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8 Integration by contract and the ‘values of the Republic’

Investigating the French State as a value promoter for migrants (2003–2016)

Myriam Hachimi Alaoui and Janie Pélabay

Introduction

This chapter deals with immigrant integration policies developed over the past two decades in France. It focuses on integration contracts, which aim to ensure public promotion of the ‘values of the Republic’ among newcomers eligible for residence permits, whether they be migrants or refugees. These programs are part and parcel of the ‘civic turn’ (Mouritsen & Jørgensen 2008) in immigration and integration policies implemented in a variety of European countries from the late 1990s onwards. Consistent with public discourses on the failure of multiculturalism and the related need for a ‘muscular liberalism’ (Cameron 2011), the desire to return to ‘thick’¹ conceptions of integration (Etzioni 2011; Walzer 1994) and indeed to policies that focus on assimilation (Brubaker 2001; Honohan 2016) has developed in many parts of Europe. Such desire as well as the parallel concern about consolidating national identities are notably visible in the development of citizenship trajectories and training sessions within the framework of migration policies designed to foster a thick integration into the broader society, and subsequently, to strengthen the conditions for granting residence permits.

Although there are differences between these programs, they all share a common public purpose: to promote the core values declared to be the substantive foundation of the political community. Such a public aim is consistent with the emphasis placed on ‘shared values’ by the European Commission and the Council of Europe in the 2000s (Pélabay 2011a), and with the multiplication of civic education policies dedicated to the inculcation of the values shared by ‘good citizens’ (Kostakopoulou 2010; Pélabay 2011b). What emerges as a true politics of common values reveals a growing distrust of the celebration of diversity broadly criticized for its fragmentary effects on the society as a whole. It also implies an ongoing moral and/or cultural ‘thickening’ of citizenship. In the European context, national integration policies are then developed with two main objectives: to condition the process of integration itself, notably through its contractualization, and to pave the way for state promotion of the ‘values’ of the host society. Taken

together, these two objectives lead to a conception of integration where respect for ‘values’ placed at the heart of the ‘us’ are imposed on ‘others’ as a constraint included in a contract between foreigners and the State.

In France, such contractual value-based integration has been implemented through a series of programs such as the *Contrat d’Accueil et d’Intégration* (CAI), drafted in 2003, its family reunification counterpart, the *Contrat d’Intégration pour la Famille* (CAIF), developed in 2007, and the more recent *Contrat d’Intégration Républicaine* (CIR) which replaced both of the former in 2016.

In this chapter, we will investigate the French State as a value promoter by focusing on the *Contrat d’Accueil et d’Intégration* and the *Contrat d’Intégration pour la Famille*. Our analysis is based on a field survey carried out between 2012 and 2015 that includes fifteen observations of one-day training delivered within the framework of these two contracts. Thirteen of these training days were delivered in two training centers in Paris and the remaining two in Lille. These observations were complemented by in-depth interviews with five trainers, a number of informal interviews with attendees, and eight policy-makers. In addition to these data, our study builds on a content analysis of documents and communication tools related to integration contracts, notably the forms that must be signed, and the civic training PowerPoint; as well as discourse analysis of a number of institutional reports and statements made by political elites.

On this basis, the chapter examines the rationale behind the implementation of the two contracts, the manner in which the ‘values of the Republic’ are publicly articulated and inculcated to incoming migrants and refugees, and the tensions that emerge from such a republican politics of common values. Finally, we will ask whether the French ‘republican values’ discourse and practice may – just like European ones – lead both to the homogenization of the majority identity and to the exclusion of minority identities considered as embodying value systems which are not only different but also opposed to ‘ours.’

A climate of civic anxiety about the survival of the ‘Republican model’

The background to the launch of the *Contrat d’accueil et d’intégration* (CAI) in 2003 was colored by a growing sense of anxiety about social cohesion (Helly 2009; Holtug & Mason 2010), immigration, and Islam – three questions which have been continually present and combined in public debate in France since the 2000s. Their combination is incarnated by a term: communitarianism. In itself, this term seems to encapsulate all French anxieties (Dhume-Sonzogni 2016), in particular the fear that the so-called ‘French model of integration’ could disappear under the effect of the ‘Anglo-Saxon’-style politics of minority rights. Hence the need to promote the ‘values of the Republic’ as a remedy to the cultural fragmentation of the society, and to reaffirm them in a contract that binds foreigners to the State. In this respect,

the CAI was conceived as a means to reaffirm that the French model alone can resist communitarianism. As declared by François Fillon when he was Minister for Social Affairs in 2002: 'Living in France means choosing France together with its duties and ideals. Our country is not merely a geographical area ... it has chosen integration over communitarianism' (Tabet 2002).

During this same period, pessimistic views that supported the affirmed need to revive more 'robust' integration policies multiplied. This resulted in a call for policies that were very demanding of foreigners with regard to respect for the collective identity that would supposedly guarantee the unity and indeed the integrity of the Republic. A number of events then contributed to a solid reinforcement in public discourse of phrases such as 'broken down integration,' 'a weakening of national sentiment,' and 'the Republic's values under threat,' all of which acted as signposts for a return to assimilation. This phenomenon explains the successive controversies surrounding the 'veil'² which led to a law banning the wearing of religious symbols in schools in 2004. To this, we must add the 2005 suburban riots, which were analyzed in public debate through the prism of Islam (Tiberj 2014) and erected into a powerful symbol of the integration crisis (Fassin & Fassin 2006). Blandine Kriegel (2005), the then president of the *Haut Conseil à l'Intégration*, said:

The suburban crisis highlights the existence of the sure failure of our integration policy.... For decades, we chose to abandon the very term 'integration' – which has always been controversial – and substituted it for recognition of diversity and the fight against discrimination. These are two necessary actions; however, on their own, they have provided a foundation to communitarianism.

In 2007, the call for integration to be prioritized over respect of differences was oriented towards an identity politics with the creation of the Ministry of Immigration, Integration, National Identity, and Co-development. The ministry subsumed the question of immigration into the question of national identity, as shown by the launch, in 2009, of a 'debate on national identity' designed to answer the urgent need stressed by the then Minister Éric Besson to reflect on 'what it means to be French,' 'the values we share,' 'the nature of the ties which mean we are French,' and on our duty 'to be proud' of what we are (AFP 2009). From that point on, the question of national identity was regularly present on the political scene and ultimately placed the idea of a 'cultural insecurity' among the majority group at the center of debate (Bouvet 2015).

At the same time, the term assimilation, which had disappeared from political vocabulary for a time, reappeared in public discourse. In 2003, the then Prime Minister, François Fillon, pronounced himself to be in favor of 'integration ... and indeed of assimilation' (Zappi 2003). Some years later, in 2010, as advisor to President Nicolas Sarkozy, Henri Guaino (2010) very

explicitly advocated for a return to assimilation: ‘I am indeed saying assimilation. I am aware that the word upsets some people but for 200 years, assimilation has been the Republic’s program.’

These leitmotifs of a crisis in integration and a necessary return to assimilation resurfaced with force following the January 2015 terrorist attacks on the *Charlie Hebdo* newspaper and the *Hyper Casher* supermarket, and even more so following November 2015 when Paris became a bloodbath (130 people were killed and more than 400 injured by a group of fundamentalist Islamic terrorists). Unfurled in its symbolic dimension (Faucher & Boussaquet 2018), the political response of those in power was to wager on a form of patriotism based on the defense of ‘our’ shared values (Pélabay 2017a).

From the initial launch of the integration contracts – the CAI and the CAIF – to the most recent adjustments to them, this context of civic anxiety about the destabilizing effects of diversity (Macedo 2000) constitutes the background of the movement towards contractual integration.

Contractual integration: the CAI and the CAIF

The process towards contractual integration started in such a context reveals the strong connection between, on the one hand, the type of rights which foreigners might aspire to and, on the other hand, their individual responsibility for both the success of their integration and the fulfilment of their obligations to the French State and society at large. Thus, a report on the 2003 bill relative to immigration and residence for foreigners in France stipulates for the CAI and the CAIF:

Since integration is defined as including reciprocal rights and duties, it was logical to establish a link between efforts made by new arrivals to make a success of their entry into the society that is hosting them, and the status that the said society confers on them with respect to right of residence.

(Mariani 2003: 22f)

Once a ‘tool for integration,’ the status of resident has now become a ‘reward’ for successful integration, as underlined by the law professor Danièle Lochak (2009).

Implemented in 2003 on an experimental basis, the CAI became mandatory as part of the July 24, 2006 law on immigration and integration. The program is intended for immigrants who wish to settle in France on a long-term basis. More precisely, it is for incoming migrants who have been granted their first residence permit and refugees whose status has already been validated in France. It also targets previously undocumented migrants whose situation has been regularized. By signing such a contract, migrants and refugees commit to respecting and living in accordance with the ‘values of the Republic.’ The latter are listed in the CAI form as follows: democracy,

the rights and duties attached to the 1789 Declaration of the Rights of Man and of the Citizen, '*laïcité*' ('secularism'), equality, and the French language. After one year – the usual duration of the contract – a civil servant determines whether migrants have met the contractual requirements by verifying that they attended the training sessions and met the 'Republican integration condition' analyzed below. The non-fulfilment of the contract can be used by the administrative authorities (i.e. the Prefect) to refuse renewal of the residence permit.

The preamble to the CAI summarizes its philosophy as follows: 'Choosing to live in France, means choosing to integrate into the French society and accept the fundamental values of the Republic.' These two types of engagement give meaning to the clauses contained in the contract. While Article 2 of the CAI stipulates that by agreeing to the contract, the foreigners commit to 'diligently' attending the training sessions designed to prepare for their 'integration into the Republic,' Article 1 defines the obligations of the State which, in reality, are limited to delivering the said training sessions. The training is of a varied nature. It includes language training, when this has been deemed necessary following a French language evaluation. Applicants also have the option of an information session on life in France (procedures for everyday life, access to public services such as health, education, etc.) and a skills/competence evaluation if one has been prescribed. Most importantly, all the signatories of the CAI must attend civic training.

The latter is limited to a day-long session lasting eight hours. The civic course is divided into five modules and covers 'the history of France,' the 'values, principles, and symbols of the Republic,' 'institutions of the Republic,' 'French nationality and citizenship,' and finally 'France and Europe.' The accompanying PowerPoint presentation alone contains almost 80 slides. Interviewed trainers and participants agree that the program content is far too packed. As observed during our field survey, the trainers begin the class with explicit reference to the preamble of the contract:

You have committed to following these training sessions, to making the necessary efforts for your integration, and to respecting the values and the principles of the French Republic. France and the French people are attached to a history, a culture, and a set of fundamental values. In order for everyone to live together, you must know them, understand them, and respect them. By committing to respecting the 'values of the Republic,' you will find your place fully in French society. Choosing to live in France means choosing to integrate into the French society.

The text concludes with 'Welcome to France!' written at the bottom of the page; a 'Welcome!' which contrasts with the reality of the participants' experiences, many of whom have been residents in France for many years and who only find themselves obliged to follow these sessions as a result of frequently chaotic legal trajectories. For example, while observing a session

in Paris, we counted nine participants among the total of 25 who had been in France for at least ten years, one of whom was from the Ivory Coast and had been in France since 1995. ‘When I arrived here, Mitterrand was still in power! So yeah, I know France,’ he said, and speaking laughingly to the trainer: ‘I could even take your place if you want!’

The November 20, 2007 law extended the logic of contractual integration (Hachimi Alaoui 2016) by introducing a second contract, the *Contrat d'accueil et d'intégration pour la famille* (CAIF), which is added to the CAI and aims to ‘prepare families for the republican integration into French society’ (Immigration Act n° 2007–1631). This second contract targets spouses and children who came to France as part of the family reunification process. The CAIF contract is concluded between the State and the two spouses who commit to respect the obligation to send their child/children to school and to attend a specific training on the ‘rights and duties of parents.’ The training is divided into four themes: ‘gender equality,’ ‘parental authority,’ ‘children’s rights,’ and their ‘schooling.’ As is also the case for the CAI, the residence card is only granted after proof of attendance at the training session is furnished.

The 2007 law also demands that candidates for family reunification (aged between 16 and 65) have already ensured that their knowledge of the French language and of the ‘values of the Republic’ have been evaluated in their home country prior to their arrival. If they fail these tests, the aspiring immigrants must take civic and/or language classes before leaving their country of origin. Here again, they must provide proof that they have done the training in order to be granted a visa, which does not dispense them from signing the CAI on arrival in France (Hachimi Alaoui 2014). This last element – which does not exist anymore – has been interpreted as a sign of a shift from a process-based vision of integration to a vision focused on the ‘integrateable’ character of migrants and their prior adherence to the values enshrined in the host country. As Éric Fassin (2010: 160–1) writes:

If a person must be, if not integrated, at least suitable for integration before arriving in France, even with respect to private and family life – and yet private life is recognized as a right by the French Constitution and by the European Convention on Human Rights – it means that the nation pre-exists before any foreign intrusion. This is about preserving it in its entirety, rather than exposing it to outside influences.

To conclude, it should be noted that within the framework of the March 7, 2016 law on foreigners in France, the CAI and the CAIF were replaced in 2016 by a new contract: the *Contrat d'intégration républicaine* (CIR). As a result of the introduction of a pluri-annual resident’s card, the CIR has been designed to become part of a ‘personalized pathway towards republican integration,’ in keeping with the objective of ensuring individual

responsibility. Furthermore, the introduction of this new contract signals a re-centering on three pillars: 1) the declared 'strengthening' of the mandatory civic training, which has been extended to two days, one of them being entirely dedicated to the 'principles and values of the French Republic;' 2) access to employment as a new priority; and 3) a more demanding level of linguistic proficiency. Henceforth, signatories must have completed level A1 (beginner's level)³ of language ability to obtain their first residence permit. Once the pluri-annual residence permit expires, migrants are required to have attained level A2 to be granted a permanent residence. While the new contract is characterized by a pragmatic focus, it nonetheless maintains some thicker conditions for being recognized as fully integrated. As the press release that presents the CIR specifies, the foreigners' personal commitment to 'respect the essential values of French society and the Republic' remains of crucial importance for their being able to prove their 'republican integration.'

Mandatory respect for the 'values of the Republic': conditional integration

From the start, there is an obvious tension between the mandatory signing of these integration contracts and the fact that free will is usually exercised in the decision to sign a contract or not. Moreover, our field survey shows that the mandatory nature of the CAI and the CAIF has weakened the symbolic aspect of signing them, and transformed them into an added administrative formality to obtain a residence permit. Furthermore, a number of authors (Cournil and Depigny 2008; Lochak 2009) postulate that the CAI and the CAIF are one-sided given that the obligations truly weigh on one party only: the foreigner. Indeed, the State obliges migrants to sign a contract according to which the only 'obligations' incumbent on the State are to provide the foreigners with the means to honor the commitments which the State itself subjects them to honoring. These two tensions are amplified by the fact that the CAI and the CAIF are both marked by the same vision of a 'conditional' integration.

The 'Republican integration condition,' which must be met for a residence permit to be delivered, lies at the very heart of the contractual integration process. The 'assimilation condition' is already a legal requirement (Hajjat 2012) for naturalization applicants; the 'integration condition' has now entered legal vocabulary. In the explanatory statement of the 2003 parliamentary bill on controlling immigration, this condition was justified as a means to block communitarianism. In a memo addressed to French *Préfets* (Prefects) throughout the country, Nicolas Sarkozy, the then Minister of Internal Affairs, explained:

This integration condition is intended to assist you in preventing communities from turning in on themselves by encouraging more vulnerable

publics, and in particular the women who form part of some of these communities, to become involved in such a program.

(Ministry of Internal Affairs, Internal Security and
Local Liberties 2004)

The ‘Republican integration condition’ was firstly conceived of for residency status and is now a condition for the majority of residence permits.

As seen above, certificates of attendance distributed at the end of each training program provide formal proof that the clauses of the contract have been respected, and is constitutive of the objective dimension of the ‘integration condition.’ However, this condition includes subjective aspects which prove to be much more difficult to assess, in particular the personal ‘commitment’ towards the Republic’s values and ‘willingness’ to integrate. And all the more so as the problematic aim of ensuring adherence to these values has been added to, if not substituted for, simply ‘knowing’ what the ‘values of the Republic’ are and ‘respect’ for related rights and duties. With the introduction of this type of discourse relative to personal convictions (Pélabay 2014), there is a real danger that arbitrary decisions will be made about whether the ‘Republican integration condition’ has been met by the foreigner or not. Indeed, no concrete elements for the *Préfet* to base their opinions on the foreigner’s compliance of this requirement have been established. This holds true even if the 2004 memo invites administrative officials to ‘solicit the opinion of the mayor of the foreigner’s residential commune, so that he/she might enlighten the official’s decision by providing information that illustrates or not the foreigner’s willingness to integrate French society.’

As a result, one question remains unanswered: how do *préfecture* officials go about evaluating such a personal commitment to respect the ‘values of the Republic,’ and to sincerely adhere to them? There are two difficulties here: on the one hand, the fact that it is clearly impossible to probe individual consciences, and, on the other, the semantically undefined nature of a large number of ‘common values.’

In 2011, an inter-ministerial workgroup was set up to define ‘Republican values’ so that a new version of civic training could be designed. However, the end result of the discussions showed the diversity of approvals and practices among the working group members who had no choice but to find consensus through a process of elimination: republican values ‘are not symbols,’ ‘neither are they covered by the law, which defines lawful or unlawful acts,’ and are not the equivalent of ‘the main legal, constitutional and international principles.’ When the field survey was carried out, one of the female working group members confided in us that the discussions had been very lively: ‘it was not easy to come to an agreement even though we were all civil servants specialized in such questions!’

'Common values': vague language and a potential confusion of genres

The difficulty highlighted by those in charge of developing and implementing programs designed to reinforce respect for the 'values of the Republic' is more broadly linked to one of the characteristics of the language surrounding common values: its intrinsic vagueness. Indeed, nothing is less clear than the meaning of the 'common values' that are at the heart of public discourse on all political sides. Even when the same 'values' are being talked about, very different and at times competing interpretations are given: major universal principles that underlie the democratic State; legal norms that confer citizen rights and liberties; moral codes and personal convictions that are borrowed from particular visions of the Good and the Bad; the evocation of roots (notably religious ones) and a historical patrimony constitutive of a particular civilizational legacy; habits and customs that have shaped an ethnocultural way of life observed by the majority of the national group (Pélabay 2017b). All of these represent different understandings of the so-called 'common values,' ranked here by increasing moral and/or cultural thickness. They correspond to visions of integration with varying degrees of robustness that consequently reflect varying degrees of 'welcome' extended to diversity.

Clearly, such semantic vagueness has a number of advantages for users of this type of language. It allows them to address a very wide public, while leaving it up to each individual to conjure up their own vision of what constitutes and delineates 'us.' At the same time, simply accepting the undetermined nature of the values is problematic given that the vagueness of the language used goes beyond the discursive level, and, on a practical level, has a real impact on the public policies designed to promote confirmed 'values.' As a consequence, defining what the term 'values of the Republic' signifies in the CAI and the CAIF is of paramount importance.

As stipulated in the contract, the 'values of the Republic' are placed on a legal and political footing and, as seen above, are limited to a few general democratic principles. Nevertheless, with the 'negative' definition offered by the actors involved (i.e. everything that they are not), the term 'values of the Republic' goes beyond the simple framework of rights and legal duties that govern the political order.

In the 2010s, an explicitly identity-based interpretation of integration was predominant in the public discourse that framed the CAI. Gender equality is particularly indicative of this shift from an interpretation based on a principle of justice to an interpretation based on French identity and culture (Hachimi Alaoui 2012). Gender equality is expressed in the CAI as a 'fundamental principle of French society' that is potentially defensible as a legal norm translated into a series of laws. Yet, it is frequently presented to foreigners as a characteristic feature of the collective identity of the French

people. Thus in 2011, one of the participants in the inter-ministerial group tasked with defining the ‘values of the Republic’ explained that ‘equality between men and women’ was ‘a national trait linked to the history of France.’

A similar conception, which drew on the authenticity of a national patrimony emerged from the presentation made by Arno Klarsfeld (2012: 7) – president of the *Office Français de l’Immigration et de l’Intégration* Executive Board from 2011 to 2013 – on the language training given within the CAI framework:

Our customs are the fruit of many centuries of shared history together. They represent an overall legacy which we identify with, even if it changes progressively as a result of various influences and the passage of time. ... This France which is nearly unchanging in the arts, in its military strength and in law, is for the most part immensely generous and sometimes – but very rarely – unkind when prejudice that has not yet been eradicated attempts to hurt or stigmatize.

The passages from the 2011 Information Report on nationality law that focus directly on the CAI attach the same importance to the survival of a national tradition, going as far as to show cultural compatibility as a relevant piece of criteria to judge the suitability of candidates applying for residence permits and/or citizenship. In this Report, Claude Goasguen (2011) thus affirmed:

the first vocation of this tool is to guarantee the integration of foreigners who want to remain on French soil for the long term. The objective remains that the new arrivals adopt behaviors that do not infringe on the morals and customs of the host country.

The way the ‘values of the Republic’ are defined in these statements reveals a tendency to culturalize citizenship and the condition of integration. As we will see now, such tendency has huge consequences for the respect of pluralism and the capacity for inclusion in society.

Value-based integration: the dangers of homogenization and exclusion

Analysis of how the ‘values of the Republic’ are used in the CAI and the CAIF shows that both programs are marked by a strong tension between two different, and indeed competing, conceptions of integration: on the one hand, an ‘ethical’ concept of integration including the stabilization and reproduction of ‘the basic ethical orientations of the cultural form of life dominant in [a particular] country,’ and on the other hand, a ‘political’ concept of integration based on respect of the legal norms institutionalized

through citizenship (Habermas 1998: 225–8). According to the latter, satisfying the aspirations of the majority group that a real or fictional background consensus on particular cultural values might remain untouched, is not a requirement for integrating into the political community. What is required is to act in a way that conforms to the legal norms which apply to all in the same way. This also means that, in themselves, cultural values cannot serve as criteria to decide who is suitable to become a member of the social body and who is not.

This theoretical clarification serves to underline the point that the public strategy of making genuine adherence to the 'values of the Republic' a condition for acceptance and integration into the political community entails a number of risks.

Let us look firstly at the problems caused by the infringement of the State's neutrality, which occurs when the so-called 'values of the Republic' are affirmed as personal convictions about what is good, what is a life worth living, and what kind of behavior leads to a good life. An example of these problems is given by Christian Joppke (2010: 141) when discussing 'citizenship exams' for naturalization: 'an exam that scrutinizes a candidate's inner disposition is problematic, precisely because it transgresses the thin line that separates the regulation of behavior from the control of beliefs.' As Joppke (2010: 142) explains in relation to a German case of interview guidelines issued by the regional government of *Baden-Württemberg* in September 2005, the 'transgression' here consists of intruding into the inner conscience and violating freedom of thought of applicants who belongs to a particular group – in the case at hand, Muslims since these guidelines targeted nationals from the Islamic League States – whose presumed values were assumed to be contrary to the liberal democratic order. Hence the problem raised by 'repressive liberalism' which is prepared to develop 'illiberal' policies 'in an attempt to regulate people's values and beliefs' (Joppke 2012: 1).

Culturalizing the 'values of the Republic,' such as exacerbated by the departure from State neutrality *vis-à-vis* personal visions of the good, carries the twofold danger that public culture becomes homogenized and 'others' excluded. This is what Habermas (2004: 14) warns about: for him, the ambivalence between the ethical-cultural and legal-political sides of the language of common values paves the way toward

the predominance of a majority culture, which abuses its historically acquired influence and definitional power to decide according to its own standards what shall be considered the norms and values of the political culture which is expected to be equally shared by all.

Such an identity-based reading of 'living together' (*le vivre-ensemble*) increases the probability that in order to be accepted into the Republic, individuals and groups who espouse different values – or values perceived to be different – will be forced to prove that they conform to a way of life which has

been declared to be ‘ours’ without any further justification being called on to confirm its validity. This would quite simply result in transforming the observance of rights and legal duties, which are mandatory for all, into a cultural conformity requirement.

It is highly probable that such an identity-based definition of political integration makes the measures designed to support it entirely counter-productive. By favoring the tendency to play the ‘value system’ of the majority group over ‘value systems’ attributed to minorities, it fails on two levels vis-à-vis its own stated ambitions: the reinforcement of ‘republican values,’ and reciprocal understanding within a diversified society. The coupling of national identity with democratic citizenship, which the substantialization of the ‘values of the Republic’ entails, weakens the universalist claim of democratic principles and basic rights by making them just one ‘value system’ amongst others and in competition with these others. Such weakness undermines the distinctive normative status that characterizes public norms and rights proper to a republican citizenship that steers away from competition with collective identities. Furthermore, such a coupling increases the risk of creating a fragmented society as it multiplies reasons for disagreement and distrust between ‘us’ and ‘them.’ The entire inclusive and pluralist ambition of a society then becomes compromised.

Conclusion

The possible dangers of homogenization and exclusion, as discussed above, are not specific to the French State’s promotion of ‘shared values.’ These are two worrisome tendencies that concern the European Union (EU) as a whole. Facing the challenge of their ‘democratic deficit’ (Føllesdal & Hix 2006), EU institutions, notably the European Commission (Dratwa 2014), have been engaged in the public promotion of a set of ‘core values,’ which have been declared to unite European citizens and nations, and to form the foundations of the EU. From the call for an ‘extra touch of soul’ by Jacques Delors⁴ (1989) to the plea for the EU to be a ‘community of values’ (and not a mere interest-based group) by José Manuel Barroso⁵ (2007), such discourse expresses the desire to foster a sense of belonging to the EU, and thus its ‘input’ or ‘subjective’ legitimacy (Bellamy & Castiglione 2008), through a shared belief in ‘European values.’ Of course, the declared ‘values of the EU’ mainly refer to freedom, democracy, the rule of law, tolerance, and mutual respect. In this way, they might be interpreted as a set of purely legal norms or universal ideals of justice; and the very fact that within the Lisbon Treaty, in particular, the articles that state the conditions of inclusion/exclusion to/from the EU, the term ‘values’ has replaced the term ‘principles’ used in the treaties up to that time, might seem to be an irrelevant semantic detail. However, it should be observed that those who apply the language of common values in support of European integration stress that references to ‘European values’ gain their added value – compared to constitutional

principles – from their strength in terms of cultural identification. And most importantly, such identity potential, encapsulated in the appeal to ‘Europeanness,’ is considered an asset in overcoming challenges to the legitimacy of the EU, thus recoupling ethical-cum-cultural and political integration. This is the point made by Barroso (2013) when he declared that if we are to build ‘a new narrative for Europe,’ ‘we must never give up any of our values, our culture or our way of life, our European way of life.’

The promotion of a European thick community as the foundation of the EU is made explicit by the communitarian thinker Amitai Etzioni. In his view (Etzioni 2007: 24), European integration needs a ‘normative-affective’ community characterized by ‘a core of shared values (i.e. a moral culture) and a web of bonds of affection,’ and he adds: these are ‘particularist values’ (Etzioni 2007: 33), not universal ones, which embody some ‘shared understandings of what is good,’ not of what is right (Etzioni 2005: 132). Like their national(ist) counterparts, the European discourse and practice of common values tends to dismiss the thin and cold language of legal norms and universal principles of justice as a sound basis for integration. But it might well be that a politics of rights proves to be more effective and legitimate not only to overcome the combined dangers of homogenization and exclusion attached to the politics of common values but also to reach integration within culturally and ethically divided societies.

In this respect, a return to the field survey is instructive. During CAI civic training sessions, we observed that both trainers and migrants made a distinction between what is relative to the area of law and what pertains to culture and morals, thus giving concrete expression to the philosophical differentiations between ‘political’ and ‘ethical’ conceptions of integration. The part that focusses on ‘Values, principles and symbols of the Republic,’ and in particular gender equality and reciprocal relations between men and women, was frequently an occasion for the trainers to make the session interactive, allowing participants to contribute to the discussion. When one trainer asked if a woman should obey her husband, one woman explained by answering: ‘Whether it’s here in France or where we come from, it’s the same thing; you can’t have two captains on a boat! If you want it to work, there has to be one captain only!’ The whole room laughed, and another participant added: ‘If you’re told you’re the man, you’re the man! For me, a woman must obey her husband.’ As there was uproar in the room, the trainer took the floor again and she explained: ‘The civil code is clear: within the household, authority is shared by the father and the mother. That’s the law, that’s the way it is.’ The room calmed down and the trainer continued with her program. During a discussion about polygamy in a training session in Paris entitled ‘Rights and duties of parents’ one participant took the floor and began a long explanation of the reasons for polygamy in his country and he ended by concluding: ‘But anyway, we know it’s forbidden here, it’s the law, that’s the way it is.’ These different examples reveal that a *de*

facto shift is occurring from cultural values, which public discourse places at the core of civic training, to legal norms. Both trainers and participants recognize that the law is what counts. These observations show the advantage of placing the question of common rules that must be respected on the objective level of the law, rather than on the level of moral and cultural values belonging to a warm and thick identity. By using the language of law, many trainers escape discussions which would place different values and competing value systems at odds with each other.

As analyzed by this piece of field research, and as convincingly argued by Justine Lacroix (2009) in relation to the political theory of European integration, there is good reason to give priority, in theory and in practice, to a rights-based – instead of a values-based – conception of integration. For nothing prevents the discourse and practice of common values, be they national or European, from transmuting into a homogenizing and exclusionary identity politics focused on the survival of an ethical-cum-cultural version of the ‘us’, at the expense of the search for a truly pluralistic type of integration.

Notes

- 1 On the distinction between ‘thick’ and ‘thin’ morality, see Walzer 1994 (xi, note 1) where he qualified as ‘thick’ a ‘kind of argument’ which is ‘richly referential, culturally resonant, locked into a locally established symbolic system or network of meanings,’ by contrast with a ‘thin’ argument which refers to ‘universalist morality,’ including procedural principles of justice.
- 2 In France, the wearing of the Islamic headscarf and *niqab* in public is debated under the terms ‘veil’ (*‘voile’* or *‘foulard’*) and ‘full-face veil’ (*‘voile intégral’*) respectively.
- 3 Language levels going from A1 to C2 correspond to the Common European Framework of Reference for Languages.
- 4 Jacques Delors was President of the European Commission from 1985 to 1994.
- 5 José Manuel Barroso was President of the European Commission from 2004 to 2014.

References

- AFP (Agence France Presse) (2009). ‘Besson relance spectaculairement le débat sur l’identité nationale,’ 25 October.
- Barroso, J. M. (2007). Speech for the 3rd European Ecumenical Assembly, Sibiu, 6 September. Available at: http://europa.eu/rapid/press-release_SPEECH-07-509_fr.htm?locale=FR
- Barroso, J. M. (2013). Speech ‘A new narrative for Europe,’ BOZAR/Brussels, 23 April. Available at: http://europa.eu/rapid/press-release_SPEECH-13-357_en.htm
- Bellamy, R. & Castiglione, D. (2008). ‘Beyond community and rights: European citizenship and the virtues of participation,’ in Mouritsen, P. & Jørgensen, K. E. (eds), *Constituting Communities: Political Solutions to Cultural Conflict*. Basingstoke: Palgrave MacMillan, pp. 162–186.
- Bouvet, L. (2015). *L’insécurité culturelle*. Paris: Fayard.

- Brubaker, R. (2001). 'The return of assimilation? Changing perspectives on immigration and its sequels in France, Germany and the United States,' *Ethnic and Racial Studies* 24(4), pp. 531–548.
- Cameron, D. (2011). PM's Speech at Munich Security Conference, 5 February. Available at: www.gov.uk/government/speeches/pms-speech-at-munich-security-conference
- Cournil, C. & Depigny, Y. (2008). 'Contractualisation et externalisation de la politique migratoire: Analyse et critique de la loi Hortefeux,' *Revue du Droit Public* 4, pp. 1045–1079.
- Delors, J. (1989). Speech at the European Parliament, 17 January. Available at: www.cvce.eu/content/publication/2003/8/22/b9c06b95-db97-4774-a700-e8aea5172233/publicable_fr.pdf
- Dhume-Sonzogni, F. (2016). *Communautarisme. Enquête sur une chimère du nationalisme français*. Paris: Demopolis.
- Dratwa, J. (2014). 'How values come to matter at the European Commission,' *Politique européenne* 45, pp. 86–121.
- Etzioni, A. (2005). 'Affective bonds and moral norms: A communitarian approach to the emerging global society,' *International Politics and Society*, 3, pp. 127–143.
- Etzioni, A. (2007). 'The community deficit,' *Journal of Common Market Studies* 45(1), pp. 23–42.
- Etzioni, A. (2011). 'Citizenship in a communitarian perspective,' *Ethnicities* 11(3), pp. 336–349.
- Fassin, E. (2010). 'Unusual suspects: la précarité nationale,' in Coroller, C., et al., *Vous êtes Français? Prouvez-le!* Paris: Denoël, pp. 155–168.
- Fassin, D. & Fassin, E. (2006). 'À l'ombre des émeutes,' in *De la question sociale à la question raciale*. Paris: La Découverte.
- Faucher, F. & Boussaguet, L. (2018). 'The politics of symbols: Reflections on the French government's framing of the 2015 terrorist attacks,' *Parliamentary Affairs*, 71(1), pp. 69–195.
- Føllesdal, A. & Hix, S. (2006). 'Why there is a democratic deficit in the EU: A response to Majone and Moravcsik,' *Journal of Common Market Studies* 44(9), pp. 533–562.
- Goasguen, C. (2011). 'Information Report by MP Claude Goasguen on nationality law in France,' 29 June. Available at: www.assemblee-nationale.fr/13/rap-info/i3605.asp
- Guaino, H. (2010). 'Tout concourt insidieusement à affaiblir notre modèle républicain,' interview by F. Fressoz & A. Leparmentier, *Le Monde*, 11 December, p. 10.
- Habermas, J. (1995). 'Reconciliation through the public use of reason: Remarks on John Rawls's political liberalism,' *The Journal of Philosophy* 92(3), pp. 109–131.
- Habermas, J. (1998). *The Inclusion of the Other. Studies in Political Theory*. Cambridge, MA: MIT Press.
- Habermas, J. (2004). 'Religious tolerance – The pacemaker for cultural rights,' *Philosophy* 79(307), pp. 5–18.
- Hachimi Alaoui, M. (2012). 'L'intégration sous condition: valeurs non négociables et égalité des sexes,' *Canadian Journal of Women and The Law/Revue femmes et droit* 24 (1), pp. 114–134.
- Hachimi Alaoui, M. (2014). 'Intégration et lien de citoyenneté. Le cas du Contrat d'accueil et d'intégration,' in Paugam, S. (ed.), *L'intégration inégale. Force, fragilité et rupture des liens sociaux*. Paris: Presses Universitaires de France, pp. 429–444.
- Hachimi Alaoui, M. (2016). 'L'immigration familiale: une obligation d'intégration républicaine. Enquête sur le Contrat d'Accueil et d'Intégration,' *Recherches familiales*, 13, pp. 79–93.

- Hajjat, A. (2012). *Les frontières de l'identité nationale. L'injonction à l'assimilation en France métropolitaine et coloniale*. Paris: La Découverte.
- Haut Conseil à l'Intégration, *Propositions d'amélioration du Contrat d'Accueil et d'Intégration*, Avis à Monsieur le Premier ministre, September 2006.
- Helly, D. (2009). 'La légitimité en panne? Immigration, sécurité, cohésion sociale, nativisme,' *Cultures & Conflits*, 74, pp. 11–62.
- Holtug, N. & Mason, A. (2010). 'Introduction: Immigration, diversity and social cohesion,' *Ethnicities* 10(4), pp. 407–414.
- Honohan, I. (2016). 'Civic integration: the acceptable face of assimilation?' in Sager, A. (ed.), *Ethics and Politics of Immigration: Core Issues and Emerging Trends*. London, Rowman and Littlefield, pp. 145–158.
- Immigration Act n°2007–1631 (2007) *On the Control of Immigration, Integration, and Asylum*. 20 November.
- Joppke, C. (2010). *Citizenship and Immigration*. Cambridge: Polity Press.
- Joppke, C. (2012). *The Role of the State in Cultural Integration: Trends, Challenges, and Ways Ahead*. Migration Policy Institute. Available at: www.migrationpolicy.org/research/TCM-state-role-in-cultural-integration
- Klarsfeld, A. (2012). Public hearing in the presence of the media during the 11 January 2012 session, chaired by M. Jean-Luc Warsmann, Assemblée nationale, Commission des lois constitutionnelles, de la législation et de l'administration, Compte-rendu 26. Available at: www.assemblee-nationale.fr/13/pdf/cr-cloi/11-12/c1112026.pdf
- Kostakopoulou, D. (2010). 'Matters of control: Integration tests, naturalisation reform and probationary citizenship in the United Kingdom,' *Journal of Ethnic and Migration Studies* 36(5), pp. 829–846.
- Kriegel, B. (2005). 'L'unité doit se construire,' interview by B. Thiolay, *L'Express*, 24 November 2005, 2838, p. 73.
- Lochak, D. (2009). 'Devoir d'intégration et immigration,' *Revue de droit sanitaire et social* 1, pp. 18–30.
- Lacroix, J. (2009). 'Does Europe need common values? Habermas vs. Habermas,' *European Journal of Political Theory* 8(2), pp. 141–156.
- Macedo, S. (2000). *Diversity and Distrust. Civic Education in a Multicultural Democracy*. Cambridge: Harvard University Press.
- Mariani, T. (2003). 'Report n° 949 on the Draft Law (n° 823) on the Control of Immigration and Residence of Foreigners in France,' 18 June. Available at: www.assemblee-nationale.fr/12/rapports/r0949.asp
- Ministry of Internal Affairs, Internal Security and Local Liberties (2004). *Memo NOR/INT/D/04/00006/C*. 20 January.
- Mouritsen, P. & Jørgensen, K. E. (2008). *Constituting Communities: Political Solutions to Cultural Conflict*. Basingstoke: Palgrave Macmillan.
- Pélabay, J. (2011a). 'L'Europe des "valeurs communes" et le recul du multiculturalisme: la diversité supplantée par l'unité?' *Revue Philosophique de Louvain* 109 (4), pp. 747–770.
- Pélabay, J. (2011b). 'Former le "bon citoyen" libéral,' *Raisons politiques* 44(4), pp. 117–138.
- Pélabay, J. (2014). 'Privatiser les valeurs publiques. La citoyenneté comme intime conviction?' in Muxel, A. (ed.), *La vie privée des convictions. Politique, affectivité, intimité*. Paris: Presses de Sciences Po, pp. 39–60.

- Pélabay, J. (2017a). 'Les valeurs de la République: Un credo de combat?' in Muxel, A. (ed.), *Croire et faire croire. Usages politiques de la croyance*. Paris: Presses de Sciences Po, pp. 119–136.
- Pélabay, J. (2017b). 'La République des "valeurs": entre public et privé, quel lien citoyen?' in Perrineau, P. and Rouban, L. (eds), *La démocratie de l'entre-soi*. Paris: Presses de Sciences Po, pp. 119–132.
- Tabet, M-C. (2002). 'Polygamie, le gouvernement va mettre de l'ordre,' *Le Figaro*, 21 November, 18129, p. 5.
- Tiberj, V. (2014). 'L'islam et les Français: cadrage des élites, dynamiques et crispations de l'opinion,' *Migrations sociétés* 6, pp. 165–180.
- Walzer, M. (1994). *Thick and Thin: Moral Argument at Home and Abroad*. Notre Dame: University of Notre Dame.
- Zappi, S. (2003). 'François Fillon juge "inconcevable" et "dangereuse" une politique de discrimination positive', *Le Monde*, 9 December, p. 11.