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Europeanisation

Social Actors and the Transfer of Models in EU-27

edited by

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and

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Europe as a means of action: the campaign for voting rights for third country nationals in the Europeanisation process

Séverine Lacalmontie

What factors account for the failure or partial failure of a long running militant campaign? In order to address this question, this paper analyses the question of the “adjustment” and the “reframing” of the demands for immigrants’ voting rights using the concept of “European citizenship”. We will consider the processes by which activists have deployed the “European agenda” after the signature of the Maastricht Treaty in 1992, in order to pursue the struggle for immigrants’ political rights at the national level, by focusing on a new issue, the “European citizenship of residence”. Analysing both the campaigns for immigrants’ voting rights at the national level and the way in which activists *take advantage* of the concept of citizenship at the European level enables us to understand a different facet of the Europeanisation process, and shed light on a particular dimension, “militant Europeanisation”¹.

The guiding principle is to explain how a collective action has been conceived around the issue of immigrants’ voting rights and more particularly how campaigners *employed* the “*European cause*” in order to legitimise and

¹ The process of Europeanisation being understood as a set of changes effecting the social and political interactions on three levels: « *Territorial* by the widening of their frame and their perimeter; *relational* by the transformation of the actors and the relations by which are established and affected the social and political resources; finally *cognitive* by the definition of new values, new ideals, or new justifications of the social order and its evolutions » (Balme et al. 2002: 102-103).

“Europeanise” their claim². It is also a question of exploring how the activists campaigning for immigrants’ voting rights have *used* the register of an “*acting European militant*” to front their claim. Our study points to the emergence of a particular category, “European citizenship of residence”, as a result of the way that activists reframe “European citizenship”, or at least tend to shape it differently, so as to posit the immigrants’ voting rights as a “new cause” on the back of the concept of “residence”. This article examines the collective action capacities or organizational structures available for the militants and the cause of immigrants’ voting rights, their campaigning action repertoires and the communication networks they use to carry their claims to the public space. These kinds of links are interweaving activists in several European countries so as to create a “European activists’ knowledge” or “know-how” mobilised in this “European militancy”. Activists are only able to participate in the European scene if they hold certain social, cultural, political characteristics.

The cause reveals here its hybrid character: because it has taken on a “European dimension” which was not present previously, this new cause requires the development of new militant resources.

The “collective action repertoires” are *evidently* dependent on the organisational capacities built-up, in the same way

² We are holding here the widest definition of the collective action, that we borrow from Richard Balme and Vincent Chabanet according to whom, collective action can be defined as “all the engagement behaviour, mobilization, representation and negotiation by which are established the social interests, and by which is applied their political influence. Thus it is about a complex range of differentiated behaviour, between individual or collective actors associating mostly cooperation and conflict, identification and transaction. The social dimension of these interests sets them against more specifically political mobilisations, such as the vote or the partisan engagement [?]” (Balme et al. 2002: 27).

as these repertoires are incorporated into the stocks and statecraft that have been accumulated. It is precisely this rhetorical and practical adjustment which is the focus point in this study about the relation between a political cause and the Europeanisation process. (Tilly 1978; 1984: 89-108). Inspired by the question “who benefits from Europe and the European construction?” (Balme et al. 2002: 21), our reasoning is to understand whether the Europeanisation process had effects on the immigrants’ voting right cause and on its activists.

Two aspects in particular will be analysed. First of all, we present a study of the association fighting for immigrants’ voting rights, combined with a social history of the category "European citizenship" and its transition into a "European citizenship of residence". It is necessary to clarify here that this lexical shift coincides with the parliamentary debates for the ratification of the Treaty of Maastricht in 1992, and it is precisely this transition between the learned, political and militant debate which will be envisaged. As shown by Sophie Jacquot and Cornelia Woll, the Europeanisation process essentially entails an “adjustment of the variable at the national level to a European model, logic or constraint” (Jacquot & Woll 2004: 3), we will thus explore whether or not the regulations on the issues of immigrants’ voting rights, as a new juridical and political norm, have opened a significant debate around immigrants’ voting rights at the national level.

Secondly, our study will focus on the mobilisations for immigrants’ voting rights in the Europeanisation process and will analyse more particularly the renewal and the adjustment process of the different action repertoires on the part of the activists through the use of rights (human rights), petitions and European lobbies.

A new militant cause: « European citizenship »

We have to stress here that the mobilisations in favour of immigrants' voting rights evolved over three dimensions: local, national, European; it is thus necessary to take into account several levels of analysis in order to understand the circulation of actors and practices between these different levels. As Julien Weisbein has observed, the process of Europeanization can be seen as "a principle - reversible and accidental - of elongation and complexification of the chains of interdependence between various actors, which cross and "disentangle" possibly the borders" (Weisbein, 2006: 327).

The activists evolved at three levels: at the local level, immigrants' voting rights are being requested at the municipal level because the demand is traced back to the rights of community immigrants'; at the level of national, because the claiming space of the immigrants' voting rights is based in France, and at the European level, because immigrants' voting rights in the EU (Spain, Italy, Belgium etc.) are based on the principle of a "European citizenship of residence". These three claims are based on the principle of a "European citizenship of residence", that is to say to be able to vote and enjoy political rights where they live. The activists thus have to have a militant capital, which enables them to circulate their knowledge and to assert their interests in each of the municipal, national and European levels. Using opportunities offered by the European Union, the "Association for European Citizenship of residence" (ACER) distinguishes itself from the other pro-immigrant associations – such as the "Ligue des Droits de l'Homme"- which are exclusively campaigning at municipal level. Such a feature shall nevertheless not hide the fact that, throughout the cause's long-term history, activists were in favour of migrants being given the right to vote in all kinds of election. The strategy targeting the micro-institutional level thus stems from "*realpolitik*" more than from ideological

considerations. In any case, one has to notice the quasi non-existence of any “trans-national” or “international” dimension to these campaigns, the difficulty of coordinating a network on this issue demonstrating the resistance of the national system.

It is henceforth necessary to look more closely at the transformations and the reconversions of the history of the campaign for migrants’ voting rights, and then to consider the practical consequences of an issue crossing the French and European agenda, and finally, the lexical transformation which took place during this learned, political and militant process.

The “biographical consequences of activism” and its reconversions: from pro-immigrant activism to European citizenship³

The idea of a collective was launched following the European elections in 1994, the first year when immigrants had the right to vote; more precisely the collective “For a real European citizenship” PVCE (“Pour une Véritable Citoyenneté Européenne”) was founded officially in May 1998; it brought together around ten organizations, from political parties like “Alternatifs”, “Greens”, or “Chiche!”⁴, to pro-immigrant associations GISTI (Groupe d’information et de soutien aux travailleurs immigrés), ASECA- Association de soutien à l’expression des communautés d’Amiens)-*Lettre de la Citoyenneté*, and immigrants’ associations like the “Collectif portugais pour une pleine citoyenneté”, or the association « Portugais de France actifs et solidaires ». The goal of this collective’s creation was to raise awareness of the weak

³ Expression taken to Doug McAdam, 1989: 744-760.

⁴ Association française de jeunes « Ecologistes Alternatifs et Solidaires » is defined as « young movement of political ecologist » founded in 1996.

participation of the immigrants' community to the European elections (which has since risen by about 4 %). The immigrant community was only able to vote in the municipal elections in 2001 - and not from 1995 - because the French Members of Parliament, opposed a "foreign" vote, and thus delayed the implementation of this right. Let us note that Europeans, we could say here the European migrants (as opposed to third country nationals) (Spanish, Portuguese, Italian) did not mobilise themselves on the issue of voting rights; Portuguese associations of citizenship were present in the collective PVCE, they were however not significantly involved in this demand; the mobilised immigrants' being more those from former French colonies, and belonging to pro-immigrants' associations.

The collective remains a "micro-organization" most members are simply supporters on paper than activists "in practice". This distanced activism takes the form of 'petitioner repertory'. The most active association in the collective remains the association "*ASECA-Lettre de la citoyenneté*", founded in 1994, after the action "89 pour l'Egalité"⁵ in 1989. The association *La Lettre de la citoyenneté* was originally initiated by the ASECA, an association in support of the expression of the communities of Amiens, located in Amiens. Indeed this municipality had set up local advisers to the immigrants, thanks to the action of one of his local councillors, Bernard Delemotte. The ASECA then published a

⁵ We can't provide many details here, just observe that the operation « 89 pour l'Egalité » organized in the frame of demonstrations connected to the second bicentenary of the French Revolutions in 1789, by SOS'Racisme, and then supported by many associations with a petition which received a large number of signatories ; this petition was "concurrented"[?] by the association MRAP, supported by the communist party which has organized an other petition partially similar « 89 pour l'Egalité des Droits »... Our thesis research goes into details on this issue.

newspaper, entitled “*Nouvelles d’Europe*”, which prefigured in a certain way the future *La Lettre de la citoyenneté*. The activists who founded the letter of the citizenship, realised that there were already two reviews specifically on migration, *Hommes et Migrations* and *Migrations et Sociétés*; they thus decided to start *La Lettre de la citoyenneté* in order to create a review exclusively dedicated to the question of immigrants’ voting right. This monthly review publishes articles dealing with the elections in various countries, nationality, voting, European citizenship of residence, published the works of the ACER and diffused opinion polls about the immigrants’ voting right led annually by a famous polling institute. In 1999, an opinion poll found out for the first time, that 52 % of people asked were favourable to an extension of the voting right at the municipal and European elections for third country nationals, against 45 % of persons who were against it. The same year, a bill attempted to grant the immigrants’ voting rights, a sign of the interaction between political speeches and practical activism. Here it is less the numbers themselves who inform sociologists about the cause of the immigrants’ voting rights but rather the “pool method” used by the activists, which “technicised” the arguments register and reframed the militant action as a “quantitative study or expertise” training “supporting evidences”. This means, using the pools to mobilise the public opinion on the question of the immigrants’ voting rights, seems paradoxical. In fact, this expertised technique of mobilisation can be counterproductive because they do not have entire control of the quantitative formation and process. They justify its use with the register of “neutrality” and “expertise”, which reflects a mimetism of the journalistic and institutional practices by activists. This choice of the expert-method is in many ways linked to the social characteristics of the activists, many of whom turn to European Citizenship because they have a high level of political, intellectual and social capital which is high, and seize the opportunity of the Maastricht

Treaty in the 1990s to legitimise their demands for the immigrants' voting right.

The ACER is nowadays composed of a dozen activists; although it has “tripled” in size since its foundation it remains a micro-organisation which brings together a very limited number of activists. Among them, only a “hard core” consisting essentially of five persons (the founders!), campaign in a regular way and quasi-exclusively on the question of immigrants' voting rights. Paul Oriol, an activist who has been engaged in the fight for equality of political rights of immigrants' since the 1970s, and today the President of the ACER, constitutes a central actor of the cause to which he almost exclusively dedicated his activist career. The ACER's activists do have a considerable amount of “political capital”. Most of them used to belong to a local section of the PSU (Parti Socialiste Unifié), where they often contributed to the works of the “immigrants' commission” within the Parisian Federation of the PSU. During the dissolution of the party, in 1989, many militants of the ACER chose to join political structures as “Greens”, “the AREV” (Alternative Rouge & Verte: Red and Green Alternative), or “CAP” (Convention pour une alternative progressiste: Agreement for a progressive alternative); these two organisations in turn merge to found “The Alternative”, where activists of the ACER moved and made their political conversion.

The interrelated issues of a cause and its “circulation” on the European and French agenda

The EU tries to build a political model, which, while differing from the national democratic model aims to represent the building of a “new democracy”. As Corinne Gobin notes, “the political imagination in the work in the definition and the application of the political model of the EU participates in the demolition of the imagination of the democracy, such as it was elaborated on a national scale from 1945 till 1975” (Gobin, 2002: 131).

The Europeanisation process facilitates a debate on the political participation of the immigrants', in participative action of the local political field, but also on the immigrants' voting rights for the people who are residents in EU; it is moreover one of recommendations of the Council of Europe, which is favourable to the fact that the member countries of the EU widen the right to vote to all the residents.

This position can be explained partially by the fact that to look beyond already established national democratic forms, the "entrepreneurs" of the EU, complying with the "rules of political game", have to adopt a different vision and invent new democratic standards, with a wider electorate than that of the national states (Baileym 1971). Furthermore, the claim of the immigrants' voting right is supported by various European members of parliament who constitute useful if modest channels, if modest for the activists. We should not neglect the intellectual debate which accompanies the recognition of the Treaty of Maastricht and then the Treaty of Amsterdam if we are to understand the production and circulation of the term "European citizenship", even though a harmonising of the nationality laws between has member states not been realised (Hansen & Weilm 2001). Let us note here that a legislative and political breach was opened by the treaty of Maastricht on the voting rights of European immigrants; the article 8B of the Treaty signed in Maastricht on February 7th, 1992 opens new perspectives: the nationals have henceforth a voting and eligibility right for the municipal and European elections in the country of the Union where they live⁶. This article enabled the activists

⁶ To understand the terms of the debate cf.. Strudel (S.), « Les citoyens européens aux urnes : les usages ambigus de l'article 8B du Traité de Maastricht », *Revue internationale de politique comparée*, 9 (1), 2002, p. 47-63 ; or Strudel (S.), « Polyrythmie européenne : le droit de suffrage municipal des étrangers au sein de l'Union, une règle

campaigning for the immigrants' voting right to legitimise their demands that non-nationals should be able to vote. Thanks to the European agenda the question of the political rights of the immigrants' was registered on the national agenda. It is impossible to return precisely to the terms of the debates which took place in the National Assembly during the year 1992, or analyse the position of the actors in this context. What it is necessary to retain here is that the voting right for third country nationals split the partisan stakes and also served as "test of position", by which the actors try to be situated and to place the others actors who take part in the debate, fiercely opposite, during this period, to the ratification of the treaty of Maastricht and the article which gave the voting right to Europeans. (Collovald & Gaïti, 1990; Dobry, 1992). This can be seen as an instance of what Philippe Séguin terms the "procedure of exception of inadmissibility".

For the activists of the ACER, the arguments mobilised by the members of parliament against the immigrants' voting right are "sovereignty" arguments. According to them, it goes against national sovereignty. Many members of parliament were already hostile to the right to vote being granted to European migrants in fear that this would be widened to all immigrants. Thus the expression « only for the European » was repeated several times in the article of the Treaty of Maastricht and its translation in the French Law. The hostile members of parliament perceived it as an "outrage against the French national essence", an outrage against the Constitution, and the principle which ties nationality and the citizenship. In this debate the "European habitus" are confronted with the "National habitus". The argument about the senatorial elections was

highly mobilised against the immigrants' voting right, because the municipal and senatorial (thus national) level was bounded. The Europeanisation process is also made "in minds" through forms of mental transformation of the actors but also "in practical" against resistance of certain structures. Certain forms of ideological nationalism in Europe make that prevent the political rights of immigrants' from materialising. The ACER demonstrates that the blockages are above all "politics" by showing that public opinion is not unfavourable.

The measure of voting rights for European citizens in the Treaty of Maastricht therefore mobilised numerous opponents among the members of parliament, many of them being afraid of an "effect of contagion", that is of the extension of this *right to all immigrants*.

During the last year, the question of immigrants' voting rights was discussed several times in the National Assembly, and a legislative proposal regarding the voting and the eligibility of third country nationals was put to the vote⁷. It was proposed in May, 2000 by André Aschieri representing the Greens' group. Before this, the debates on the issue were driven by various actors of the political field representing various political cleavages within the left; a legislative proposal was put to the National Assembly four times: the first time on 21 October 1999 by Bernard Birsinger (Deputy PCF); the second time on 21 December 1999 by Roger-Gérard Schwartztenberg (deputy PRG), the third time on 23 December 1999 by Gérard Aschieri (Deputy Verts), and the final time on 12 January 2000 by Kofi Yamgnane (Deputy PS). We indicated above that 1999 also corresponds to the year when the poll of *La Lettre de la citoyenneté* indicated that the majority of public

⁷ The exact title of the proposal is the following: "Proposition of law relative to the eligibility and voting right to non community foreign residents for the local elections".

opinion supported this law. In April 26th, 2000, Noël Mamère (Deputy Verts), “rapporteur” for the proposal, submitted his report to the National Assembly. One May 3rd, 2000, after the law had been examined, discussed, and pared down - excluding foreign residents from exercising the functions of mayor or mayor’s assistant because these can vote in the senatorial, and thus this election touches on national sovereignty - the legislative proposal finally obtained a majority in the National Assembly. Nevertheless the status quo remains in because the law will never be registered on the agenda of the debates of the Senate.

The process of « re-labelling » and lexical transformation

Any formation of a space of power brings with it “learned investments” which contribute to “define and to limit the space of the thinkable” (Cohen et al., 2007: 6). The analysis of the concept of “European citizenship” already forms a comprehensive field of research in disciplines such as Law or Philosophy, but has been more unevenly covered in political science. It remains confined to rhetorical, institutional, or public policy approaches. What is relevant here is less the history of the European citizenship per se, and rather the way social actors have seized this concept in order to impose their own demands regarding the political rights of the immigrants’. These actors were able to seize a “confusing concept”, in a fluid European situation and to “hijack” it in order to incorporate it within the field of their own claim. In this case, the social history of citizenship sheds light on the fight over definitions as to the borders of citizenship and its normative contents, because the citizenship is a social construction, so there is nothing natural, or universal in its definition. We keep in mind that “Europe” mostly remains an object to be built; as Yves Deloye has noted, the notion of “European citizenship” is above all a “tinkered notion” which researchers, institutional, experts, activists - sometimes the same actors under different

labels- settle and transform as the process of European construction progresses (Deloye, 1998). Thus an increasing number of actors mobilise around the object “Europe” and the concept of “European citizenship” It is useful to highlight here as shown by Antonin Cohen, Yves Dezalay and Dominique Marchetti, the role of the rival “experts”, who supply to the EU the “speech of legitimisation” and thus contributed to construct and to promote “civil society” the “European public opinion”, a “supposed political constitution to fill the democratic deficit of the EU” (Michel, 2007: 30-37; Cohen et al., 2007: 8). In classical works, citizenship is defined as a legally codified social status⁸ (membership), which confers on the eligible subjects a set of identified rights; within the framework of the Europeanisation process, citizenship remains subordinate to the nationality of member states. As points Yves Deloye, the institution of European citizenship goes together with an elaboration of new civic values and with an identity turnover (Deloye, 1998: 73). In the case of immigrants’ voting rights, the French and European institutions register the practice that a non-national can vote in the municipal and European elections thus implying the idea that participation in legislative and presidential elections remain solely the privilege of national citizens. Thus, civic values are to be analyzed in the mirror of the capacities of membership or resistance of European populations faced with this body of representations and values (Turner, 1992). What matters here, is less the history of “European citizenship” and more the way that social actors have seized this concept to impose their own claim, the political rights of the immigrants; in other words, the way that militant actors have seized a “vague concept” in a fluid European situation and were able to connect it with their own claim

⁸ Marshall T. Humphrey redraw the history of the term “citizen” in his book by leaving three elements : civil, social and political (1950)

by way of the concept of "residence". According to the president of the ACER, the concept of "European citizenship of residence" was advanced during a Forum of migrants in the 90s. To overcome the hesitations of hostile members of parliament and of public opinion to the idea of a "foreign" vote and, the activists of the ACER thus advanced a new argument: residence. We see here the interpenetration of the learned, militant and political speeches (Siméant, 2002). It is necessary to remind readers here that the use of the term of "residence" also has a long history because from the 1980 and 1990s, campaigns led by pro-immigrants associations in favour of voting right have used this notion to assert their demands (as their slogans demonstrate: "one resident, one vote", "I am there, I vote there", "Same right, same territory, same voice" for example). The concept had not been the object of a real theoretical, ideological and political appropriation by the militants engaged in promoting this cause. This re-appropriation of the term of residence was thus made, partially, via the process of Europeanisation which opened up the cause.

The concept of "European Citizenship of residence" gained wide acceptance and support from intellectuals, in various disciplines, from jurists (Monique Chemillier-Gendreau, Jacqueline Costa-Lascoux), political scientists (Catherine Wihtol de Wenden), philosophers (Etienne Balibar, Emmanuel Terray), to historians (Olivier Le Cour Grandmaison). In order to understand the individual investment in this cause and the way that these intellectuals introduced the concept of residence in their research, "social trajectories" would need to be redrawn and analyse. Suffice to observe, however, that these intellectuals theorised a great deal about this concept and so provided arguments to the activists, and especially "a intellectual pledge and recognition" to the campaign. These intellectuals theorised about the concept of new citizenship based on residence, supplying an available intellectual argument for the activists to deploy. In the

legal field, the question of immigrants voting rights became a practical exercise of constitutional law, on which jurists were interposed between opposing actors of the political arena. Nevertheless, the concept of residence was not the object of a real practical, ideological and political appropriation by the activists engaged in fighting for the cause.

To adjust and “Europeanise“ the militant action repertoires

Since the 1990s the campaign for immigrants voting rights has followed a dual dynamic: the activists, conscious of the successive failures of the cause, made an adjustment which tended at the same time to Europeanise the national agenda and to nationalise the European agenda. The Europeanisation process should on no account be considered as a “mechanical and one-dimensional process”; according to Balme & Chabanet, it is a matter of a “set of different transformations –or conversions- of level and nature, obeying different rhythms, and specific, sometimes contradictory, tendencies. Globally it corresponds to a change of level of the phenomena associated with the representative government: the public action, the political representation and the mobilisation of the interests” (Balme et al., 2002: 102). We put here the emphasis on the term of "contradictory" because in the case of the third country nationals voting rights, the French members of parliament were confronted with contradictory debates (cf. 1.2). So this analysis aims at distancing itself from the image of a “coherent construction “rationalised representations” which are the “products of learned investments” in relation to the “object Europe” to return to the entirely relevant expressions of Antonin Cohen, Yves Dezalay and Dominique Marchetti (Cohen et al., 2007: 4). Immigrants’ voting rights have not followed a linear history, which would only be connected to the process of Europeanisation (Bigo, 2006: 269-276); it really only reached an outcome - incomplete because only the

community immigrants' obtain this right - with the signature of the treaty of Maastricht in 1992. We suppose that this process results from a construction serving ideological stakes and often, it is the non-decision which establishes the consensus. Faced with the incomplete achievement of their goals, the activists engaged with the campaign for immigrants' voting right developed new militant strategies, linked to the new space in which they were evolving, in particular the appeal to rights, the elaboration of petitions, and finally the collaboration with European lobbies.

Using rights as a political resource

The Europeanisation process affects pre-existent social cleavages and opens political spaces to more recent causes, like immigrants' voting rights. We should not overlook here the analysis of the process by which an interest undergoes legal and European shaping, even it is totally outside the domain of competence of the European Union. We notice a "legal intensification" of the European space and as indicates Antonin Cohen, Yves Dezalay and Dominique Marchetti indicate, the European construction was itself made by mobilising rights-based claims, notably through a "small elite of legal entrepreneurs reconverted in the service of the European cause, in which they find a means to reinvest a capital of authority on the State partially threatened at the national level" (Cohen et al., 2007: 13).

Before the signature of the treaty of Maastricht, the question of immigrants voting rights tended to be shaped only in the national political arena. The Europeanisation process plays an important role in this "juridicisation" of interest politics, as notices H el ene Michel, "the process of "europ eisation" included at the same time the change of level, the national level towards the European level, and as the elaboration of an European norm from national actors norms" (Michel, 2002: 35). This widening of the

spheres of legal action is also accompanied by the rise of an expert militancy, as is demonstrated by the takeover of the cause of immigrants' voting rights by the "Ligue des Droits de l'Homme" and activists having legal knowledge and qualifications, or inclined to incorporate them (Agrikoliansky, 1997; Gaïti & Israël, 2003: 17-30).

Regional associations, feminist movements, gay movements, environmentalist organisations and associations for the defence of human rights try strategically to direct the production of European norms, for private or public, economic or political interests (Ramot, 2006; Yakova, 2007). If we attempt to observe the associations which are active at the European level, we notice that many of them carry and support values bound to human rights, to human dignity, to fundamental liberties, or the fight against the discriminations. The wide definition of their demands allows the associations engaged for the immigrants' political rights to benefit from the "European craze" for Human Rights and the rights of the Citizen. All European texts are based on the principle of equality, but nevertheless a distinction, denounced by the ACER, is established between citizens of Europe and the non-European in the political arena. Whether we take the case of campaigns in the field of immigration or the environmentalist movements for example, local anchoring, national structuralisation and the contingency of the territories affected by migratory or environmental policies bring restrictive limits to the movements, given that the control exercised by the national level is still very present. On the other hand the situation seems different regarding the rights of the women; who very effectively managed to structure their demands on the "European agenda", as Laure Béréni demonstrates in her study on the feminist movement and particularly regarding gender equality in Europe (Béréni, 2004: 35).

According to the President of the ACER, another way of using Europe is to introduce Europe into the demands. When a law is voted, Europe can be used as a reference to advance rights. The president of the ACER strongly deploys the claims connected to the legal, legislative egalitarian principles, even if, paradoxically, Paul Oriol voted against the Treaty of Maastricht. He makes a paradoxical and utilitarian usage of rights. He plays on the theme that the European Union is not a State, thus that the criterion of nationality is not essential, because the European Union is not a Nation state.

This usage of the right to strengthen the cause of voting rights sheds light on the question of political rights as a Human Right, a fundamental and inalienable right, thus contributing to depoliticise and to “désimmigrate” the cause. The activists of the ACER are representatives of the immigrants cause are not themselves immigrants. On this question, the delegation of the cause to spokesmen, who carries the cause and speaks in its name to the public space is an important variable.

We can therefore speak of a kind of “depoliticisation” of the European cause (Magnette 1997) connected to citizenship. The majority of the practical documentation put at the disposal of the “citizens of Europe” concern a sphere of action with a dominant economic dimension, and as Yves Deloye indicates, the recognised political rights (voting and eligibility right in the European or Municipal elections petition right in front of the European parliament) are not enough to give to “European citizenship an equivalent political density to those stato-national citizenships” (Deloye, 1998: 171) ; we could add that the granting of equality to all European residents, whether or not they possess the nationality of one of the member states, is not secure according to the ACER, which denounces this discrimination between the European migrants and other immigrants. The “rise in generality” of the voting right contributed to endowing it

in eyes of the public opinion with the quality of a fundamental right, and so reconverted it to a “humanitarian cause” which mobilises more militants (Boltanski, 1984: 3-40; Collovald, 2002). Nevertheless, paradoxically, another action repertory, the petition, subsequently resurfaced, reconfiguring the campaign into the fight for a symbolic cause.

Denounce and act: the petition as means of promoting a symbolic cause

At the European level, demonstrations more frequently use “peaceful” or “moderate” repertoires of action (Chabanet, 2002: 461-493). In his article on the usage of the petition at the European level, Paul Maignette draws and analyzes the function of this repertoire of action. Thus he shows that the right of petition is only one instrument among the others, such as the appeal to the Ombudsman for example (Maignette, 2002: 65-78). The petition was recognised by the European institutions by means of declarations and agreements, then “constitutionalised” by the member states which register it in the treaty of Maastricht in conformance with the citizenship of the Union. Most Constitutions confer on the petition the status of fundamental right, following the example of international declarations, and the recognition of this right today in the EU indeed follows a logic of “institutional mimetism” (Surrel, 1990: 219-234). The petition is granted the rank of “fundamental right”, inherent to the citizenship of the European Union”, but also as a “individual mechanism of control and repair or as one of the canals of the “popular sovereignty”” (Maignette, 2002). This action repertory is considered as a means of “active citizenship”, one of the direct forms of the European citizenship, just like lobbying for example. We can observe an exponential growth of the usage of this repertory of action; according to Paul Maignette there were 79 petitions received in 1986-87 versus more than one thousand since the institution of the Treaty of

Maastricht. This phenomenon is partially linked with the development of the European Union's competences which widens the potential field of the claims, but also in the increasing fame of the institution, "labelled" the European Union. The extensive definition of the conditions of admissibility of petitions encourages their usage, according to Paul Magnette. Therefore, the European Union considered that foreign residents were authorised to address the European Parliament in the same way as European citizens, and so received claims emanating from moral persons as well as physical persons and communities, European or not. On the other hand, the militants were required to stick strictly to the facts. Nonetheless, the members of parliament kept a broad policy of reception. We therefore witnessed the development of new forms of mobilisation through petitions emanating from collective actors, from pressure groups, from committees, from civic associations, from organised minorities. Petitions aim at stimulating debate and demand new rules. They belong therefore to a logic of social mobilisation which aims not only at applying but also at altering rights (Costa & Magnette, 2001: 103-20).

It is this action repertory, which seems less "expensive" and "risky" for the activists, which was adopted by the ACER at the European level (Contamin, 2001). The "micro-association" represented by the ACER is going to take up the tradition of the petition launched by SOS'Racism, an anti-racism organisation active at the end of the 80s, but with a new 'Europeanised' register. In the field of the militant campaigns in favour of immigrants' voting rights, the usage of the petitioner action repertory is rather recent. One of the first appearances dates from the end of the 80s. The ACER launched an European petition entitled "a million signatories for a European citizenship of residence» during the European Social Forum of Paris Saint-Denis in 2003. This document, supported by more than 288 organisations in thirteen of twenty-seven countries of European Union, which seeks

the granting of voting rights to all the migrants resident in the EU, has today gained more than 100 000 signatures. The petition is considered as a means of “active citizenship”, one of the direct forms of European citizenship. Paul Magnette notes however that within the framework of the “repertoires of action of the European citizen”, it still remains to invent another forms of the “European citizenship” outside of elective logic.

The ACER supported by the European Association of the defence of human rights added to this by submitting a petition carried by several members of the European Union for an immigrants’ cause: immigrants’ voting right at the national level. The text of the petition is available in more than ten languages of the EU and created excitement in the civic sphere, because it represents the first opportunity for the associations to develop a transnational European base and to demand the defence of their rights on another level. On the other hand in spite of its associative status and its reduced number of militants, the demand of the ACER is different from the other deposited petitions; indeed since 1995, only 150 of some 1000 petitions which the Parliament receives every year emanate from associations and concern general causes. Finally, it is obvious that the petition is favoured by the least traditional collective actors, like committees, associations, NGOs, who use them more often than the parties, the syndicates or even established lobbies to denounce very precise interests.

The influence of a petition depends in large part on its contents. The members of parliament employ their own criteria to weigh up the “gravity” of the request. In practice, this form of action serves in particular to open up the public debate on issues that concern all of society. It therefore plays an important role in using symbolic actions exercised by militants to impulse debates. For many associations, the petition is just as one instrument of many that are deployed as part of a broader strategy. It has

often been used within the framework of the fights for immigrants' voting rights. Our hypothesis is that the usage of the petition to support this cause demonstrates that the campaign needs visibility in order to compete with more urgent causes (illegal immigrants, rights of the migrants for access to care, housing problems, labour rights etc.) because the stake is above all symbolic.

As Paul Magnette notes, the petition is *supposed* to promote at the same time the “control of the government by the citizens”, the “connection between elected representatives and the citizens”, the “political mobilisation of active citizens”, the “transparency of public action”, all concepts which are central to the Europeanisation process. Currently however, as Magnette recognises, the petition remains a minor instrument of the repertoire of action of European citizens because it's more a defence and application of the Right than a political mobilisation. Even though it stimulates public debate and garners publicity for issues, it has a very limited influence over debates, and on the development of mobilisation. So as regards the ACER's petition, the petition was not really generate interest at the national level, because, as we showed it in the second part, the questions concerning immigration issue are still too much enclosed in the “national habitus”. The petition of the ACER was essentially launched by “mimétism” of the European lobbies, with a strictly symbolic function because until now, it has not influenced the European Commission.

*Get organised and use networks to support your campaign:
European lobbies as leverage*

In this part, we would like to focus on the way in which the ACER is willing to adapt, to make common cause with existing lobbies and thus to get closer to European lobbies engaged on the citizenship. We subscribe completely to the idea of envisaging the European puzzle through the “the configurational lens” as Julien Weisbein recommends

when he studies the mobilisations of the federalist political entrepreneurs (Weisbein 2006: 317-334). The usage of the concept of “configuration”⁹ as elaborated by Norbert Elias, seems to us a very appropriate way of understanding the role that is played by European lobbies in supporting the claims of the ACER. The notion of configuration accurately describes the fluid nature of political competition as well as the horizontal logics of the development of European policies and stakes. It would be necessary to envisage the European lobbies on this issue of citizenship in the context of the institutionalisation process of European problems. The exponential growth of the lobbies on the European scene is striking, and we cannot help but wonder, following Richard Balme and Vincent Chabanet, if Brussels has become a “fair of interests”. These two authors are struck by the increase of the number of interest groups based in Brussels, which they demonstrate through an analysis of the directory elaborated by the Commission (Balme et al., 2002: 45; Courty, 2006: 33).

Since the protest space has become Europeanised, the ACER has developed a European network between different members of the European Union: Italy with the association ARCI (Associazione Ricreativa i Culturale Italiana) and the political party Rifondation Comunista, in Spain with the association APDHA (Asociación Pro-Derechos Humanos de Andalucía), in Belgium with the CNAPD (Coordination Nationale d’Action pour la Paix et la Démocratie), and with organisations in the Netherlands and Switzerland. This network remains limited to the older members of the European Union, as the Scandinavian and CEE Member States are not participants

⁹ According to Norbert Elias, the “configuration” consists of a “variable-sized purpose in which the individuals (or groupings of individuals) are interconnected by a set of mutual dependences, according to a more or less stabilised balance of tensions” (Elias, 1991: 154-161).

in the project. The ACER has also engaged more closely with European pro-citizenship lobbies pro-citizenship such as the European Citizen Action Service (ECAS), an association that was created in 1990, thus a little bit before the institution of the Treaty of Maastricht, once the debates on European citizenship were already advanced. The ACER has also established links with another lobby, ENAR (European Network Against Racism), an association situated in Brussels that brings together 600 associations and which forms a network of European NGOs working to fighting against the racism in all the member states of the European Union.

One reason why the ACER engaged with ENAR and ECAS is because they are both financed by the European Community and are important, recognised networks. ACER and *La lettre de la citoyenneté* tried to join to in order to benefit from the European networks already developed by these two lobbies. THE ACER is therefore present in numerous international and European Social Forums, as well as in the Forum of the Migrants. The simultaneous membership of several different militant fields (learned, bureaucratic, political) facilitates the “reconversion” of their knowledge and know-how into from international to European arenas, and vice versa. The linguistic knowledge, the legal expertise, the learning of multicultural codes, also facilitates meetings with community high-ranking servants or academics. So the militants have developed an ideological and political argument on the European citizenship of residence which they can use in all fora. We thus observe a well-developed understanding of the European stakes, but a difficult passage, transition and circulation of the resources produced by activists between these various social spaces on the question of the political rights of immigrants.

The resources and the capacity to adapt to different governance configurations constitutes a variable which is central to the understanding of the course of a militant

campaign. The campaigners for immigrants' voting rights recognised that an opportunity existed to advance their claim using European arenas. However, they did not take into account that the Europeanisation process tends not to penetrate the sectors for which States still retain national privileges, especially as regards controversial issues such as immigration, for which public opinion is rather unfavourable (Giugni & Passy 2002: 433-60). The questions of immigration are very often pushed down the agenda and the European Union offers only a very limited number of political "windows of opportunities" for mobilisation in the field of the immigration (Kingdon 1995) turns a blind eye to militant campaigns in favour of the rights of immigrants.

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