Pierre SALAMA

“LIVING TOGETHER AS EQUALS IN DIGNITY”

MIGRANTS AND FIGHTING DISCRIMINATION IN EUROPE
INTRODUCTION

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PREFACE

In an age of increasing globalisation and diversity, legal specialists, economists and social scientists are becoming more and more concerned about the adequacy of available tools to deal with the complexities of contemporary society.

Certain issues are becoming increasingly pressing. Given the scale of the changes associated with ethnic, linguistic, religious and cultural diversity that are transforming our ways of life and posing challenges to social cohesion, how can we once more learn to live together? How can we share our values and our common concerns?

This book tries to answer some of these questions by considering migration in Europe in all its different aspects and argues that a renewed sense of living together will only emerge on the basis of a new model of integration, founded on the principle of the equal dignity of each individual.

The reader is invited to study the Council of Europe's "White Paper on Intercultural Dialogue", particularly its sections on the democratic management of diversity, citizenship and the participation of all citizens, intercultural competences and the establishment of meeting points for different cultures. However, it also offers valuable insights into the case-law of the European Court of Human Rights on the equal enjoyment of rights, which is a *sine qua non* for the genuine integration of each individual legally present on European soil, and into its corollary, the fight against all forms of discrimination.

In other words, this publication opens up new horizons for us, by introducing us to alternative approaches to integration that go well beyond the traditional models of assimilation and communitarianism. Instead it offers us a new tool that recomposes the social mix between law, the democratic governance of diversity and social cohesion.

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Introduction

Immigrants discriminated against, immigrants decried, immigrants rejected, immigrants as scapegoats, all these are unfortunately commonplace.

Ethnic, religious and economic discrimination overlap and it is not always possible to differentiate between them. The discrimination immigrants suffer may have several sources and it can be difficult to distinguish between what is religious, economic and ethnic. Discrimination has many causes, some of which vary in importance according to the place (workplace, housing, leisure etc) in which immigrants live and work, the economic context (chronic unemployment, economic problems), their status (“illegal”, “legal”, how long they have been in the host country), the severity of law enforcement measures and the “nationalist” discourse of certain populist parties, etc. A large proportion of the immigrant population does not feel involved in a process of inclusion and sometimes bitterly resents the rejection it experiences.

Such discrimination can be fought through economic, social and cultural policies aimed at equal access to rights for all, regardless of origin, through intercultural dialogue and immigrants’ participation in the life of the community, unions, associations etc. The publication of the Council of Europe White Paper “Living together as equals in dignity” (Council of Europe 2008a)\(^1\), adopted by all its 47 member countries, is therefore an important and very timely event. The White Paper gives impetus to the fight against processes that are harmful to cohesion. To parody certain classics, one might say that it sets the optimism of the heart and the wish to “shake things up” against the pessimism of reason. The White Paper is a *mobilising instrument*. Its recommendations should make it possible to counter discrimination and the various “excesses”, even the rise of hatred and rejection of others.

The purpose of the White Paper is to highlight the democratic management of cultural diversity based on a different way of establishing links between minority and majority, while remembering that a cohesive society is based on equal access to rights for all and, at the same time, respect for a common core of universal values that transcends the different cultures. In addition to fighting against discrimination,

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\(^1\) Hereinafter referred to as “the White Paper”.
democratic management means the possibility of developing participatory forms that may go as far as enabling foreigners to participate in local elections under certain conditions. It means trying to establish a *plural identity* within each nation that can form a shared identity within Europe.

The purpose of the following pages is to analyse the different forms of discrimination and show how the various recommendations of the White Paper point to ways of countering them. Intercultural dialogue is a path that can lead to mutual enrichment and peaceful co-existence, but it will only be credible if social policies targeting the most vulnerable sections of society, regardless of whether or not they are immigrants, are strengthened simultaneously. In this respect, the recommendations contained in the White Paper constitute a significant advance.

A whole series of subjects will *not* be discussed, such as the return of immigrants to their countries, the contribution that is made to the development of their countries of origin, the relationship between immigration and financial remittances, and development and poverty reduction in countries of emigration. A great deal has already been written on these subjects by international institutions, NGOs and researchers.²

Part One of this document will give an overview of immigration. Immigration has changed profoundly in recent decades. It is therefore important to analyse the changes in order to describe the context in which discrimination occurs. Part Two will study certain areas of discrimination: economic (the labour market: recruitment, pay, working conditions), education and housing, and the responses in political terms based on intercultural dialogue. It is, however, difficult to distinguish between the different factors of discrimination (ethnic, gender, religious) and economic discrimination connected with the acute vulnerability of immigrant populations depending on their status (naturalised, legal or illegal aliens). For this reason, after studying economic discrimination, Part Three will discuss cultural diversity and social cohesion. Since it is a question of establishing fruitful intercultural dialogue, there has to be agreement on what is meant by culture and its relationship with globalisation and religion, for example. Two questions arise from what are known as

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² A great many works have been devoted to the question of financial remittances by immigrants to their families in their countries of origin and a few are cited in this book. Attention is also drawn to a Council of Europe publication (2009a) and the article by G. Massiah (2008).
“reasonable accommodation” policies of the bottom-up type and the positive discrimination policies implemented in some countries, which we will attempt to address by referring to the recommendations in the White Paper: those concerning a common core of values on the basis of which intercultural dialogue may take place and those concerning equality and dignity.
PART ONE. IMMIGRANTS: HOW MANY ARE THERE? WHO ARE THEY? WHERE DO THEY GO?

Introduction

Terms are seldom defined in discussions of immigration and it is often unclear how many immigrants there are in one country or another. Sometimes immigrants in the strict sense and their descendants born in the host country are lumped together. Illegal immigration is often overestimated. The figures are sometimes vastly inflated. The scale of migration needs to be evaluated on a scientific basis but, in order for this to be done, the meaning of the term “immigrant” needs to be defined first. Such an evaluation, which is difficult in so many respects, would make it possible to reject the quantitative arguments of those who, denouncing the “invasions” of the North by the South, inflate the statistics and exploit people’s feelings of insecurity through the use of a populist discourse with racist connotations. Nonetheless, the discussion cannot be confined to a strictly numerical approach. Immigration is plural. There is a very wide range of situations, not only in different countries, but also within each country, and therefore a wide range of immigrant experiences. Who is an immigrant and who is not? Do means of entry and length of stay influence immigrants’ behaviour? It is to these two questions that the prologue below is devoted. They are in a sense preliminaries to the analysis conducted in Part One of the – sometimes substantial – changes in immigration in recent decades, which are analysed in the two following chapters.

Immigration to Europe has changed in scale and in kind. In some countries it is recent, in others long-standing. It mainly involves people from modest backgrounds, either from former colonies or developing countries or from Eastern Europe. In the early days many immigrants were Europeans (Poles, Italians, Portuguese, Spaniards etc) who were Christians or Jews. That source dried up and immigration then involved Africans (Algerians, Moroccans, Senegalese, Zimbabweans, South Africans etc), former Yugoslavs, Turks and Asians (Pakistanis, Indians etc), many of them Muslims, and, since the fall of the Berlin Wall and European enlargement, migrants from Eastern Europe, who are better qualified, who comprise more women than men and whose migration is of a more temporary nature. The number of immigrants from Latin America has also increased significantly in some countries (Germany, Spain and
Italy). More recent immigration, which is relatively more mobile because much of it is temporary migration, is now threatened by the recession. Many Poles have left the United Kingdom following the loss of their jobs as a result of the recession, but also because of views expressed, including officially, that jobs should be reserved for nationals, contrary to the commitments made to the European Union and the Council of Europe. In Spain, the contracts of many Romanians and Ukrainians have not been renewed and, with rising unemployment, the jobs that are available are given preferentially to Spaniards.

The migrants are no longer the same, as regards both their places of origin and their qualifications. Some countries which only recently were “reservoirs of manpower” have become host countries. Former colonial countries are also experiencing sometimes radical changes in the immigrant population. Conditions of reception of immigrants also differ from one country to another. This is the subject of the last two chapters of Part One.

1. Prologue: definitions and experiences

1.1.1. Counting immigrants

According to the most common definition, immigrants are people who were born abroad and did not have the nationality of the host country at birth.

This apparently simply definition is not always easy to apply, however. In many countries migrants who were born abroad but one of whose ancestors was a national who emigrated are not regarded as immigrants. This is the case in Germany, for example, for people of German origin who settled to the east of its present borders, and it is mainly the case in Italy and Portugal for Latin Americans, who are able to acquire dual nationality by virtue of the original nationality of their ancestors. This explains why there are sometimes significant differences in the figures depending on the institution providing them. The OECD, for

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3 Some immigrants from Latin America and Eastern Europe have an automatic right to the nationality of the host country if they can prove that one of their ancestors came from Europe. This is the case in Italy, Spain, Portugal and Germany. They do not, therefore, appear in the statistics as foreigners but as nationals born abroad.
example, generally defines immigrants as those who are foreign-born – whether or not they have subsequently been naturalised – whom it contrasts with those who are native-born.

For a long time statisticians considered the foreign population to be a good indicator of the immigrant population. We know, however, that immigrants can, with varying degrees of ease in different countries, obtain naturalisation, so that the difference between the number of immigrants and the number of foreigners may vary a great deal. That being the case, this difference is tending to narrow with the now increasing difficulty of obtaining the nationality of the host country in most countries but, conversely, tends to increase as length of residence grows. As immigrants settle in the host country, the probability that they will acquire the nationality of the country by naturalisation increases. In France, for example, a long-standing country of immigration, there is a big difference between the figures for immigrants and foreigners because a significant proportion of immigrants have acquired French nationality. As immigration is far more recent in Spain, Italy and Portugal, the difference between the foreign and immigrant populations is far smaller, while in Germany the easing of the legislation on the naturalisation of immigrants’ children born in the country is tending to reduce the number of foreigners and increase the gap between immigrants and foreigners. Immigrant and foreign populations only overlap in part. In some countries the difference is very great, in others less so. Therefore identifying one with the other, as has sometimes been the case, gives only an approximate idea of immigration.

It is important to know what the figures refer to. Standardisation is often necessary in order to make international comparisons and “make the figures speak” and, if that proves too complex, it is preferable to opt for a clear definition, even a restrictive one like that generally chosen by the OECD (“foreign-born” as opposed to “native-born”). This is what will be done here.

Behind the difficulties of statistical evaluation there are many social and cultural issues and such quantitative evaluations are not enough. Let us take immigrants’ children as an example. Whether or not they have the nationality of the host country, their situations are not the same as those of the native-born: usually concentrated in certain urban areas, with a higher unemployment rate and subject to severe discrimination with regard to recruitment and at work, they experience the failures and inadequacies of
integration on a daily basis and this may lead them to look for other paradigms in terms of values than those “defended” by states. This is what leads politicians and sometimes intellectuals to use expressions such “young people from immigrant backgrounds” or “second-generation immigrants”, expressions that often have pejorative connotations. It is true that these expressions sometimes seem to be justified when the individuals concerned claim the heritage of their parents and/or when “… other people often ascribe that origin to them”⁴, but they still have this derogatory connotation. Such lack of precision in terms reveals a problem: leaving aside the migration from Eastern Europe related to the European integration process, recent migrations differ in origin from those of the major waves of immigration in the first half of the twentieth century and bring with them specific problems. As they are more Muslim than in the past, religious diversity makes intercultural dialogue more imperative.

1.1.2. Diversity of situations and experiences

The experiences and difficulties encountered by migrants differ according to when they arrived in the host countries. Their abilities to surmount them are not the same according to whether they have just arrived in the host country or have lived there for many years. Nor is their vulnerability to adversity the same. This explains why the Council of Europe (2008b) has sometimes sought to distinguish immigrants from resident migrants. The former are people who are in the first phase of the settlement process and the latter those who have been settled for many years, whether or not they have acquired the nationality of their host country.

A distinction must also be drawn between those who plan to stay (permanent immigration) and those who do not (temporary immigration). The latter is often called “pendular” or “cyclical” migration.

⁴ On this point see Schnapper D. (2007, p. 219) : Qu’est-ce que l’intégration? Editions Gallimard. In this way they can be distinguished from the native-born. We know, however, that as a result of much intermingling of populations over the last hundred years, a significant proportion of the population of every European country has foreign or immigrant origins. What appears to be a native population is, in part, of immigrant origin. It is true that, in most cases, the oldest immigrant communities have gradually lost the memory of their identity and have become integrated in their ancestors’ host nation-States, while the more recent arrivals have either not lost that memory or have not managed to build a syncretism or become integrated.
“Pendular” migrants come and go thanks to the increased ease of movement of citizens from central European countries that have recently joined the European Union (OECD, Dayton-Johnson et al., 2007; see in particular Chapter 3, p. 43 et seq). Some participate in harvests and come as agricultural workers. This is the case of a great many Romanians in Spain. Others “do business” and, for example, legally or illegally, go in and out of Russia, cross the borders of Eastern Europe, conducting what Morokvasic-Muller (1999) calls “the bazaar economy”. As the Council of Europe rightly notes, “One aspect of integration that has not been previously explored is the extent to which integration activities should apply to short-term migrants. Integration policies tend to be based on the assumption that migrants will settle in the receiving country. Integration policies need to be reviewed and adapted, if necessary, to meet the needs of short term migrants and the societies in which they live, particularly in circumstances where there are rapid changes in the immigrant population in terms of both number and profile.” (Council of Europe, 2008c).

The distinction between pendular migration and permanent migration is not always relevant: if the conditions of movement change and become more restrictive, pendular migration will by force of circumstance be transformed into permanent migration. This change has been observed in France as well as in other countries: when, in 1975, a residence permit was introduced for sub-Saharan immigrants and, in 1986, they were required to obtain a visa in order to enter France, it became more difficult for migrants to return to their countries to see their families, if only for a few months, and then come back. For fear of not being able to obtain a visa again, they limited the number of their journeys. Instead of regularly visiting their families in Africa, they tried to bring them over in the context of family reunification (Faes, G. and Smith, St., 2007). An interesting study (Odgers, O., 2007) shows that, in Mexico, the construction of a wall intended to prevent illegal immigration has transformed pendular migration into permanent migration. This is explained by fear of no longer being able to return to the United States after a visit to the home country. Such measures have had “undesired” effects: they have encouraged migration and the people-smuggling “business”, made migration more dangerous and led to an increase in imprisonment and deportations.

The transition from temporary legal migration to permanent illegal migration sometimes involves migrants who have arrived on a tourist visa or a temporary work or student permit. As we will see later, there
are very few reliable estimates of illegal immigration. Governments try to limit illegal immigration as much as possible, whatever form it takes, by developing security measures that can in some cases amount to indirect or even direct human rights violations.

How migrants enter affects their behaviour and their future integration in the host country. In view of the difficulties involved in obtaining authorisation to migrate and reside under family reunification arrangements, some migrants try to obtain such authorisation after illegally entering the territory in which their families live. Others try to obtain political refugee status after entering the host country illegally. In view of the increasing difficulty of obtaining refugee status, many prefer not to apply for it out of fear of being deported. These difficulties are essentially explained by the introduction of new, more restrictive and more targeted immigration policies.

A distinction also has to be drawn between the experience of the original immigrants and that of their descendants. Their behaviours are often different: the former leave their countries of origin, often in danger of their lives, while the latter are born in the host country or benefit when they are young from family reunification and live and are brought up in the host country.

1.2. Immigration has changed profoundly

1.2.1. Migrants’ origins and destinations

According to the World Bank (2007), at the beginning of the twentieth century there were 48 million migrants, i.e. 12.3% of the European population. Let us focus on emigration rather than immigration. At that time, most migrants came from the most industrialised countries. If migrants are evaluated by country of origin and by comparing total migrants from the country considered with its population in 1900, it can be observed that the top ten countries, with the highest rates of migration, were the most developed countries.

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5 There is a great deal of literature on illegal entries. Reference can be made to an edifying document published by the Migration Policy Institute (November 2006).

6 In this study the World Bank defines migrants as people born abroad.
Thus, the highest gross migration rate (total departures from the country as a proportion of the population excluding entries) was that of the British Isles (40.9%), followed by Norway, Portugal, Italy, Spain, and lastly France (1.3%). These figures are very high and, so that there is no doubt as to their interpretation, it should be recalled that they are total departures as a proportion of the population in 1900 and not annual departure flows compared to population.

The situation is radically different at the beginning of the twenty-first century: only three industrialised countries figure among the top ten countries of emigration. The others are either developing economies or so-called emerging economies, Mexico being the country that sends the most migrants as a proportion of its population (World Bank, World Development Report, 2007, p. 149).

At the global level, immigration is by definition equivalent to emigration, but not by country. The “foreign-born” represented about 3% of the world population in 2005 according to the UN (2009). This percentage had changed very little in 15 years, as it was 2.9% in 1990. The slight rise in the overall figure conceals marked regional disparities. The concentration of migrants in the industrialised countries is high and increased significantly in the 15-year period. Thus, according to the UN, migrants accounted for 7.2% of the population of the most industrialised countries in 1990 and 9.5% in 2005. If the United States and Canada are considered, the percentages are still higher and growing: 9.7% of the population in 1990 and 13.5% in 2005. In Europe, the percentages, while lower, are also rising: 6.8% in 1990 and 8.8% in 2005. Conversely, the concentration of migrants is much lower in the less developed countries and fell between those two dates from 2.1% of the population to 1.4% (UN, 2009). Furthermore, according to the OECD, 80% of the immigrant population in the developing countries comes from such countries (OECD, 2007a).

Immigration is very significant in some countries. Thus, migrants represent at least 20% of the population in 41 countries, whether industrialised or not. Generally speaking, women account for almost half of them, i.e. 49.6% (OECD, same source). This last figure is important and refutes the myth of mainly male immigration. It should be added that a little more than half of migrants living in the developed countries (54%) come from developing countries and that 8.5% of immigrants in the OECD countries come from Africa. The largest proportion of immigrants in OECD countries comes from Latin America (25%). This high
percentage is explained by the high immigration of Mexicans, Central Americans and South Americans from Colombia and Venezuela to the United States. This group is followed by Asians (16.8%) to the United States, the European OECD countries and Japan, and then Europeans (13.5%). A large proportion of Polish and Romanian migrants go to the United Kingdom, while Romanians and Ukrainians tend to go to Spain (same source).

Without seeking to analyse the causes of migration here, it can be observed that certain variables may be involved in the choice of country: a “shared” history of colonisation (United Kingdom, France, Portugal and Spain), recent conflicts (the United States in Asia after the Vietnam War) and the sharing of a common language (Haiti and Quebec). Geographical proximity between countries of emigration and countries of immigration also plays a part. For example, according to the OECD (same source pp. 150-151), at the beginning of the 2000s the main destination for migrants from Black Africa was the countries of the region. The percentage was over 60%. Next came the OECD countries for 25% of them, representing, as mentioned above, 8.5% of immigration to those countries. Migration from North Africa and the Middle East was mainly to the OECD countries (a little over 50%), while 57% of migrants from Europe and Central Asia chose the countries of their region and 30% of them OECD countries. Geographical proximity is also an important variable in the Americas.

As has already been noted, the main destination of Latin American migrants is the OECD countries (80%), mainly the United States. As has just been pointed out, variables other than geographical proximity are involved and may be more important. Geographical proximity is tending to become less important among the selection criteria. Spain is increasingly a destination for migration flows of Latin Americans. Chinese migrants go, legally or illegally, to the OECD countries, and to developing countries in the context of China’s new policy of aid to those countries. The destinations of migrants from the countries of East Asia and the Pacific are distant countries, mainly those of the OECD (50%). This is not true of migrants from South Asia, 37% of whom favour the countries of their region and 20% the OECD countries.

1.2.2. Economic participation of migrants differs in different European countries
When referring to populations aged between 15 and 64, instructive comparisons can be made between European host countries in terms of the share of immigrants both in the total population and in the labour force and employment (see Table 1 below). The rates differ from one country to another. They are particularly high in Luxembourg, followed by Sweden, Spain, Belgium etc. They rise over time, between 2002 and 2006, whichever indicator is chosen.

Table 1: Share of the foreign-born in total population, labour force and employment, 15-64 years old
The highest increase in the figures between 2002 and 2006 is for Spain. The proportion of the total population born abroad doubled in that period and there was a similar increase in the shares of immigrants in the total labour force and employment. This increase can be explained by the change in Spain’s status: a former country of emigration, it became a country of immigration following the strong economic growth to which immigrants made a very significant contribution. To a lesser extent, the same is true of Italy, Portugal and Greece.

In France and the United Kingdom the increase in the share of immigrants in the total population was small over the period in question, which was not the case in Italy or Spain. The same is true of the

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<th>Share in the total population</th>
<th>Share in the total labour force</th>
<th>Share in employment</th>
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<tbody>
<tr>
<td>Australia</td>
<td>26.6</td>
<td>27.6</td>
<td>24.7</td>
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<tr>
<td>Austria</td>
<td>13.2</td>
<td>17.0</td>
<td>13.3</td>
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<td>Belgium</td>
<td>12.4</td>
<td>13.5</td>
<td>11.3</td>
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<td>Canada</td>
<td>18.4</td>
<td>19.8</td>
<td>19.9</td>
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<td>Czech Republic</td>
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<td>2.0</td>
<td>1.9</td>
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<tr>
<td>Denmark</td>
<td>6.7</td>
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<td>Finland</td>
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<td>France</td>
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<tr>
<td>United States</td>
<td>14.8</td>
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Note: For Italy, the value in the 2002 column is for 2001; the target population consists of persons aged 15 years and over and excludes non-permanent residents.

Sources: European countries: European Community Labour Force Survey (data provided by Eurostat), and census of population 2001, for Italy; Australia: Labour Force Survey; Canada: 2001 and 2006 population censuses; United States: Current Population Survey, March Supplement.
percentage of immigrants in the total labour force and employment. It should be noted, however, that the increases were greater in the United Kingdom than in France.\textsuperscript{7}

The Netherlands, on the other hand, shows a slight fall in the percentage of immigrants of this age group in the total population over this period. The fall is also found in the shares of the “foreign-born” in the labour force and employment. These data are comparable to those of France, but in the Netherlands they fell slightly between 2002 and 2006. These data contradict the line taken by nationalist parties in the Netherlands about the “invasion” of their country by immigrants, revealing the discrepancy between perceptions and facts. This shows both the difficulty of conducting intercultural dialogue with a view to making societies more cohesive and the absolute necessity of doing so in order to avoid the development of animosities between communities. This is what will be seen in Parts Two and Three of this book.

1.3. In Europe, each host country has a different past

1.3.1. Geographical concentration by nationality of origin

The geographical origin of migrants is different in different European countries. Destination variables and the colonial history of each country to a great extent explain these differences. Generally speaking, high concentrations of certain nationalities are to be observed in a single host country. For example, according to C. Wihtol de Wenden (2001), at the end of the 1990s, 97% of Algerian immigrants in Europe were living in France. This is also true of the great majority of Tunisians (66%) and Portuguese and more than 50% of Moroccans. Most immigrants from the Commonwealth – Pakistanis, Indians etc – live in the United Kingdom. The great majority (68%) of Polish immigrants in Europe in 2001 lived in Germany. This percentage then fell with the rise of Polish immigration to the United Kingdom. The great majority of Greek immigrants in Europe (80%) live in Germany, as do 72% of Turkish immigrants in Europe.

\textsuperscript{7} These data are taken from OECD (2009a, Part Two), \textit{International Migration Outlook 2008}.
1.3.2. Rising immigration flows but varying situations in different host countries

According to the OECD (2008a), permanent immigration for all OECD countries increased by 83% between 1995 and 2005. During this period, some countries experienced greater changes in gross immigration rates (only entries are counted). For example, this is the case in Portugal (+459%) and Spain, whose legal foreign population more than quadrupled between 2000 and 2007, according to the newspaper *El País* (4 March 2008), which said that, in 2007, 16.72% of the legal foreign population was composed of Moroccans, 13.52% of Romanians and 10.35% of Ecuadorians. France experienced a smaller increase in gross immigration flow. In long-standing countries of immigration such as France, Germany, the United Kingdom, Belgium etc, the scale of permanent flows is to a great extent explained by family reunification, despite the increasingly restrictive measures governments have taken. Finally and conversely, other countries have experienced a fall in immigration flows: this is true of Germany (-38% between 1995 and 2005).

Temporary immigration flows have also increased, significantly in some cases, and, unlike permanent migration, they essentially concern seasonal workers (OECD 2008a, Lowell, L. and Kerr, J.). The available data on temporary flows are approximate for several reasons. Some people who arrive with temporary visas stay on in the country after they expire in the hope of being able to legalise their residence.

Data on net permanent annual flows are less reliable than those on stocks. For example, for France, there are no figures for either illegal entries – they are estimated at between 150,000 and 800,000 people – or voluntary departures, whether or not they are connected with temporary entries (Thierry, X., 2008).

However, as the United Nations Development Programme emphasises (UNDP, 2009), “It is important not to overemphasize the distinction between categories of migrants, as many migrants shift between categories” (p 26.).
According to the calculations of Laparro Navarro, M. (2007), based on data provided by Eurostat, net flows were on average positive in the Europe of the 25 between 2001 and 2005, as can be seen in the chart above. Situations differ greatly from country to country, as we have already seen in the preceding pages. Net migration rates (ratio of net migration per 1000 inhabitants) were highest in Spain, Ireland and Italy (14%, 11% and 7%, respectively). The United Kingdom, France and Germany had rates lower than the European average during this period. Like Poland, most East European countries had negative net migration rates and were therefore countries of emigration.

The evaluation of the number of immigrants in each country, based on censuses and therefore including “illegal” workers (although their numbers cannot be estimated as the survey did not ask this
question for obvious reasons), is generally lower than the estimates in terms of flow. This is why the estimates in terms of stock are generally lower than those in terms of flow. It may thus be observed that, according to the OECD, at the end of the 1990s, 60% of foreigners settled in Europe had been there for more than ten years.

1.3.3. Different grouping criteria

If the history of each of these countries is considered, they can be grouped according to four criteria: whether or not they have a colonial history, policies on the integration of immigrants, whether or not they have policies that favour immigration in general, and selective policies with respect to immigration, it being understood that several of these criteria may apply to the same country.

According to the first criterion (whether or not there is a colonial history), there are the former colonial countries (the United Kingdom, France, Portugal and Spain), the countries with little or no colonial past (Germany, Italy, Northern Europe) and, lastly, countries of emigration that have become countries of immigration (Portugal, Spain, Italy). It should be noted that Spain and Portugal had colonies but lost those in Latin America in the early nineteenth century and that Portugal maintained some colonies in Africa until recently.

According to the second criterion (integration policies), countries are grouped together according to differing integration policies. Some countries have tried to assimilate the populations arriving in their territories, others have considered that the most important values of those populations had to be respected and adopted a multicultural approach to their integration. “Neither of these models, assimilation or multiculturalism, is applied singularly and wholly in any state,” notes the Council of Europe White Paper on Intercultural Dialogue: “Living Together as Equals in Dignity” (2008c, p. 19). These models have – sometimes strongly – influenced certain policies, however, and are reflected in relative failures in terms of integration.

According to the third criterion (immigration policies in general), countries can be grouped together according to whether or not recent measures have been taking to manage immigration. Such policies are
different in different countries, although they have for several years tended to be more restrictive. There are measures that make assistance conditional upon integration and measures aimed at expelling “illegals”. In some countries, candidates for immigration are asked to “demonstrate” their wish to integrate (see Lochak, D., 2007, and Groenendijk, K., 2008). In other countries, these measures go further: they are extended to immigrants already legally resident in the host country, as could be observed in the Netherlands recently. Such measures conform to another philosophy: the “burden of proof” is reversed: it is for immigrants to show their wish to integrate first and it is only then that the state can help them. That there should be reciprocity may seem justified: governments help and in return ask immigrants to make an effort to learn the language, history and customs of the country. Reciprocity in this area goes against the recommendations of the White Paper. What it recommends is that the authorities should help immigrants to become integrated.

Measures to expel immigrants who have entered the territory illegally are increasingly common. Such measures are often extended to immigrant workers who have had a job for many years (often obtained using false papers) and despite the fact that they pay social security contributions and income tax. They also concern people with native-born partners, whether or not they have children born in the host country. In some countries these expulsion measures conform to quota objectives that are hard to satisfy for two types of reasons: the actions of human rights activists shocked by some expulsion decisions and the lack of cooperation on the part of governments of countries of origin which do not want to cut off resources derived from immigrants’ remittances. These remittances are usually higher than development aid from the developed countries.

The fourth criterion concerns selective immigration policies. This is to some extent connected with the third criterion. Countries are increasingly opting for “controlled” immigration. This policy is apparently designed to address manpower shortages in certain sectors in which job offers by companies or public services exceed job seekers. In line with this approach, in the reverse case – where there are more job seekers than job offers – immigration is not “wanted”, because it would be detrimental to the native population. As manpower shortages usually concern mainly skilled work, this policy encourages a “brain drain”. The developing countries which have financed the migrants’ education are impoverished by such
measures. This is one of the reasons why this type of policy encounters a degree of hostility from the governments of those countries.

1.3.4. Focus on a few countries

1.3.4.1. Recent immigration: Spain, Portugal, Greece, Italy

_Spain, Portugal, Greece and Italy_ were formerly countries of high emigration to America and then to Europe. Since the 1980s, the trend has reversed. The percentage of immigrants in the total population has been rising steeply as a result of the considerable rise in the net migration rate (excluding departures). In 2005, the net migration rates of these countries far exceeded that of France, a long-standing country of immigration. For more information, see Table 2 below, as well as Table 1 and Figure 1 above.

<table>
<thead>
<tr>
<th>Country</th>
<th>Immigration as % of the population</th>
<th>Net immigration rate per 1000 inhabitants</th>
</tr>
</thead>
<tbody>
<tr>
<td>France</td>
<td>10.8</td>
<td>10.5</td>
</tr>
<tr>
<td>Germany</td>
<td>-</td>
<td>11.1</td>
</tr>
<tr>
<td>Netherlands</td>
<td>5.3</td>
<td>9</td>
</tr>
<tr>
<td>Italy</td>
<td>2.2</td>
<td>2.6</td>
</tr>
<tr>
<td>United kingdom</td>
<td>6.5</td>
<td>7.3</td>
</tr>
<tr>
<td>Portugal</td>
<td>3.5</td>
<td>5.3</td>
</tr>
<tr>
<td>Spain</td>
<td>1.1</td>
<td>2.5</td>
</tr>
</tbody>
</table>

Source: L. Lowell J. Kerr (2008a). _These data provided by the OCDE have been harmonised_

The comments below are not necessarily based on the harmonised OECD data as set out in the table above. In view of the differences between harmonised and national data, these comments may need to be qualified.

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8 They may differ from national data on immigration provided by the different countries. Countries usually define immigrants differently from international institutions. We saw this in the introduction. In France, for example, according to figures provided by the High Council for Integration, in 2004, 7% of workers were immigrants and in Germany 17%. See following pages.
Spain had only 2.5% immigrants in 1995. This figure rose to 5,200,000 in 2007, ie 12% of its population. In 2004, almost 20% of immigrants were Moroccan, 11% Ecuadorian, about 6% Colombian and 5% Romanian. Immigrants were young workers (men and women) and only 5% of entries can be explained by family reunification. Immigrants account for 22% of the working population of Madrid, which is a considerable figure.

The reversal of the migration balance began in Portugal in the mid-1970s with the mass arrival of people from the former colonies. A reversal of the migration balance also took place in Greece in the mid-1970s. In Italy the migration balance became highly positive in the early 1990s, while it had been highly negative in the 1960s. Whereas there were 500,000 foreigners in Italy in 1991, by 2007 there were 4,500,000, according to national statistics.

In Spain, Italy and Portugal, which have recently become countries of immigration, the percentage of the population of working age is therefore larger among immigrants than among nationals, as is shown in Figure 2 below for Spain.

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It should be noted that Ecuador is suffering a population drain, with an estimated 13% of the population having left the country for Spain, the United States and Italy in the last 25 years. See B. Jokish (2007), “Ecuador: diversidad en migracion” in Migration Information South.
1.3.4.2. Older immigration countries: Germany, France and the United Kingdom

As already mentioned, Germany considers people born in the territories that formerly belonged to it to be German. Until recently (1999), the children of immigrants born in Germany could not have German nationality (rule that nationality is conferred by descent). Immigrants and their descendants born in Germany represented 10.1% of the population in 2004 (of whom 8.1% were immigrants born abroad), according to the High Council for Integration (2006). The origin and concentration of the immigrant population are different from those observed in France. In 2003, there were 1,223,000 Turks (whose descendants numbered 654,853), 846,305 former Yugoslavs (whose descendants numbered 208,400), 428,074 with Italian nationality (their descendants: 173,184), etc., a total “immigrant” population of 5,834,766. To this should be added 3,088,615 “ethnic” Germans, a total composed of 2,145,856 migrants from the former USSR, 672,350 from Poland and 270,000 from other countries. Lastly, there were the migrants for humanitarian reasons, consisting essentially of refugees, who numbered 1,088,000. A breakdown of this
population by origin therefore shows a high proportion of Turks and former Yugoslavs, together with large numbers of “ethnically” German migrants (Liebig, T., 2007).

In France according to the High Council for Integration (op.cit.), the immigrant population accounted for 7% of the total population in 2004, or 4.5 million people. In this case, it is the legal immigrant population. We have seen that the OECD estimates are higher than those just given (cf. Table 2). Foreigners who entered France in 2004 for a period of more than one year amounted to 175,000. Two-thirds of this immigration can be explained by family reunification. Immigration has in part changed: the flows of Italian and Portuguese immigrants have dried up, while those from Black Africa have increased significantly (Diez Guardia, N. and Pichelmann, K., 2006 and OECD 2006a). When the stock of foreigners by nationality is considered rather than annual flows, it is observed that there are more North African immigrants (almost one million in 1999), but that the Portuguese are also a significant group (553,000), followed by Italians (201,000), while there are fewer foreigners from Black Africa.

In the United Kingdom in 2001, the immigrant population was estimated at 8.3% of the total population, one third coming from Europe. Family reunification was less significant than in France and Germany, ie 37.8%, as compared with 64.3% and 44.7% respectively. Conversely, labour immigration was greater at 35.5%, compared with 11.9% and 19.1%, and the Council of Europe (2007a) notes that there were fewer refugees. Immigration to the United Kingdom goes mainly to the cities. Greater London is a strong magnet. Taking the 15 to 65 age group resident in Greater London in the early 2000s, immigrants accounted for 43.24% of the working population, ie almost half (Atlas des Migrations, 2009, p.134).

According to figures provided by the High Council for Integration\(^\text{10}\), immigration to the United Kingdom is a very dynamic process as it has been estimated at 300,000 entries (excluding illegal entries) every year since 2001, with a peak of 582,000 in 2004, while, according to the OECD, 175,000 foreigners entered the country in 1992. Furthermore, the Home Office estimates the number of illegal entries at almost

\(^{10}\) It should be noted that, according to the data provided in Figure 1 (source Eurostat), net migration to the UK (excluding departures) is significantly lower than the figures given by the High Council for Integration. The latter are gross data, while those of Eurostat are net, but this distinction is not enough to explain the differences.
500,000. Immigration from the Commonwealth still predominates. For example, immigration from the Indian sub-continent accounts for about one third of total entries (India in first place, followed by Pakistan and then Bangladesh) and Africa for about one fifth (mainly South Africa, Zimbabwe and Nigeria), while flows from Australia are also significant. There is significant European immigration to the United Kingdom, immigration from Eastern Europe having risen recently. For example, in 2004 the immigrant population of Polish origin was half that of French origin. In 2008-2009 it has been falling, however. The current financial crisis and recession are leading to a significant rise in the unemployment rate and many recent immigrants from Eastern Europe have been going home. Immigration from China has increased significantly, as has that from the Middle East.

1.3.4.3. A specific case: Russia

Since the collapse of the USSR, the population of Russia has been in flux. Some of the 25 million ethnic Russians of the former USSR, some of whom had lived outside Russia for generations, have returned to Russia, with returns peaking between 1992 and 1994. Russia also receives a large number of immigrants from the former Eastern bloc countries and from Turkey. Some of the Chinese immigration to Russia is pendular, with a particularly well developed “bazaar economy” on the border of the two countries, and some of it permanent. The relatively high percentage of illegal entries is explained by the difficulty of obtaining a visa. According to the last Russian census, Chinese immigration was 35,000, while according to the Russian Interior Ministry it is between 400,000 and 700,000. This Chinese immigration should also be seen in the context of China’s food self-sufficiency measures. The Chinese are buying more and more land in Russia in order to cultivate it and send surpluses back to China. Added to this are all sorts of trading and trafficking. This new form of immigration, which is akin to colonisation, presents many problems (Le Monde, 20 April 2009). Generally speaking, immigration to Russia has several causes: some people are trying to flee armed conflicts in the region (Georgia, for example), others are looking for a job that is better paid than in their country of origin, while still others are involved in the so-called “bazaar economy”. At the same time, many Russians are emigrating to CIS countries, to Israel or to OECD countries (including Germany). The
migration balance is positive but insufficient to compensate for the net fall in population resulting from a low fertility rate and reduced life expectancy (Atlas des Migrations, op. cit.).

Conclusion

Immigration has therefore changed, and so too has the economic situation. For many years, most European countries have had fairly low economic growth, the exceptions being the United Kingdom, Spain and a few East European countries. These economies have now been hit by a serious financial and economic crisis. The unemployment rate has risen sharply in all countries and particularly quickly in those that recently had high growth. These two factors (different immigration and economic crisis) mean that the questions of immigration and diversity present themselves in different terms. They are tending to radicalise the extremes: on the one hand, distrust of immigration, stricter law enforcement, rise of nationalism and xenophobia and even racism, on the other, difficulties – perceived as being greater – for immigrants to practise their own cultures and religions and a rise of fundamentalism. It is in this context that responses need to be found in terms of combating the discrimination to which immigrant groups are subjected, respect for their cultures and religions, tolerance and reciprocity, ie in terms of intercultural dialogue, which is more necessary today than ever. It is this that will be discussed in the next two parts.

Fundamentalism is a particular reading of a religion in that it is a return to fundamentals. With respect to Islam, it is clear that all Muslims are far from being fundamentalists: while drawing a distinction between the sacred and the profane, many Muslims accept the idea of the secularisation of societies by integrating in their practices the separation of “Church and State”. Integrism can be distinguished from fundamentalism, even if it is sometimes its breeding-ground: it seeks to freeze all change in beliefs and practices in a system regarded as final and immutable. On these questions, see Barnavi. E. (2006).
PART TWO. SOME AREAS OF DISCRIMINATION AND RESPONSES IN TERMS OF INTERCULTURAL DIALOGUE

Introduction

Immigrants and their descendants are subject to direct and indirect discrimination. Intercultural dialogue is difficult to conduct as long as equal enjoyment of rights is not respected. Nonetheless, this does not mean that we have to wait for discrimination to disappear before conducting such dialogue. On the contrary, combating discrimination is both the precondition and the objective of such dialogue. This is the only way there can be any hope of moving towards the formation of a shared or plural identity. But it is only by becoming aware of the scale of discrimination that there can be any hope of making progress. The White Paper refers to the non-discrimination clause contained in the European Convention on Human Rights: “The rights portfolio also includes ... the socio-economic rights arising from the European Social Charter”. It also mentions that the Social Charter “addresses many of the issues which can bear particularly heavily on persons belonging to disadvantaged groups (access to employment, education, social protection, health and housing)” (p. 27). The White Paper later adds: “The workplace should not be ignored as a site for intercultural dialogue. … Trade unions can play a critical role here, not only in improving conditions but also in offering sites for intercultural solidarity which can counter the damaging effects of labour market segmentation, which racist organisations may exploit” (White Paper, p. 37).

Economic discrimination is strongly felt to be unjust and humiliating. It is directed at particularly vulnerable immigrant populations (and their descendants). It is very rarely overt, except in the case of certain jobs reserved explicitly for nationals, and it is usually indirect. Educational and spatial discrimination (ghettos, disadvantaged neighbourhoods) is one of the links in the chain that dooms a large proportion of such groups to exclusion. The purpose of Part Two is to discuss such discrimination.

Discrimination, both in the workplace and at school, may be based on several elements, which are often difficult to untangle, as was noted in the general introduction. It may be ethnic, religious or gender-based. But it may also be the result of exploitation of the special vulnerability of immigrant populations. Migrant workers’ right of association and their right to protect their interests are often not respected, even in
European countries. Permanent migrant workers, however, can exercise their rights more easily than temporary workers. Generally speaking, undocumented immigrants are the most vulnerable, then recent immigrants, then, closer to the native population, the immigrants who have lived in the country for some time and those who have acquired the nationality of the host country. Intercultural dialogue and a more sustained social policy aimed at combating discrimination should therefore be pursued in tandem. Focusing policies solely on intercultural dialogue, ie without pursuing a consistent social policy against discrimination, not only does not produce the desired effects, but affects the richness of intercultural dialogue. This is the main theme of Part Two.

2.1. High levels of discrimination in the labour market

European societies are characterised by ageing at the top of the age pyramid, varying in degree from one country to another. Such a situation should lead to greater demand for immigrant labour, but this is not what has happened.

The Europe of the 27 is ageing and its fertility is insufficient to replace its population. These two characteristics mean, in the near future, a relative increase in the burden represented by the dependent population (the over-60s) and, at the same time, a decrease in the population of working age (Le Bras, H., 1999).12

All other things being equal, it will be impossible to maintain the size of the working population in Europe, much less the ratio between working and dependent populations. Can it, therefore, be assumed that a more sustained immigration policy would make it possible to compensate for this demographic deficit?

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12 To be more precise, demographers calculate age structure indicators. A structure indicator is the ratio between the size of an age group expressed as a proportion of the actual population and its size as a proportion of a stationary population, defined as a balanced population in which the number of births is equal to that of deaths. This therefore makes it possible to calculate “ageing” as a deviation from the stationary population and thus gives a better idea of demographic imbalance than the change in age groups between two dates. For example, in Europe (the 25-member EU) in 2003, the indicator for the working population (20 to 59 years) was greater than one, while it was less than one for the younger (the under-20s) and older (the over-60s) age groups. In the near future, because of longer life expectancy and insufficient fertility, the distribution of the indicator by age group will be reversed.
A 2005 United Nations report on recourse to immigration up to the year 2050 took three objectives into account: (1) maintaining total population at its 1995 level; (2) maintaining the size of working populations (15-64 age group); (3) maintaining the dependency ratio (i.e., the ratio between working-age population and dependent population). The conclusions were as follows: in order to achieve the first objective, net immigration to the (25-member) European Union would have to total 47.5 million people during the period considered, i.e., an average of 860,000 per year. Achieving the second objective would require net immigration of 79.6 million people, and achieving the third objective, 700 million (the size of this figure can partly be explained by the fact that, between now and 2050, many immigrants will have become dependent). As Gulimoto, C., and Sandran, F., (2003) emphasise, the size of these figures, particularly the last one, demonstrate that immigration is not the single solution to the problems presented by an ageing Europe. However, while much greater immigration will not enable the objectives set in this UN report to be achieved, it can contribute towards their achievement, and it may be considered that, including for demographic reasons, “it can contribute to filling certain specific gaps on the European labour market” (Eurostat, 2002). It is therefore very valuable. One is therefore surprised by the short-sighted policies that aim to restrict the arrival of immigrants as far as possible, putting more difficulties in their way and increasing the number of expulsions, and aim for so-called “controlled” immigration, although the gap between the demand for unskilled labour by companies and its supply is very great in most European countries, despite a high overall unemployment rate.

Eurobarometer (2006) conducted a highly instructive survey in which it sought to evaluate the degree of sensitivity of the population of each country to ethnic discrimination: the higher such sensitivity is, the stronger the rejection of discriminatory practices; but the lower such sensitivity is, the stronger the rejection of other cultures.

The degree of sensitivity to ethnic discrimination tends to be higher in countries with a tradition of receiving migrants. Eighty-three per cent of the population of the Netherlands is sensitive to such discrimination, 80% of the population of France, 71% of the population of Spain, 68% of the population of the United Kingdom, but only 48% of the population of Germany. The average for the (27-member) EU is
59%, with the least sensitive being the Lithuanians and the Poles. The degree of sensitivity does not necessarily reflect the level of discrimination in each of these countries, but the scale of its rejection. Sensitivity to discrimination is connected with several factors that cannot be set out here. Let us note along with the Centre d'analyse stratégique (2007, p. 63) that the French appreciate the economic and cultural contribution of immigrants more than the European average.

This relatively great sensitivity of populations to ethnic discrimination should be used as a basis on which to pursue an altruistic policy seeking to foster respect for others, but this is not what happens. Instead of immigrants being helped to become integrated, they are expected first to show evidence of their wish to become integrated and at the same time numerous obstacles are often put in the way of their integration, leading some of them to become discouraged and others to lose interest.13

Many people believe that work is the beginning of an immigrant's process of integration in the host country. In this respect the employment rate is a valuable indicator. The convergence of the employment rates of immigrant workers and nationals improves the chances of integration. The corollary of this is that discrimination in employment is an obstacle to such integration.

Knowing about such discrimination also gives an idea of the difficulties involved in conducting intercultural dialogue14. The greater the difficulties, the more such dialogue is necessary. It is these difficulties that will now be discussed.

2.1.1. On average, immigrants have a lower employment rate than the native-born

On average, immigrants have a lower employment rate than the native-born. Moreover, the employment rate differs according to the geographical origin of immigrants. In Greater London, for example, there are significant differences according to nationality of origin: while the employment rate of Australians,

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13 There is a great deal of literature on this subject, both in France and other countries, such as the Netherlands. For France, see in particular the CIMADE report (2009).

14 If a rather bold analogy may be drawn, it was because Bartholomeo de Las Casas knew about the situation of the Indians and the reality of their extermination that he was able to write so forcefully and with such conviction his petition to the Pope that they no longer be massacred by being put to the sword or bitten to death by dogs and at last be considered human beings instead of half human and half beast. The same could be said of Villermé's report on working conditions at the dawn of the Industrial Revolution.
South Africans, Germans and French is higher than that of natives of the United Kingdom (78.4%), it is lower for others: Pakistanis have an employment rate of 48.4%, Bangladeshis 36.8%, Turks 35.9% and Somalis 16.4%.

It should also be noted that, according to another OECD study, the share of the “foreign-born” aged 15-64 in the working population in 2006 was 15.1% in Spain, 13.5% in Sweden, 12% in France, 11.2% in the United Kingdom, 8.6% in Italy and 7.9% in Portugal (cf. Part One).

According to the OECD (2009b), however, there was an improvement in the immigrant employment rate in many countries between 2001 and 2006. This may be seen in Belgium, Denmark, Finland, Germany, Ireland, Italy, Spain and the United Kingdom, but, conversely, the situation deteriorated in Austria, the Netherlands, Norway and France. The improvement in immigrant employment rates is to a great extent accounted for by the extent of their contribution to the growth in the volume of employment in most industrialised countries, as the OECD has shown (2009a). This last indicator measures how many jobs out of one hundred created are held by immigrant workers. The data show great disparities in different industrialised countries. Between 1996 and 2006, their contribution was relatively large on average in Great Britain (65%), Italy (63%) and Sweden (63%), sizeable in Spain (38%), a little less so in Portugal (25%) and low in France (12%). It increased between 1996 and 2006 and particularly between 1996 and 2002. The results obtained have to be analysed with caution, however, because the immigrants taken into account in this study come from the countries of both South and North. We know that the contribution to the growth in employment is connected with education. In the United Kingdom, for example, it is not the same for Pakistanis with little education and French graduates looking for a job in the City.

The difference between the employment rates of the “foreign-born” and the “native-born” is a useful indicator for measuring integration through work. A reduction in the difference may be interpreted as a factor favourable to the integration of immigrants and vice versa. Again according to the OECD, this difference

15 With the exception of Spain, however, where in 2003 it was 76.9% as against 66.7% for nationals. See OECD (2006a), pages 206 and 244. For a comparison by country of total employment rates (native-born and immigrants), of persons born abroad (men and women) and of women, see Atlas des Migrations (2008-2009), pp. 66 and 67.
diminished between 2001 and 2006 in Belgium, Portugal, Denmark, the United Kingdom, Italy and Ireland, while it increased in Germany, Spain and Norway and remained fairly stable in France.

It should also be noted that employment discrimination may take other forms. It has in fact been observed (Diez Guardia, N. and Pichelmann, K., 2006) that the share of temporary employment in total employment was either slightly higher among immigrants than nationals (in France and Germany, for example) or much higher (in Spain and Portugal, for example).

Employment discrimination decreases with length of residence. A fall in the difference in employment rates between immigrant populations and people born in the country may be observed as immigrants' period of residence lengthens. The time factor therefore plays a positive role in favour of integration. This difference decreases significantly after five years’ residence in some countries, such as Germany, France and Denmark, a little less in the United Kingdom, but it does not decrease at all in Sweden, except for those who have lived there for more than ten years, while it increases in the Netherlands after five years’ residence and diminishes after ten (Liebig, T., 2007).

2.1.2. Immigrants are more vulnerable to unemployment

There is a great difference between the unemployment rates of foreigners and the native-born in almost all European countries. For men, the ratio between the unemployment rate of foreigners and that of the native-born is always greater than one\textsuperscript{16}. Sometimes it is close to – or even more than – 2. It is generally higher for women, as can be seen in the table of statistics for 2005 below. It is particularly high for women in France, Germany and the United Kingdom. The lower unemployment rates and less pronounced ratios in Spain as compared with other countries are mainly accounted for by the fact that the country has not been receiving immigrants for long and migration is above all work-related, as we saw in Part One.

\textsuperscript{16} Except in Hungary in 2006.
Table 1: Unemployment rate by gender for foreigners and the native-born

<table>
<thead>
<tr>
<th>Country</th>
<th>Foreign workers / total workers ratio</th>
<th>Unemployment rate in 2005 (%)</th>
<th>Men foreign/native</th>
<th>Women foreign/native</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2000</td>
<td>2005</td>
<td>Native men</td>
<td>Foreign men</td>
</tr>
<tr>
<td>France</td>
<td>6.1</td>
<td>5.2</td>
<td>8.3</td>
<td>15.3</td>
</tr>
<tr>
<td>Germany</td>
<td>8.8</td>
<td>9.5</td>
<td>10.7</td>
<td>20.3</td>
</tr>
<tr>
<td>Netherlands</td>
<td>3.7</td>
<td>3.5</td>
<td>4.2</td>
<td>13.4</td>
</tr>
<tr>
<td>Spain</td>
<td>1.4</td>
<td>11.1</td>
<td>7</td>
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Source: extract from the report presented by the Council of Europe in Kyiv (op. cit., p. 94).

2.1.3. Skill and qualification levels reduce disparities but do not eliminate them

It might be thought that the higher unemployment rate for foreigners than for the native-born can be explained by the lower skill and qualification levels among this population. This argument is only partly valid. With equivalent skills and qualifications, foreigners have a higher unemployment rate and lower pay than the native-born.

In terms of skills and qualifications, there have been significant changes in the foreign workforce. In the past it was essentially unskilled. This is no longer the case. The skill level of the foreign workforce is more uniform. According to the World Bank (cf. figure below), highly skilled migrants accounted for 40% of total migrants from Black Africa at the beginning of the 2000s. This percentage is equivalent to that of workers with few or no skills. The upward trend in highly skilled migrants is common to all regions of high emigration. In South Asia and East Asia, the percentage is close to 60%.

The skill and qualification level of migrants is also changing in France. In 1982, some 80% of immigrants were completely unqualified (as compared with 50% for non-immigrants). This share fell by half
in little more than 20 years: in 2004-2005, about 40% were completely unqualified (compared with 18% of non-immigrants). Immigrants with a higher education qualification increased from 5% to about 27% during the same period (Insee Première, 2006). The latter also came from developing countries, as the table below generally illustrates.

Figure 1. Change in the skill level of emigrants according to region of origin between 1975 and 2000.
The conclusions of an OECD study\textsuperscript{17} based on three levels of education – low, medium and high – were as follows:

1) The immigrant unemployment rate falls as the level of education rises. In the United Kingdom and France in 2003-2004 the unemployment rate was respectively 12.2\% and 18.4\% for those with a low level of education, 7.9\% and 14.4\% for those with a medium level and 4.2\% and 11.8\% for those who had had a higher education.

2) But the study also showed above all that there were disparities between foreigners and nationals that revealed economic discrimination against foreigners, whatever their level of education. In Germany, for example, unemployment rates for foreigners and nationals were respectively 20.3\% and 15.6\% for those with a low level of education, 14.7\% and 10.4\% for those with a medium level and 12.5\% and 4.4\% for those who had had a higher education.\textsuperscript{18}

The Council of Europe fully agrees with this, emphasising in the report of the 8\textsuperscript{th} Ministerial Conference (Council of Europe, 2008e) that discrimination has nothing to do with education level: “Highly educated, highly qualified immigrants often find it impossible to gain employment that matches their skills and thus they are compelled to work in occupations that pay less well and are inappropriate to their qualifications. Women, recent immigrants and those from third countries are particularly affected. This downgrading is particularly marked in the countries of southern Europe” (p. 91). The report further states: “Discrimination plays an important role in maintaining – and justifying – stratification and segmentation in the labour market. It contributes and mutually reinforces attitudes that relegate or constrain certain identifiable groups to certain roles and strata in the work force” (p. 90).

The probability that immigrants and their children with a high level of education will not find a job that matches their qualifications is higher than for the native-born. The following table comparing highly

\textsuperscript{17} OECD (2006b). In this study, education is measured by the number of years of schooling. For a comparison between the United Kingdom and France, see Shain, M. (2008).

\textsuperscript{18} These figures are taken from Diez Guardia, N. and Pichelmann, K. (2006), op. cit.
qualified immigrants and the native-born shows this clearly, except in the case of Switzerland. The percentage of highly qualified immigrants in low- or medium-skill jobs is much higher than for the native-born in Sweden (which is surprising in view of Sweden’s high scores on integration policies, see below), Norway and the Netherlands. The differences are smaller in France, Belgium and the United States.

**Figure 2. Highly-qualified individuals in low- and medium-skill jobs as a percentage of the employed population aged 15-64, 2006/2007**

The English version of the chart below is on page 15 of the OECD report – I have tried and failed to copy it.

Source: OECD (2009b, p. 15)

2.2. Lower pay and poorer working conditions

Economic discrimination also affects immigrants in two other areas connected with the labour market. The first concerns pay: at equivalent levels of qualification, they are usually less well-paid than native workers. The second concerns working conditions, which are harder for immigrants, as will be seen below.

2.2.1. An overview of pay and working conditions
Immigrants are more concentrated than the native-born in low-paid work. In this connection, the annual OECD report on international migration (2009a, part two) provides very interesting information. The report adopts a classification based on 16 pay levels, from the lowest to the highest. For each level, the OECD has calculated the number of workers as a percentage of all workers. Then, within each level, it has calculated the number of “foreign-born” (immigrants) and “native-born”. The study was conducted for four countries, including three European ones: Germany, the Netherlands and Sweden.

In Germany, there is a concentration of foreign workers (55%) in wage bands 3, 4 and 5. The percentage of foreigners is higher than that of native-born workers, with the exception of band 4, where it is the same. The percentage of native-born workers is higher than that of foreigners in all bands above the fifth. These characteristics are also found, with minor differences, in Sweden and the Netherlands. In Sweden, the concentration of foreigners is mainly in bands 4 and 5 (66%), while in the Netherlands, the concentration is particularly high in bands 3, 4 and 5, as in Germany. The percentage of immigrants in all bands above 5 is lower. Immigrants are more concentrated in low-paid jobs than native-born workers.

In the three countries considered in this study, however, there are as many foreigners as native-born workers (in percentage terms) in the first band representing the lowest pay. Workers belonging to this category are considered poor according to Eurostat criteria (the poverty threshold being 50% of the median wage\textsuperscript{19}). On the poverty scale, they are the poorest. This means that the lowest wages are also the lot of the native-born. Poverty is shared; it does not only stem from racial, religious or other discrimination. It will be emphasised in Part Three that anti-discrimination policies in favour of immigrants cannot obscure the principle of equality. If they did, they would appear to be policies that favoured immigrants.

Another way of evaluating this discrimination is to consider the median wage of immigrant workers according to whether or not their country of birth is a member of the OECD. When the geographical origin of foreigners is specified (whether or not born in an OECD country), it may be observed that the differences between median wage levels are higher for immigrants born outside the OECD than for those born within it.

\textsuperscript{19} The median wage is the wage received by the fiftieth worker out of 100 workers.
as the table below, taken from the same study, shows. If it is considered that the majority of workers born outside the OECD countries come from countries of the South and those born in an OECD country from the North, it may be considered that workers from the South are more discriminated against in terms of wages than those from the North.

Table 2. Discrimination according to geographical origin and gender

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<td>Median wage</td>
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This conclusion can be qualified as it does not take into consideration the skill levels of the groups concerned. While skill structures may be considered more or less comparable between the OECD countries, the same is not the case between these countries and those of the South. Generally speaking, the percentage of unskilled workers is higher among immigrants from the South than immigrants from the North. Consequently, the differences between median wages in part reflect differences in skills and not only discrimination aimed specifically at workers from the South. It should not be forgotten, however, that, as was seen above, the skill level of migrants from the South has tended to be higher since the beginning of the new millennium (cf. 2.1.3.).

Comparison of median wages – based this time on three levels of education, low, medium and high – as between foreign-born and native-born workers is instructive, as may be seen in the chart below. In most cases, wage differences are greater at a high than at a low level of education, which is generally explained by the fact that native-born workers are not interested in unskilled and often more onerous jobs.

Figure 3:

**Median wage by education level for native-born and foreign-born**

Native-born with medium education = 100

There have been few comparative analyses of working conditions at an international level. Some very instructive national analyses are available, however. They show in detail that working conditions are worse for immigrants than for the native-born. This is true of the survey conducted in France by the DARES (directorate of research, studies and statistics of the French Ministry of Employment), published in 2009, on workers' working conditions in 2005, regardless of origin: native-born and immigrants, and among the latter those who have been naturalised French and those who have retained their nationality. This last distinction
is important. It makes it possible to confirm the positive effects of length of residence in the host country not only on rates of employment and unemployment and pay, but also on working conditions in terms of physical difficulty. Working conditions are less onerous for executives and intermediate professions than for unskilled workers, who are more numerous among immigrants and particularly among those of foreign nationality.

The survey findings show that immigrant of foreign nationality are more exposed to physically onerous work, particularly as regards the length of time spent maintaining an uncomfortable posture or standing. If there is discrimination in terms of working conditions, it mainly concerns immigrants of foreign nationality rather than immigrants in general. As the DARES notes, some of the survey findings should be regarded as underestimates: “If immigrants and especially those of foreign nationality mention certain physical constraints less often, it is perhaps because they come from a cultural universe in which such constraints seem normal, inherent in all work, and not worth emphasising,” and also that “immigrants often feel bound by a sort of ‘social hyper-correctness’ which reduces their propensity to complain about their condition” (p. 3). Behind this lies culture and its influence on behaviour...

2.2.2. The reasons for economic discrimination

The surveys we have used seem to confirm that economic discrimination has two main causes: one is ethnic, gender-based or even based on religion, while the other is connected with the precarious status of immigrants. The working conditions of naturalised immigrants tend to be similar to those of non-immigrants, but the same does not apply to immigrants of foreign nationality. Immigrants of foreign nationality are more vulnerable than naturalised immigrants who have settled in the host country, which is now their own. This conclusion in part agrees with what we saw earlier, namely that in many OECD countries, for the lowest education level, median income is slightly lower for workers born in the country than for those born abroad. Median wages for the medium education level are systematically lower for immigrants, with sometimes large differences, as well as for the highest education level (see 2.2.1.). It also agrees with some findings of the OECD survey of Germany, the Netherlands and Sweden, which shows that
the percentage of non-immigrants is comparable to that of immigrants in the lowest income band (of the 16 bands considered).

The discrimination observed for employment and unemployment is also found for wage levels. It does not fall as the education level increases. The origin of such economic discrimination is difficult to determine. Although it is usually direct, it is very seldom explicitly acknowledged by those who practise it. Therefore, in the absence of religious or even ethnic statistics for many European countries, it is difficult to establish whether discrimination is due to a person's race or religion or whether it is connected with the status of immigrants. Immigrants as a group have little protection, and “illegals” even less than those who are in the host country legally. They are characterised by their vulnerability (poor command of the language more often than not, fear of expulsion, ignorance of their rights, difficulties defending themselves against infringements of employment legislation and failure to pay them all that is owed to them). The obvious precariousness of their situation means that they are doomed to suffer economic discrimination. That being the case, these reasons do not rule out racist discrimination. Like discrimination against women, it may be dressed in the trappings of a job or profession description, so that with equal training and equal work, women are paid less than men and blacks less than whites. As there are no statistics, it is difficult to measure, but it is sometimes evaluated with the aid of surveys and recent econometric techniques (experimental econometrics). In this connection Philippe Ashkénazy, in *Le Monde*, 12 May 2009, reported on recent articles written by Swedish economists. In one of these articles, two similar samples of immigrant workers were considered. In 1990, the incomes of the people composing the two groups were similar, as were the prospects of changes in their incomes. Then the law changed: immigrant workers were able to change their name and opt for a Swedish name. Two samples were again considered, but with one significant difference: the first sample was composed of immigrants who had kept their foreign-sounding names, the second only of immigrants who had changed their names. A few years later the change in income of the two groups was observed. Instead of being the same, the incomes of the two samples differed: the incomes of immigrants who had changed their names were 40% higher than those of immigrants who had kept their foreign-sounding names. The conclusion is simple: immigrants who did not
opt for a Swedish-sounding name were discriminated against. As for the others, as their ethnic origin had been camouflaged by the adoption of a Swedish name, they were no longer subject to specific discrimination. Ethnic statistics are certainly useful for establishing such discrimination, but they are not necessary as modern econometric techniques are also able to reveal it.

In countries for which ethnic statistics are available, the scale of racial discrimination can be clearly observed. Brazil is an interesting case in this respect because of its history and the myths it maintains about the absence of racism. The UNDP has conducted a survey from which it emerges that white men earn more than white women, that white women are paid more than black men and that the average wage of black men is higher than that of black women. If 100 is taken as the income of a white man, it may be observed that, in 2006, in the case of uneducated workers, black men received 73.9% of what white men received and black women 54.9%. Education only changes these differences by accentuating them: a black man with fifteen years’ education or more received 72.5% of what a white man with the same education received, while a black woman received 41.4%. Although they have narrowed since 1995, these differences are significant and revealing (CEPAL/UNDP/ILO, 2008).

The situation of blacks in Brazil cannot, of course, be compared with that of immigrants in Europe, even if they are black. The former, who are the descendants of slaves, have been citizens for centuries and their social status still bears the stamp of their forced arrival. Immigrants in Europe may or may not have political citizenship of the host country, their reasons for being there are different, and above all the labour market is far less marked by informality (failure to comply with employment and tax legislation) than it is in Brazil. That being the case, the data suggest significant ethnic discrimination on the employment market, although it does not appear to be on the same scale as in Brazil. To this ethnic discrimination can be added cultural and religious discrimination. These forms of discrimination do not, however, rule out discrimination based on the precarious position of immigrants.

2.3. School, a medium for integration?

School does not seem to play the role assigned to it: offering equal opportunities to children regardless of gender and social, ethnic and religious background. A great many surveys confirm this. In
France, for example, the “republican” school has failed: when the performances in mathematics and grammar of the 25% most “disadvantaged” children are compared with those of the 25% most “advantaged”, the difference is very great, one of the largest in Europe, according to some surveys. There is a high concentration of immigrant children among the 25% most disadvantaged schoolchildren. Are the problems these children encounter at school explained by socio-economic origin and/or by the cultural origin of their families? This is an important question and there are many possible answers to it. Systematically favouring one of them at the expense of the others does not help to understand the problem in its complexity and to achieve the desired objectives.

2.3.1. Significant spatial segmentation fuels educational segregation

Educational segregation is linked to residential segregation. According to a survey carried out in the Bordeaux conurbation in 2001-2002, pupils of African, Turkish and Moroccan origin accounted for 4.7% of all middle school pupils, which at first sight is not very great. In fact, this was an average and, when one looks more closely at the distribution of pupils by school, one finds a very high concentration: 10% of middle schools educate 40% of such pupils (Cusset, P.Y., 2006). This observation could be applied to many education areas in France and to other countries in Europe. It is then easy to understand why the rate of underachievement is highest in such "ghettoised" schools. As Faugère and Sidhoum point out, the rate of underachievement is particularly high in “ghettoised” schools: 35% of children from poor families as compared with 12% of children from families which are not poor.

Urban segregation isolates the poor and, among them, the great majority of immigrants. An INSEE survey has shown that in France the poorest 10% of wage-earners never live in the same neighbourhood as the richest 10%. The degree of concentration of higher education graduates is even higher than for the best

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20 More precisely, pupils whose parents have a weak (high) economic, social and cultural status are considered disadvantaged (advantaged). See OECD (2007b).

21 See the report of the Conseil d’analyse économique devoted to these questions, edited by JP Fitoussi, E. Laurent and J. Maurice (2004).
paid people. What is new about this study is therefore the finding that it is not so much inequalities in present wealth that explain such segregation as the more enduring and identity-forming attributes of wealth: in other words, “those which enable people to project themselves into the future and which confer a status”. From this it may be inferred that residence is determined by an active strategy in the case of the most prosperous wage-earners, and particularly for those whose wealth attributes give them “a more solid relationship to the future” (Maurin, 2007, p. 622). It can therefore be seen that residence is determined by an active strategy for this category, while for the poorest (including the majority of immigrants) residence is a phenomenon by default. There is therefore a strong asymmetry between behaviours: some choose, others can only accept their place of residence. It is this that explains why immigrants, and particularly their descendants, very often change their residence when they acquire qualifications and try to escape the territorial segregation they have endured. “Urban segregation is therefore not the consequence of social inertia, but the result of the mobility processes through which social classes silently flee one another ... It is not immobility, but the selectivity of forms of mobility that gives neighbourhoods their fixed character” (E. Maurin, p. 624). This observation has implications for the development of a policy aimed at reducing the spatial segregation from which many immigrants suffer.

What predominates is a finding of relative failure, despite the efforts deployed. Urban segregation maintains educational segregation, so that the children of immigrants suffer from several failure factors, despite the support policies put in place (for example, in priority education areas – ZEP – in France). In order to try to limit the negative effects of ghettoisation on performance at school, several countries have opted for freedom of choice of school. In Sweden, the reforms were adopted in the early 1990s and, 15 years later, it can be seen that they have not had the hoped-for effects, inequalities between municipalities

22 Here “neighbourhood” means a grouping composed of about 30 adjacent housing units. See E. Maurin in Paugam (2007); in the same book, see M. Oberti.

23 On these questions, see D. Schnapper (2007, pp. 75 et seq). Referring to American studies, the author recalls the successive waves (Jews, then Italians, then Poles, later Lithuanians, etc., and lastly Blacks), of poor immigrants to the United States, replacing those whose living standards had improved. Such waves can be observed in France, in Sarcelles, for example, but also in some Paris neighbourhoods.

and school groups having increased. Freedom of choice may, therefore, have pernicious effects: the best pupils will be more easily accepted in good schools in different neighbourhoods or municipalities and the less gifted pupils will be even more concentrated in certain schools. The negative effects of ghettoisation may then be exacerbated. That is why, without necessarily rejecting this option, greater integration through school depends on improved housing and local job creation, etc, in deprived neighbourhoods.

2.3.2. Poorer performances at school than that of native-born pupils

The OECD has devised a set of indicators for assessing the knowledge and skills acquired by 15-year-olds living in the member countries of the organisation. PISA (Programme for International Student Assessment) is a very valuable tool in this regard\(^\text{25}\). The European Commission has also published several reports on this subject\(^\text{26}\).

The OECD compared the performance levels at school of native-born pupils with all foreign-born and first-generation pupils. Once this comparison had been made, the OECD went on to a further comparison between foreign-born and first-generation pupils. The assessment chosen here concerns performance in mathematics.

The OECD sought to identify several factors that might explain the differing performances of foreign-born, first-generation and native-born pupils.

The OECD selected a large number of factors as likely to influence performance levels: socio-economic background, family background (parental education), possessions related to "classical" culture, single-parent families, country of birth, and the language spoken at home. We will select just two: socio-economic background and the language spoken at home. These two factors sometimes have diverging influences, especially if other factors are taken into account, such as parental education. This is the case where a foreign-born pupil comes from a prosperous and well-educated family: the fact of speaking another


language at home may be an advantage rather than a handicap. Generally, however, both factors have the same effect: the lower the socio-economic level, the greater the difference in performance, and the more the language frequently spoken at home is not the one used at school, the more this explains differences in performance.

Performances at school obtained by foreign-born and first-generation pupils are inferior to those of native-born pupils and, within the first group, performances are higher for first-generation than for foreign-born pupils. Thus, a hierarchy can be observed between the performances at school of the groups considered: in decreasing order, native-born pupils, then first-generation pupils and lastly foreign-born pupils. This is what we shall see.

Figure 4 compares the differences in performances at school (on the scale of knowledge of mathematics) between native-born pupils, on the one hand, and all foreign-born and first-generation pupils, on the other. The differences are significant in most European countries (see the first column of the histogram for each country).

It is important to point out, however, that these differences are smaller when differences in socio-economic background are taken into account (see the second column for each country). In Sweden, socio-economic background explains about 32% of the differences in performances of foreign-born and first-generation pupils, in Spain, less than 25%. In France, on the other hand, the influence of socio-economic background is much greater since it accounts for around 70% of differences in performance.

Figure 4. Differences in Mathematics performance associated with students’ immigrant background
The performances at school of foreign-born pupils are poorer than those of the children of immigrants (first generation) and the performances of the latter are poorer than those of native-born pupils, still on the scale of knowledge of mathematics, as can be seen in Figure 5 (right-hand scale). Performance level improves for immigrants who arrived after 1990 in certain countries, such as Belgium, France, Sweden, Ireland etc, however, but deteriorates slightly in other countries, such as Denmark and Finland (Eurydice, 2004), but nonetheless remains significantly lower than that of the native-born (PISA 2003).

Figure 5. Place of birth and student performance

The English version of the chart below is on page 168 of the OECD report – I have tried and failed to copy it.
Figure 6 illustrates the negative influence of use at home of a language other than the one used at school. The right-hand scale shows the degree of differences in performance in knowledge of mathematics resulting from use of another language at home. It can be seen that the differences are particularly great in Germany, Belgium, the Netherlands, Sweden and France.

Figure 6: Language spoken at home and student performance

The English version of the chart below is on page 170 of the OECD report – I have tried and failed to copy it.
It is not always easy for immigrants' children to learn to read, master grammar and understand maths problems, because very often the teaching of these things is decontextualised from the culture transmitted by the parents, especially if they speak their own language at home with their children and have a low educational level (few books in the home, television omnipresent). This is why a particular effort has to be made in the area of teacher training, as the White Paper emphasises: "Teacher-training curricula need to teach educational strategies and working methods to prepare teachers to manage the new situations arising from diversity, discrimination, racism, xenophobia, sexism and marginalisation and to resolve conflicts"
peacefully” (p. 32). In some cases, teaching the language of the parents’ country of origin may help pupils to catch up on their schooling. It is “because of such fears [being behind at school, inhibitions etc] and in order to respect a democratic principle that international declarations were made recommending that the education of children in their mother tongues should be encouraged”, as the Council of Europe points out in another document27. But they should not learn their mother tongues at the expense of the language of the host country. On the contrary, intensive learning of the language of the host country is a necessary precondition, not only for “conducting intercultural conversations”, but also and above all for "act[ing] as full citizens" (White Paper, p. 29).

It would be a mistake to concentrate on the linguistic factor alone, however. As we saw above, other factors are involved and explain the scale of the differences in performance at school. As Nouria Ouali (2008) points out at the end of a survey of the situation of young Moroccan and Turkish women in Brussels, “... the tendency to analyse the school careers of students of immigrant origin in terms of language difficulties ... has above all ignored the interrelation of domination mechanisms based on gender and social origin, which produce discrimination in the school environment” (p. 5).

The differences in school performance do not seem to be the result of lower pupil motivation. Different surveys show that, on the contrary, on average, their motivation is higher than that of the native-born. The survey conducted by the French Ministry of Education in 1995 and 2002 of pupils from different backgrounds at the end of their schooling from year 8 to the baccalaureate showed that children born abroad or of immigrant origin are more punctual than native-born pupils28. This finding can, however, be challenged for two reasons: (1) the first is that it is an average and that standard deviations are needed because they would probably have shown more attitudes of discouragement among a proportion of these pupils, reflected in being late more often; (2) many immigrant children or children of immigrants drop out of school and were not taken into account – it is only the most determined who complete secondary schooling.

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28 See news file no. 35 (May 2008) of the scientific and technological monitoring department: www.inrp.fr/vst
In practice, for a large number of immigrant children and children of immigrants, school does not fulfill one of the functions assigned to it, or does so only very poorly: fostering social mobility by giving everyone the same opportunities.

2.3.3. Towards less discrimination in educational guidance

The integration of young immigrants and children of immigrants through school and work remains problematical for a range of reasons. To the reasons discussed in the previous section should be added the problems arising from educational guidance and discrimination upon leaving school. These issues will only be outlined here.

2.3.3.1. Educational guidance

According to Michel Wieviorka (2006), in France, “sociological studies also show that it [the population of Arab-Muslim origin] is the victim of a form of segregation operating in state schools, an educational apartheid which produces and reinforces inequalities for children of immigrant origin, instead of eliminating them ... or at least simply reproducing them, as the sociology of the 1960s and 1970s suggested” (p. 10). Generally speaking, fewer children of immigrant origin obtain a certificate when they leave school than children of non-immigrant origin. They are generally guided towards short vocational training although, if they attended schools in less deprived neighbourhoods, many of them would be guided towards a long general education with greater employment potential. Such discriminatory guidance sometimes takes on stereotyped and unacceptable characteristics. According to Luciak, M. (2004), in Austria, 20.6% of immigrant children (mainly boys), i.e. one child in five, goes to a “special needs, mentally or physically handicapped” school. According to the same study, a slightly less stereotyped but equally unacceptable situation can be seen in Flanders, the Netherlands and Germany. France is characterised by over-representation of immigrant children in “general and adapted vocational education” sections and in “regional adapted education schools”. Such discriminatory guidance may go still further. This was the case with Roma children in the Czech Republic: Roma children were 27 times more likely than non-Roma children to go to "special" classes for mentally retarded children. As will be seen in Part Three, in 2007 the European Court of Human Rights found against the Czech Republic for allowing such practices.
2.3.3.2. Discrimination upon leaving school

As Faugère and Sidhoum (2006) emphasise, _education protects workers of North African origin less than others_ when they leave school, regardless of whether or not they have a certificate, and immigrant children are more likely than others to obtain insecure employment (Mucchieli, L. and Le Goaziou, V., 2007). Such discrimination manifests itself through the refusal (certainly not acknowledged but nonetheless real) to consider applicants with foreign names and living in “difficult areas”.

Insecure, often part-time, employment is increasing in European societies and particularly affects immigrants and their children. That is why, according to Castel (2007, p. 425), “the drift towards a wide range of [insecure] activities which to varying degrees fall short of actual employment is in danger of undermining the very structure of the ‘society of fellow men’. In the new structure there would be, at one extremity, insecure occupations that barely pay a living wage and are exempt from the safeguards of employment law and social security”. We may go further, still quoting the same author: “If the employment market can no longer rely on the economic law of supply and demand to guarantee full employment, it is ‘natural’ that strong moral constraints should assert themselves. Those who do not work become the ‘bad poor’ and this expression is loaded with centuries of moral stigmatisation and socially coercive treatment” (_idem_, p. 424). Stigma or even guilt are thus heaped on those who are excluded, all the more so if they are immigrants and/or descended from immigrants. And in order to affirm their identity, a process with which psychologists are very familiar, some of them may be led to adopt the stigma responsible for the discrimination they suffer.29

Faced with the difficulty of finding a job when they leave school and with the scale of discrimination, it is understandable that young people in deprived neighbourhoods should be inhabited by a profound feeling of injustice. “There is therefore a very great risk that they will reinvest in their inherited membership of religious and ethnic groups. This is a second form of social ‘calcification’, usually described in terms of the development of inward-looking communities,” concludes Cusset P.Y. (2006). And, as

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29 See the interview with Mohammed Sherif Ferjani in the newspaper _Libération_ of 19 June 2009. On this question, see also Wievorka M. (2008).
Emmanuel Todd has written of the riots in France in the early 2000s, “the destruction of public buildings, some of which were educational establishments, reflects not the cultural exteriority of young people, but their membership of the section of French society that experiences education as a factor of segmentation and oppression rather than emancipation. At one time seen as an instrument of personal advancement and upward social mobility, the education system now seems to accentuate social segregation” (2008, p. 129).

Discriminated against at school and in job recruitment, a proportion of foreign-born children and children of immigrants are not interested in the life of the community and do not identify with society. The various forms of discrimination at school and when they leave school are therefore so many obstacles to their social inclusion. “It would [therefore] not be surprising if the young people concerned cut themselves off from the host society, since it has rejected them, and all the more from the public life that is incapable of remedying the problems they encounter” (Tiberj V., 2006).

However, despite their failings, schools are still media of integration for many children of immigrants. But not for enough of them. The central question is therefore how to give schools an important role in fostering social mobility and thus reducing the discrimination these vulnerable groups suffer? If it were improved, the education system could contribute more than it does at present to the construction of a more cohesive society because, as the White Paper stresses, “In a multicultural Europe, education is not only a means of preparing for the labour market, supporting personal development and providing a broad knowledge base; schools are also important for the preparation of young people for life as active citizens” (White Paper, p. 30). School is not the only medium. Improving the education system is a necessary but insufficient condition: even if a (too small) proportion of young immigrants and immigrants’ children manage to get to university and acquire a higher education diploma, they will not escape discrimination altogether.

2.4. An instructive assessment of integration policies

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30 On this point see A. Manço (2006).
The British Council has conducted an instructive assessment of the integration policies conducted in relation to immigrants by the various countries of the Europe of the 25 and the 28 on the basis of a synthetic indicator called MIPEX (Migrant Integration Policy Index)\(^3\). This indicator is important step forward, enabling each country’s public integration policies to be measured against the highest European standards embodied in Council of Europe Conventions or European Community Directives.

According to this indicator, the country with the best integration policy is Sweden and the one with the least satisfactory policy is Latvia. The score attributed to Sweden in 2007 was 88 out of a possible 100, ie 12 points short of the maximum, while Lithuania received 30 points. Among the main countries analysed, Portugal obtained the second highest score (79 points), followed by Belgium (69), the Netherlands (68), Italy (65), the United Kingdom (63), Germany (63), Spain (61), France (55) and Denmark (44).

Assessment of the findings provided by this synthetic indicator depends on how it is constructed and the different values given to the selected indicators, totalling 140. They are not weighted, so that each has an equivalent weight. They cover six integration policy areas: labour market access; family reunification; long-term residence; political participation; access to the nationality of the host country; and, lastly, anti-discrimination. Each of the integration policy areas is broken down into four dimensions, each of which comprises several indicators. It is possible to make comparisons over time and note progress achieved.

When the detailed scores obtained for each of the six areas are examined for each country, it may be observed that Sweden obtained: (1) the maximum possible (100) for everything relating to the “labour market access” area. Its scores are very high in the four components of this area (eligibility, labour market integration measures, security of employment, associated rights). These findings corroborate what we have seen in Part Two. (2) Its score is also very high for “family reunification” (92), the maximum score (100) being achieved for the associated rights and eligibility components, which are two of the four dimensions of the area considered (eligibility, acquisition conditions, security of status, associated rights). (3) Its score for “long-term residence” is the highest of the 28 countries (76 points), but also the worst of the six areas

\(^{3}\) See www.integrationindex.eu
considered. Of the four components of this area (eligibility, acquisition conditions, security of status, associated rights), the score for associated rights is 83, but for eligibility and acquisition conditions the score is only 70. (4) The area “political participation” obtained the highest score (93). A score of 100 was achieved for three of its dimensions (electoral rights, political liberties, implementation policies) and 75 for consultative bodies. (5) The area “access to Swedish nationality” obtained one of the lowest scores (71) compared to the other areas but, along with Belgium, was the highest of all the countries considered. As regards the four dimensions, Sweden scored 50 for eligibility and again 50 for the possibility of having dual nationality, while it scored higher for the other two dimensions (acquisition conditions and security of status). (6) For the sixth area, anti-discrimination policies, it scored 95, scoring 100 for three of the dimensions of this component (definition and concepts, fields of application, equality policies) and 83 for the fourth dimension (enforcement).

Without going into detail, it may be observed that France obtained worse results than Sweden in each of these areas: 50 for labour market access (this low score being mainly accounted for by the high number of professions reserved for nationals, so that for the eligibility dimension the score was 0), 52 for political participation (but 100 for political freedoms), 45 for family reunification, etc. On the other hand, France had a high score for anti-discrimination policies (81), but it is lower than Sweden’s (94).

One of the main limitations of this synthetic indicator is that it does not take into account the implementation and effectiveness of integration policies. It is also to be regretted that some areas, such as immigrants’ access to education, health and housing, and qualitative indicators, such as people’s attitudes to racism and the religious factor, are not taken into account. This would shed light on the paradox of countries with several good scores for integration policies but discrimination in some areas, as the authorities are in some cases quite powerless. In order to illustrate this, we will take three examples concerning Sweden, the country of excellence. Highly qualified immigrants have a much lower possibility, as compared with the native-born, of obtaining jobs corresponding to their qualifications than in other European countries. The percentage of children of immigrants aged between 20 and 29 who have left the education system and found themselves unemployed is certainly lower in Sweden than in Germany, Belgium or
France, but the difference between them and those with two native-born parents is much greater in relative terms (OECD 2009b, p. 17). Lastly, according to the 2009 report of the non-governmental organisation Médecins du Monde, the proportion of asylum seekers and undocumented migrants who have foregone healthcare is much higher in Sweden (68%) than in France (34.2%), Spain (33.3%) or Italy (43.4%)\(^\text{32}\). Sweden’s exemplary record in certain areas of integration policy is put into perspective by these three examples. It is certainly tempting to increase the number of sub-indicators. If the synthetic indicator became too complicated, however, it might lose its operational character. Weighting each of the sub-indicators differently might lead to apparently arbitrary decisions and reduce the credibility of the indicator. Despite its limitations, this indicator provides useful lessons on the possibilities of reducing discrimination in the various countries.

Comparisons are not conclusive, but to compare is also to open the door to the imagination and reject fatalism. Discrimination may be fought on many fronts, it is enough to see that some countries, without being perfect, are succeeding better than others. We have to impose the optimism of the heart on the pessimism of reason, “shake things up”, and accept and take on board the fact that our societies are moving towards plural identities and can look ahead to a promising future.

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\(^{32}\) According to the Médecins du Monde report, the immigrants residing in European Union countries without a residence permit who were questioned by Médecins du Monde said that they were in bad or very bad health three times more often than the population of the EU countries. Similar conclusions are to be found in the UNDP (2009) report, p. 64 et seq.
PART THREE: CULTURAL DIVERSITY, POSITIVE DISCRIMINATION AND SOCIAL COHESION

Introduction

The riots that shook the suburbs of French cities were expressions of nihilistic revolt on the part of people excluded from society who felt that they had little or no part in it. That revolt was not religious in character; but the religious and cultural dimensions linked to immigration and discrimination cannot be overlooked. The essence of intercultural dialogue, and of intercultural policies pursued at every level, is that immigrants may not be discriminated against by reason of their specific culture, ethnic background and/or religion. Intercultural policy is concerned not just with respect for human rights and for others within their cultures but also seeks to enrich the host society’s own culture. That policy is necessary, but not always easy to pursue. Once one sets oneself the goal of combating discrimination, of whatever origin (economic, ethnic or religious), “shaking things up” and refusing the facile solution of rejecting others, one must be both bold and cautious. For this reason, while the action taken must be generous, it must also be carefully thought out. So there is no escaping the need for precision in the language used and the aims set: culture in a globalised context, recognition of diversity in its relationship to social cohesion, the fight against discrimination in relation to the search for less inequality in general.

Words are charged with meaning, but their definitions often remain vague. They remain imprecise, ambiguous, and discourse is then open to various interpretations. Very often, words do not carry the same meaning everywhere: it may vary depending on each country’s particular history, and depending on historical context. The term “integration”, for example, has sometimes acquired a negative connotation where it is understood as being linked to policies aimed at the assimilation of foreigners, as in the United States and sometimes in Europe. For this reason it may be preferable to use the term “inclusion” instead of “integration”. Inclusion does of course suggest integration, but allowing for diversity. To take another example, “culture” is a word with several connotations: in some places it is invariably understood as being
fixed and immutable, while elsewhere, including the Council of Europe, it is seen as being constructed and enriched through contact with other cultures; but with globalisation it also tends to lose its territorial aspect. This will be seen in the first chapter.

In the United States, some champions of social cohesion argue against the recognition of diversity. They believe that too much diversity leads to a weakening of social ties, to fragmentation of society and to a cost in terms of public expenditure. The Council of Europe, on the contrary, considers that recognition of diversity is a precondition of social cohesion. Over and above equal rights for all, striving for equality in the exercise of rights for everyone regardless of origin, gender, age or handicap will tend to foster social cohesion. The second chapter presents the theoretical arguments employed by those who reject a policy of cultural diversity, setting them against the arguments of those who accept the enriching features of cultural diversity and favour the search for a shared identity.

A detailed positive discrimination policy and the search for reasonable accommodations may make it possible to approach the goal of giving everyone, regardless of ethnic origin, religion or vulnerability, equal access to rights. But these policies, by sometimes giving pride of place to ethnicity and religious allegiance, may *de facto* underestimate the importance of social factors and insufficiently emphasise the search for greater equality. In the United States, policies of positive discrimination have often worked against equality by merely offering various ethnic élites the opportunity to take part in an increasingly unequal society. So the road to intercultural dialogue is a hard one and there is a danger that these policies may be detrimental to equality. Nevertheless, these dangers cannot constitute a sufficient argument for not following a difficult path. This is the subject of the third chapter.

3.1 The meaning of words

One cannot refer to different ethnic, cultural or even religious traditions in order to deny someone access to, and enjoyment of, universal rights. The various policies applied to immigrants, such as
assimilationist, multicultural and intercultural policies, do not pursue the same goals, do not relate to individuals’ cultures in the same ways, and do not tackle the issue of a common set of values in the same manner. So we need to define what we mean by culture. The approach adopted here is that culture is not immutable. Nonetheless, education for immigrant children or the children of immigrants, for example, should be envisaged through the contextualisation of their knowledge. Culture today is feeling the effects of globalisation head-on, and may be seen as tending to lose its territorial character. The effects of globalisation are not neutral as regards the manner in which the relationship between culture and religion is now established.

3.1.1 Different policies on cultural diversity

3.1.1.1 Beyond multiculturalism and assimilationism, the intercultural approach

One needs to be precise when talking about assimilationist and multicultural policies. Each of these policies exhibits specific features depending on the area of application (housing, work, education etc.). An intercultural policy does not come down to the rejection of these two. It represents an advance in that, within each area of application, it offers a particular cocktail of measures which include some elements of the assimilationist or multicultural approach. It is not a combination of those two approaches, but a step beyond them which allows for the positive aspects of each of the other two, depending on the areas of application, while rejecting those aspects that are judged negative. “Neither of these models, assimilation or multiculturalism, is applied singularly and wholly in any state. Elements of them combine with aspects of the emerging interculturalist paradigm, which incorporates the best of both. It takes from assimilation the focus on the individual; it takes from multiculturalism the recognition of cultural diversity. And it adds the new element, critical to integration and social cohesion, of dialogue on the basis of equal dignity and shared values.” (White Paper, op.cit., p. 19).

The proposed cocktail differs depending on the area of application, as may be seen in the synoptic table taken from a recent Council of Europe publication (2008d) on “intercultural cities”. Let us take a few
examples from the table below. Concerning the labour market, the strictly assimilationist approach offers
nothing specific to deal with discrimination, which we have analysed, except for vocational support defined
without any reference to ethnicity. The strictly multicultural approach proposes a general policy of non-
discrimination and a policy of positive discrimination in the training and recruitment fields, whose potentially
adverse effects have been apparent. Intercultural policy favours a policy of non-discrimination and seeks to
enhance intercultural and linguistic skills. As regards housing, the assimilationist policy settles for a
reference to equal access regardless of any ethnic criterion (which is positive, but insufficient in practice, as
we have seen); multicultural policy advocates a policy of positive discrimination; and intercultural policy,
without formally referring to positive discrimination in favour of disadvantaged populations, seeks to promote
an ethnic housing mix. Finally, on so sensitive a subject as governance and citizenship, the assimilationist
approach recommends facilitating naturalisation procedures and rejects the institution of consultative
structures for ethnic minorities. The multicultural approach stresses the preponderance of communities and
consultative structures. The intercultural approach encourages cross-cultural aspects, recognises
hybridism, and advocates consultation procedures for immigrant populations, in particular at municipal level.

Both social models, the one based on universalism and the other on cultural relativism, are in
difficulty at the present time. The first, assimilationism, advocates complete integration and denies the
existence of cultural diversity. It is characterised by rejection of other people’s culture and sacralisation of
one’s own. It assigns a set form to the national culture, to which populations of foreign origin ought to
subscribe through the state education system, or even by duress where they are denied the opportunity to
learn and use their own languages. That policy has proved a failure, even if its excesses have not so far led
to so major a social breakdown as that observed in countries which have fostered multiculturalism. The
other, multiculturalism, encourages cultural differences while “accepting the risk that this may in some
circumstances lead to separate or even segregated development”, as the Council of Europe says. It is
nowadays criticised by many countries, including those which put it into practice.

Table 1: Three policies on immigrants {typist please tabulate as original – columns 3, 4 and 5 on p.6
of DGIV/Cult/IC (2008)01}
ASSIMILATIONIST POLICY

MULTICULTURAL POLICY

INTERCULTURAL POLICY

Minority group organisations

State does not recognise them

State supports them as agents of empowerment

State supports them as agents of integration

Labour market
General vocational support – non-ethnic criteria

Anti-discrimination policy; Affirmative action on training and hiring

Anti-discrimination policy; intercultural competence and linguistic skills emphasised

**Housing**

Equal access to social housing – non-ethnic criteria. Ignore ethnic discrimination in housing market

Ant discriminatory
lettings policy.

Affirmative access
to social housing

Anti-discriminatory
lettings policy. Ethnic
monitoring.

Encouragement for
ethnic housing mix

Education

Emphasis on
national language,
history, culture.

State ignores or
suppresses supplementary
schooling

Special support for
diverse schools.

Mother tongue
language support.

Religious and
cultural education.

National and mother
tongue/ culture
teaching. Intercultural
competence for all.
Desegregation.

Policing

High profile policing
of migrant areas

Police as social
workers. Proactive
anti-racism
enforcement

Police as agents of interethnic
conflict
management

Public
awareness

Campaigns to
encourage tolerance
of minorities,
but intolerance of
those not assimilating

‘Celebrate diversity’ festivals and city branding campaigns

Campaigns to emphasise intercultural togetherness

**Urban development**

Ethnic enclaves considered an urban problem. Dispersal policy and gentrification. Oppose symbolic use of space

Recognise enclaves and ethnic
community leadership.

Area based
regeneration.

Symbolic
recognition, eg
minarets

Encouragement of
ethnically mixed
neighbourhoods and
public space. Conflict
management a key skill
for city officials and
NGOs

**Governance**

and
citizenship

Facilitate
naturalisation. No
ethnic consultative
structures

Community
leadership, consultative structures and resource allocation ethnically-based

Encouragement of cross-cultural leadership

Emphasis on functional not symbolic use of space

Source: Council of Europe (2008d), p. 6

The central premise of this study is that culture is not an immutable given: culture is constructed on the basis of cultures of origin around a dominant culture. Values evolve over time, bear the stamp of other cultures with which they come into contact, and are influenced to varying degrees by the socio-economic context in which they develop while keeping certain original features. To talk of cultures interbreeding is to recognise their shifting character. The different cultures involved neither converge nor diverge. Some parts merge together, while others separate out. This is not the result of natural movements: they are influenced by the policies which states pursue in relation to immigrants. The stronger multiculturalism is, the more cultures tend to become fixed and the distance between cultures to be maintained. Conversely, the stronger the policy of interculturality, the more marked the tendency for certain values to become common
and to merge. One example: British Muslims are far more conservative than French or German Muslims in all aspects of sexual relations before marriage (see box below).

The search for a collective identity is linked to differentiation mechanisms and “identity markers” such as language (that of one’s parents, urban slang etc), religion (whether or not it is practised), skin colour, clothes etc. Sometimes it reflects helplessness in the face of economic difficulties and, as T. Schippers points out (1999), that helplessness then becomes “a powerful force for getting identity fossils out of domestic cupboards and bringing them into public life, for better or worse”.

**Origins and effects of multiculturalism in the Netherlands and the United Kingdom: some points of reference**

Multiculturalism has a long history in the Netherlands; it was seen long ago in Abraham Kuyper’s work (1837-1920). A politician and theologian, he opposed the principles of 1789 and the philosophy of the Enlightenment. As Kepel reminds us (2008, chapter 4, pages 226 et seq), Kuyper’s political thought sought to control the dangerous classes, ie the working class, by placing them under the guardianship of the churches. But in doing so, it also reflected democratic aspirations because it enabled protestants and catholics, each within a different “pillar” heading a set of separate networks, to raise themselves up through education, commerce etc. Each “pillar” unites a community. All the pillars together constitute a system capable of constituting the Dutch nation. Each religious community lives separately and plays its part in building a set of networks, including educational ones. Growing immigration is producing a new “pillar” around the Muslim religion which, like its predecessors, should be able to control its faithful but also to facilitate their social progress.

However, “the burning of mosques and other attacks on Koranic schools which followed the assassination (of Theo Van Gogh in 2004) made some Muslims in the Netherlands feel they were victims and may have led them to envisage taking violent action by way of retribution. But as a result, *the entire edifice of Dutch multiculturalism was shaken*, making it all the harder for Islamic extremism, which had been able to prosper
under the cover of separate development, to spread” (p. 225).

As for the United Kingdom, Kepel observes that the causes of multiculturalism cannot be understood without reference to the particular features of that country’s colonial past. “The context...is a historical consequence of the British imperial tradition which segregated Hindus, Muslims and Sikhs...as well as institutionally dissociating British citizenship from English, Scottish, Welsh and “other” nationalities, opening up a legal space on the basis of race, colour or religion” (Kepel, p. 204). It is this particular history which makes it possible to understand how “Londonistan”, a channel for the spread of religious fundamentalism, came to exist in the heart of London in the 1990s.

Multiculturalism tends to curb the development of values and in that sense is a failure, especially when compared to other modes of integration applied in France or Germany. A Gallup poll reproduced in the magazine The Economist (9 May 2009) reveals this clearly. It shows that British Muslims are far more rigid than those in France and Germany. Three questions were asked: do you approve of homosexuality, abortion, and sexual relations before marriage? Almost 60% of Britons answered yes to the first question, but nearly 0% of British Muslims. In France the figures were 78% and 38% respectively, and in Germany 70% and 20%. On the second question, concerning abortion, the differences were of the same order: 58% for the British in general, but 8% for British Muslims, with 79% and 35% in France and 48% and 10% in Germany. The differences were even more marked on the question of sexual relations before marriage: over 80% of British people approved, as against 5% of British Muslims, with 90% and 50% for the French and 90% and 28% for the Germans.

An intercultural policy should make it possible to strengthen social cohesion where it has been weakened. That policy entails continuous, determined dialogue. Such intercultural dialogue is not easy to conduct, because like all dialogue it means concessions, and so there is a high risk of falling into processes which encourage assimilationist or indeed multicultural practices. For this reason, any concessions must
avoid certain values that are regarded as sacrosanct, for example refusal of genital mutilation of young girls and the stoning of women.\textsuperscript{33}

A few examples will serve to illustrate both the need for intercultural dialogue and the risks involved in any dialogue when dealing with issues on the borderline between the acceptable and the unacceptable.

If we allow ourselves to accept, on the pretext of cultural differences, that immigrant women may be treated in hospital only by a female doctor with the husband present, are we not in danger of calling women’s rights into question? We may then slip from a recognition of cultural diversity into the institutionalisation of segregation within society. That risk could be avoided, and social integration into the host society facilitated, by granting specific rights as stated by Kymlicka W. (2001), but the path is clearly very narrow. This is the objective which justifies the “reasonable accommodations” employed by Canadians when they seek to remedy discrimination caused by the application of universal rules where there is potential conflict between two rights. So reasonable accommodations were originally devised in order to prevent instances of individual discrimination that might flow from the application of a universal rule. Most such accommodations are not the result of court decisions but of consensus. However, they have acquired legal importance, institutions having found it appropriate to change standards in order to make allowance for a group of persons, and no longer just one individual asking for the law to be adapted to his particular situation so as not to suffer discrimination. Reasonable accommodation is therefore the solution to a conflict between rights - for example, the right to practise one’s religion and gender equality. Though essentially simple and commonsense, the practice of reasonable accommodations has led to a crisis and given the impression that multiculturalism was seizing it as an opportunity to assert itself afresh. The majority of reasonable accommodation decisions do in fact concern religious practice, and have almost without exception favoured the right to practise one’s religion to the detriment of gender equality, secularism etc.\textsuperscript{34} They were not

\textsuperscript{33} On this point, see Doycheva M. (2005). Other useful sources are Camillieri C. (study directed by, 1995) and Facchi A. (2006).

\textsuperscript{34} See the paper by Bouchard G. and Taylor C. (2008) and the set of documents prepared by the working group on intercultural competencies in the social services, June 2009, in particular the paper by Bosset P. and Foblets M.C. (2009).
sought by economically disadvantaged immigrants from modest backgrounds, but in most cases by middle-
class people of all religious persuasions.

So in order to obviate or limit these risks, we need to define a core of non-negotiable common
values. This is the subject of the following pages.

3.1.1.2 A common core of values as a prerequisite for intercultural dialogue

The literature yields an impressive number of definitions of culture – 164 according to Kroeber and
Kluckhohn between 1871 and 1951, 160 definitions by anthropologists, sociologists and psychologists
according to Jamieson (Shixue G., 2003). So culture covers several meanings. Coupled with the word
identity (cultural identity) and often linked to religion, its numerous definitions – usually implied – leave
unclear areas, or more accurately areas of ambiguity, which make superficial agreement possible with
everyone finding what suits them. For this reason, a choice needs to be made among these many
definitions, selecting the one that seems most appropriate and stating it clearly rather than using the term as
if its definition were self-evident. This should be done because it lays down the boundaries of intercultural
dialogue, opening the way to a more cohesive society – meaning, firstly a society in which there is the same
access to rights for everyone regardless of skin colour, ethnic origin or handicap, and secondly a society in
which common values are respected. These common values, this common core and these boundaries are
what sometimes transcend values tied to specific cultures and enable everyone to live together rather than
separately, with the danger of social implosion which that entails.

The Council of Europe favours the search for a new consensus based on the principle of
interculturality. Unlike assimilationism – in which deviations from the cultural norms of the host country are
not encouraged -, and multiculturalism in which they are encouraged without limit, intercultural policy
accepts that “whilst their rights to have their differences from the cultural norm of the host community are
recognised in law and institutions, there is a valorisation of policies, institutions and activities which create
common ground, mutual understanding and empathy and shared aspirations” (Council of Europe, 2008d).
The notion of intercultural dialogue is clarified in the Council of Europe White Paper. It denotes “a process that comprises an open and respectful exchange of views between individuals and groups with different ethnic, cultural, religious and linguistic backgrounds and heritage, on the basis of mutual understanding and respect.” (p.17). More precisely, “It is an essential feature of inclusive societies, which leave no one marginalised or defined as outsiders. It is a powerful instrument of mediation and reconciliation” (p. 17).

The risk of slipping into a multiculturalist approach has already been pointed out. In order to avoid such trends, the Council of Europe says that what distinguishes intercultural dialogue from multiculturalism is the definition of a common core of values on which there cannot be any negotiation. “The universal values upheld by the Council of Europe are a condition for intercultural dialogue… Ethnic, cultural, religious or linguistic affiliations or traditions cannot be invoked to prevent individuals from exercising their human rights or from responsibly participating in society.” (p. 19, our italics). This core of non-negotiable common values applies in particular to “the right not to suffer from gender-based or other forms of discrimination, the rights and interests of children and young people, and the freedom to practise or not to practise a particular religion or belief. Human-rights abuses, such as forced marriages, “honour crimes” or genital mutilations can never be justified…” (pp. 19-20).

Because it is based on shared values, this core of common values makes it possible to increase social cohesion in the host society. From this standpoint, difference is not intolerable but is an opportunity for society. In this way other cultures (immigrant, working-class, youth, homosexual etc.) are organised around the dominant culture. Intercultural dialogue can then assume different forms as segregation is experienced in different ways, and is not confined to recognising the art forms peculiar to immigrant populations (culinary arts, folklore, songs etc.).

We have seen that intercultural dialogue takes the positive elements from assimilationist and multiculturalist policies and rejects those which might damage social cohesion. Rather than combining them, intercultural dialogue transcends these two policies. We have also seen that it is hard to put into actual practice, not only because it has to adapt to each area of application and because there are many
pitfalls in which the dynamics become uncontrollable, but also because the contexts change with changes in immigration (analysed in Part One), the growing force of globalisation and of trade and communications media, the difficulty experienced by European states in providing the full range of quality public services and providing for the needs of the poorest in society, and persistent discrimination of every kind (ethnic, gender, religious and economic, the last-mentioned being suffered by all immigrants). That being the case, there is usually a gulf between social citizenship and political citizenship. This gulf is not conducive to integration, especially where those suffering from it feel that it is widening instead of narrowing. The sense of belonging to a society fades as social exclusion grows, and this is an obstacle making intercultural dialogue more difficult. It then becomes harder to foster the advent of a pluralist society "based on communication between different cultures and above all preserving the specific features of a common framework of political values and dialogue procedures" (Facchi A., op. cit.) until such time as the gulf between the two citizenships decreases.

3.1.1.3 But what is culture?

The meaning of the word “culture” varies with the person using it, which is why it is absolutely essential to define a core of common values on which intercultural dialogue can be based. So we need to be clear about the meaning of words, and especially of the word “culture”. From among the definitions, we should select those which allow least scope for ambiguity and ambivalence.

On a very general level, culture can be defined as a set of traditions handed down, and lifestyles shared, by a society's members. It includes knowledge, morality, beliefs, art, and customs. Starting with this overall definition, according to Ardila A. and Matute E. (2006), “we may distinguish three dimensions of culture: 1) internal, subjective, psychological culture which incorporates thought, feelings, values, attitudes and beliefs; 2) the behavioural dimension, which includes the way of behaving towards others in accordance

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35 The latter comprises all the rights attaching to individual freedoms in most modern democracies, such as the rights of expression and association. In a broader sense, it includes the right to vote in local elections. That right is granted in certain states after some years' residence, but most states refuse to allow immigrants to be registered to vote in political, including municipal, elections.
with contexts and circumstances; 3) cultural elements such as symbolic elements, clothing, ornaments, the style of houses, tools, weapons etc. (pp. 13-14). Thus culture presupposes beliefs and attitudes. These are components of internal culture. Cultural beliefs are those in which individuals recognise themselves, and unlike knowledge do not have to be proven. Some of these beliefs come to be shared and become common to a group through a process of socialisation.

Culture having been broken down into these three dimensions, it is easy to understand that cultures are dependent on the environment in which people live. Being in contact with each other, they consequently evolve. Cultures are not rigid or ossified. Let us take two examples: one concerns immigrants' children learning to read, the other concerns populations with a common past but different experiences.

Culture, which relates also to the lifestyles shared by the community’s members, has effects on the way in which the children of first-generation migrants attending school learn to read, as neuropsychologists report. For an immigrant child, learning to read is harder than for an indigenous child, since it is often accompanied by the decontextualisation of the child’s own culture as transmitted by the parents. For some children, “learning to read is a cultural process equivalent, for example, to learning to cook in a particular society, or to spin…Cooking and spinning are fundamental activities for certain social groups, (whereas) reading and writing represent very important skills for the dominant groups in society…The reality then is as follows: the children who learn to read and write well are those for whom the reading-writing pair is a cultural process well rooted in the family context, ie. not the result of a process of instruction, whereas children who have to learn reading from their school education are not only disadvantaged relative to the others but furthermore learn in a decontextualised way, and for that reason are not motivated for this learning.” (Zavala, in Arvila A. and Matute E., op cit, p. 49).

These are the sort of problems underscored in the Guide for the Development of Language Education Policies in Europe published by the Council of Europe (2007b), which observes that “in all cases where the linguistic variety of the school is not the mother variety this situation will produce inhibitions or delay these children’s learning processes” (p.23). Where children manage to overcome these difficulties –
not very often if unaided – they frequently go on to achieve success at school and university. So it is inside this complex of problems – the development of one’s own culture and feelings of foreignness – that these children’s difficulties, but also their success at school, can be understood. We should add another dimension to explain the success of some second or third-generation immigrant girls from North African backgrounds, linked to the different place attaching to gender in the two cultures, one of which tends to accord females a secondary role. Their desire to assert their personality and achieve independence lead them to strive for excellence in their school careers. However, such success does not mean abandoning their culture but simply expressing their wish for it to evolve.

Cultural evolution is the rule, and this also applies to populations characterised by a common past and continuing discrimination as in the case of “travellers”. Although they have preserved common values, because they live in different countries with distinct cultures, and because many of them settle, their cultures take on some of the features peculiar to the various countries where they live. “Travellers” have differing experiences despite their common past. It influences their own cultures and gives them distinctiveness.

These factors taken together make it possible to understand that immigrants arrive with their own cultures but that these are not identical at any point in time, even for those with the same geographical origins. Immigrants today from Arab and African countries are not like those who came in the 1950s and 1960s. Formerly, for example in the Arab countries, national liberation struggles or the influence of Destourian or Nasserian nationalism (“Arab socialism”, in general of a secularist kind) constituted, so to speak, the “inheritance” of these workers who arrived in Europe, the expression of their culture in the 1950s and 1960s. Today, with the rise of globalisation (cf. the following point), the present crisis of western economies, the end of nationalist regimes in the developing countries, and the rise of religion, fundamentalism or extremism, the experience of migrants from these countries is different. The components of culture change and bear the stamp of these problems, and as cultures and identities are related one may assume that identities do not remain fixed and immutable (Todorov 2008, in particular chapter 2 on collective identities).
3.1.2 Globalisation and culture

3.1.2.1 Globalisation and the de-territorialisation of cultures

Except for immigrants looking for jobs as agricultural labourers, usually from eastern Europe and North Africa, immigrants are concentrated in towns, most often in capitals and their suburbs. With the globalisation of both commercial and financial transactions, cities are to a significant extent acquiring a new dimension: they are becoming global spaces. According to Sassen S. (2009), cities “go straight to the global level, often bypassing the national level” (p. 108), and this dimension is not without consequences for social and behavioural change. We may draw one major conclusion from this new characteristic: capitals and big cities in general are concentrations of diversity, because immigrants become urbanised once they migrate (if they are from rural origins) and do so in cities which are nodal points of globalisation. As Sassen S. remarks: “thanks to immigration, a number of originally strongly localised cultures which proliferated in many big cities … are now de-territorialised in some places such as New York, Amsterdam and quite recently Tokyo”. (op. cit. p. 130, our italics). For this reason, immigration cannot be reduced to the issue of otherness alone. Again according to Sassen, it must “be understood as a set of processes through which global elements become localised, international labour markets are created and the cultures of the entire world are de-territorialised”, the effect being “to place them in the forefront, in the same way as the internationalisation of capital, as a fundamental aspect of globalisation today” (p. 131). It is this novel aspect, produced by globalisation, which distinguishes today’s immigrants from those of thirty years ago. The labour market, by reshaping itself, and cultures, by losing their territorial character, are changing the very foundations of intercultural dialogue.

3.1.2.2 What of the relationship between culture and religion in this context of globalisation?

Religions are integral parts of culture, and according to the Council of Europe (2008e), “The religious dimension of human experience is of relevance to intercultural education as this dimension is a constituent part of many people’s culture and identity”. In this sense we may note, as does the White Paper, that “part of Europe’s rich cultural heritage is a range of religious, as well as secular, conceptions of the purpose of life.” (p. 22, our italics). That is why the history of religions, religious events and also atheism, should be
taught in schools. The recommendation could be extended to private denominational schools, as advocated in Quebec. The San Marino Declaration (2007), partly reproduced in the White Paper, states that religions can enrich intercultural dialogue but that dialogue between religious communities should also be developed (p. 23).

Once these points are accepted, the study of relations between culture and religion is far from straightforward and their complexity needs to be analysed as part of an intercultural dialogue which includes the religious dimension. As has been stressed, cultures tend to become de-territorialised as exchanges accelerate. So globalisation is part of the de-territorialisation of religions. With immigration (and movement of persons) and globalisation of the media (“religion circulates outside any system of political dominance” says Roy O., 2008, p; 21), religion suffers the effects of de-territorialisation. But while it becomes de-territorialised, religion changes its relationship to culture. Thus the relationship between religion and culture is more complex than appears at first sight. Still according to O. Roy, religion suffers the effects of deculturation. More precisely, “Whenever we have sought to consider the relationship between religion and culture, we have begun to turn the word “culture” about and play with prefixes – deculturate, acculturate, inculturate, exculturate. Religion deculturates when it tries to eradicate paganism…; it acculturates when it adapts to the dominant culture…; it inculturates when it tries to find a place within a given culture…; and it exculturates when it considers itself as separate from a dominant culture of which it was formerly part…But religion also manufactures culture: it determines languages, develops writing, inspires religious art which may then become secularised.” (p. 51). Let us add that secularisation has not eliminated religion; but “by detaching religion from our cultural environment, it shows it, on the contrary, in a purely religious light. In fact, secularisation has worked: what we are seeing is the militant reformulation of religion in a secularised space which has given religion its autonomy and thus the conditions in which it can expand. Secularisation and globalisation have therefore forced religions to detach themselves from culture…” (p. 16). “In order to circulate, the religious object must seem universal, not tied to a specific culture which has to be understood in order for the message to be grasped. So the religious object circulates apart from knowledge.” (p. 21).

Religious and cultural markers are thus deconnected. “The religious marker makes it possible to consider
the ethnic apart from the cultural: it is precisely a deculturation factor. Accordingly, in Europe we see the emergence of “Muslim” as a category almost interchangeable with that of “immigrant” (p. 114).

Although they have a tendency to de-territorialise, cultures are not universal in character except to those who favour assimilationism. They are subjects of dialogue, or confrontation if there is no dialogue. Religion, by contrast, has a universal character, or at least must appear to have it, and this character is a factor for deculturation.

These brief observations underline the full difficulty of inter-religious dialogue, but they also underline its necessity – “religions [can] elevate and enhance dialogue” (White Paper, p. 23) – and its limitations. We have highlighted one of them: dialogue cannot take place unless religions accept that they do not have a monopoly of certain values. As the Council of Europe points out, “Of course, the values on which this identity is based are underpinned by moral principles, and moral preferences can also derive from non-religious convictions, such as philosophical, humanist and agnostic ones.” In the interests of further clarity and to avoid any ambiguity: “The term ‘religious dimension’ is not used to define a type of ‘religious education’. Attaching importance to the dimension of religions and non-religious convictions within intercultural education is aimed primarily at fostering reciprocal awareness and respect”. 36 These are helpful clarifications. They circumscribe the terms of dialogue and lay down the principle of reciprocity between those with religious convictions and those without. Failure to take them into account may lead to a questioning of the principle of secularity in certain countries such as France. 37 According to Costa Lascoux J., with reference to Article 9 of the European Convention on Human Rights, secularism “confers the right not to believe, to believe, or to change one’s belief” 38, and if “not believing” is no longer taught in schools, then religion may seem natural and undermine the separation of church and state.

36 Explanatory memorandum, Committee of Ministers (2008e), op. cit. See also Keast J. (2007).

37 To some extent, this is a criticism that might be made of the otherwise very interesting book by Willaime J.P. (2008).

38 We cannot explore this crucial point in the context of this study. See the record of his speech to the CRDP in Grenoble on 12 November 2003. See also Costa Lascoux J. (2005).
3.2 Cultural diversity either rejected or accepted

Some people argue that immigration is likely to weaken the social bond, at least in the short and medium term, and we ought therefore to be less generous in social spending on the poor. Conversely, immigration presents Europe with an opportunity: it yields more than it costs in economic terms, both at budgetary level and in wealth creation, it enriches the cultures of the host country and fosters greater social cohesion, provided always that an audacious policy of intercultural dialogue is put in place together with ad hoc means of reducing the additional inequalities from which immigrants usually suffer.

3.2.1 Does cultural diversity undermine social capital?

Immigration contributes to wealth creation and thus has beneficial effects on the growth of Gross Domestic Product, which is higher than it would be without immigration flows. In some countries such as Spain, attempts have been made to measure the positive impact in terms of growth percentages. Over and above this positive effect, economists have tried to draw up a balance-sheet in terms of public expenditure and receipts. Contrary to what is often said, immigration has a positive effect on health and pensions expenditure. Immigrants usually arrive as young people in the host country and the ratio of economically active /inactive persons is generally higher for immigrants than for the native population (see Part One). Although they pay contributions, they receive few benefits, except sometimes family allowances where these are high. However, because they are more often unemployed than the native population, the unemployment benefits they receive may be greater or less depending on unemployment benefits legislation (in Great Britain these benefits are small, in France far higher). Lastly, immigrants remit very large sums back to their countries of origin, often more than is provided by way of international aid. To that extent they contribute indirectly to the development of those countries.39

39 There is an abundant literature on this subject. Apart from reports by such international institutions as the World Bank, the Inter-American Development Bank, the International Monetary Fund, the 2009 UNDP report etc., the reader is referred to the studies by Mouhoud E. and Oudinet (2007) and to a report published by the Center for Strategic Analysis (2009). Note that this influx of money, which is massive in
Apart from economic input, immigration also contributes to diversity. Many authors, especially American ones, consider that diversity, unlike unity, diminishes a nation’s “social capital” by creating mutual mistrust between communities in the short and medium term. Other authors, by contrast, regard diversity as a “social asset”. However, some writers such as Putnam (2007) believe that a distinction must be drawn between short, medium and long term and that in the short and medium term diversity diminishes social capital and thus social cohesion, whereas in the long term it strengthens it by promoting new forms of solidarity.

Putnam’s conclusions find support among those who believe that immigration beyond a certain threshold poses problems. They recommend reductions in social expenditure on immigrant populations, which Putnam does not do. These views run counter to the political philosophy of the international institutions which aim to promote intercultural dialogue and foster the inclusion of these vulnerable populations suffering discrimination.

These studies by Putnam have had an important impact on the discussion, which is why we shall now present them and describe the main criticisms they have attracted.

Let us look again at Putnam’s arguments. On the basis of a detailed survey of communities living in the United States, he set out to test two opposing theories on diversity. According to the first theory, too much diversity feeds conflict. According to the second, diversity fosters contact between different populations and in so doing enriches relations between them.

Putnam establishes a relationship between the degree of homogeneity and the degree of trust which communities (or ethnic groups in the American sense) maintain in relation to each other. The results of his survey appear to confirm the “conflict” theory, but partially also the “contact” theory. The more ethnic diversity (in the community sense) there is in a town, the lower the degree of trust between ethnic groups. This conclusion is borne out if the question is put somewhat differently, if one asks people what degree of

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40 The communities analysed in this study were Hispanics, white non-Hispanics, Blacks and Asians.
trust they have in their neighbours. Despite this, the greater the diversity the less people trust their neighbours. These two findings appear to corroborate the so-called conflict theory.

However, when the net degree of trust (ie trust in one’s own community less trust in the other communities) is seen in relation to the degree of homogeneity in a given space, no correlation at all is observed between the two variables, which according to Putnam means that neither the conflict theory nor the contact theory are relevant. Putnam concludes that the two theories coexist but diversity nonetheless damages social capital in the short and medium term.

Putnam does not draw the conclusion that diversity should be limited. His view is that “identity itself is socially constructed and can be socially de-constructed and re-constructed” (p.159), leading him to say that “it seems important to encourage permeable, syncretic, hyphenated identities” (p.160), and conclude: “immigration policy is not just about numbers and borders. It is also about fostering a sense of shared citizenship (…) and we must remind ourselves how to be a successful immigration nation” (p.164).

But it is the conclusions about the short-term breakdown of the social bond that stand out from this survey. Some authors consider that there is a dilemma between diversity and social solidarity. As Goodhart (2004), referring to the work of Alesina A., Glaeser E. and Sacerdote B., reminds us, “A disproportionate amount of tax income spent on welfare is going to minorities” (p. 33). Not only do minorities represent a cost to other communities: they tend to forget their obligations to the host country, according to this author. Alesina A., Glaeser E. and Sacerdote B. add that, if the welfare state is less a reality in the United States than in Europe, that is also because there is less diversity there (p. 30). According to these authors, the social policies from which immigrants benefit tend to maintain distrust, in particular among the poorest categories. Poor people, and modest social categories in general, might.

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41 Among the countless definitions of social capital, Putnam chooses one: the degree of trust which people have in each other. It has the merit of being simple, and above all measurable through surveys.

42 It is interesting to note that in the early 2000s the Swedish government set up a commission with the task of defining a policy of positive discrimination in order to curb the serious discrimination from which immigrants suffered. Two years later, some members of that commission publicly criticised a policy which, they argued, discriminated against Swedes. A new commission was appointed, and in 2005 (one
describe immigrants as “privileged” or as “parasites” living on the efforts of the indigenous population and sometimes taking their jobs. As is known, such arguments are often brought out by populist parties on the eve of national or regional elections. The fact that they can be used illustrates the high degree of susceptibility of these categories to the real or imaginary problems posed by immigration and its geographical concentration. Thus immigrants are easy targets and become scapegoats in spite of themselves. It has to be said that this kind of argument leads some politicians to seek to cut the benefits paid to immigrants. The steps advocated then are either direct (benefits should only be paid to persons legally entering the country, in proportion to the desire for integration shown by immigrants) or indirect (benefits should be made conditional – for example, family allowances paid to families should be cut if their children repeatedly offend). In such cases it is mainly immigrant families that are hardest hit, being more affected by this than indigenous families.

Putnam’s study has attracted criticism. The first comment is that there are very often slippages between diversity and immigration. The inquiry measures the degree of diversity by covering white non-Hispanics, Hispanics, Asians and Blacks; but the vast majority of the last-mentioned category have been present on United States territory for many generations, having arrived as slaves, and cannot be regarded as immigrants. However, the most telling argument is that the relationships established by Putnam are not borne out in European countries, according to Laurent E. (2007). Quite the contrary: a positive correlation is observed between degree of trust and degree of diversity (trust increases with diversity) in 27 European countries in 2007. But it is true that it all depends on the manner in which degree of trust is measured. Lastly, the concept of social capital is hard to define and has given rise to dozens of definitions, as indeed Putnam himself recognises, and so it is difficult to demonstrate convincingly that the results obtained are independent of social inequalities and changes in them. In other words, social capital could be affected by the sharp increase in inequalities in the United States. Finally, how is the observed drop in crime to be year before the general election) proposed a policy of positive discrimination not limited to immigrants but broadened to other social categories, those on particularly low incomes. However, as it was difficult for the commission to pinpoint the causes of discrimination, this proposal did not receive the hoped-for welcome. See Westin C. (2006).
explained by the lessening of social capital, when the opposite ought to be the case? Generally speaking, rising crime is thought to reflect weakening of the social bond and the deterioration of social capital.

This series of criticisms does not entirely invalidate some of the conclusions, but casts doubt on the one-sidedness of the demonstration. It is true that a concentration of immigrants above a certain threshold (hard to determine) in certain urban areas may generate distrust where little or nothing is done to help with integration. Indeed, this is recognised in the Council of Europe document “Intercultural Cities” (2008d). Where such a presence is seen as “excessive”, and also as a source of insecurity, certain indigenous populations decide to move away to other areas, further exacerbating the initial immigrant concentration.

Conflict may arise, but it is because this risk exists that a policy of voluntary integration is needed. Because it can help to reduce social exclusion, an integration policy backed by adequate budgetary resources may enable diversity and cohesion to complement each other. For this reason, a policy of integration must be accompanied by intercultural dialogue in a transparent way; but that dialogue cannot produce effects without social and cultural policies that are commensurate with the issues involved.

3.2.2 Shared, or even plural, identity and constitutional patriotism

Values, cultures and religions raise the question of identity either directly or indirectly. It is of course not part of our present purpose to examine that question in depth, and it is widely debated elsewhere. So we shall confine our attention to the way in which the question of shared, or even plural, identity, arises in connection with immigration today. For this purpose we shall take as a basis the discussion which recently focused on the issue of constitutional patriotism in Germany.

In his highly interesting study on old and new minorities, Medda-Windischer R. (2009) reminds us that according to Pareckh B., national identity comprises three components: the first is recognition of a political community in constitutional principles; the second concerns the manner in which that political community sees itself; and the third is the relations it maintains with other communities. In this sense, national identity is a form of identification with a political community, a commitment to the latter and to no other. On the subject of minorities Medda-Windischer notes that “the basis for this process of integration is
the creation of a common shared identity based on common values, such as human rights, democracy, tolerance and equality, but also on perceptions about trustworthiness, loyalty, commitment..." (p. 91). This takes us to the heart of the problem. Is it possible to conceive of the construction of a shared identity if real equality is lacking? The various forms of discrimination are all obstacles to integration, to the creation of a shared identity, and even to intercultural dialogue since they can affect the feelings of trust, commitment and loyalty of the people concerned. Over and above equal opportunity, what has to be promoted is “full and effective equality as well as the equal enjoyment or exercise of human rights”, as the White Paper points out (p. 11).

Economic, social and political discrimination against immigrants are important, each in varying measure. It is precisely because they are important that intercultural dialogue, though difficult, is necessary.

The search for a shared identity is the ultimate goal of intercultural dialogue. However, it cannot do without either a definition of the bedrock of common values or reflection on the development of religions relative to the process of globalisation. Can shared, plural, identity then take inspiration from the discussion of constitutional patriotism concerning Europe?

As defined by Habermas (1992), constitutional patriotism is first of all distrust of nationalism. Nationalism may bring tragedy with it, as it did in Germany. For this reason, without forgetting to defend universal principles (democracy and respect for human rights), Habermas tries to dissociate state and nation for the purpose of defining a post-national – ie European - identity. Universalist civic principles “lie at the heart of constitutional patriotism which seeks to go beyond ethical, linguistic and cultural references alone and prevent the tragic exaltation of a particular history or culture” (Rambour M., 2006, p. 3).

According to Habermas, this theory of constitutional patriotism is not an abstraction. It stems from debate and is thus legitimised by it. The idealist nature of this theory may be questioned where it emphasises the importance of debate as being the only means of identifying universalist principles accepted by all, and so of reassessing one’s own opinions, ignoring the balance of power inherent in all debate; and the actual content of these universal principles may also be open to question. But similarities between the two approaches – that of Habermas and that of the White Paper –are unmistakable. It is sufficient to
replace “universal principles” by “universal values”\textsuperscript{33} to see that the approaches are similar where the need for dialogue is concerned, but with somewhat different objectives. According to Habermas, the integration of citizens belonging to different European nations entails building constitutional patriotism, and in the Council of Europe’s opinion this means fostering the integration of migrants in the host country.

3.3 Positive discrimination versus equality?

There have been countless studies showing that positive discrimination (“affirmative action”) limited to recognition of diversity actually masks social inequalities. On the other hand, this is not the line taken by the majority of international institutions, which nowadays insist on the enjoyment and exercise of human rights on a basis of equality, and no longer just on abstract equality of opportunity. Let us examine these two standpoints in turn.

3.3.1 Positive discrimination can hamper the search for equality

In the United States, policies of positive discrimination aiming at respect for cultural diversity have not prevented social inequalities from persisting and even worsening. This is the argument employed by Benn Michaels W. (2009), who writes polemically: “Positive discrimination is, from this standpoint, a kind of collective bribe which the rich pay themselves so that they can go on ignoring economic inequality” (p. 86). One might add that the efficacy of this policy seems slender, to say the least, since race and ethnic characteristics are still powerful discriminants: the unemployment rate is twice as high among Blacks than among Whites, while that for Hispanics lies somewhere between these two extremes.

The argument used by Benn Michaels W. is forceful, and his judgment severe. For this reason, his argument needs to be taken a little further. In his view, recognition of diversity has become a sacred cow in American society, so that “we ought not to accept – or go on accepting – that the fantasy of respect for

\textsuperscript{33} Remember that this applies in particular to “the right not to suffer from gender-based or other forms of discrimination, the rights and interests of children and young people, and the freedom to practise or not to practise a particular religion or belief. Human-rights abuses, such as forced marriages, “honour crimes” or genital mutilations can never be justified…” (White Paper, p. 20).
difference is a substitute for the search for economic justice” (p. 36). Pursuing this reasoning, Benn Michaels W. considers that if cultural diversity exists, that is because cultures are different and are embodied by populations which differ in respect of race, gender, religion and nationality. These cultures are different and equal. He believes that recognising cultural diversity and adopting policies to encourage it would not however entail questioning the foundations of societies, namely inequalities, and therefore would not mean advocating redistribution of wealth. Moreover, it is because the recognition of diversity does not call these foundations into question that élites are able to accept it so readily. According to the author, this is borne out by the results of these policies in American universities: élites are not exclusively WASPs (an acronym standing for White Anglo-Saxon Protestant). Universities have opened their doors to minorities. But the greater a university’s reputation, the more expensive it is, the more the social origin of its students is concentrated in the wealthiest sections of society; the students come either from the bourgeoisie or from the upper middle class, whatever their colour. It is useful to remember that economic inequalities have greatly increased in the United States: between 1979 and 2002, the average income after tax of the poorest 20% rose by 4.5%, and that of the richest by 111%. That increase mainly benefited the wealthiest 1%.

Increasing inequality exceeds what Americans imagine: perceived inequality between the income of a manual worker and that of a company director stands in a ratio of 1 to 8.3 on average, whereas in reality the ratio is 1 to 44 (Mistral J. and Salzmann, 2006).

To some extent Emmanuel Todd makes the same analysis when he writes: “… Barak Obama’s eruption into the race for the presidency shook the old racial system up a little more. But the political emancipation of Blacks…is in fact happening just when the American system is adrift: at the very time when the spectacular increase in educational and economic inequalities is shattering the internal egalitarianism of the White group, when the middle class is disintegrating, when a White underclass and a White overclass are developing simultaneously…” (Todd E., 2008, p. 120).44

44 See Chapter 5 entitled “Ethnicisation?” in which this theory is expounded.
Benn Michaels understands that a policy of positive discrimination can be applied to disadvantaged categories, but is opposed to the idea that it can be aimed only at the members of minorities suffering discrimination by reason of their colour, gender, religious beliefs or even handicaps. He considers that this policy, applied only to disadvantaged persons irrespective of their colour, would give them access to quality schooling and facilitate their social mobility. “It has nothing to do with diversity: it is expected to help poor people go to university despite their poverty” (p. 89). But when applied to diversity, positive discrimination breeds illusions: “The problem with positive discrimination is not that it breaches…the principles of meritocracy; the problem is that it gives rise to the illusion that there really is a meritocracy” (p. 85). It is likely to mask the true reasons why inequalities persist, because “as long as we regard people as belonging to different cultures, and those cultures as being equal to each other, we are bound to consider that the inequalities that exist between people – for example as regards success in examinations – are (the result of) individual differences” (p. 84). Mistral and Salzmann also share this conclusion, without necessarily linking it to the effects of positive discrimination applied to minorities, when they write: “America believes that everyone has an equal chance of success…unlike European thinking, poverty is generally regarded in America as a personal failure…this conception dates back to the very origins of the American nation…an immigrant unable to integrate and falling into poverty could be expelled” (op. cit. p. 16; PS: this was not so in the case of Blacks, who were slaves and so involuntary immigrants).

The approach to the question of diversity is different from that of Putnam, for whom diversity is an obstacle to cohesion in the short term. For Benn Michaels., policies to combat the discrimination suffered by ethnic minorities, by implementing policies of positive discrimination, maintain inequalities and mask the underlying reasons for them. In his view, it would be better to apply policies of positive discrimination to all disadvantaged categories whatever their colour, religion or handicaps.

The analyses by Putnam and Benn Michaels are based on usually pertinent findings. However, they do convey a “reactionary rhetoric”, to use Hirschman A.O.’s expression (1991). In his opinion, three factors underlie the refusal of all change: the “perverse effect” – any action produces the opposite effect to that desired; “inanity” – trying to change things is pointless; and finally “jeopardy” – a change may be
desirable but entails substantial or even unacceptable cost. The first two factors have the “merit” of being simple in argumentation, while the last one is more sophisticated. Putnam’s analysis follows a logic similar to that of jeopardy. That of Benn Michaels is more closely related to a perverse effect approach. Both analyses could result in “reactionary rhetoric” by suggesting that “nothing should be done”, the first for fear that social capital might be damaged in the short and medium term by fostering diversity, and the second by rejecting a policy of positive discrimination which would reproduce inequalities by failing to tackle their underlying causes.

3.3.2 Positive discrimination for equal enjoyment of rights

Discrimination is direct where the intention is culpable. It is prohibited by the Lisbon Treaty and by the Council of Europe (Protocol no. 12 to the European Convention on Human Rights). However, it rarely appears as such, because the reasons given for refusal are usually disguised. This is the case where a candidate with the required qualifications is refused a job by reason of his foreign-sounding name, or where the pay is lower, or again where an application to rent an apartment is rejected because the applicant is coloured, etc. Proving such discrimination involves testing, sending anonymous CVs etc., short of taking court action to enforce the law. We saw in Part Two the extent to which immigrant populations and their children are subject to this discrimination.

Discrimination can also be indirect. The fact is that the application of law may have adverse consequences for persons or groups of persons. In these cases, a seemingly neutral measure may be discriminatory. The discrimination is not inherently intentional. Indirect discrimination, like direct discrimination, is also prohibited under European law, and more specifically by the Lisbon Treaty and by the Council of Europe. Correctives to these discriminatory measures are then found in order to safeguard actual equality over and above appearances, and as we are reminded by Frédérique Ast (2009), a lawyer with the Haute Autorité de Lutte contre les Discriminations et pour l’Égalité (HALDE), “the prohibition of indirect discrimination is part of a logic of redistributive justice and aims to offer compensation to the victims of a social structure” (p. 5). This prohibition is a tool to protect diversity.
Thus policies of *positive discrimination* find their justification in the observed dichotomy between the proclamation of formal equality for all (laws are universal) and factual inequalities (exclusion and restricted access to rights). They establish *formal inequality* for a group of individuals so that they can enjoy actual equality and so exercise their rights. *Formal inequality legitimises the aim of constructing real equality of results.* Policies of positive discrimination are thus part of a *logic of results* (for more details, see box below).

Judgment of the European Court of Human Rights

Absence of differential treatment to correct inequality

This judgment of the European Court of Human Rights (Grand Chamber judgment of 13 November 2007, no. 57325/00), concerns Article 14 of the European Convention on Human Rights in conjunction with Article 2 of Protocol no. 1 and relates to the situation of Roma in the Czech Republic. It is interesting on more than one count. It censures the discrimination of which Roma have been victims in that country, and restates in more detail the “positive” policies which a state must implement vis-à-vis populations suffering discrimination. Briefly put, the Roma population is not very large in the Czech Republic. Roma pupils represented only 2.26% of all pupils in the town of Ostrava. So-called special classes had been set up over many years for mentally retarded children and then, by extension, for socially disadvantaged children who had difficulty in following the curricula laid down for “non-special” schools. Numerous Roma children not suffering from a mental handicap were placed in special schools. The figures speak for themselves: while 1.8% of non-Roma children were not sent to these classes, 50.3% of Roma children were; in other words, a Roma child had a 27 times higher probability of being sent to this type of school and having his prospects even further jeopardised. The Czech Republic was therefore behaving in a discriminatory and degrading manner, not based on any “objective and reasonable justification”, towards a specific population group.

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45 The article by Schnapper D. published in Paugam S. (2008) is helpful in this connection.
depriving them of the right to education which should be equal for all regardless of origin, religion or gender. Following the applicants’ complaint, the Court censured this violation of rights, referring furthermore to several recommendations of the Committee of Ministers of the Council of Europe: equality of opportunity in the educational sphere for Roma/gypsy children in order to begin a process designed to remedy the disadvantaged situation of Roma/gypsies; the need to bear in mind that some Roma are travellers (distance education); to take account of the specific characteristics of Roma culture, respect their cultural identity and envisage the possibility of being taught in their own language. All discrimination is accordingly prohibited unless it makes it possible to correct factual inequalities. The Court added (para. 175): “in certain circumstances a failure to attempt to correct inequality through different treatment may in itself give rise to a breach of the article”.

Positive discrimination policies targeted at employment are more radical than those that involve sending anonymous CVs (with name, photograph and address deleted): they aim either to establish recruitment quotas or to give preference - where qualifications are equivalent - to children from immigrant backgrounds in public administrations, or else to subsidise private firms so that they can employ more youngsters from disadvantaged areas and/or set up in business in those areas, or, lastly, where state academies (“grandes écoles”) are concerned, to organise special classes with personalised tuition to enable groups of individuals to prepare for the entrance examinations. This is also the case where the authorities decide that state schools must take a given percentage of children from particular racial backgrounds in order to prevent an undue concentration of minorities and the development of ghettos, which impede social mobility. School buses are then organised so that children from “disadvantaged areas” can go to schools other than their own local ones.

The purpose of combating discrimination, whether direct or indirect, intentional or not, is to favour the people suffering from it, precisely in order to reverse the process of their marginalisation. This objective
underlies various policies. Some obey a logic of results, others a logic of means.\textsuperscript{46} In practice the two usually work in combination, as it is sometimes hard to know whether people are disadvantaged because they are immigrants, belong to this or that racial group or have this or that religious belief, or because they live in so-called disadvantaged areas and have a level of qualifications which makes it hard for them to get a job. In many countries positive discrimination policies are implemented without being announced as such, and usually applied pragmatically at local level. This is often the case with urban policies in particular areas.

However, there are several strong arguments against policies of positive discrimination.

1. Policies of positive discrimination give official approval to formal inequalities and so break with the republican ideal of equal access to rights. Opponents of these policies argue that discrimination should be tackled by a substantial increase in resources allocated to schools and housing, and by enforcing the law more strictly, especially with regard to recruitment and employment.

2. They speed up the integration of the most effective elements of disadvantaged categories in the United States, according to Rouland N. (1993), and their positive impact is limited.

3. They tend to stigmatise the beneficiaries of these policies by suggesting that young people from immigrant backgrounds have secured jobs through “privileges” granted by reason of their origin, not of their qualifications.

4. As a result of the above consideration, they are likely to generate hostility towards these categories, who are seen as favoured by those who do not receive such “advantages”. So it would be better to give help and support to all economically disadvantaged people whether or not they belong to minorities suffering discrimination. The risk is that, instead of recognising diversity, the opposite may result – hate talk directed at “others”, as the Council of Europe White Paper points out (p. 22 and 23) and as Emmanuel Todd rightly says: “…in the upper echelons of intellectual and political life, ethnic or religious concepts are increasingly referred to; immigration

\textsuperscript{46} Note that a logic of means does not call formal equality into question, which is not necessarily true of a logic of results.
causes alarm;...an occidentalist doctrine deriving from the idea of a clash of civilisations, and
strongly anti-Islam, is produced. This obsession with identity must surely be seen as a
conscious or unconscious attempt to deflect on to scapegoats a social anger that is economic in
origin" (op. cit., p. 154).

3.3.3 A mix of positive discrimination and social policies

Somewhat cautiously, the Council of Europe recommends resorting to positive discrimination
measures in certain cases. According to the White Paper, "Public authorities are encouraged to take, where
necessary, adequate positive action in support of the access of persons belonging to disadvantaged or
underrepresented groups to positions of responsibility within professional life, associations, politics and local
and regional authorities, paying due regard to required professional competences" (p. 39, our italics).

As we have seen, positive discrimination policies consist in setting quotas such that persons discriminated
against may find their rightful place in society. They can manifest themselves in two different ways: the
obligation to apply quotas is either strict or not. Where quotas are strictly respected, this obligation also
applies where candidates' real qualifications are not equivalent to those of nationals, for example in the case
of recruitment, admission to preparatory classes for state academies, universities etc. It is then necessary
to arrange for support measures to enable the chosen person to improve his standard relative to the others
and so close the gap. This is what the Brazilian government, for example, does for Blacks who have not
been able to receive their secondary education at good – usually private and expensive – schools. The
logic of results then clearly requires a logic of means. Where the obligation to respect quotas is not strict,
financial measures such as reduction of charges are taken in order to encourage firms to apply them. This
is what usually happens in the case of disabled persons.

A policy of positive discrimination could however target all disadvantaged persons whatever their
ethnic background, gender, religious beliefs or disabilities. The inequalities needing to be remedied in this
situation would be due less to a particular ethnic origin than to the social status of the persons concerned.
This is the approach which the French government has chosen, with the opportunity for youngsters from
depressed areas to enrol at the *Institut des Sciences Politiques* or in preparatory classes for the state academies (*grandes écoles*). This policy, in keeping with a logic of results, is backed by a policy of means with these young people receiving more help of various kinds. *Additional resources* are usually needed to lessen the exclusion of disadvantaged social categories and afford them *equal access* to rights that are considered universal. These additional means entail, for example, improving the grants system for children attending school, various forms of aid to poor families with children at school, help for newly arrived immigrants to enable them to learn the language of the host country, and so forth. These different kinds of help and support go to poor families, not to those marked out by their ethnic or religious background or simply their foreignness.

It is in so-called disadvantaged areas that high immigrant concentrations are found. It is because these areas are disadvantaged that there are more immigrants than elsewhere, and conversely, it is because there is this concentration of immigrants that these areas are disadvantaged. So it is hard to disentangle obligations in respect of means from those in respect of results, and positive discrimination measures from social ones. A policy designed to increase resources is vital. But it must also be backed up by positive discrimination measures. This combination of results-based and means-based policies is now being implemented in a number of countries.

**General conclusion**

The most vulnerable populations are those most exposed to the present crisis, and among them are those from immigrant backgrounds. So for immigrants the situation may well worsen with the crisis: first, economic discrimination (an acknowledged preference in certain job sectors, preferences not admitted to immigrants or their children when it comes to recruitment, exploitation and greater precariousness in the case of persons who migrated without papers), ever more stringent rules on family reunification and political refugee status, more and more deportations, and a preference for “controlled” immigration (which is, in fact, not always very coherent). Then, alas, xenophobic tendencies fed by hate speech and growing discrimination of an overtly racist and religious character may arise as the crisis deepens.
These restrictive measures are part of “short-sighted” policies. The industrialised world will need increasing numbers of immigrants in the medium and long term, and not just those who are most skilled. In many countries the ratio of active to inactive persons is falling, and this trend is likely to become more marked in future. It is known that in a few decades’ time the influx of immigrants - even if encouraged by new laws, a warmer welcome or less discriminatory practices - will not be sufficient to halt demographic decline (all other things being equal). Current restrictive policies appear to reflect immediate considerations whose populist character (in the worst sense of the term) is hard to disguise and, in view of this near future, are quite irresponsible, not to say surrealistic.

The humiliations and discrimination which immigrants suffer often stem from rejection by others, but also very often from the vulnerability of these people. Consequently, it is sometimes very difficult to distinguish the product of racism, which is frequently not acknowledged but very real in practice, from the fear that other cultures, or even other values, may damage the foundations of what we believe to be our common values, forgetting in the process that the latter have been enriched through contact with other cultures, and also from the vulnerability of immigrants who, believing that they have no rights or having an insufficient knowledge of them, fall easy prey to greedy landlords and certain employers who are convinced of their own impunity and have no hesitation in exploiting them.

A large proportion of the immigrant population do not feel part of an inclusion process and sometimes suffer a strong sense of rejection. Not feeling that they belong in society and its institutions, some of them look for a set of codes and values in the search for rules of solidarity without which no society can function. So they try to construct a society within society, which does nothing to foster social cohesion and can generate violence. Another group, discouraged by their failure to find work in keeping with their hard-won qualifications, do what their parents did and migrate to other, supposedly better places. This second wave move to Canada, and in particular the province of Quebec, the United States, the countries of the Middle East, and so on. According to a survey by CRAN (Conseil Représentatif des Associations Noires
– Representative Council of Black Associations)⁴⁷, 45% of “visible minorities” feel that discrimination has remained unchanged over the past five years in France, 34% think it has grown, and only 21% that it has diminished. These are worrying signs. Intercultural dialogue is more necessary than ever in response to the danger that social cohesion may break down. That dialogue, based on respect for others, exchange and participation, together with cultural, economic and social policies affording everyone equal access to rights whatever their origin, should make it possible to counter these trends. Intercultural dialogue, necessary though it is, cannot therefore be effective unless it is accompanied by a sustained effort of social policy aimed at less inequality and at all immigrants, not immigrants in need. So intercultural dialogue is necessary but not enough.

“Taking heaven by storm” said Gramsci, referring to the struggles and hopes of the Paris Commune insurgents - a fine phrase that could be applied to immigrants and their children. Making the impossible possible is the purpose of intercultural dialogue. The road varies in difficulty depending on the country. Everyone is infected with the virus of discrimination. Rejection of others and exploitation of the most vulnerable people are part of everyday life around us. But not everyone feels these discriminatory practices with the same intensity. This tells us that, of all the public policies pursued, the search for intercultural dialogue and plural identity may be the most effective.

The recent past lays its stamp on our future. The mix of populations which has come about in past generations has been profound and intense, so much so that it is sometimes hard to know where our great-grandparents’ roots lie. The past is made of this diversity, the result of multiple migrations. That is true of our present. It is also, and above all, true of our future. The world we shall leave to our children must be a world of accepted, acknowledged, diversity. That accepted and acknowledged diversity, together with

⁴⁷ See the supplement to the Le Monde newspaper of 27 June 2009: “Blacks, beurs et diplômés, les nouveaux expatriés, enquête sur ces jeunes Français qui trouvent à l’étranger les opportunités de carrière que la France ne sait pas leur offrir.”
recognition and respect for others, are necessary not just in order to build tomorrow’s world but also now, to combat the discrimination suffered by immigrants and their children.

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