conflict, a “dissensus,” to use J. Rancière’s word (2004), that they truly exercise those rights. Thus, an essential role of the state of law is to give everyone the means of enforcing their rights and freedoms, which are merely possibilities.

Starting in the early 1990s, the rhetoric on social cohesion claimed to recreate consensus within societies that they declared fragmented by social inequalities and differing cultural values and lifestyles. They put forward social processes designed to remould the splintered societies. They talked about civic accountability, sharing of values and belonging to society. But a lack of tangible measures to reduce the social inequalities and conflicting values meant that there was little effect on state legitimization, despite the omnipresence of this rhetoric for some 10 years. The ideology of social cohesion and the technocracies that proffered it failed. Progressivism and nativism gained in influence in the early 2000s and politicians manipulated these to their benefit. In particular, they used the “ethnonational” referent, which made a remarkable comeback in public policies governing migrant integration.

IV.3. Re-ethnicization of citizenship and national identity

IV.3.a. Return of assimilation (Brubaker, 2001)

41. If a particular social arrangement is able to make at least one people better off, without making anyone else worse off, then it is said to be more efficient (p. 24).
Canada’s multiculturalism involved a wide array of measures: immigrant settlement assistance and official language training programs; subsidies for ethnic associations’ activities, and for teaching ancestral cultures and languages; employment equity legislation for the public sector; and anti-discrimination initiatives and actions designed to transform mindsets and adapt public and private institutions to the cultural and religious plurality of civil society. In the 1980s and 1990s, this policy of respect for minority cultures and equal opportunities for immigrants and their descendants was vaunted in Europe as a model of integration. But failures in the socio-economic inclusion of immigrants, the cultural challenge of Muslims, the rise in popular xenophobia and the new ideology of civic accountability transformed the situation. Multiculturalism for its opponents became a harmful policy that fostered cultural confinement and isolation or even residential segregation, and a new, normative definition of immigrant integration developed, highlighting three principles:

- Responsibility for economic integration and financial autonomy, a strong theme in the reduction of assistance programs in the Welfare state;
- Respect for common values and an obligation to learn the language, history and political system of the settlement country; and
- Penalties in the form of fines, denial of residence visa, sponsorship or citizenship if there was a failure or a presumed inability or unwillingness to “integrate” (Groenendijk, 2008).

The Netherlands in the late 1990s and then Finland, Switzerland, Denmark, Austria, Germany, the United Kingdom and France adopted this concept of immigrant integration, a concept that in the name of so-called universal liberal values served a repressive immigrant integration policy and a policy to reduce the entry of uneducated and un-Westernized immigrants. C. Joppke (2006: 146) referred to it as repressive liberalism.

Indeed, the need for immigrants to ascribe to supposedly national values, narratives or symbols was invoked, and admission to the country, family reunification and citizenship became privileges that “nationals” conceded to those who shared their view of the world. It was no longer just about sharing liberal principles such as equality and individual autonomy, but about the specific opinions of cultural majorities, such as anti-clericalism, ultrasecularism, the primacy of gender equality over religious freedom, secularization, acceptance of homosexuality (Netherlands). The burden of
cultural adaptation but also of participation in the labour market was immigrants’ responsibility. No affirmative action programs to reduce systemic discrimination against immigrants or programs to make private companies accountable in this area were made mandatory in Europe, for instance. Initiatives like those were introduced in the U.S. in the 1970s, and they still generate many debates, referendums and legal cases. In Canada, where similar programs were adopted in the 1980s, their effectiveness seems to stop at the federal level and is almost nonexistent in provinces like Quebec.

The theme of common values underpinning social cohesion did not achieve the intended goal. Still it is taken up forcibly by nativist schools of thought, which imagined a homogeneous national society of values, pure of foreign pollution, as the sole breeding ground for a stable, ordered and predictable social contract. The American historian Jerry Z. Muller (2008) described the affirmation of cultural state nationalism in Europe as a source of social stability and cohesion. Joseph M. Colomer (2007) associated cultural homogeneousness with democracy: more ethnically homogeneous nations, often-smaller societies, would be better guarantors of democracy than multicultural or multinational empires. However, they could only survive in the economic prosperity assured by the empires. In addition, starting in 2000, a general trend developed: European states imposed cultural compliance testing on immigration and citizenship applicants (Rea, 2007; Vasta, 2007 a, b; Joppke, 2004). North America remained somewhat separate from this trend towards state institutionalization of intolerance that served state legitimacy in the eyes of nativistic and progressivist schools of thought.

The nature and number of examples of proposed or actual cultural compliance testing demonstrate the ideological reversal that has been under way. Unlike the testing of citizenship applicants in the 1960s to 1990s for knowledge of the language, country and political system, which was designed to provide symbolic meaning for their new membership in the country, the current testing has four features. It is designed as a barrier to recognition as citizens or to admission to the country. It is culturally biased—most of them are discriminatory and anticonstitutional and their method of application often reduces their scope to nothing. They are demagogic, designed to appease xenophobic voters, and their objective is to signify low tolerance or outright rejection of immigration from the South as
well as a rejection of state support for cultural pluralism. Lastly, they are the focus of a struggle among those who are open to immigration, judicial bodies, and those who hold xenophobic views.

**IV.3.b. Examples**

**-- Right of entry, right of residence, social rights**

As early as 2002 (Groenendijk, 2008), the Netherlands was developing “assimilation maturity” tests. By 2005, it was the first European country to test migrants from the South. The country’s Civic integration abroad act of 2005 stipulated that citizens from non-Western nations who wanted to immigrate in order to get married or join relatives have to take a test to assess their knowledge of the country and the language before they left, at a cost of 350 euros. The act identifies Turk and Moroccan migrants in particular. To explain the act, the government highlighted statistics showing that women from the two countries were a burden on the state and society. Demonstrating more than just a concern for migrant integration, the act also provides for turning people back at the borders (Human Rights Watch, 2008). Six months following its adoption, applications for family reunification dropped by 20%. But the courts had their say. In July 2008, a judge in Amsterdam waived the obligation to take the foreigner test for a Moroccan woman who wanted to join her spouse; she had to be allowed to take the test in the Netherlands (Deb, 2008). That same month, a judge in Roermond waived another provision stipulating that an immigrant who was sponsoring a spouse had to have income equal to 120% of the minimum income. He declared the provision to be in violation of European law (The Radio Netherlands News, 2008).

On June 12, 2008, the government in the Flemish region of Belgium proposed to levy administrative fines of 50 to 5,000 euros on non-European migrant adults aged less than 65 years who refused to undergo a “civic integration” process (which included social and Flemish orientation classes). The measure was demagogic, according to the federal minister of internal

42. The effects of the Act were to be examined by the Dutch government in April 2008.
43. In Dutch law, the distinction is made between rejoining a partner following an existing relationship and getting married or living together in a new partnership. The woman appearing in court in Roermond fit the latter description. The relationship between her and the Sri Lankan man started when she was living in the Netherlands and he was not. However, European law does not recognize this distinction. The Dutch justice ministry has announced it will appeal against the ruling.
affairs, Marino Keulen, since the vast majority of immigrants are happy to take Dutch classes, because they want to settle in and find a job (Le Soir, 2008).

In 2008, under the European Pact on Immigration and Asylum, France proposed an integration contract that would require immigrants of non-European nationality to learn the national language and also conform to the local national identity and learn European values such as respect for the physical integrity of others, gender equality, tolerance and compulsory education. Member countries saw it as a source of conflict and discrimination, and Spain vetoed it (EurActiv.co, 2008).

Another example is the idea that immigrants are more frequent beneficiaries of state social protection. Illegal aliens are specifically targeted, though in most Western countries they pay income tax whenever they are employed. Section 55 of the U.K.’s Nationality, Immigration and Asylum Act of 2002 denies benefits and social assistance to asylum seekers who have not presented their file upon their arrival on British soil.44 As of June 1, 2008, a Swedish law has made it possible to deny access to medical services to illegal aliens and asylum seekers who have lost their cases (many of whom were Iraqi)45 (Agence France Presse, 2008).

-- Access to citizenship
In 2006, the United Kingdom imposed a test assessing knowledge of the country’s history and political system as a condition for citizenship. The test is discriminatory, because the majority of the Her Majesty’s existing subjects fail it. Since 2005, viewing a video showing homosexuals kissing has been included in the rite of passage into Dutch citizenship. Accepting homosexual behaviour and respecting the rights of homosexuals are two separate things—the first is a personal opinion and the second, a law. In another mode of renationalization of citizenship, the Netherlands tried in June 2008 to force the 300,000 Moroccan nationals on its soil to renounce their Moroccan citizenship. Morocco refused (African Press Agency, 2008).

44. Applicants identified by the measure ended up in such a bad situation that the courts invoked Article 3 of the European Convention on Human Rights.
45. 265-33 votes in favour of the proposal, with the left-wing Green Party and Left Party voting against it on humanitarian grounds.
The German federal cabinet discussed a test in July 2008. It would be added to the current conditions for applying for naturalization (knowledge of German, eight years of residence, no criminal record) and would apply to seven million foreigners (including 2.3 million Europeans). It includes questions tested out on school children, such as the following: How many federated states are there? What is the role of the opposition in Parliament? What is the capital of North Rhine-Westphalia? What is the shield of that state? Why did Willy Brandt kneel before a memorial in Poland in 1970? Who composed the Ode to Joy? What are the names of the chains of mountains in Germany? On what grounds are we entitled to criticize the government (proposed answers: freedom of religion, freedom of opinion, right to vote, payment of income tax)? What are the four weeks leading up to Christmas referred to as? Of the 310 proposed questions, 33 would be drawn at random to form the test. Applicants would have to answer 17 correctly and would be allowed to attend preparatory classes and retake the exam as many times as desired at a cost of 25 euros each time (US$38). Those educated in Germany, those aged less than 16 and the elderly would not be required to take the test. The test has been criticized for being similar to the exams used in the former East Germany and for including too many difficult, trivial, pointless or biased questions based on the values of the cultural majority (Bouvier, 2008). Further, each federated state is allowed to impose its own tests and Baden-Württemberg has been criticized for including normative questions regarding religious freedom, homosexuality and women’s rights.

In Switzerland in 2008, the Union Démocratique du Centre (UDC, populist right-wing party), supported by the Radical Democratic Party, tried to subject the granting of citizenship to a communal referendum, in the name of the people’s unmitigated sovereignty to decide on naturalization of foreigners. In 2003, the federal court ruled that the practice was unconstitutional, because it exposed applicants to flagrant discrimination, forcing them to reveal information about their private lives and denying them any possibility of legal recourse. In a referendum in June 2008, 63.8% of Swiss voters rejected the UDC proposal.

As part of a general public policy review, the French government planned to decentralize the decision making regarding naturalization to the prefecture level with right of last resort to a naturalization division in the ministry of the interior. Since, depending on the prefecture, the processing time for an application varied from 6 to 24 months and the percentage of rejections went
from 25% to over 50%, the principle of equality is at stake and the effect of the review would be to reduce the number of naturalizations. A total of 76 members of parliament, researchers and NGOs opposed the measure (Van Eeckhout, 2008). And in Quebec, nearly 30 years after Bill 101 declared French the language of all residents of Quebec, Pauline Marois (Parti Québécois) proposed legislation to grant Quebec citizenship to Francophones alone.

-- Religious freedom
Since the 1990s, the existence or size of mosques has been a topic of animosity throughout Europe and, to a lesser degree, in Canada (Germain and Gagnon, 2005; Isin and Siemiatycki, 2002; Helly, 2004a). The subject is currently mobilizing right-wing parties, particularly nativists, in the name of safeguarding worldwide heritage and secularism. In Switzerland, the UDC launched a campaign to ban construction of minarets, because they would be “a political-religious claim to power, which challenges fundamental rights…One which, as it is the case in Islam, places religion above the state, and which completely contradicts the federal constitution” (National Post, 2008). In July 2008 in Italy, the ministry of the Interior wanted to close a mosque in Milan because it was so popular that traffic halted on Fridays. In April 2008, the city of Bologna refused plans for a mosque because, among other things, it refused to publish its source of funding. In Austria in February 2008, the province of Carinthia passed a law banning the construction of Muslim places of worship that did not comply with village and town architecture. In January 2008, the mayors of 15 Belgian municipalities gathered to request a ban on the construction of mosques and a halt to the Islamization of European cities. One participant, Filip Dewinter, leader of the Flemish separatist party, told Radio Netherlands Worldwide: “We already have more than 6,000 mosques in Europe, which are not only a place to worship but also a symbol of radicalization, some financed by extreme groups in Saudi Arabia or Iran.” In 2007, in Germany, plans for a mosque in Cologne created a polemic in Parliament regarding the fact that the minaret would be higher than the gothic cathedral in Cologne. In London, a petition bearing 250,000 signatures rejected plans for a 12,000-place mega-mosque (Stinson, 2008). In the name of safeguarding Danish cultural heritage, including Lutheranism, the Danish people’s party deemed the 2,500 Danish Muslim converts to be traitors because they volunteered to drop their national identity (Jensen, 2008).
The proponents of progressivism formed another opposition force. On June 27, 2008, in France, the Council of State refused to cancel a 2005 decree that denied naturalization to a woman who wore the burqa, because of her failure to assimilate. Without proof that the woman had been victimized, the Council of State identified the problem as follows: in the name of a radical practice in her religion, she had adopted a societal behaviour that was incompatible with the key values of the French community, and particularly the principle of gender equality. For her part, the government commissioner argued as follows:

[translation]
From her own words, the woman leads an almost reclusive life, hidden away from French society. She has no concept of separation of church and state or the right to vote. She lives in complete submission to the men in her family and appears to find that normal, and the very idea of challenging that submission would not even occur to her.

The commissioner added that the woman’s statements revealed a lack of adherence to certain fundamental values of French society.

The woman had never worn the burqa in Morocco and had had a number of pregnancies in France during which she was treated by a male gynecologist. Her form of religious practice, though provocative, cannot be regarded as a criterion for intent or refusal to assimilate. Until that point, only those deemed to be close to fundamentalist movements or having personally made remarks regarding radical Islam had been refused French nationality (Le Bars, 2008). The UMP, the Socialist Party and the National Front also expressed their satisfaction with the Council of State decision.

- Safeguarding historical heritage

In the U.S., by 2006, 27 of 50 states had identified English as the sole official language. According to an analysis of 256 local and national newspaper articles published between April 20 and June 15, 2006 (Speicher and Teboul, 2008), about the polemic surrounding the dissemination of a Spanish translation of the national anthem by a California radio station, opponents stated that having a Spanish version of the anthem was an attack on the nation’s unity, showed disrespect for America and was evidence of Hispanophones’ lack of desire to integrate. The anthem has been translated...
for the first time into another language—German—on July 9, 1776; thereafter, translations had been done in a variety of immigrant languages.

Despite the acerbic criticism of multiculturalism that has been around for the last 20 years, successive Canadian federal governments have consistently promoted cultural plurality and, for the time being, none has introduced conditions on access to citizenship such as those adopted in Europe. But in 2006, the Ontario government gave in to the proponents of progressivism, by banning religious arbitration on family matters, in the name of equality for women and their supposed but unproven victimization by reactionary imams. In fact the ban did not achieve its intended purpose, as it failed to abolish the practices of such imams and instead drove them underground, making it even more difficult for Muslim NGOs to monitor their decisions. In Quebec, politicians reinforced nativism when, as was mentioned earlier, Pauline Marois proposed to restrict Quebec citizenship to Francophones. The decision of the Charest government to leave a Christian cross hanging in the Quebec National Assembly was based on the same demagoguery. The cross, considered to be part of Quebec’s historical heritage, was placed there in 1936 by a bigoted and non-democratic government. In addition, no other such symbol signifies membership of non-Christians and atheists in provincial society. Yet, democracy is presented to immigrants as part of Quebec’s distinct heritage in both documents that define collective life in the province—Énoncé de politique en matière d’immigration et d’intégration (Government of Quebec, 1990) and La Citoyenneté québécoise (September 2000).

-- The war on judges
The elements hostile to immigration and Islam want to see cultural control of immigrants and their descendants because of their foreignness to the nation or to the West. They are nostalgic for the democracies in which cultural majorities impose their standards and ways of life and ignore the fundamental rights of all residents. Nativism, progressivism, and hostility towards legal authorities as the defenders of fundamental rights and freedoms of individuals and minorities go hand in hand. One of the most recent examples comes from Quebec. In 2007, witnesses before the Bouchard Taylor Commission on reasonable accommodation argued that judges and the Charters had too much power in defining the nation and secularism and demanded a return to the unwavering sovereignty of the National Assembly, like in the good old days of the pre-1945 populist
governments. They forget that the Charters were voted in by acts of parliament.

The challenging of judges gains momentum in the context of the rhetoric on security. The theme of security, by virtue of the urgency and risk that accompanies it, contributes to reducing judicial power at both the national and international levels. Bigo (1998) stressed the fact that by relying on exceptional provisions, state bureaucracies of control reduce legislative and judicial power and broaden executive power. However, judges are certainly not guaranteed bulwarks against the power of cultural majorities. Claus Hofhansel (2008) demonstrates this in a study of recent legal decisions regarding access to citizenship for immigrants from three European countries.

Conclusion: Tensions and contradictions

For the last 20 years, we have seen two forms of rhetoric played out, one in relation to the ever-increasing globalization of economy and the other in relation to the increasing risks to Western societies. In this context, the international migrant is a lightning rod for the fears and frustrations produced by the socio-economic and cultural change from 1980-2000, and states’ role in the change shakes the belief in their vocation as redistributors of wealth. The image of the migrant as a threat to the nation that has been around for ages among some schools of thought has also expanded to encompass being a cheat, a lawbreaker, a burden on the Welfare state, a competitor for jobs and the reason for the return of religion and the retreat of the national referent. In other schools of thought, migrants are considered an economic resource and a model of mobility, adaptability and labour in a time when borders are coming down. The dual status makes it possible to accelerate the attraction of useful migrants and to reject “undersirables”—the less-skilled, refugees, and strangers to our culture.

From a highly polysemic notion encompassing contrasting realities, immigration is now reduced to a contrast between educated and mobile individuals and unqualified young adults dreaming of their land of opportunity in the West. Two images now define it: the highly skilled engineer who leaves India for Silicon Valley and the destitute youth crossing the American Spanish, Italian, or Turkish border. Yet we know that
immigration is a social mobility strategy and an insurance policy for extended families and lineages in the event of the unforeseen—drought, flood, bad harvests, declining price of farm products, unemployment (Oded Stark, 1991; Stark et al, 1986).

The development over the years of this ambivalent image of immigration serves to reassert the state’s power to protect national borders, markets and societies. It is simply one facet of three ways of looking at social reality and public intervention by governments and technocracies since the 1990s: security, social cohesion and ethnicization of membership in society. Three modes of state legitimization that take varying forms depending on the conflicts, issues, lobby groups and political parties in each society, and which are under tension in three main ways.

First, they are under internal tension, owing to the differing interests of the lobby groups, technocracies and social groups that promote or support them. Supporters of greater security controls at borders and exporters, for example, have to negotiate their interests, while sociology and economy experts can question the effectiveness of the measures adopted and see in securitization the propagation of a myth of absolute control over individuals and borders (Bigo and Guild, 2008) that displaces more realistic modes. Proponents of social cohesion criticize the re-ethnicization of societal membership, because it reinforces the myth of the homogeneous nation and creates problems for managing immigration. According to the OECD, respect for the rights of national minorities makes it possible to avoid conflict and violence; thus, respect for migrants’ rights might make it possible to avoid criminality and terrorism (Sasse, 2005: 684).

The three modes of legitimization are also under tension because they are open to challenge, and challenge can be violent. In a democracy, two founding principles—equality of rights and opportunity, and fundamental freedoms—define a matrix for interpreting social reality. Any social condition could therefore be seen in light of equal rights and equal opportunity, and as the principles of freedom and equality are not equally effective, any view of society proffered by an organization, group or individual could be a potential topic of discussion, criticism or debate. The effectiveness of rights depends on one’s social status, and those whose only attributes are freedom and equality and not wealth, power or influence often find themselves stripped of their status and wiped off the democratic scene
(Rancière, 1995). When social actors are not listened to and are subject to constant denials of social justice, challenge and violence can result. This was the case in the 1950s-60s when women argued for recognition of domestic work, as a private or social affair, and when American Blacks decided to be full citizens. But, in order for such challenges to occur, there must be more conditions present than the social groups targeted by the themes of security, social cohesion and renationalization—migrants, the poor and the unskilled—seem to fulfill at this time (capacity for coalition, leadership, support from multiple organizations in civil society).

A third tension arises from a conflict between the modes of legitimization themselves. The initiatives adopted in the name of security and renationalization of societal membership give rise to numerous distortions of migrants’ and citizens’ fundamental rights, even in Canada (Crépeau, 2008; Crépeau and Nakache, 2006). In so doing, they contradict one pillar of legitimization of modern states, the primacy of law and its centrality to their reproduction. They weaken judicial power and the symbol of the law. They feed the populist schools of thought that, in the name of sovereignty of the people and safeguarding the nation, try to reduce the power of judges, those agents of recognition of the equality of cultural minority rights. They also feed ultraconservative religious elements and progressivist elements that want, each in their own way, to see judges apply their values and reject freedom of cultural orientation and of religion. They oppose judges and politicians, which some may appreciate as a sign of the vitality of democracy and which others may see as a serious risk to it. However, social cohesion, given its ineffectiveness as a mode of legitimization, has remained a rhetoric limited to public technocracies and academic and media circles and was doomed to failure. Re-ethnicization of membership in society, for its part, seems to be reaching its limits, given its discriminatory nature. That leaves security as a theme for legitimization, and, in this area, the struggle that occasionally rages between government security agencies and judicial institutions tests the actual power of the law in a democracy and the capacity of each civil society to confirm that power.
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