France and Deporting the Roma: How Did We Get There? (ARI)

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Theme: The deportation of Rumanian and Bulgarian Roma from France led to international condemnation, while it was widely accepted by French public opinion.

Summary: In August 2010, the French government's decision to expel the Roma to Rumania caused an international outcry. Even so, rather than being a new policy (France had been deporting the Roma to Bulgaria and Rumania for several years without any real discussion), it is above all a new milestone in the French political debate on immigration, integration and national identity. This paper seeks to analyse the paradoxes of the media coverage, by outlining the structure of the ongoing public debate in France dating back to the early 2000s.

Analysis: In just a few weeks, the decision of the French government to deport hundreds of Roma to Rumania was met by international scorn, reaching a level that was unknown in the recent history of French migration policies.

In the ensuing chaos, the UN Committee on the Elimination of Racial Discrimination, Pope Benedict XVI, the international press (where a headline in the British newspaper *The Times*[1] even referred to the Gestapo), the European Parliament and even Fidel Castro jumped in and denounced the xenophobic and racist undertones of the French policies. The French government replied to this criticism by pointing out, on the one hand, the sovereignty of France and the imperative of public safety and order, and, on the other hand, it retorted that France was abiding by European and international law when carrying out these deportations.

A great deal has been said and written on the underlying fundamental principles of law and democracy: human rights (here contradicted by an alleged approach of xenophobic and racial stigmatisation), international law (particularly with respect to protecting children) and European law (regarding the free circulation of European citizens). But that does not explain what happened: how did we get there? How, in less than two weeks and at the height of the summer holidays, did France become a worldwide example of 'racism' and 'State xenophobic nationalism', violently breaching the main principles of 'human and the citizens' rights', which were supposed to be at the very heart of the political identity of the French Republic? And how could this new policy be backed by a significant part of French public opinion?[2]

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[1] 'Sarkozy Expels Roma to Spark Memories of Gestapo', *The Times*, 17/VIII/2010.
[2] A survey conducted on 26 August 2010 showed that 42% of the people surveyed were opposed to these deportations and 48% were in favour. 'Les Français divisés sur l'expulsion des Roms', *Libération*,

To answer these questions, we should go over what happened from July 2010 onwards and reconstruct the chain of events that led to the government's decision to destroy hundreds of 'Roma camps' and proceed to deport Rumanian citizens. Yet this chain of events is itself strange and paradoxical. In order to understand it, we must also take a broader view and consider these latest developments of French immigration policy in terms of the policies and public debates on immigration, national identity and citizenship that date back to the early 2000s.

Deporting the Roma to Rumania: A Paradoxical Decision by the French Authorities
During the night of 16 to 17 July 2010, Luigi Duquenet, a young 22-year old man, a French citizen and belonging to a family of *gens du voyage* ('travellers'), was killed by a gendarme, during a car chase near Saint-Aignan, a small town of 3,400 inhabitants in Loir-et-Cher (in central France). Fifty or so people attacked the Saint-Aignan police station in reprisal on 18 July. The mayor explained: 'there was a showdown between the travellers and the local police', 'some of them were hooded, armed with axes and iron bars'.[3] That same evening, 300 soldiers and two helicopters were sent to the town.

Far from there, and also on the night of 16 to 17 July, riots broke out in the Villeneuve district of Grenoble. The trigger was again a car chase that ended in disaster: one of the robbers that had held up the Uriage Casino, a few kilometres from Grenoble, was shot and killed by the police when he was hiding in that working class neighbourhood on the outskirts or *banlieue* of Grenoble. This is home to mainly people from post-colonial immigration backgrounds –which is what the term *banlieue* now conjures up in the public mind in France–. After that death, 50 or so 'local youths' attacked the police and the pictures of the ensuing violence were circulated by the national press. The police were being shot at with live ammunition. The media and the government talked about 'urban guerrilla warfare' and 'war'. There again, hundreds of policemen and helicopters were dispatched to the area.

In response to the first incident, the President of the Republic announced on 21 July that a special ministerial meeting would be held to discuss 'the travellers' and, he added, 'the Roma', as 'the events that had occurred in Loir-et-Cher highlighted the problems caused by the behaviour of some of the travellers *and the Roma*. (…) This meeting will take stock of the situation in all the departments and will decide to shut down all the illegal camps'.[4] In the same statement, Nicolas Sarkozy established a link with the events in Grenoble: 'The government is relentlessly fighting against crime. It is a real war that is going to free us from drug traffickers and delinquents'.[5] The meeting about the 'travellers and the Roma' was held on 28 July. The decision was taken to destroy 300 'illegal' camps over the following three months.

26/VIII/2010.
[3] Quoted by www.liberoleans.fr, 18/VII/2010.
[4] 'Statement by the President of the Republic regarding security. Council of Ministers, Élysée Palace, Wednesday 21/VII/2010, http://www.elysee.fr/president/les-actualites/declarations/2010/declaration-de-m-le-president-de-la-republique.9344.html?search=Roms. I have emphasised certain items.
[5] *Ibid*. The travellers' associations condemned the announcement of this meeting, deemed to be a 'declaration of war' and pointed out that the European Social Rights Committee and the Committee of the Ministers of the Council of Europe had warned France that it was in breach of seven articles of the European Social Charter, that France had ratified, due to the living conditions of these groups, particularly the non-application of legislation envisaging council land being made available to host their camps (Besson Act). The Gypsy Associations demanded 'the cancellation of all discriminatory legislation and an action taken at the highest level of the State to fight against anti-gypsy racism' ('L'annonce d'une réunion à l'Élysée sur les gens du voyage déclenche la colère des associations', *Le Monde*, 26/VII/2010).

On 30 July 2010, Nicolas Sarkozy gave a speech in Grenoble, to mark the investiture of the new Prefect, appointed during the violence in Villeneuve. Éric Le Douaron, the new Prefect, is a former head of the Frontier Police. During his speech, the President of the Republic asked him 'to restore the authority of the State and to take a firm stance'. He reiterated that it was 'a war that we have decided to fight against drug traffickers and delinquents'. He went on to explain that there was no longer any difference between 'organised crime' (eg, the Uriage Casino robbery) and 'petty delinquency' (eg, 'in the *banlieue*'). And Nicolas Sarkozy deduced: 'it has to be acknowledged, I must say so, that we are suffering the consequences of 50 years of immigration not being sufficiently controlled'. Therefore, 'the general rule is clear: the illegal immigrants must be sent back to their countries. And I am therefore asking you to put an end to the out-of-control mushrooming of Roma camps. These are lawless zones that cannot be tolerated in France'.[6]

Even though the government would argue that it was not targeting any ethnic or national group in particular, a Ministry of the Interior circular of 5 August 2010 was sent to the Prefects setting out the objectives of 'closing down the illegal camps (...), *prioritising the Roma camps*' and of 'stopping new illegal Roma camps from being set up'. The document went on to point out: 'the operations carried out since 28 July against the illegal Roma camps have only led to a *rather limited* number of deportations'.[7] Not only was a group of foreigners exclusively prioritised (the Roma migrants), but the Ministry of the Interior called on the Prefects to increase significantly the number of deportations to Rumania.[8] A circular on 9 August asked the Prefects to notify the Ministry of the Interior of 'any large-scale deportation operation or that is likely to be reported by the press'.[9]

In less than two weeks, the emphasis of the public problem thus shifted considerably.

Starting out as a one-off 'feature story', that pitted law enforcement against the French 'travellers', the problem ended up being a 'war against drug traffickers', linked to the problem of '50 years of *immigration*' to France, to a 'crisis' of the integration of *foreigners*, of the authority of the State and the powers-that-be of the Republic in their fight against '*illegal immigration*'.

This shift did not come about alone. It could have been reasonable to expect the French government to attack the *specificity* of the Saint-Aignan events, by putting forward a different analysis to the one provided by the Grenoble 'rioters', by taking advantage of the opportunity for a public debate on the place of the 'travellers' in French society or by taking the chance to clarify the frequent confusion between 'travellers' and Roma migrants, given the general public ignorance on the subject. It would also have been reasonable to believe that France's failure to respect the European Charter of Social Rights regarding the living conditions of the 'travellers' would be the subject of a debate and, if need be, that measures would be planned to rectify it, or that the existing legislation and its real application would be assessed, specifically regarding the provision of land for the groups in question to set up their camps.

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[6] 'Speech by the President of the Republic in Grenoble. Investiture of the new prefect, Friday 30/VII/2010, http://www.elysee.fr/president/les-actualites/discours/2010/prise-de-fonction-du-nouveau-prefet.9399.html.
[7] NOR: IOCK1017881J Circular. I have emphasised certain items.
[8] Published by the press, this circular was deemed contrary to the fundamental principles of the EU by the Commission on 14 September, which announced its intention to take France to court.
[9] NOR: IOCK1021288J Circular, http://ovh.softdom.com/Circulaire_du_9_ao%C3%BBt_2010.pdf, 13/IX/2010.

And yet, none of that happened. The debate was focused elsewhere and took a totally different turn, with the spotlight on the Roma communities from Rumania, 'illegal' immigration and the 'crisis of the Republican model'.

In order to understand the mechanisms and the reasons for this discrepancy between the initial problem and the French government defining a different public problem, we must broaden our perspective and consider certain characteristics of the public debates about France, immigration, multiculturalism and the Republican citizenship that have been ongoing since at least 2005.

Five Components of the French Public Debate to Explain the Paradoxes of the Summer of 2010
Five 'important' variables in these debates can explain the transformation of the Saint-Aignan problem into a new immigration and security agenda. If these five 'variables' are certainly not new in the French public debate, the media and political approach to immigration and citizenship have notably reformulated the 'Republican' consensus on each of them since the early 2000s and more specifically since the riots of autumn 2005. In other words, they underpin the structure of the current debate. This structure explains both the paradoxical linking of the themes of summer 2010 and the fact that there was relatively widespread support among French public opinion regarding the deporting of the Roma to Rumania.

First Component: The 'Republican Integration Model' and its 'Crisis'
Since the mid 1980s, when the post-colonial immigrants who arrived in France in the 1960s and 1970s had settled permanently and no longer thought about 'returning' to their country of origin, the question of foreigners being entitled to French nationality (and therefore citizenship) became a political issue. In order to react to this influx of foreigners seeking French citizenship, a consensus appeared: this integration must be based on the historical model of the French Republic. The 'Republican integration model' used a 'universalist and political' definition of the cultural and political integration of the migrants, in keeping with the values of the Republic ('liberty, equality and fraternity'), with the importance of the neutrality of the public space and of keeping the religious or cultural identities inside the boundaries of the private space of families. Citizenship is a public identity that does not recognise private identities. It is based on allegiance to the principles of ideal Republican universalism, civic commitments, national loyalty and, last but not least, equality.

This narrative did not really last very long. It underwent many transformations until the start of the 21st century. Yet a new public census emerged from 2005 onwards and the '*banlieue* riots', which led this 'Republic integration model' to its current crisis. The crisis has not been caused by the difficulty of adapting the 'model' to the new social situation in contemporary France, but rather by the rejection of the 'model' by the population coming from immigrant backgrounds. Instead of being 'blind to the difference' (which had never really been the case), the 'model' has been reformulated using increasingly more explicit themes of ethnicity, race and religion (Islam). Proof of this was the public analysis of the cause of the 2005 'riots', which entirely focused on the 'identity problem of the immigrants' –polygamy, Islam, rejection of the French State, refusal to accept the national identity–. Only the researchers who had long studied these subjects and the Central Directorate of General Intelligence (the French police intelligence service!) disputed this analysis and

then highlighted the social dynamics at work in these events, which were not related to cultural or religious identities.[10]

The whole French public debate on citizenship embraced this new reasoning: universalism no longer functions *because of the ethnicity* of the 'immigrants' (without taking into consideration that these 'immigrants' are second-generation French citizens). One of the first consequences of this new idea of the 'model in crisis', a fact recalled in 2008 at the Vichy European Summit, was felt from 2005 onwards, when the Minister of the Interior at the time (Sarkozy) promised to *expel* the 'rioters' from France and he let it be understood that they were all foreigners, when in fact they were very young French citizens, born in France and brought up in the French culture. No deportation obviously took place.

Second Component: The 'Integration Problem' and its Consequences
The new idea of a 'crisis of the French model' is linked to the evolution of the discourse at the source of the 'integration problem'. There again, public perception had changed greatly over 30 years. Yet the recent period has seen the consolidation of a new idea: the 'integration problem' has nothing to do with the discrimination felt or experienced by the French from immigrant backgrounds (the subject of the debate on integration in the 1990s, particularly at the time of the signing of the 1997 Treaty of Amsterdam).

The 'integration problem' has no social dimension. Nicolas Sarkozy summarised this idea in his Grenoble speech on 30 July last: 'It is not a social problem, but rather it is a problem of crooks, of values that are progressively disappearing'.

And yet, from this perspective, these values have to do with national identity. One result was the creation of a Ministry for Immigration, Integration and National Identity and Co-development (later solidarity development) after the presidential election in 2007. This led to the launch of a 'debate on the national identity' under the auspices of the same Ministry during the winter of 2009-10, resulting in a series of measures that were put forward after the events of the summer of 2010, including the possibility of revoking the French nationality of a French citizen who has been naturalised for less than 10 years and who has killed a police official or officer.

This shows the deep shift in the approach to defining the problem of integration and the public policy consequences: fighting against discrimination is no longer a priority. The integration policy involves 'fighting against illegal immigration'. This likewise implies rejecting any more sociological analysis of these subjects and any critical approach to the current policy. Brice Hortefeux clearly summarised it by answering the criticism raised this summer of the policy to deport the Roma: 'You have been blinded by the prevailing feeling of the so-called right-thinking people, who, while delighting in trotting out their thoughts, refuse to act'.[11]

Third Component: Values, Law and Public Order
Established as a problem of public order and national security, the citizenship issue has highlighted, as we have just seen, the issue of values. These values have specifically crystallised in opposition to the supposed religious or cultural identities of the 'immigrants' (in other words, the French from post-colonial immigrant backgrounds). Islam has itself

[10] 'Selon les RG, les émeutes en banlieues n'étaient pas le fait de bandes organisées', *Le Monde*, 7/XII/2005.
[11] 'Brice Hortefeux, les bien-pensants et la gauche milliardaire', *Le Monde*, 21/VIII/2010.

become an issue of public order, with legislation aimed at the general ban on wearing the *niqab*[12] in public spaces and a proposal to strip any French citizen naturalised for less than 10 years of his nationality in the event of '*de facto* polygamy' (a notion abandoned in September 2010 as it was deemed to be impossible to implement).

But such concepts are also found in recent jurisprudence regarding the access to French nationality, particularly the refusal to grant nationality to 'veiled' women in recent years, based on the argument that their practising of Islam was not in line with the principles of the Republic. Gender equality is often put forward to justify the refusal. And here we find a paradox: the prevailing belief accuses Islam of not respecting gender equality and yet there is great emphasis on emancipating women in the Republic; but as they are not deemed to be sufficiently emancipated, these women are refused the status of French citizens (even when they are wives or mothers of French citizens).

All this has had an impact on the connection between law and values in the current debate. The example of the general ban on the *niqab* in public spaces (a law voted upon on 14 September 2010) is highly illuminating. At the end of the 'debate on national identity' and the work of the parliamentary commission looking into the wearing of the *niqab* in France (both held in the same period), the conclusions were as follows: the principles of the Republic, with secularism being at the top, are the basis of French national identity; wearing the full veil is incompatible with these key principles. The full veil must therefore be banned and the sense of French values and identity be reaffirmed. Yet it has been very difficult to transpose this political conclusion into law. How can legal grounds be found that also respect the constitutional principles of freedom of belief? Secularism does not provide any legal solution, as the Council of State pointed out in an opinion sent to the government in the spring of 2010, where it deemed that the general ban of the *niqab* was difficult to implement from the legal point of view.[13]

The government nevertheless decided to continue with its project. Two legal grounds have since been invoked. The first was surprisingly put forward by Eric Besson, the Minister for Immigration: his argument was based on French case law regarding 'dwarf throwing' (involving music-hall professionals who, due to their size, are fired out of canons as entertainment in nightclubs). The idea is that the Republic refuses to let people give up their dignity, even if they wish to do so. This 'dwarf throwing' argument did not stand up to close scrutiny. The second one, which was more conventional and finally upheld, regarded public order and security: it involved banning anyone from having their face hidden in public spaces. This is far removed from the legislative issue of secularism and gender equality.

In a setting of intense politicisation of the discourse regarding Islam and immigration, values continue to prevail over the law, with all the ensuing risks that can be imagined, while the newly-approved laws prove to be ineffective: the notorious legislation regarding DNA tests, approved in 2007, aimed to oversee family reunification and combat fraud. Constitutional principles subjected the law to such constraints that it was never applied.[14]

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[12] It is the 'full Islamic veil or *niqab,* which is popularly known as *burqa* in France, a garment worn in Afghanistan, even if there are no women wearing the *burqa* in France…'.

[13] In its opinion to the government of May 2010, the Council of State deemed that 'an absolute and general ban on wearing the full veil as such' would be '**exposed *to key conventional and constitutional doubts'.*** '*Loi sur la burqa: avis défavorable du Conseil d'État', Le Figaro*, 14/V/2010.

[14] In September 2009, the minister of immigration refused to sign the decrees to enforce this measure envisaged by the 2007 legislation.

Fourth Component: State, National Sovereignty and Border Control
In the autumn of 2010, the French parliament is going to vote on the seventh immigration act since 2003.[15] Since 2005, the idea of 'selective immigration' has been showcased as the new line of French policy. It involves stressing that a 'zero immigration' policy does not work and does not meet the needs of the French economy. 'Selective immigration' is based on organising 'legal' immigration and fighting against 'illegal immigration': for several years now, especially since the 2008 economic and financial downturn, only the fight against 'illegal immigration' has been publicly announced. Targets estimated between 25,000 and 30,000 deportations of illegal immigrants are set annually for the Minister for Immigration. As is the case of any 'quota', these targets are difficult to meet.

A large group, which had not previously been in the political spotlight, was then seen to appear in the deportation statistics. Instead of seeing the groups usually targeted by the policy to curb illegal immigration (Sub-Saharans or North Africans), the nationals of the new EU member states, who are still subject to residency and work restrictions, have become the bulk of the people deported, before and after Bulgaria and Rumania joined the EU. The Rumanians were thus the first group to be deported –and therefore enabled the annual quota targets to be reached (3,815 Rumanians in 2005, 5,041 in 2006)–. After Rumania entered the EU in 2007, these figures no longer appeared in the official statistics.[16] We know that these deportations to the new EU member states still account for the bulk of the people deported (7,862 in 2008, 6,626 in 2008, around 5,500 up until 25 August 2010).

That puts into context 'the novelty' of the French policy implemented this summer. More than a 'new policy', this group is just more under the political and public spotlight than before. The Roma of Rumania and Bulgaria are a necessary target today in order to establish the authority of the State and to show its effectiveness, since it proves to the public that the targets set for the policy to curb illegal immigration can be achieved.

Fifth Component: Europe and France
It is pointless to get bogged down here on the effects of the French 'No' to the 2005 referendum about the European constitution. We should only highlight one aspect of Europe's place in French public policies and debates on immigration and integration: it does not have one. Whether they are speeches about the 'crisis of the integration model' or about fighting against illegal immigrants, the approach is mainly national and the solutions fundamentally linked to the identity and sovereignty of the nation. The endeavour to standardise migration policies in the EU under the French Presidency in 2008 resulted in the European Agreement on immigration and asylum, whose initial version was not accept by France's European partners (who considered it to be an overly French programme linked to Paris's 'selective immigration' concept). The result was less a European than an intergovernmental piece of legislation, that was sometimes very remote from the priorities defined by the European Commission.

This lack of reference to the EU in the French approach to immigration and citizenship is very easily illustrated by the slight impact of the comments of the European Commission

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[15] Six laws have already been passed, respectively on asylum (10/XII/2003), residency and nationality (26/XI/2003), deportations (26/VII/2004), immigration and integration (24/VII/2006), marriages of convenience (14/XI/2006) and, finally, controlling immigration, integration and asylum (23/X/2007).
[16] General Secretariat of the Inter-ministerial Committee for the Control of Immigration. *Rapport au gouvernement: les orientations de la politique de l'immigration*, Paris, December 2007, p. 159.

and Parliament about the Roma deportations this summer. The political context of the French public debate has given it no institutional relevance or political legitimacy.

Conclusion: These five 'structures' of the French public debate on immigration and integration explain to a great extent the strange transformation of the Saint-Aignan problem (which involved French citizens) into an immigration problem (targeting the Roma from Rumania) and the reaction of the French government (deportation).

In summary, the work equation of the French government is based on:

(1) The idea of a crisis of the French ideological and traditional model.
(2) The culturalisation of the 'model's' 'universalist' references, as the problem is caused by the immigrants' identities (who are not, however, foreigners).
(3) The intense politicisation of these issues, that put values (and their popularity among voters) before the principles enshrined by law.
(4) The portrayal of a strong State, capable of restoring its authority through policies aimed controlling the borders and deporting 'illegal' migrants.
(5) The weakness of any European dimension in these discussions.

These five pillars of the political and public debate explain how the Roma of Rumania, who were already present in the deportation statistics but not in the public eye, have become a new symbol of French policies. This public visibility is clearly the 'novelty' of the summer of 2010.

Although this visibility was aimed at the French voting public, it has attracted international attention that the French government had certainly not anticipated, as deporting Roma to Rumania has been a constant of French policies for several years now. And yet this international criticism has had very little impact on the authorities and of a significant part of public opinion (although the latter does appear to be divided).

What is at play here will undoubtedly affect the 2012 presidential campaign. As in 2007, it appears that the contenders in the 2012 election will exploit the fictions on which this 'crisis' of the French nation is based (without anything being done to overcome the problem itself).

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