

On the Creation and Accommodation of the Misery of the World: The Case of the Sans-Papiers

By

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In the late 1980s the then French Prime Minister, Michel Rocard coined a totemic phrase to justify tighter immigration controls: “*Nous ne pouvons pas accueillir toute la misère du monde*” [We cannot accommodate all the misery of the world].¹ As well as echoing down the years in the French discourse on immigration, it is also emblematic of a wider sentiment amongst Europeans, one that has become particularly pronounced in the context of the migrant crisis in the Mediterranean. However, as one commentator has already pointed out, it is ‘as if “all the misery of the world” was something inevitable, a reality parachuted in from some unknown and particularly malicious heaven’.² For Rocard’s statement expresses both a sense of being helpless victims of a tide of human misery, and also a cognitive disassociation from the reasons why these migrants have chosen to move to the countries that they do. While European communities have decided long ago that the formal cutting of ties with former colonies ended any claim on their responsibility to the peoples they once dominated, each new set of migrations from the Global South demand a reassessment of the finality of this assumption. Rarely is it asked why, for example, Iraqis tend to come to the UK, why Senegalese go to France, Congolese to Belgium etc. Germany, which rebuilt its shattered post-war economy with cheap Turkish labour, while denying the immigrants any chance of citizenship or permanent residency, is perplexed as to why, according to received wisdom, these communities never adequately integrated into German society, or why Turks continue to see emigration to Germany as a route to a better life. In short, whilst there is much talk of whether or not migrants have the right to move to Europe, there is little recognition of the responsibilities that Europe owes to the migrants. Instead, as Johanna Siméant points out, public policy and discourse tends to consider immigrants only on the basis of their socio-economic significance ‘devoid of any political

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meaning’, and rarely do studies of immigrants reflect their capacity for ‘collective action initiated “by immigrants for immigrants”’.³ Jacqueline Costa-Lascoux has written that migration policy in Europe is based upon distinguishing between categories of ‘safe and developed countries’ versus ‘poor and at risk’ ones at the expense ‘of an analysis of the individual situation of exiles’. Moreover, she argues that this is in violation of the principle of ‘equal dignity of persons as guaranteed by international law’.⁴ The key point is, however, that the split that Costa-Lascoux identifies, is in fact the *raison d’être* of European migration policy; it is designed to privilege migration within the space of the developed world on the basis of excluding, or at least strictly controlling the rest. This can be seen most glaringly in the fact that concurrently with the advent of the Schengen Agreement, which facilitated free movement within the EU, came the Dublin Convention, which set up a framework for the management of immigrants, specifically asylum-seekers from outside the EU. In recent decades this process has accelerated with the setting up of EURODAC and Frontex, agencies dedicated to policing and enforcing the external borders of Europe and repelling irregular migration into the EU. The tensions at the heart of this project have resulted in, amongst other things, the emblematic death of Alan Kurdi on the beaches of Greece and the UK vote for Brexit. Costa-Lascoux’s conclusion is that fundamentally what is required is ‘to dare to think differently’, instead of framing the question as simply one of “immigration” to instead conceive more of a ‘cross-border mobility, which is already weaving a new social fabric’.⁵ This article is therefore intended to help counteract the trend identified by Siméant and Costa-Lascoux and to think differently about the relationship of immigrants to European society through the lens of perhaps the most sustained and significant political movement of migrants in recent decades: the Sans-Papiers of France.

Since the Sans-Papiers exploded onto the scene in the mid-1990s through a series of high-profile occupations of public buildings in Paris and other major cities, they have challenged their obscure and insecure status, and raised questions of responsibility for past colonial crimes and contemporary imperialistic adventures that have contributed to their misery appearing in the midst of French society. The example of the Sans-Papiers has in turn created a space in which philosophers such as Étienne Balibar and Alain Badiou have begun to reformulate what it means to be European and how to conceive of a community, respectively arguing for the decoupling of citizenship from nationality, and for asserting that ‘everyone who is here is from here’.⁶ The Sans-Papiers have themselves coined certain slogans that constitute claims to membership of the community beyond the control of the state: ‘*On bosse ici! On vit ici! On reste ici!*’ [‘We work here! We live here! We stay here!’]; ‘*Papiers pour tous!*’ The Sans-Papiers have thus begun to unpick the apparent dilemma outlined by Catherine Raissiguier:

Immigration restriction produced the illegal alien as a new legal and political subject, whose inclusion within the nation was simultaneously a social reality and a legal impossibility – a subject barred from citizenship and without

rights...The illegal alien is thus an “impossible subject”, a person who cannot be and a problem that cannot be solved.⁷

By examining how the movement of the Sans-Papiers came to be, how they developed their shared identity and, crucially, how they came to reconstitute their relationship with France, we can perhaps alter the perspective on migrations from the South to the North, and their place within the communities of Europe. In so doing they have shown the potential to overcome the dilemma identified by Rassiguier. For the Sans-Papiers have taken the socio-political reality of their presence in France, both in terms of their own role as workers, but also in terms of the wider history of colonial and post-colonial domination of their home countries. As such, they have begun to turn themselves, and by implication other migrants from the Global South in Europe, from impossible into possible subjects. Rather than a dehumanized wave of misery washed up on the shores of Europe, migrants – from those who have constituted the movement of the Sans-Papiers over the years to those who today are navigating the perils of a Mediterranean policed by the EU and its member states – they are a reminder of the long-lasting effects of past and present crimes committed against them, as well as being harbingers for a cosmopolitan identity that can pierce the citizen-centric discourse of exclusion.

‘Where do We Come from, We Sans-Papiers?’

The Sans-Papiers burst onto the French political scene during the course a series of audacious occupations of churches and other public spaces during the Spring and Summer of 1996. Between March and August they occupied spaces including ‘two churches, a theatre, a leftist bookstore, a union local, and an unused railway site’.⁸ However, as Johanna Siméant has shown in her book *La Cause des sans-papiers*, there has been a sequence of struggles by various groups of undocumented migrants in France since the early 1970s ever since the French government effectively closed its borders. What was different in 1996 was both the public nature of the protests, the scandalousness of occupying churches, and the way in which the movement began to challenge aspects of their identity foisted upon them by French society and the legal categories that framed their ‘illegality’. The majority of those who launched the initial occupation at the church of Saint-Ambroise in eastern Paris in March 1996 were rejected asylum-seekers.⁹ But there were also many who had spent years living in France, who had arrived with the necessary permits to work and live, but because of the loss of their job or administrative changes had found themselves suddenly without legal documentation. In short, changes in employment status and the law had created sans-papiers.

The nomenclature ‘sans-papiers’ was a critical point of departure for the movement. For hitherto they had been typically referred to as *clandestins*, which as well as the obvious translation of ‘clandestine/hidden’, is perhaps more accurately rendered in English as ‘illegal’ in the context in which is has

been used in France.¹⁰ One of the founders of the movement of Sans-Papiers, Madjiguène Cissé, who emerged as perhaps the most eloquent spokespersons of the movement, had this to say about the use of that term:

The word “*clandestin*” contains a pejorative connotation of the pariah, implying also a parasite. A *clandestin* is someone invisible, who hides, who probably has something to hide, who could be dangerous. However, we are there, clearly visible, and we intend to remain so. That must now be accepted. We had to smash the old ideas about foreigners held by most French people.¹¹

A communiqué issued by the women in occupation at Saint-Ambroise on 9 May 1996 echoed this rejection of this phrase when it declared: ‘We are not *clandestines* for we have been in France for many years and we *chose to live here*.’¹² Here there is an added element to the construction of their identities as active subjects – their choice to be in France. They are rejecting both the notion that they are hidden or underground, and also the Rocardian idea of a wave of misery simply pushed towards the shores of France. In the words of Anne McNevin this shift in terminology was an ‘explicit rejection of the language and image of illegality in favour of the language and image of entitlement’.¹³

Initially the phrase ‘sans-papiers’ was not used, even by the activists themselves. One of the first documents produced by the occupiers was entitled ‘SOS from the illegals of Saint-Ambroise’ [*Le SOS des clandestins de Saint-Ambroise*].¹⁴ A communiqué issued in April was done under the name of the ‘refugees of Saint-Ambroise’.¹⁵ When they were asked by a cleric if they wanted a message conveyed to the Prime Minister, one of the movement’s leading figures, Ababacar Diop responded: ‘Tell the French government that we are not terrorists. We are not illegals [*clandestins*]. We are only looking for a paper. [*Nous sommes seulement à la recherche d’un papier*.]’¹⁶ One key aspect of the adoption of the term ‘sans-papiers’ is that it cut across many of the categories imposed upon them by the French state – failed asylum seekers, immigrant workers, visa-overstayers etc. The simple fact of being without official recognition as a rights-bearing subject was what united them. Moreover, it formed the basis of a demand – *Papiers pour tous!* – that refused to allow the state to choose who should or should not be granted to ‘the right to have rights’ within French society. It was also a rebuke to those NGOs who sought to impose their own views on who amongst the Sans-Papiers was most deserving. In response to groups like *SOS Racism* who focussed only on the rights of families split apart because of the vagaries of French law, Cissé retorted: ‘Some people claim the right to family life. We claim the right to live *tout court!*’¹⁷

Diop describes the struggle of the Sans-Papiers as one involving the defense of liberty; they are ‘*sans-culottes contemporains*’.¹⁸ Here is one example of how the Sans-Papiers played with and deployed the prefix ‘sans’ to reorientate their place within French society and French history. Not only were they aligning themselves with a group of dispossessed who played a foundational

role in the establishment of the Republic itself, but they also gave and received solidarity from other contemporary groups of ‘sans’ – ‘the homeless, the jobless, and other groups situated at the margins of the Republic.’¹⁹ In this way they were both placing themselves at the centre of what it means to be French, and also opening up a space in which they along with other non-immigrants could challenge their marginalization within France. By the end of 1996 trade unions in France were both including the Sans-Papiers within their struggles, and also identifying with them as part of an alliance of ‘sans’.²⁰ The Sans-Papiers illustrate a point made by Hardt and Negri that migrations of the poor to the Global North can subvert many aspects of power relations in the host countries.²¹ This is because the experience of refusal of the conditions prevailing in their home countries – poverty, violence, repression etc. – and their desire for a better life ‘is a good preparation for dealing with and resisting forms of exploitation’.²² It could be argued that the Sans-Papiers, have acted as shock troops for French society, opening up discussions about the often unacknowledged history of colonial exploitation and the existence of forms of super-exploitation at the heart of what is supposed to be the ‘social model’ of capitalism. The Sans-Papiers were thus redrawing identity based not on nativism or citizenship, but instead based on class. What they all had in common was the: ‘will to emerge from the shadows. The *‘clandestins’*, as they were called, no longer wanted to wait while they were hounded, harassed, relegated to the margins of society. They were there, in the flesh, clearly visible and determined to take their destiny in hand, to fight to change their situation.’²³

But what of the reasons for them to come, specifically, to France? On 20 April the occupation at Pajol, a disused rail yard, was opened up to the public for a debate around the theme ‘In France, why?’ [*En France, pourquoi?*]²⁴ At perhaps the most prosaic level it was simply the case that coming from former French colonies they already knew the language and the culture. There were also strong personal ties. One activist-supporter of an occupation by Sans-Papiers at the church of Saint-Paul in the suburbs of Paris in 2007 notes that many of them had links to France with ‘ancestors who had fought in wars [for the French], fathers who had been immigrant workers, and who had themselves been brought up in Francophone countries’.²⁵ In addition, ever since the Revolution France has held out the promise of being the ‘land of asylum’.²⁶ There are frequent references in the testimony of Sans-Papiers that they chose to come to France on account of its reputation as the birthplace of human rights, as the land of *liberté, égalité, fraternité*.²⁷ But whatever the individual reasons had been, the Sans-Papiers were keen to stress their own agency when describing their migration.²⁸ And in doing so they sought to overcome the passive subjectivity imposed on them through tropes of ‘waves’, ‘influxes’ and an amorphous ‘misery’.

But perhaps the sharpest and most controversial claim is that the French state has a direct responsibility to accommodate the Sans-Papiers, based on its history as a colonial power and its continuing role as a leading political and economic power in the world. A most telling aspect of the Sans-Papiers’ identity is described by Madjiguène Cissé. In a famous call put out by

the Sans-Papiers during that year, she opened by posing the question: 'Where do we come from, we Sans-Papiers of Saint-Bernard?' In order to answer that question for themselves they carried out a 'site inspection' during their initial occupation of the church of Saint-Bernard. This revealed that they comprised individuals from the Maghreb, Haiti, Mali, Senegal, Mauritania and Guinea. As Cissé observes these are all places previously colonised by France – 'So it's no accident that we all find ourselves in France'.²⁹ The debt incurred by former colonial powers and current military-industrial hegemon is a theme that is repeated a number of testimonies and contemporary writings by the Sans-Papiers. So, for example, in August 1996 a group of migrants being held in prison in Strasbourg, solely because of their undocumented status, sent a letter of support to the Sans-Papiers, in which they were keen to stress the hypocrisy of the Rocardian claim:

When they say that France cannot carry the burden for all the misery of the world, they forget that Africa is not the whole world. For France has a duty towards Africans. It is France which has impoverished and exploited us (slavery, war, colonization, forced labour etc.) How many Africans were transported to be sold? How many Africans died supporting France during all those wars? How many tons (in their billions) of natural resources were transported from Africa to France for its reconstruction, its development?³⁰

Similarly Diop, in his reflections on the movement written just after the occupations of 1996, states:

We have never ceased to say that we did not come to France by chance. Natives (*Originaires*) of the former colonies, our riches were and continue to be exploited by France, along with other European countries. It is legitimate that, drained of resources, the peoples of our countries come to make a living here.³¹

The issue of the continued impoverishment of former colonies by France is not an abstract one. As Mawana Remarque Koutonin reports in *Silicon Africa*, Haiti was forced to pay 'compensation' to France for almost 150 years until 1947 for the losses incurred by the former slave-owners of colonial Saint-Domingue.³² And, as Koutonin shows, such things persist even today. As a condition for recognising independence in the 1950s and 1960s, the French government insisted that former colonies pay off 'colonial debts', money owed for the benefits supposedly bestowed on them by French civilization. A condition imposed on Algerians resident in France at the time of independence in 1962 was that they had to sign a 'declaration of acceptance' of the French state, a particularly spiteful requirement given the bitter struggle for independence by their compatriots over the preceding decade.³³

The movement in France found an echo among similar protests and occupations by undocumented migrants in Belgium. And again, participants and commentators on the movement there have described the same relationship, too often hidden or ignored, between Belgium and its former

colonies. Sylvie Somen, a theatre director who played an active role in supporting the Belgian Sans-Papiers during the late 1990s, writes: 'To speak of them as the 'sans-papiers' always seems inappropriate to me: it is not 'the misery of the world' that comes, but is much more political than that.' She goes on to quote a Congolese refugee in Belgium who had stated that when fleeing the dictatorship of Mobutu it was 'obvious for him to move to Belgium. But do Belgian observers realise that they still have something to do with the Congo?'³⁴ Cissé takes the argument even further, explicitly grounding the movement as a direct challenge to the French state and society to face its past and current obligations towards migrants of the Global South:

This awareness of the debt of France...and also the dependence of the governments of our home countries on France, played an important role in both the initiation and in the course of the struggle of the sans-papiers who came from former colonies. The rebellion of 18 March [the date of the first occupation in 1996] can be seen as an attempt to break this historical debt that had never been honored. A jolt, a revolt to say: "We no longer want France to continue subjugating us in the same way that it has with the states of our countries of origin, with exploitation, contempt and paternalism."³⁵

Moreover, for all the fear mongering about swamping by masses of migrants from the Global South, the reality is that the vast majority of the world's poor and displaced never even trouble the shores or the borders of the rich countries. Yvan Mayeur, a sometime Socialist member of the Belgian Parliament, has pointed out that: 'The misery of the world is, in its overwhelming majority, unable to reach us.'³⁶ The simple fact is that due to lack of resources, ever more stringent and outsourced borders, along with a desire amongst many forced migrants to remain in regions closer to home, global migration affects the poorer rather than the richer countries. Mayeur also calls for holistic approach to government policy that recognises its effects as much in the countries and regions from which the immigrants come as it does within the domestic sphere.³⁷ The logic here, and most especially from the testimonies cited above, point towards a reconceptualisation of the rights and duties between States, particularly current and former imperial powers, and migrants from the countries that have been subordinated to them.

Reframing Rights and Responsibilities

Monique Chemillier-Gendreau, while generally arguing for upholding existing principles of international law, writes in relation to the question of the historic debt owed by the Global North to the South: 'International law, which enshrines a world divided into sovereign States, has long been silent on the obligations of States in this respect.'³⁸ Indeed, one could go further and say that international law has been actively hostile to such a concept. Ever since the development of the modern nation state the existence of any legal right of non-nationals to enter a state has been firmly denied in case law, constitutional law and international treaties. In the seminal *Calvin's Case* of

1608, the English courts had established the fundamental principle that any person born outside of the realm of the sovereign was an alien, and thus possessed no claim on that sovereign's legal protection.³⁹ This case was subsequently widely cited and applied throughout the common law world. The French and American revolutions established in constitutional law that rights were a function of citizenship. Since the mid-20th Century there have been attempts under the guise of human rights to expand rights beyond this citizen/state nexus. For example, articles 13 and 14 of the Universal Declaration on Human Rights (UDHR) refer respectively to the right to leave one's country of nationality, and the right to claim asylum in another. Leaving aside the fact that the UDHR is soft law, and hence non-binding on States, both these rights are heavily qualified. Article 13, while clearly enunciating the right to leave one's state has nothing to say about any commensurate right to enter another state; the legal gap is obvious and is clearly and tragically visible in the images of migrants crossing seas in perilous conditions, while being continually being turned back by sea patrols. Article 14 contains the curious wording: 'Everyone has the right to seek and to enjoy in other countries asylum from persecution.' The original draft of this article instead referred to the right to 'seek and *to be granted*' asylum. This was rejected on the grounds that it would negate the sovereign right of States to determine who can and cannot enter their territories.⁴⁰ The 1951 Refugee Convention, to which the overwhelming number of States today are parties, is binding law, and does grant a plethora of rights to refugees. However, the sting in the tail here is that the Convention has absolutely nothing to say on any right to be granted asylum, nor does it provide any rules for the process by which States decide whether or not asylum-seekers successfully fit the legal definition of the refugee, and thus qualify for the rights set out in the Convention. In short, the law on migration is absolutely state-centric. States are the possessors of the ultimate right to decide, and it is the responsibility of the migrant to seek and to make their claim for entry in an orderly and legal manner. Addressing Rocard's statement, Emmanuelle Heidsieck, a novelist and journalist who has written extensively and sympathetically on the Sans-Papiers, asks whether it is possible 'without betraying human rights, to screen people at the border, to control and limit the settlement of foreigners within the territory?'⁴¹ She does not give a definitive answer, but does acknowledge that ultimately the principle of sovereignty allows States to control entry to their territory.⁴² But by referencing the debt owed by France, and by implication other former colonial powers, the Sans-Papiers have attempted to reverse these assumptions. Instead, it is migrants who have the rights and it is States who must fulfill their responsibilities to them by granting access to their societies which have grown rich on the back of past and current forms of exploitation. Again, Cissé forcefully makes the link between the historic and contemporary nature of the claim:

I am often reproached for doing politics rather than making a claim for papers, for linking this claim to Franco-African relations, to the North-South relationship, and to the situation in our countries of origin. It seems to me

that it is difficult in effect to speak of the problems of the sans-papiers without discussing the past, present and, why not, the future of relations between France and Africa. We can't ignore, even when it belongs to the past, the treatment of Blacks, colonization, the wars and relationships of domination and of exploitation which continue today to bind France with the states created after African "independence".⁴³

Indeed, taking the longer view of post-war migration into Europe, and France in particular, adds strength to this argument. For it is not simply the case that a debt is owed simply on the basis of exploitation carried out in the countries of origin of migrants. It is also a fact that post-war Europe, including France, rebuilt itself on the backs of immigrant labour actively encouraged by host States at the time.

France's Post-War Migration Policy

On 2 November 1945 the Provisional Government of the French Republic, which had the task of rebuilding the French state and preparing for a new constitution, issued a piece of executive legislation that has been the key legal instrument of post-war immigration policy ever since.⁴⁴ It instituted a complex and detailed categorisation of visas along with the various methods of gaining admittance into the country. The ordinance also effectively gave the government the right to control immigration based on economic and demographic needs.⁴⁵ Around the same time as this ordinance was enacted, leading demographers in France were arguing that the country needed over 5 million immigrants in order to deal with the labour shortage and to rebuild the international power and status of France.⁴⁶ For example, the creation of a national *Office d'Immigration* centralised in government hands decision-making on who could be allowed in for work purposes, whereas previously this could be done by private enterprises. For the next thirty years of more or less sustained economic growth – the so-called *trente glorieuses* – a persistent labour shortage rendered this legislation of little practical effect. France adopted an open-border policy during these decades in all but name. Successive governments turned a blind eye, or even encouraged illegal immigration, with retrospective regularization frequently being deployed.⁴⁷ From an immigrant population of 1.7 million in 1946, by 1975 that number had risen to 3.7 million, many of them from former colonies in the Maghreb.

However, the end of the economic boom in the early 1970s and the oil shock of 1973 marked the moment when the French government executed a sharp reversal in immigration policy. In 1972 a series of government circulars issued jointly by the ministers of the interior and of employment, made it compulsory for all foreign workers to apply for residency and work permits.⁴⁸ In addition, the circular placed limits on the numbers of foreign workers who could obtain these papers. Two years later a further government decree suspended all new arrivals of immigrant workers.⁴⁹ One of the effects of these changes was that from then on, those immigrant workers who lost their jobs would therefore lose their right to remain in the country, as the

residency permit was valid only so long as the work permit was, and that was reliant upon actually being employed. Obviously this gave a huge amount of leverage to employers over their immigrant employees, which unsurprisingly was abused. However, these policies, which have continued with certain variations until today, were instrumental in creating the category of immigrant workers who lack the necessary papers.⁵⁰ Indeed, the term ‘sans-papiers’ originates in 1973 as a response to these government decrees.⁵¹ Siméant identifies three movements of proto Sans-Papiers that precede the “irruption” of 1996 – Tunisian and Moroccan migrants who agitated against the original imposition of border controls in 1972-75; Turkish refugees and textile workers in 1980; rejected asylum-seekers in 1991-2. She argues that what all of these groups shared in common was that they were keyed into various left-wing groups in their countries of origin which gave them a basis on which to organise and on which to link up with sister groups on the French left.⁵² Nonetheless, it was not until the sustained movement initiated in 1996, was a collective identity formed that encompassed all undocumented migrants in France. And central to this identity, as we have seen, is a narrative that makes France actually responsible to migrants from the Global South, especially from former colonies.

Sans-Papiers, who today are estimated to number around 400,000 people in France, remain excluded from many protections at work and elsewhere due to their illegal status.⁵³ In 1997 the French government was effectively forced to grant an amnesty to most of the Sans-Papiers in order to restore some social peace and to integrate many of them into society. However, the fact that still today large numbers of immigrant workers arrive and are given work suggests that immigration is still necessary to the French economy. As a testament to the ongoing marginalization of the undocumented workforce, in mid 2008 a new stage in the movement of the Sans-Papiers began. Fed up with being spoken for by others, the Paris collective of Sans-Papiers occupied the headquarters of the main trade union federation, the CGT, with the demand that they be allowed to negotiate directly for their own regularization, rather than have the union mediate for them. The occupation lasted until late 2009; concurrently a series of strikes by Sans-Papiers in restaurants, construction sites and other workplaces, all of which had the aim of asserting their direct, if often hidden role within the economy. This strike wave, involving some 6000 undocumented workers, culminated in a ‘day without immigrants’ on 1 March 2010, when the Sans-Papiers organised strikes and the boycott of shops. These strikes pushed the Communist Party newspaper *L’Humanité* into acknowledging the shared social fate of domestic as well as immigrant labour in the face of the neo-liberal attacks.⁵⁴ The major problem in French policy has been that for over forty years officially entry to all new migrant labourers has been closed, while at the same time in practice the economy has continued to rely on new immigrants. As a result, a large pool of irregular migrants have been living in France, without any legal or social guarantees about their position within French society. At the same time, the continued growth in the immigrant population while governments of all parties have formally declared that such immigration

is unwanted, has created much resentment towards the newer arrivals amongst wider French society. As Jane Freedman writes:

‘One of the components of the focus on illegality in immigration control has been to normalize the idea of the security of the French state being breached by foreigners...crossing the borders of France and entering the country without the legal right to do so.’⁵⁵

And this leads us back to Rocard’s statement and the context in which it was made. Throughout the 1980s the racist Front National had begun to establish itself as a major force in French politics, culminating in the presidential election in 1988 when its candidate Jean-Marie Le Pen received almost 15% of the vote. In what appeared to be a strategy of accommodating the voters of the far-right, and occupying the position of being tough on immigration, Rocard began deploying the phrase about not being able to ‘accommodate the misery of the world’. In a television interview in December 1989 he spelt out his position even more clearly. Once again delivering a variation on this phrase, he then went on to state that while France was a party to the 1951 Refugee Convention, and would offer asylum to those who qualify under its terms, he quickly added ‘but no more’ (*mais pas plus*).⁵⁶ The point was that only those who could prove they were victims of persecution in other countries – another way of othering the Global South as backward, violent and a threat to the security of the Global North – would be allowed, and even then only under sufferance and a sense of duty under international law. Cissé sums up this narrative in typically clear terms:

The political and economic ruling class are opposed, to a greater or lesser extent, to the principle of the free movement of people. They remain convinced that France just like other major economic powers, need only accommodate those who were forced to leave their country [i.e. refugees]...Even some of those who were favourable towards us, saw us only as beings stunned by exploitation, and lost in civilization, and they refused to let us take our destiny in our own hands and lead our own struggle.⁵⁷

But this narrative is not restricted to France. Nor, it must be said, is it strictly true that French and European elites are hostile to the free movement of people *per se*. The current crises of migrants struggling to reach Europe across the Mediterranean is largely due to a policy framework of the European Union which seeks to draw a line between on the one hand ‘civilised’ and ‘orderly’ migration of EU citizens within the EU, for whom free movement is a right, and on the other hand erecting ever higher barriers to migrants from without, who are generally portrayed as harbingers of the misery that somehow persists to the south and east.

In sum, France was only able to recover its economic and therefore its political strength in the post-war period through the arrivals of large numbers of immigrants, mainly from the Global South. Even during the period of the last forty years, when officially labour migration has been strictly

controlled, in practice the economy has continued to be heavily reliant on immigrant labour. Added to this, the historic debt owed by France to the peoples formally colonized by it, whose labour and resources enabled France to be one of the richest nations on Earth, and its current role within a global economy that continues to subjugate former colonial nations both economically and politically, entails a duty to accommodate 'misery' that it has played a substantial role in creating.

Conclusion

Writing in 2008, Jane Freedman describes the Sans-Papiers as an 'unfinished struggle' because while they have successfully helped redraw some of the debate over the status of immigrants, their failure to unite on a more permanent basis with other oppressed groups and with the organised left, has 'undermined the ability of the movement to achieve its objectives'. Moreover, the 'climate of repression' witnessed during the Sarkozy presidency 'serves to illustrate the inability of the movement to make a real impact on public policy'.⁵⁸ Surveying the current field of discourse in France and indeed across the western world serves to validate the nub of Freedman's identification of the movement's limitations. Although one must keep sight of the fact, as Freedman does, that shifting many of the terms of debate, from 'clandestinity' to the Sans-Papiers, and their establishment within the field of political life in France are highly significant achievements, not to mention the thousands of people who have had their status regularised as a result of the many actions including repeated occupations of public spaces, by the Sans-Papiers since 1996. For many of us across Europe who care passionately about breaking down the barriers to migration, we can only marvel at the fact that the Sans-Papiers were able to mobilise a street demonstration in support of their demands, including '*papiers pour tous*', of 100,000 people in February 1997. And ever since they have been a major bloc on many protests since on issues ranging from anti-racism to pension reforms. Also Freedman does acknowledge that the Sans-Papiers have succeeded in bringing 'to the foreground the issue of illegality and of how people come to be illegal residents in France'.⁵⁹ They have rendered Rocard's mantra as hypocritical and dissociative from the crimes committed and the privileges enjoyed by France. They have raised questions such as: Whose misery? Where did the misery come from? What is the cause of the misery? They have also resisted being reduced merely to symptoms of misery, helpless victims pushed to the shores of France. Instead they have asserted their agency in deciding to migrate, to choose France as their destination, and to claim their right to be there openly and with equal status as nationals in terms of jobs, housing etc. The Sans-Papiers have also managed at crucial points to overcome the classic attempt to divide them from the domestic labour force, as they did during the strike wave from 2008-2010. More recently, in response to the destruction of 'The Jungle', the makeshift camp of migrants in Calais, the Sans-Papiers have challenged notions of a distinct 'migrant population' or 'migrant identity', refusing to be ghettoized by such concepts.⁶⁰ Moreover, the Sans-Papiers have achieved a

‘qualitative shift’ in discussions over ‘globalisation, North-South relations of power, and general precarisation in French society’.⁶¹This shift is not merely one of discourse either. Much has been written by sympathetic commentators about how migrants are the ‘embodiment of inequalities’, about how they carry the ‘repressed relation of power between states’.⁶² But the Sans-Papiers have consciously appropriated these concepts and actively turned them into radical claims to their place within the metropolises of global capitalism.

The demands of the Sans-Papiers therefore ‘constitute a heretical transgression, “sacrilege”, of national frontiers. To demand equality of rights between nationals and foreigners, and even more between nationals and undocumented, is to question that which is at the very foundation of the power of the state: the monopoly over the designation of national status.’⁶³ The scandalousness of this claim, and the rationale behind it has lost none of its radical edge over the past 20 years, and perhaps so long as the nation-state exists it never will. For the nation-state defines itself in opposition to the immigrant, as such when the ‘state thinks of itself, it thinks of immigration’ as a negative relationship.⁶⁴ Thus, the struggle of the Sans-Papiers will likely remain forever or at least for the foreseeable future, unfinished in this sense. But their major contribution has been to reopen and keep open questions of citizenship and belonging, and of the rights and responsibilities between States, particularly of the Global North, and migrants, particularly from the Global South. In addition by claiming rights based on both the histories and prevailing conditions in their countries of origin and in their host country, and thus creating identities for themselves based on ‘here and there’, the Sans-Papiers are harbingers of truly cosmopolitan ‘transnational communities’; they are raising the spectre of ‘globalisation from below’.⁶⁵ As such, their struggle and their reframing and problematising of the complex of relationships between state and citizen/non-citizen, between North and South, offers a space to think differently about these questions, and to arm migrants in resisting a projected identity as passive symptoms of an a-historical and a-political trope of global misery.

Notes & References

1 This phrase was used by Rochard on a number of different occasions in the late 1980s, with an occasional rephrasing of certain parts, such as substituting *accueillir* with *héberger* [shelter], but with the overall meaning remaining the same. For a detailed overview of his use of various permutations of this phrase see, “‘Misère du monde’, ce qu’a vraiment dit Michel Rocard”. *Libération*, 22/04/2015.

http://www.liberation.fr/france/2015/04/22/misere-du-monde-ce-qu-a-vraiment-dit-michel-rocard_1256930 Accessed on 18/09/2016.

2 Vincent Decroly, “Le devoir d’asile” in *À la Lumière des Sans-Papiers*, edited by Antoine Pickels. Brussels: Éditions Complexe, 2001, p.235.

3 Johana Siméant, *La cause des sans-papiers*. Paris: Presses de Sciences Po, 1998, p.30.

4 Jacqueline Costa-Lascoux, “L’illusion de la maîtrise; la politique migratoire en trompe-l’œil.” in *Sans-papiers: l’archaïsme fatal*, edited by Étienne Balibar, Monique Chemillier-Gendreau, Jacqueline Costa-Lascoux, Emmanuel Terray. Paris: La Découverte, 1999,

p.49.

5Jacqueline Costa-Lascoux, “L’illusion de la maîtrise; la politique migratoire en trompe-l’œil.” in *Sans-papiers: l’archaïsme fatal*, edited by Étienne Balibar, Monique Chemillier-Gendreau, Jacqueline Costa-Lascoux, Emmanuel Terray. Paris: La Découverte, 1999, p.62.

6 Étienne Balibar, “Le droit de cite ou l’apartheid?” in *Sans-papiers: l’archaïsme fatal*, edited by Étienne Balibar, Monique Chemillier-Gendreau, Jacqueline Costa-Lascoux, Emmanuel Terray. Paris: La Découverte, 1999; Peter Hallward, “Badiou’s Politics: Equality and Justice”, *Culture Machine* 4(2002).

7Catherine Rassiguier, *Reinventing the Republic: Gender, Migration, and Citizenship in France*. Stanford: Stanford University Press, 2010, p.3.

8Catherine Rassiguier, *Reinventing the Republic: Gender, Migration, and Citizenship in France*. Stanford: Stanford University Press, 2010, p.19.

9 Ababacar Diop, *Dans la peau d’un sans-papiers*. Paris: Seuil, 1997, p.152.

10Catherine Rassiguier, *Reinventing the Republic: Gender, Migration, and Citizenship in France*. Stanford: Stanford University Press, 2010, p.xi.

11 Madjiguène Cissé, *Parole de sans-papiers*. Paris: La Dispute, 1999, p.78.

12 Quoted in Ababacar Diop, *Dans la peau d’un sans-papiers*. Paris: Seuil, 1997, p.134 [emphasis added].

13Anne McNevin, “Political Belonging in a Neo-Liberal Era: The Struggle of the Sans-Papiers”, *Citizenship Studies*. 10(2006): 135-151, p.143.

14 Ababacar Diop, *Dans la peau d’un sans-papiers*. Paris: Seuil, 1997, p.76.

15 Ababacar Diop, *Dans la peau d’un sans-papiers*. Paris: Seuil, 1997, p.106.

16 Ababacar Diop, *Dans la peau d’un sans-papiers*. Paris: Seuil, 1997, p.77.

17Quoted in Mogniss H. Abdallah, *J’y suis, j’y reste: Les luttes de l’immigration en France depuis les années soixante*, Paris: Éditions Reflex, 2000, p.83.

18 Ababacar Diop, *Dans la peau d’un sans-papiers*. Paris: Seuil, 1997, p.95.

19Catherine Rassiguier, *Reinventing the Republic: Gender, Migration, and Citizenship in France*. Stanford: Stanford University Press, 2010, p.38.

20Salih Akin, “Sans-papiers: une denomination dans cinq quotidiens nationaux de mars à août 1996”, *Mots: Les langages du politique* 60 (1999): 59-75, p.73.

21Michael Hardt and Antonio Negri, *Multitude: War and Democracy in the Age of Empire*. New York: The Penguin Press, 2004, pp.133-134.

22Michael Hardt and Antonio Negri, *Multitude: War and Democracy in the Age of Empire*. New York: The Penguin Press, 2004, p.133.

23 Madjiguène Cissé, *Parole de sans-papiers*. Paris: La Dispute, 1999, p.12.

24 Ababacar Diop, *Dans la peau d’un sans-papiers*. Paris: Seuil, 1997, p.122.

25 Aboubacry Sambou, Jeanne Davy, Hélène Gispert, *Chroniques des Sans-Papiers*. Paris: Éditions Syllepse, 2008, p.18.

26The Montagnard Constitution of 24 June 1793 proclaimed for the first time in modern law the right of asylum. Article 120 declared that the French Nation ‘serves as a place of refuge for all who, on account of liberty, are banished from their native country. These it refuses to deliver up to tyrants.’

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28 Anne McNevin, *Contesting Citizenship: Irregular Migrants and New Frontiers of the Political*, New York: Columbia University Press, 2011, p.112.

29Madjiguène Cissé, *The Sans-Papiers, The New Movement of Asylum Seekers and Immigrants Without Papers in France: a woman draws the first lessons*. London: Crossroads Books, 1997, p.2.

- 30 Quoted in Henri Coindé, *Curé des sans-papiers: Journal de Saint-Bernard*. Paris: Cerf, 1997, p.96.
- 31 Ababacar Diop, *Dans la peau d'un sans-papiers*. Paris: Seuil, 1997, p.171.
- 32 Mawuna Remarque Koutonin, "14 African Countries Forced by France to Pay Colonial Tax For the Benefits of Slavery and Colonization", *Silicon Africa*, 28 January 2014. Available at <http://www.siliconafrika.com/france-colonial-tax/> I am grateful to Professor Ravi Palat for bringing this article to my attention.
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- 42 Emmanuelle Heidsieck, *Boucs Émissaires: Les Sans-Papiers*. Paris: Syros, 1995, p.57.
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- 49 *Circulaire du 5 juillet 1974 "relative à la suspension de l'immigration des travailleurs"*.
- 50 For a useful summary of the legislative developments in relation to immigrants in France during this period see Guossault 1999: 12-13.
- 51 Johana Siméant, *La cause des sans-papiers*. Paris: Presses de Sciences Po, 1998, p.181; see also Mogniss H. Abdallah, *J'y suis, j'y reste: Les luttes de l'immigration en France depuis les*

années soixante, Paris: Éditions Reflex, 2000, pp.32-40 for a good description of these early movements of Sans-Papiers during the 1970s

⁵² Johanna Siméant, *La cause des sans-papiers*, Paris: Presses de Sciences Po, 1998 pp179-209.

⁵³ Exact statistics are difficult to come by, mainly due to their undocumented status. However, widely quoted estimates in 2014 cited these numbers. See for example the report in “Sans-papiers: hausse de 50% des régularisations avec les règles Valls”. *Le Parisien* 10/04/2014 <http://www.leparisien.fr/politique/sans-papiers-12-000-regularisations-de-plus-en-2013-avec-les-regles-de-valls-10-04-2014-3757633.php>. Accessed on 18/09/2016.

⁵⁴ Cited in Anne McNevin, *Contesting Citizenship: Irregular Migrants and New Frontiers of the Political*, New York: Columbia University Press, 2011, p.110.

⁵⁵ Jane Freedman, “The French ‘Sans-Papiers’ Movement: An Unfinished Struggle”, in *Migration and Activism in Europe Since 1945*, edited by Wendy Pojmann. New York: Palgrave Macmillan, 2008, p.89.

⁵⁶ Relevant portions of this interview can be viewed at <https://www.ina.fr/video/CAC90043039>.

⁵⁷ Madjiguène Cissé, *Parole de sans-papiers*. Paris: La Dispute, 1999, p.148.

⁵⁸ Jane Freedman, “The French ‘Sans-Papiers’ Movement: An Unfinished Struggle”, in *Migration and Activism in Europe Since 1945*, edited by Wendy Pojmann. New York: Palgrave Macmillan, 2008, p.81-82.

⁵⁹ Jane Freedman, “The French ‘Sans-Papiers’ Movement: An Unfinished Struggle”, in *Migration and Activism in Europe Since 1945*, edited by Wendy Pojmann. New York: Palgrave Macmillan, 2008, p.88.

⁶⁰ See the press release issued by the *Coalition internationale des Sans Papiers et Migrants* on 26 October 2016, available at <https://csp75.files.wordpress.com/2016/10/cp-cispm-26102016-des-traditions.pdf>

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⁶² Roberto Beneduce, “Undocumented bodies, burned identities: refugees, *sans-papiers*, *barrage* – when things fall apart”, *Social Science Information* 47(2008): 505-527, p.508; Pierre Bourdieu and Loïc Wacquant, “The organic ethnologist of Algerian migration.” *Ethnography* 1(2000): 173-182, p.174.

⁶³ Johana Siméant, *La cause des sans-papiers*. Paris: Presses de Sciences Po, 1998, p.159.

⁶⁴ Abdelmalek Sayad, “Immigration et ‘pensée d’État.” *Actes de la recherche en sciences sociales*. 129(1999): 5-14, p.6.

⁶⁵ Alejandro Portes, “La mondialisation par le bas: L’émergence des communautés transnationales”, *Actes de la recherche en sciences sociales*. 129(1999): 15-25.