

***Interior frontiers and internal borders:
Colonialism, immigration, and the borders of Europe***

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The question of “borders” has been at the heart of the history of Europe since its first institutional steps in the 1950s. The project of an economic community and later of a political union implied a certain degree of erosion of the sovereignty of nation-states and the displacement if not the erasure of some borders. Yet, the process has been incomplete, marked by paradoxes and is today in jeopardy for multiple reasons.

The invitation to “focus on the various ways states and empires (have) establish(ed) and manage(d) both internal and external borders” is an opportunity to reflect on the permanence, if not multiplication, of internal borders within Europe and the intensification of conflicts over its external border and on what these phenomena owe to the persistence of imperialistic forms.

Currently, the two main conflicts are in the East, with the war in Ukraine, and in the “South”—both literally with the great tensions in the Mediterranean Sea over illegal immigration and more figuratively when one considers the Southern border as the locus of pressure exercised by immigration from the “Global South”.

The official History of the European Community often presents its creation as a solution to the problem of war—and especially of wars between European imperialist interests. Obviously, the current situation challenges this irenic vision as Europe’s borders are literally at stake in the East. The aggression against Ukraine, itself largely the product of old imperialist ambitions, poses urgently the question of its inclusion in the European Community. The coincidence between territorial, linguistic, historical, and cultural borders is at the heart of the war and how its protagonists frame it, pointing to us again, if needed be, the tense disconnects between the sovereignty over territory and over people.

The borders of Europe are also challenged in the South. The push back on immigration from fortress Europe might be less spectacular than the current war but has a great – and often invisible-- human cost with Mediterranean routes claiming at least 25,954 lives since 2014¹.

There are undoubtedly connections between these zones of conflicts, as illustrated last year by the actions of the Belarusian president Lukashenko, who shamelessly manipulated the movement of thousands of migrants for political purposes, and the reactions of the Polish government. The latter literally used the border as a shield, denying people the right to seek asylum with stun guns, tear gas, and water cannons. But in this paper, I will limit my remarks to

¹ UN Missing Migrants Project. <https://missingmigrants.iom.int/data>

this “Southern” border. I intend to show how this border is first and foremost an “interior frontier.” Initially produced in the context of the imperialist projection of Europe, in the nineteenth and twentieth centuries, this frontier has shaped and continues to shape policies on migrations and citizenship, as I will show in the case of France. In that sense, the frontiers of Europe are and remain “colonial”. Recognizing this legacy is an important step for a very much needed debate on the democratic frontiers of Europe.

In theory, the progressive construction of Europe as a political union should have implied a parallel deconstruction, at least in part, of the “nation-state” -- an entity in which the people, constituted as a nation, is the sovereign political subject. In other words, in the project of a political Europe, there is no longer necessarily a coincidence between the *ethnos* and the *demos* or between the political borders (the limits of state sovereignty), the cultural borders (the symbolic systems which a community recognizes as specifically its own) and spiritual borders (the set of values which are deemed essential for the individual and collective existence). Yet, this did not happen. Not only was the Treaty Establishing a European constitution not ratified in 2005, leading to a deep political crisis still unfolding, but statonationalism has perdured and even strengthened in the past twenty years. At the very same time when the borders of Europe became “externalized” with the creation of the Schengen space, the need for internal borders was reaffirmed with insistence by increasingly successful regionalist and nationalist movements in almost all European countries.

I would like to venture that the continued insistence on internal borders is the legacy of the “interior frontiers” built by European colonial empires when they expanded in the 19th and 20th centuries. While postcolonial studies have identified the enduring “epistemic violence” exercised by Western domination, social scientists and historians have been more hesitant to engage frontally with the “legacy of imperialism” in policies, institutions, and legal norms— maybe because they are more interested in the dialectics of continuity and change than in apparently static forms of domination.

First, and obviously, in the 1950s, Europe was largely made of nations who had just finished being empires or were on their way to do so: France, Belgium, the Netherlands and to a lesser extend Germany and Italy, later joined by Spain and Portugal, not to speak of Britain. The parallelism between the demise of colonial empires and the birth of Europe has been analyzed in multiple ways. One dominant thesis focuses on cause and effect: European nations “compensated” for the loss of their empires by finding power and maybe even grandeur in Europe. Another more subtle perspective explores how European nations used Europe to try to salvage the remnants of their empire. One important example of this is the efforts by the French state to include Algeria in the Treaty of Rome: the reasoning was that Algeria would remain French by being recognized as a part of Europe in an International treaty². This mode of

² Brown, Megan. *The Seventh Member State. France, Algeria and the European Community*, Cambridge: Harvard University Press, 2022.

inclusion was actually welcomed by pragmatic nationalists, in West Africa and in Algeria, who saw an opportunity for the movements of goods and population at the time of independence. In the case of Algeria, the inclusion in Europe long survived the independence in 1962 and lasted until 1974.

Second and more importantly, the current borders of Europe (or at least its “Southern” border) are very much the actualization of an “interior frontier” of the nation built in the colonial empires of Europe.³ This paper is an attempt to demonstrate this assertion via the case I know best—France-- but a similar case could be made for Italy, Belgium, the Netherlands, Germany, or Portugal. After all, the common experience of being colonial powers had been one of the main cements in the making of “Europe” at the turn of the twentieth century.⁴ Still, France has some specific traits which are important for the demonstration: at its highest point, the French colonial empire was the second largest empire after Britain, making its colonial territory central to its economy, institutions, and cultural productions. It was also a Republic with institutions organized around a contractualist vision of the polity. Institutionally and ideologically, from the mid-nineteenth century to the mid-twentieth century, France was an imperial nation-state.⁵

For a long time, the social scientific literature on citizenship had insisted on the specificity of the French notion of “nationality” as an open membership determined by an adhesion to a certain set of values. In this view, France embodied the “civic” model of the nation-- supposed to rest on a contract, not on the determinism of “blood” or even “culture” that characterizes the “ethnic” conception of the nation, represented by Germany.⁶ In the past twenty years, historians have undermined this dichotomy by showing how in reality legal norms and administrative practices regarding citizenship in both countries have borrowed from both models.⁷

Since the French revolution, in Republican doctrine, sovereignty is defined as the product of a contract between the members of the community (the “people”—*le peuple*). But in the text at the origin of this tradition, Rousseau’s *Social Contract*, if the social contract (“the act by which

³ The notion of an “interior frontier” as a “spiritual interiorization” of the national community was first articulated by Fichte in his discourses to the German nation in the context of the Napoleonic invasion. Etienne Balibar and later Ann Laura Stoler have provided very productive close readings of this notion, the first to think about the history of the form “nation”, and the second in her reflection on imperial racial regimes. My own work is largely indebted to both.

⁴ Cooper, Frederick and Ann Laura Stoler (eds.). *Tensions of Empire, Colonial Cultures in a Bourgeois World*. Berkeley: University of California Press, 1997.

⁵ Wilder, Gary. *The French Imperial Nation-State. Negritude and Colonial Humanism between the Two World Wars*. Chicago: Chicago University Press, 2005

⁶ Brubaker, Rogers. *Citizenship and Nationhood in France and Germany*. Cambridge, Mass.: Harvard University Press, 1992.

⁷ Weil, Patrick. *How to be French: Nationality in the Making since 1789*. Translated by Catherine Porter. Durham: Duke University Press, 2009.

the people becomes a people”) founds the political community, it supposes the existence of a “pre-political” people willing to perform this act and become a “political” people.⁸ Later in the *Social Contract*, he spells out the necessary pre-conditions for the establishment and continuation the contract: the “unity of the hearts” brought mainly by civil religion.

This tension and articulation between the two understandings of the “people” is at the heart the complex history of French Republican thought on the nation from the Revolution on. Abbé Siéyès articulated a vision of the nation similar to Rousseau’s: “What is a nation? It is a body of associates living under a common law, represented by the same legislature, etc.”⁹ In a strict sense, this association “under a common law” does not require any specific “sociological” quality. On the contrary, isonomy is the central and the only condition of inclusion:

I like to conceive of the law as if it is at the center of an immense globe. Every citizen, without exception, is at an equal distance from it on the circumference of the globe, and each individual occupies an equal place. Everyone depends equally upon the law; everyone offers it his liberty and property to protect. This is what I mean by the common rights of citizens, insofar as is this that makes them all resemble one another.¹⁰

Here the resemblance appears limited to the public sphere and the exercise of rights. But a closer look at Siéyès’ writings indicates that the equal distribution of individuals on the “globe” is necessary but might not be sufficient. In 1793, at a time of multiple crises, Siéyès reflected on local assemblies “the condition of a great national union into a unified people.”¹¹ To describe the process of unification he uses the verb “assimilate” which, as we will see, will later become central to the French discourse on nationality and citizenship. In a manuscript of the same period, he specified what he meant by the “assimilation of men fated to live under the same laws and in a condition of social reciprocity: similar mores (*mœurs*) without which one can get along.”¹²

I would argue that it is in the rather indeterminate and amorphous space of the “mores” that the interior frontier of citizenship was built to distinguish between those who could occupy a position on the “globe” of civil law, and thus participate to the social contract, and those who could not.

⁸ Rousseau, Jean-Jacques. *The Social Contract*, book I, 5.

⁹ Abbé Siéyès, *Political Writing*, Indianapolis: Hackett, 2003, p 97.

¹⁰ Abbé Siéyès, *op. cit.* p 136

¹¹ Siéyès, « Suite du projet de décret pour l’établissement de l’instruction nationale », *Journal d’instruction sociale*, 22 juin-6 juillet 1793, p. 146-147 (reproduced in *Oeuvres de Siéyès*, vol. 3, EDHIS, Paris, 1989)

¹² Siéyès, my translation of « Assimilation des hommes destinés à vivre sous les mêmes lois et en réciprocité sociale : (...) mœurs semblables, sans cela on ne s’entend point » in « Discussions sur la constitution, l’an III », manuscrit 284 AP5 3 dossier 1-1 reproduced in Christine Fauré, ed., *Des Manuscrits de Siéyès*, Tome II, Paris : Champion, 2007, p. 546.

Sometimes, “mores” is translated as “morality” as in the famous proclamation by the count of Clermont Tonnerre at the National Constituent Assembly in December 1789 in the debate over the opportunity to grant Jews full citizenship:

Every creed has only one test to pass in regard to the social body: it has only one examination to which it must submit, that of its morals. It is here that the adversaries of the Jewish people attack me. This people, they say, is not sociable. They are commanded to loan at usurious rates; they cannot be joined with us either in marriage or by the bonds of social interchange. Our food is forbidden to them; our tables prohibited (...)

This usury so justly censured is the effect of our own laws. Men who have nothing but money can only work with money: that is the evil. Let them have land and a country and they will loan no longer: that is the remedy. As for their unsociability, it is exaggerated. Does it exist? what do you conclude from it in principle? Is there a law that obliges me to marry your daughter? Is there a law that obliges me to eat hare and to eat it with you? No doubt these religious oddities will disappear; and if they do survive the impact of philosophy and the pleasure of finally being true citizens and sociable men, they are not infractions to which the law can or should pertain.

But, they say to me, the Jews have their own judges and laws. I respond that this is your fault and you should not allow it. We must refuse everything to the Jews as a nation and accord everything to Jews as individuals.¹³

While sociability is part of “mores,” it is not a strict condition for citizenship: for Clermont-Tonnerre, it will be one of its desired effects. The essential condition is the communality of “morals”, and more specifically morals aligned with (civil) “laws.”

The conditions central to the constitution of the people as a community of citizens (the “unity of hearts,” the “similarity of mores” and the “communality of morals”) will evolve throughout the century without shedding their ambiguity. When Renan asks in 1882 “What is a nation?” in an attack against the annexation of Alsace and Lorraine by the German Reich, he is on the same dual terrain of *contract* (belonging to the nation is a “daily plebiscite,” a “spiritual principle”) and (cultural) *determinism* (the desire to participate in the contract is itself the product of historical continuity: “you have made us what we are”), of reason and sentiments, of laws and morality.

These tensions are still at work today in the drawing of French borders and can be observed in legal disposition and administrative practices regarding immigration to France and citizenship.

¹³Hunt, Lynn. *The French Revolution and Human Rights: A Brief History with Documents*, , Bedford Series in History and culture, Boston and New York: Bedford/ St Martins, 1996, p 97

Since 2006, foreigners who want to obtain a long-term residence permit in France need to sign a “contract of welcome and integration” (*contrat d'accueil et d'intégration*): it is mandatory for spouses of French citizens, individuals settling in France in the context of “family reunion” and for asylum seekers. One clause of this contract is that applicants receive “civic and linguistic training.” They also must take a module on “life in France” (it mostly includes information on how to navigate the health and education systems). They also get an assessment of their professional qualifications.

This contract, renamed “contract of Republican integration” in 2016, is the object of an evaluation one year after it is signed by the applicant. If the immigration office (*Office français de l'immigration et de l'intégration OFII*) judges that the migrant is not respecting its clauses, residency can be rescinded.

The “civic” element of the contract is rather elusive. Official documents state that the objective is for applicants to “learn and respect the fundamental values of the Republic.” The current legislation on residency (CESEDA, article L311.9) mentions “the values of the Republic, notably the equality between men and women and *laïcité*¹⁴.” The annual report of the OFII is not more precise when it evokes: “equality between men and women, *laïcité*, solidarity, citizenship.” Note the circle and the tension in this formulation: “citizenship” is a “value” that someone who asks the right to reside in France as non-citizen needs to learn—with the goal, presumably, of becoming one. The program of civic classes, organized in a historical progression, includes a module on the “values, principles, and symbols of the Republic (the republican regime, democracy, the tricolor, Marianne, the national hymn, Bastille Day, the “fundamental texts” and the motto of the Republic) and insists on “*laïcité*, taxes, and gender equality.”

The linguistic training is less detailed but no less important: speaking French is considered an essential condition of residency. The official objective is to “promote the autonomy of foreigners in our society, notably to get access to career education and jobs.” In all these conditions, and in the very expression “contract of integration,” one finds an echo of the tension between the “free adhesion” to a social contract and the objective conditions that enable this adhesion.

These two elements (the “shared values” and linguistic abilities) are rather new instruments in the management of immigration. Introduced in 2006, they were borrowed from a much longer history of measures associated with citizenship and naturalization.

Since 1927 in administrative documents and since 1945 in law, “assimilation” is a condition of naturalization. The exact content of the notion has changed over time but with some continuities. The first but not only element of “assimilation” is the mastery of the French language, “according to the social condition” of the candidate. This later precision indicates that language is seen as the facilitator of participation in face-to-face interactions and “real

¹⁴ The French form of « secularism », defined by the 1905 law on the separation of the churches and the state and is mostly based on the idea of the “privatization” of religious beliefs and practices and their banishment from the public sphere).

communities,” as a condition of socialization in a specific French “milieu”. Since different registers of language are used in socially differentiated communities, the candidate to French citizenship needs to master the register in usage in their specific social class.

Other criteria of “assimilation” are primarily “morality” and “loyalty” which are determined by an administrative inquiry (*enquête administrative*). It establishes the “assimilation to the French community (which) supposes an adhesion to its rules and values of toleration, *laïcité*, liberty and equality”.¹⁵ The vast majority of the cases of “default of assimilation” (*défaut d’assimilation*), which lead to the rejection of the naturalization, are related to activism in favor of “religious (or islamist) extremism,” public positions against the “essential values of the French society,” or, for women, the use of *niqab*, *burka* and even *hijab*, specifically when worn during the naturalization interview.

All these conditions were first articulated in the colonial context before being transferred to “continental France.”

This anteriority comes from a “turning around” of the connection between citizenship and the “similarity of mores” or the “common morality and laws” articulated during the Revolution. Faced with populations that it found hostile and unwilling or unable to follow French laws and abide by French “morals”, in the nineteenth century, the fast-expanding French colonial state progressively abandoned the project of “civilizing” the natives and declared them “inassimilable.” In the context of the empire, the borders of the French nation became “internalized” in the sense that they were no longer inscribed in the territory but in the “hearts, souls, and minds” of the individuals and defined by the participation in common “mores” and “morals” and, to a lesser extent, by common “sociability.” While most natives were not able to cross this “internal frontiers”, some exceptional individuals could do so when they had internalized the norms of French civilization. Their existence was crucial to the continuation of a rhetoric of a (constantly postponed) horizon of equality and inclusion in the French polity through colonization. The modern notion of “assimilation” in French is thus the product of the search of the external signs of this “moral” and necessarily “inner” rapprochement with France.

Each territory had specific regulations determining access to citizenship. Evolutionism, which established a strict hierarchy of races and therefore of civilizations, translated into a fractured body of colonial law. Legislators, seeking to adapt the law to the degree of civilization attained by each population, took up the question of the transition from “subject” to “citizen” on very differentiated timetables. Whereas rules were established for Algeria and Cochinchina in 1865 and 1881 respectively, New Caledonia, whose natives, in the minds of colonial observers, occupied the lowest degree on the scale of evolution, had to wait until 1932 and French Somalia until 1937.

¹⁵ « L’assimilation à la communauté française suppose une adhésion aux règles de fonctionnement et aux valeurs de tolérance, de laïcité, de liberté et d’égalité de la société française. » (ministerial document, August 29, 2011).

There were nevertheless certain constants applicable to the entire period. As in the case of naturalization of foreigners, access to citizenship was predicated on meeting certain age restrictions (majority) and satisfying requirements of “morality and loyalty”—qualities to be judged by an administrator—as we have seen, these requirements are still in effect today. In contrast to metropolitan rules governing naturalization, which remained evasive at the time, the specific content of these regulations was usually carefully spelled out. Candidates for citizenship had to demonstrate “good living and morals” and to “show definite means of earning a living.” Loyalty was reflected by various types of behavior: demonstrated devotion to French interests, ten years’ employment in a public or private French enterprise, fulfillment of military obligations (where applicable), meritorious service and devotion to France for a period of ten years in the army, navy, or civil service, or services rendered to France which earned the candidate a high distinction (such as the Legion of Honor, a military medal, etc.). This last distinction often meant that the candidate was not required to know the French language.

Furthermore, conditions introduced in France in the 1927 law on citizenship were present in colonial citizenship laws from the end of the nineteenth century. These related to “proof” of “assimilation” to French civilization. Laws in the various colonies listed items indicating mastery of French culture (such as the ability to read and write or possession of a French advanced degree). Local rules specified in detail the criteria to be used by administrators: for instance, in French West Africa, the test of mastery of the French language included “1. The drafting of a letter about some very simple subject taken from the daily life of the native; 2. A conversational exercise of the same type, suitable for judging the applicant’s ability to make practical use of the French language.”¹⁶

A second, more extensive list of criteria touched on civil aspects of citizenship: the recording of family events in the identity records registers, marriage to a French woman (and in some cases having fathered a living child with her), the provision of French education for the children, and the “embrace of French civilization and mores.” In the 1930s, the last condition was formulated as follows: “Embraced French civilization in his lifestyle and social habits.” Finally, monogamy was absolutely indispensable.

Meeting all these conditions did not automatically confer the right to citizenship, however. All the decrees envisioned a complex and lengthy process, the outcome of which was left to the discretion of the administration, as was also the case with naturalization. Access to citizenship was a favor, not a right. This constraint was relaxed after 1919 in Algeria and in the 1930s for the other territories, as the law was changed to make access to citizenship a right for certain categories of subjects. But the conditions were so difficult that the change cannot really be seen as a major one. In Indochina, for example, to meet the educational requirement the candidate had to have attended a prestigious university and received a doctorate or masters degree or the rank of officer in the military.¹⁷

The difficulty and complexity of the procedure account for both the small number of candidates for citizenship and the even smaller number of successes. In Algeria, for example, citizenship

¹⁶ Decision of October 29, 1912, *Darestes* I (1914), 271.

¹⁷ Decree of October 14, 1936, *Darestes* I (1937), 128.

was not eagerly sought.¹⁸ The figures were even more modest in the other colonies. Between 1914 and 1922, in Indochina, seventy people were granted citizenship, or an average of nine per year.¹⁹ The 1920s showed no greater openness: between 1926 and 1930, grants of citizenship or naturalizations were awarded to 160 people in all of Indochina.²⁰ This is the result of both low numbers of applications and a high percentage of rejections: in 1929, for example, 58 requests were granted, 65 postponed, and 42 definitively rejected.²¹ The rejection rate was far higher than the rate for applications for naturalization in the metropole.²²

This brief history illustrates that the tension within the French notion of citizenship between the different definition of the “people,” between the contractualist project and the determinism of morals, were worked out in the French empire through the building of an “interior frontier” separating systems of morality, and beyond, races, in a context of infinite correspondences between “race,” “civilization,” “morality” and “laws.” It is striking that this matrix continues to shape French law regarding immigration and citizenship, and does it in an increasing manner, as suggested by the recent introduction of conditions of “assimilation” for residency permits. This calls for a serious engagement by social scientists with the legacies of empire: they are inscribed not only in representations and epistemic regimes but in our political frontiers and borders. The democratization of Europe will require further “decolonization.”

¹⁸ Laure Blévis estimated in her thesis that there were between 3,000 and 6,000 grants of citizenship during the entire colonial period: Blévis, *Sociologie d'un droit colonial*, 412. On the question of “motivation,” see her article “La citoyenneté française au miroir de la colonisation: Étude des demandes de naturalisation des ‘sujets français’ en Algérie coloniale,” *Genèses* 53 (2003) 25-47.

¹⁹ *Journal officiel, débats parlementaires*, Chambre des députés, session of February 1, 1923, 504.

²⁰ The available figures combine the naturalization of foreigners in Indochina with grants of citizenship, and it is impossible to distinguish between the two.

²¹ Mérimée, *De l'accession des Indochinois à la qualité de citoyen français*, 156.

²² Henry Solus reports that in 1926 there were 327 rejections for 8,925 requests for naturalization of foreigners in metropolitan France. Henry Solus, *Traité de la condition des indigènes en droit privé, colonies et pays de protectorat et pays sous mandat* (Paris : Librairie du Recueil Sirey, 1927) 118.