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The biopolitics of otherness

Undocumented foreigners and racial discrimination in French public debate

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1. For the consequences of the *sans-papiers* movement on intellectual and political life, see J. Benthall (1997). For an analysis of the issue as a whole, see D. Fassin, A. Morice and C. Quiminal (eds) 1997.

2. Publicization of racial discrimination is also a major issue in the British and North American debate, as shown by M. Banton (1999). For an approach to the phenomenon in France, see P. Bataille (1998).

3. While Foucault did not discuss the theme of immigration explicitly, his analyses are pertinent, from the administration of the suffering body which is inscribed in the logic of 'help to live and allow to die' of biopolitics (1976), to the handling of the racialized body which is incorporated in his piece on the 'race wars' (1997).

4. The collected works of Godelier and Panoff (1998) shed light on this question in relation to societies that are either socially or geographically distant, but are totally silent on the production of the body in the contemporary Western world.

5. These statistics for the period 1988-97 are published by the French Office for the Protection of Refugees and Stateless People (OFPRA). The rise in 1998 does not contradict this analysis, since half of the agreements concern children of refugees who have reached the age of majority, leading Legoux (1999) to estimate the real number of new refugees at 2200.

6. These unpublished figures were obtained from the

The 'immigration debate' in France was marked in the 1990s by two important events: the growth of the '*sans-papiers*' movement which brought the issue of undocumented foreigners to the fore, and the admission of the existence of racial discrimination in various social contexts. The significant issue here is less the phenomena in themselves than their eruption into public space, and the consequences for French self-perception and for French people's relationship to otherness.

On the one hand, confronted with the social movement of undocumented foreigners and the support it received from community associations, intellectuals, artists and even elected officials, the French public became aware that those it had been accustomed to viewing as 'illegal workers' were in reality often men and women who had been settled legally in France for long periods of time. These immigrants were a heterogeneous group, and had entered into clandestinity for various reasons: they included wives or children who had joined husbands or fathers, themselves legal residents for years, young people who had come as children and been prosecuted for petty crimes in adolescence, students who had had to abandon their studies after failing exams, and asylum-seekers whose claims had been rejected. In other words, this hitherto distant and illegitimate 'Other' suddenly appeared to be humanly close and socially acceptable. Furthermore, the effects of the increasingly restrictive legislation and administrative practices of the past 25 years brought to light the extent to which the state and civil society were responsible for the very production of this illegality.¹ The '*sans-papiers*' movement was widely supported, as a 1998 poll bears out: one in two French people, rising to two in three young people, were of the opinion that all undocumented foreigners should be given legal status. In a similar spirit, the socialist government elected in June 1997 was prompted to issue a ministerial instruction defining criteria for legalization from which 80,000 immigrants subsequently benefited, and promulgated a new law on the entry and residence of foreigners.

On the other hand, French people's belief that France was promoting an almost unique model of republican integration, bypassing both the communitarianism and the xenophobia which often characterized other countries' policies, was confronted with evidence that discriminatory practices based on assumed racial differences were multiplying in French neighbourhoods, schools, factories, courts, hospitals and night clubs, mostly targeting people of African origin. It became clear that inequalities had to be analysed not simply in terms of the traditional categories of social class, profession, or even nationality, but also from the point of view of origin, real or presumed, as identified through skin colour or foreign-sounding names. Officially presented as an effort to avoid further stigmatizing immigrants and their descendants, the denial of these practices had long served to enforce a law of silence within both the political and the scientific spheres. However, during the 1990s a series of studies, investigations, legal actions and public interventions by human rights and anti-racist groups gradually began to expose this blind spot.² In 1998, for the first time, an official report by the High Council on Integration (Haut conseil à l'intégration) focused on the issue of racism through an account of discrimination in France and proposed the creation of an

independent administrative body to address this question. As a result of this report, in March 2000, Prime Minister Lionel Jospin announced the appointment of a national Commission for the Study of Discrimination (Groupe d'étude des discriminations). The state thus recognized and revealed the gap between the ideology promulgated in the name of the republican ideal and the reality reflected in the daily lives of foreign residents and their families.

In sociological terms these two phenomena – sudden increased awareness of undocumented foreigners and recognition of racial discrimination – are distinct, one referring to the legal status of men and women moving transnationally in the context of globalization (Kearney 1995), the other linked with social representations and practices vis-à-vis immigrants and their descendants within a national framework (Bonilla-Silva 1997). Nevertheless, at the level of individual experience they are more closely connected than they might seem, since, for example, the illegitimate status of undocumented foreigners nurtures the negative perception of immigrants in general and, reciprocally, racism provides an ideological basis for restricting the legitimacy of transnational movements. More importantly, however, the two phenomena have an anthropological trait in common which has passed largely unnoticed in the heated debates that they have provoked in France. Albeit in different ways, both manifest an unprecedented form, at least in the French context, of management of immigrant populations.

In the case of undocumented foreigners, as all other possibilities of getting a residence permit were progressively restrained by successive legislation, health and illness have increasingly become the most legitimate ground for awarding legal status from the point of view of both the state authorities and lawyers and advocates of the immigrants' cause. In the same way, while civil and political rights have been increasingly eroded by repeated modifications of the law and by unmonitored administrative practices, the widely recognized legal right to health care has hardly been challenged, even by the most conservative participants in the immigration debate. The *suffering body* has imposed its own legitimacy where other grounds for recognition were increasingly brought into question.

In the case of racial discrimination, the political change resulted from another form of bodily inscription. Until very recently, as far as immigrants were concerned, the only differences that the French were prepared to acknowledge related to culture, either promoted or stigmatized; the only inequalities that they allowed themselves to examine derived from nationality, i.e. from a legal definition of identity. All other distinctions, particularly those based on physical traits or biological characteristics, were unanimously condemned, to the point of defining the political boundary between the acceptable and unacceptable, between legitimate political parties and the extreme right. Thus denied, racial discrimination was assumed to be inexistent, in spite of all proofs to the contrary. For the state and also for civil society, the current recognition of a discrimination apparently based in 'nature', unacceptable though it is, is thus a radical innovation. The *racialized body* has become the most illegitimate object of social differentiation, yet one whose existence can no longer be denied.

The two phenomena in fact correspond to two different

Departmental Directorate of Social and Health Welfare (DASS) of the Seine-Saint-Denis *département*, where the statistics were gathered as part of a research project run by D. Deleltre (1999), and from the Directorate of Public Liberty at the Home Office, where statistics were gathered from a pool of 38,000 appeals to the Ministry.

7. In fact, this right is limited by the knowledge of and usage by administrative officials and social workers with whom immigrants come into contact (Bourdillon, Lombrail, Antoni et al. 1991); however, reminders of the law issued by both the state and community associations contributed to greater access in the 1990s.

8. The role of physicians in the recognition of the right of sick foreigners to be treated, whatever their legal status, has been crucial, but it is remarkable that their professional organizations and unions have remained silent on the subject, which has become the central cause of medical associations intervening in general humanitarian issues (Médecins sans frontières, Médecins du monde, etc.) or more specifically for immigrants (Comede, Remede, etc.). Nevertheless, the striking phenomenon is the relative novelty of this commitment and the public support it has received.

9. In fact, the productive value of the immigrant body has not completely disappeared. It is maintained in three main forms: the presence of temporary and permanent agricultural workers; the development of active informal (illegal) economies in sectors such as construction and clothing; and more recently, the call for a highly qualified workforce specifically in the computer industry. In each of these cases, we can nevertheless speak of a marginalization of the immigrant workforce, corresponding to a 'globalization from below' (Portes 1999).

10. The word 'race' obviously does not designate a biological or physical reality, but refers to a social construct based on the recognition of a biological or physical foundation of difference and produced in a historical context of economic and political domination.

11. This ideology and the corresponding rhetoric relate more to the national mythology than to social realities. As demonstrated by Gérard Noiriel (1988), the stigmatization of immigrants has been a permanent, albeit unrecognized, feature of French history since the end of the 19th century.

12. Cf. Socialist Prime Minister Laurent Fabius' famous phrase about the

political approaches to the immigrant body: the legitimacy of the *suffering body* proposed in the name of a common humanity is opposed to the illegitimacy of the *racialized body*, promulgated in the name of insurmountable difference. In the first case, the Other comes from outside and the treatment of his/her body depends on the hospitality of the host country. In the second, the Other is already inside and the treatment of his/her body calls into question the social order. The body has become the site of inscription for the politics of immigration, defining what we can call, using Foucauldian terminology,³ a *biopolitics of otherness*. Analysis of this issue can provide a means to understand the unprecedented anthropological dimensions of the production of the body⁴ in contemporary societies.



Cartoon by Thierry Dalby illustrating Tahar Ben-Jelloun's article on racism in *Le Monde*, 29-30 March 1998.

The recognition of bodies

In France, as in most Western European countries, the question of illegal immigration has become a critical public policy issue. The creation of the Schengen space represented an attempt to bring a policy solution at the European level – but one whose limits are clearly revealed by the continuing influx of immigrants from the Balkans to the Italian coast and from Africa to Spanish beaches. The rhetoric surrounding this question has been clearly exposed in the public debate: on the one hand, the rich countries cannot absorb 'the poverty of the earth', as former socialist Prime Minister Michel Rocard put it; on the other hand, strict regulation of the undocumented is a prerequisite for integration of the documented, justifying the slogan 'zero illegal immigration' devised by Charles Pasqua, former conservative Minister of the Interior.

Yet this apparently coherent argumentation has been contradicted by the evidence that a rapidly growing number of undocumented foreigners do not correspond to the stereotype of the 'clandestine', but rather have a certain legitimate claim to legal status through the number of years they have spent in the host country, the services they have provided, the family ties they have developed, or the threats they would face if they should return home. This evidence debunks the official rhetoric, indicating that the country is confronted not only with poverty from abroad, but also with the results of its own political processes, and that the boundary between documented and undocumented is much less clear than was previously maintained, since it is possible to lose or gain residence permits depending on changes in legislation. Thus, the question is less about who is *legally* present than who can *legitimately* claim legal status. In publishing the ministerial instruction of 24 June 1997, which specifies the various criteria for legalization of undocumented migrants, and in proposing the law of 11 May 1998 which defines the conditions of entry and residence for foreigners, the French government took this shift into

account by drawing new boundaries of legitimacy for immigrants.

Asylum and humanitarianism

Two changes are particularly remarkable, both for the inverse relationship of their statistical trends and for the underlying significance of these trends. These concern the right to asylum and the humanitarian rationale.

Over a period of ten years from the end of 1980s, the number of foreigners granted political asylum in France decreased sixfold, gradually stabilizing at under 2000 refugees per year. This decrease results from two distinct but related changes: the number of claims submitted fell by a third, and the proportion of claims accepted was halved.⁵ The significant decrease in the number of refugees obviously does not derive from a more peaceful world in the 1990s; it essentially results from the intensification of border officials' practice of driving back asylum seekers, and from the strictness of administrators who assess the claims submitted. The prevailing attitude of officials at the French Office for the Protection of Refugees and Stateless People (OFPRA) is to view claims with suspicion; in fact, only one in ten applications for political asylum is approved. The Geneva Convention is thus applied in an increasingly restrictive manner, especially as France has introduced a ruling that restricts the granting of political asylum to victims of state persecution: this interpretation of the treaty has allowed officials to reject nearly all applications from Algerians as coming from victims of Islamic terrorism (at least until the end of the 1990s, when a specific right to 'territorial asylum' was created, although parsimoniously implemented).

At the same time, another category of foreigners was being granted an increasing number of legal permits: people with illnesses, or more specifically, people with life-threatening pathologies who are declared unable to receive proper treatment in their home countries. Once these two criteria (severe pathology and absence of therapeutic alternative) have been confirmed by medical experts, the patient receives a temporary legal permit, formerly endorsed for 'humanitarian reasons' and now simply for 'medical care'. This status is doubly precarious, because it must be renewed every three to twelve months and because it is frequently accompanied by a prohibition against working. Although there are no national statistics available for this time period, local figures indicate that in the *département* with the largest number of claims for legalization, applications for this humanitarian permit increased sevenfold over the course of the 1990s, reaching 1000 per year; three-quarters of these were favourably assessed. At the national level, after the 1997-98 campaign for legalization, 10 per cent of residence permits were granted on medical grounds.⁶ This evolution reflects a political concern to respect the European Convention on Human Rights, transgressions of which have previously led to several rulings against the French state by the European Court of Justice.

The correlation between the marked decrease in political asylum and the increasing recognition of humanitarianism is not mere coincidence. Associations defending the rights of immigrants and state immigration services alike are currently asking asylum-seekers whose claims have been refused whether they might have a 'pathology to put forward', leading them to increasingly treat the humanitarian rationale 'as a priority' and political asylum 'by subsidiarity', as a senior official at the Ministry of the Interior has put it. Thus greater importance is ascribed to the suffering body than to the threatened body, and the right to life is being displaced from the political to the humanitarian arena. It is more acceptable for the state to turn down an asylum claim, declaring it unfounded, than to reject a med-

National Front leader: 'Mr Le Pen asks good questions to which he gives bad answers.' During this period, successive governments of both the right and the left threw themselves into a legislative competition that aimed to set increasingly restrictive immigration policies. This contributed to the 'immigration question' being placed at the centre of public debate (Lochak, 1997).

13. The figures are taken from two articles in *Le Monde*, dated 16 March 2000 and 10 August 2000. According to the authors of the study, the percentage of people who call themselves 'non-racist' – 29% – is 'the lowest since the creation of this poll'.

14. Drawing on the population projections made by the High Commission on Population in 1980 and on the polemical discussions that appeared five years later in the general and scientific press, le Bras (1997) questioned the ideological premises for equal treatment of the foreign population and the population of foreign origin, producing dramatic demographic extrapolations (entitled 'Will we still be French in 30 years?'). In her hostile response, despite criticizing his methodological and rhetorical moves, Tribalat (1997) failed to address the central point of his argument, which is about reliance on a biological definition of immigration.

15. Jacques Chirac, not yet at the time president of the Republic, commented on the annoyance of African families' 'odours' in French inner cities; this shocked a portion of the French public, because the cultural practices that were denounced (their table manners) evoked physical characteristics at the same time (and thus represented an ordinary form of racism).

16. The most famous promoter of this discipline in France, Tobie Nathan, pleaded for 'ghettos so that a family would never have to abandon its cultural system' and denounced children of African parents raised in France as 'janissaries whitened in republican schools' (Fassin 2000c).

Agamben, G. 1997. *Homo sacer: Le pouvoir souverain et la vie nue*. Paris: Seuil.

Amselle, J.L. 1990. *Logiques métisses*. Paris: Payot.

Arendt, H. 1958. *The human condition*. Chicago: University of Chicago Press.

Banton, M. 1977. *The idea of race*. London: Tavistock Publications.

— 1999. Reporting on race. *Anthropology Today* 15 (3): 1-3.

Bataille, P. 1998. *Le racisme au travail*. Paris: La Découverte.

Benthall, J. 1997.

Repercussions from the



'Seeing the way he's standing up to our beating, maybe he is a genuine asylum seeker.' Cartoon by Pessin accompanying an article on police violence against asylum seekers, *Le Monde*, 23 December 1998.

ical opinion recommending a temporary legal permit for health reasons. But this should not simply be seen as cynical pragmatism aimed at keeping France out of the European courtroom: it also demonstrates the existence of shared moral principles that recognize the biological truth inscribed on the body as the ultimate source of legitimacy (Fassin, 2000a). Bodily integrity threatened by ascertained illness is not only seen as legitimate, in contrast to bodily integrity confronted with potential violence, but ultimately provides the basis for the right to live legally on French soil.

Rights and pathos

However, this right would make no sense if it were not combined with access to health care. French law gives foreigners access to medical allowances nearly identical to those offered to nationals, provided they are permanent and legal residents. Those who do not have legal status benefit from state medical insurance (Aide médicale Etat) and have free access to medical care, including examinations and prescriptions. The main restriction is for those who have lived in France for less than three years, whose access is limited to hospital care. The legislative remodeling of the social security system, introduced on 1 January 2000 to bring in 'universal medical coverage' (CMU), has resulted in modified arrangements, but retains free treatment for undocumented foreigners. Thus, the right to health care appears to be the most extensive of all rights given to immigrants, whatever their legal status: it is more comprehensive than any civil or political right, greater than all other social rights (Marshall 1965).⁷ Not even the most restrictive legislation, such as the Pasqua laws of 1993 and the Debré laws of 1997, has actually called this right into question.

The privileged status assigned to the body in legalization procedures and in access to health care has affected immigrants' consciousness of their identity. In legitimizing illness to the point where it becomes the only justification for their presence in France, society condemns many undocumented foreigners to exist officially only as people who are ill. It is in this sense that we can speak of the embodiment of a social condition of immigrant (Fassin, 2001). Having become a resource for undocumented foreigners in their struggles with the administration, the suffering body is placed before physicians who must then decide whether or not to grant legal status: the immigrant searches in his/her history and his/her symptoms for something that will help obtain the hoped-for legal authorization, at the risk of hearing the doctor say that the pathology offered is not 'serious enough' to back up the claim.⁸ In this social interaction, where the immigrant must offer proof of his/her illness, the distinction

between manipulation, which appears when medical records are falsified, and somatization, evident when material conditions provoke an illness, is often all the more difficult to discern, as immigrants live in precarious situations productive of psychological as well as physical effects: depressive syndromes and gastric ulcers are common pathologies. The everyday life of undocumented foreigners thus often becomes a social experience of suffering, where the pathos expresses the harshness of circumstances and simultaneously serves as a resource to justify one's existence. The narrative relationship to one's own history and body, created by the repetition of self-justifying accounts to state authorities, generates a pathetic self-image (Fassin, 2000b). The undocumented foreigner perceives him/herself as a victim reduced to soliciting compassion.

Unskilled immigrants have long been considered a necessary complement to the native workforce, required for the economic development of rich countries. Their bodies were instruments in the service of the host country and their labour conferred upon them a legitimacy that the law often only confirmed *a posteriori*, as their work permit actually constituted their legal documentation (Weil 1991). In this context, the sick or injured body was suspect in the eyes of both doctors and the state, to the extent that a specific pathological condition was created – 'sintostosis', an intermediary form between simulation and hysteria (Sayad 1999). Today, as industry's need for unskilled labour has diminished considerably, immigrants swell the ranks of the unemployed and are three times more likely than nationals to have no job. In a context where their productive bodies have become useless – even undesirable – because of real or supposed competition in the workforce, it is the suffering body that society is prepared to recognize.⁹ Far from evoking distrust or suspicion, illnesses or accidents seem to be the only source of legitimacy to which many undocumented immigrants can lay claim.

When economic transformations in the Western world have made immigrants into 'workers without work, that is, deprived of the only activity left for them', as Hannah Arendt (1958) phrases it, the body expresses no more than what Giorgio Agamben calls 'bare life' – existence reduced to its physical expression or, in this case, the recognition of the human being through its pathology. The biopolitics of otherness must here be understood as an extreme reduction of the social to the biological: the body appears to be the ultimate refuge of a common humanity.

The racialization of difference

The 'idea of race' can also be seen as a reduction of the social to the biological, but in an inverse sense (Banton 1977). It challenges the notion of a common humanity by differentiating among people at the deepest level of their being, looking for the marks of origins.¹⁰ Racial discrimination is founded on an insurmountable difference, because it is inscribed in the body, indeed even in the genes (Simpson 2000). Twentieth-century France gave less credence to racial discourse than did many other European and North American countries, despite the fact that certain French intellectuals and doctors were attracted to racial theories associated with eugenics, and that in certain periods the French state developed conceptions of the nation which employed biological referents (Wiewiorka 1993). Any suggestion that difference or inequality is founded on biology has been considered illegitimate and even illegal, since it can be prosecuted under the 1881 law prohibiting the 'incitement to acts of discrimination, hate or violence on the basis of origin or racial or religious affiliation'. In this respect, French republican ideology is grounded in the universalism of natural law (Amselle

Eglise Saint-Bernard. *Anthropology Today* 13 (4): 1-2.

Bonilla-Silva, E. 1997. Rethinking racism. *American Sociological Review* 62: 465-479.

Bourdillon, F., Lombraill, P., Antoni, M. et al. 1991. La santé des populations d'origine étrangère en France. *Social Science and Medicine* 32 (11): 1219-1227.

Delettre, D. 1999. *Le maintien des étrangers pour raison médicale sur le territoire français*. Rennes: Ecole nationale de santé publique.

Fassin, D. 1999. L'indicible et l'impensé: La 'question immigrée' dans les politiques du sida. *Sciences sociales et santé* 17 (4): 5-36.

— 2000a. Politiques du vivant et politiques de la vie. Pour une anthropologie de la santé. *Anthropologie et sociétés* 24 (1): 95-116.

— 2000b. La supplique: Stratégies rhétoriques et constructions identitaires dans les demandes de secours. *Annales. Histoire, sciences sociales* 55 (5): 953-981.

— 2000c. Les politiques de l'ethnopsychiatrie: La psyché africaine des colonies britanniques aux banlieues parisiennes. *L'Homme* 153: 231-250.

— 2001. Une double peine: La condition sociale de l'immigré malade du sida. *L'Homme*, 158 (forthcoming).

—, Morice, A. and Quiminal, C. (eds). 1997. *Les lois de l'inhospitalité: La société française à l'épreuve des sans-papiers*. Paris: La Découverte.

Foucault, M. 1976. *Histoire de la sexualité, tome 1: La volonté de savoir*. Paris: Gallimard.

— 1997. 'Il faut défendre la société'. *Cours au Collège de France 1976*. Paris: Hautes Etudes-Gallimard-Seuil.

Godelier, M. and Panoff, M. (eds). 1998. *La production du corps: Approches anthropologiques et historiques*. Amsterdam: Editions des archives contemporaines.

Heller, A. 1996. Has biopolitics changed the concept of the political? Some further thoughts about biopolitics. In Heller, A. and S. Puntcher Riekmann (eds) *Biopolitics: The politics of the body, race and nature*, 3-15. Avebury: Aldershot.

Kearney, M. 1995. The local and the global: The anthropology of globalization and transnationalism. *Annual Review of Anthropology* 24: 547-565.

Le Bras, H. 1997. Dix ans de perspectives de la population étrangère.



'Sorry, but my clients wouldn't like the colour of your tie...' Cartoon by Pancho from *Le Monde*, 7 April 1999.

1990): the Universal Declaration of the Rights of Man and Citizen serves as a totem protecting against attempts to impose ethnic divisions on social groups. Marceau Long, president of the High Council for Integration, expresses this in locating France's choices with respect to immigrants and their descendants (the word 'minorities' is banished from public discourse) within a 'logic of equality' which is true to 'France's very essence'.¹¹ Officially then, the state has had a strategy to avoid the communitarian and racialized policies of other Western countries, which serve as a convenient foil for France's own policies.

'Origin' as a new frontier

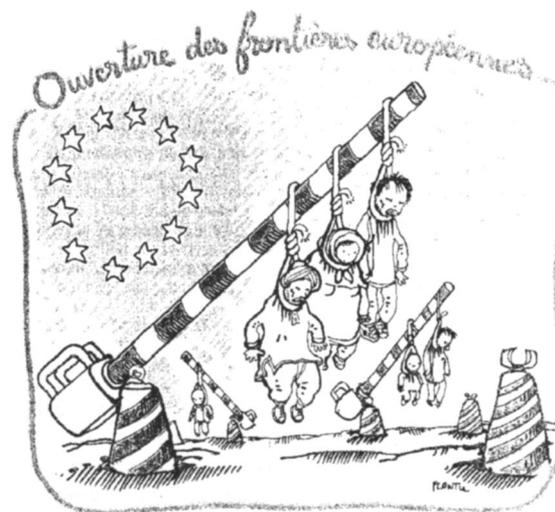
However, this façade of a 'France of integration' (Schnapper, 1991) began to crumble in the 1980s, and the process intensified in the 1990s under the weight of the political and social racialization of French society.

Politically there was the remarkable increase in electoral support for the extreme right party, the National Front, whose leitmotif is 'France for the French' – a unique post-World War II phenomenon. Their support rose to one in six voters at the national level and one in two or three in some cities, with electoral victories in a few municipalities. However, it would be wrong to attribute the rise of racism in political life only to the extreme right, since at the end of the 1970s, in a period when labour immigration, which had been abruptly halted, was giving way to permanent settlement, the Communist Party was the first to suggest that immigrants' right to employment, housing and social services were unfounded. Furthermore, during the 1980s, when the National Front succeeded in exploiting popular frustrations, the other political parties, including the Socialists,¹² followed its lead in questioning whether foreigners might be the source of socio-economic difficulties (Schain 1996). While the political discourse did not explicitly refer to race, which remains a prohibited term, the populations targeted by this rhetoric and these laws were increasingly those designated explicitly as 'unassimilable' and whose children are often distinguished as 'Beurs' (youth of Arab origin). In fact, there has been a growing lexical confusion, leading to the designation of French people born in France as 'Maghrebins', 'Africans', 'foreigners' or 'immigrants', revealing how skin colour and supposed origin have overwhelmed the legal definition of the Other.

On the social front, during the same period, the phenomenon of segregation on the basis of nationality or ethnicity was increasing: on the outskirts of large cities, the low-cost housing developments today concentrate high

proportions of immigrants and their families. Thus, although restrictive policies were efficiently reducing flows from abroad (between the 1990 and 1999 censuses, the number of foreigners fell by 9%), the populations seen as outsiders paradoxically became more visible. Meanwhile, practices of racial discrimination became more and more obvious on the labour market where industry could ask for 'bleu-blanc-rouge' candidates (meaning 'whites'), in access to private housing where black skin or Arabic names were common negative selection criteria (as proved by 'testing'), and in interactions with administrative bodies, especially within welfare services (Simon, 1998). According to the annual poll of the National Consultative Commission on Human Rights, in 2000, 70% of French people found 'the presence of people of non-European origin disturbing'. And the 500 calls received each day by the hotline for victims of 'racial discrimination', opened in 2000, indicate that this opinion poll does translate into fact.¹³ It would certainly be incorrect to assume that racism is a novelty for France: collective violence against foreigners, whether Italians at the end of the 19th century or Algerians in the 1960s, shows how far xenophobia could go. Two new elements must nevertheless be taken into account. First, discrimination is directed not so much against foreigners as against people seen as illegitimate members of French society, whatever their nationality (the majority of them are French and born in France): racism can thus no longer be hidden behind a legal definition. Second, discrimination has begun to be recognized for what it is both by the perpetrators and by the victims (on this point, there is a striking contrast between the youth of the 'second generation' and their parents): whether supported or denounced, racialization of society has become a public reality.

This recent shift is significant in that it clearly identifies the object of discrimination. If racism was previously seen as the rejection of foreigners, the discovery of internal boundaries dividing a French community which finds it increasingly difficult to perceive itself as national contrasts with the official discourse prevailing until the 1990s. Nationality no longer suffices to define the basis for exclusion of the Other: the concrete criteria according to which a landlord refuses housing, an employer rejects a job application, a policeman decides to check for identity papers, or a nightclub owner chooses who enters his establishment, must be considered. These are phenomenological criteria that tend primarily toward appearance, particularly skin colour, and mainly target people not identified as European, specifically



'Opening of European borders'. In June 2000, 58 would-be-immigrants from China suffocated in the sealed lorry in which they were being smuggled into Britain. Cartoon by Plantu, *Le Monde*, 20 June 2000.

Population 1: 103-134.

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those coming from North and sub-Saharan Africa. The underlying division of the world is no longer French vs non-French, nor even French-origin vs non-French-origin, but European-origin vs non-European-origin.

Scientific debate is not spared the effects of this change, which bear on social realities as much as on scientific means of accounting for them. One of the most virulent intellectual controversies of the 1990s occurred between two researchers at the National Institute of Demographic Studies (INED) with respect to statistics about the foreign population: beyond the technical problems of definition and calculation, what was at stake was the scientific relevance of and the political justification for taking into account 'origin' in addition to nationality.¹⁴ Introducing statistical distinctions based on this criterion – using the category 'Français de souche' (of French stock) – was tantamount to legitimizing a more profound difference than that which is established using legal status: it is only to recognize a social reality, argued one; it officializes a racialized discourse, replied the other.

The avatars of racial discrimination

One might ask at this point, is this difference 'racial', or is it possible to make a more socially acceptable argument that it is 'cultural'? Is the distinction between European and non-European populations – or more often and more implicitly, between populations of European and non-European origin – not at heart a cultural incompatibility more than a biological unassimilability?¹⁵ Indeed, this argument has often served to keep discrimination free from the suspicion of racism (Taguieff, 1991). French public policy has for a long time maintained an ambiguity on the subject of immigrant/immigrant-origin populations, promoting, on the one hand, a rhetoric of equality and universalism, and on the other, special modes of treatment for these populations' problems, such as housing or health.

To take an example from the medical arena, ethnopsychiatry, funded entirely by public money, gives specific treatment to both psychological disorders and cases of social deviance referred for diagnosis and treatment by doctors, social workers, even judges, when the patients or the delinquents happen to be of non-European origin and when this origin is presumed to be a source of particular difficulties in interpretation and handling. Cultural singularity, advocated by those in favour of this type of therapy, has in fact an essentially ethnic and even racial substrate which, along with the failure to take into account the social dimension of immigrant experiences, results in a form of 'naturalization' of culture, explicitly considered as an hereditary characteristic of the individual.¹⁶ More generally, one can say that all extreme thinking about difference, whether it be in the name of biology or culture, rests on an essentialist presupposition of otherness.

The ambiguity of public action on the matter is best illustrated by the following paradox. While the sociological reality of the racialized body has recently been the object of increasing recognition and denunciation, the consequences of racism on the body itself – as measured by morbidity and mortality – have resisted evaluation (Fassin 1999). Without instruments to measure discrimination or research to understand it, it is presumed to be non-existent. None of the numerous official and scientific reports on the health situation in France presents data referring to this issue. In the case of AIDS, public health institutions waited until 1999, 18 years after the beginning of the epidemic, to publish the first report revealing the profound inequalities between French and foreigners in terms of incidence of the disease, earliness of detection and access to treatment. In the case of lead-poisoning caused by poor living conditions, official figures never mention the fact that, in the Paris region, all cases of severe intoxication

affected children of foreign families, 92% of them African. The denial of racial discrimination thus seems to reach its highest level where it is most tangible; that is, at the site of biological inscription itself.

In fact, everything we know about the social determinants of health indicate that the racial discrimination which has been identified in diverse spheres of activity produces inequalities in life expectancy (Wilkinson, 1996). Republican universalism finds here its deepest contradiction – in the recognition that a difference read on the body can produce an inequality in terms of sickness and death. In the terms of Jean-Jacques Rousseau's famous discourse on inequality, the recognition that a 'natural or physical' difference, socially constructed as racial discrimination, can be at the origin of the most unacceptable 'political' or 'moral' inequality of all – inequality of life expectancy – would probably be the most radical invalidation of the human rights rhetoric so deeply bound to the French self-perception.

A two-sided biopolitics

According to Agnes Heller (1996), biopolitics is 'intimately linked to the question of identity politics'. I have tried to show that it also implies necessarily a politics of otherness. Based on the recognition of 'difference of bodies' which have race, sex, ethnicity and genes as their foundation, biopolitics, as she interprets it, is 'ultimately defending the Body itself, its nature, integrity and health'. By renouncing 'membership in a common political body', biopolitics thus exemplifies a retreat from, and even a negation of 'politics' in the Arendtian sense of the recognition of human diversity from a universal perspective. However, examination of French immigration politics in the 1990s allows for a less pessimistic and more nuanced reading.

The contemporary biopolitics of otherness in France rests on one major foundation: the recognition of the body as the ultimate site of political legitimacy. But this recognition takes two parallel paths. On the one hand, the suffering body manifests itself as the ultimate (but not unique) resource, supplanting all other social justifications for immigrants to be granted legal status and residing in a basic right to keep oneself alive as long as possible. This is a minimalist vision, but one which tends toward a universal horizon. On the other hand, the racialized body extends from the foreigner to the national and introduces internal frontiers founded on physical difference. This is a discriminatory concept, which creates hierarchies between people. In the first case, the reduction in political asylum is a corollary of the rise in the humanitarian rationale: the recognition of the suffering body imposes a legitimate order defining citizenship on purely physiopathological grounds. In the second, threats to human diversity lead to a response by civil society and the state, reminding us of shared political values: the recognition of the racialized body as principle of an illegitimate order allows for a measure of return to politics through the denunciation of this principle by the victims and their supporters.

That is to say, despite common perceptions, biopolitics does not proceed by one logic. It demonstrates a tension, inscribed in the body, between the supreme universality of life (which allows a *sans-papiers* with AIDS to be recognized by the state in the name of his/her pathology) and the exaltation of difference, for which biology offers an apparently insurmountable foundation (allowing each person to perceive a natural source of inequality in the physical characteristics of others). If we can recognize, in an unusual form, the eternal anthropological theme of the unity and diversity of the human condition, the questions raised here certainly call for a renewed commitment from social scientists to the critique of the contemporary foundations of politics ●