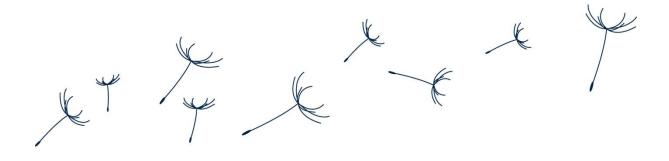


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'Mixed marriage', citizenship and the policing of intimacy in contemporary France

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Abstract

This paper examines the ways in which recent family migration policy and its practice in the form of enquiries into the character of bi-national marriages ('mixed marriages', in French terminology) shape the experience of citizenship in contemporary France. Like other European states, France has recently come to regard bi-national marriage as a 'weak link' in immigration control, and as a result there is growing focus on policing marriage between French and non-EU citizens, particularly from countries with high numbers of migrants to France. Successive laws passed between 2003 and 2006 have thus made it increasingly difficult for foreign spouses to obtain residence rights, and eventually citizenship. Nevertheless, marriage remains a privileged route to citizenship for many migrants, partly as a result of the difficulty to secure longer-term legal status via other routes. Bi-national marriage thus accounts for an increasing percentage of new French citizens. Since 2006 however, French-foreign couples wishing to marry, or to apply for a spouse visa after being married abroad, have been required to demonstrate the genuine character of their romantic attachment to state agents with a powerful mandate to determine the outcome of applications. How, then, do individuals experience this growing intrusion of the state into their intimacy? How do bureaucratic practices affect the subjective experience of citizenship? This paper addresses these questions by drawing on fieldwork with couples and their families as well as a civic association, and a limited number of state agents. The paper suggests that the policing of intimacy in contemporary France intensifies existing distinctions between 'good' and 'failed' citizens. Ultimately, this paper seeks to make an original contribution to the growing literature on changing notions of citizenship in modern states.

Keywords: bi-national marriage, citizenship, France, immigration control, intimate relations

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¹ Since October 2011 I have become involved with Les Amoureux au Ban Public (thereafter ABP), a movement of bi-national couples set up in 2007 and turned into a formal association in 2010. The association works primarily on a voluntary basis, and provides legal support to individuals facing bureaucratic difficulties. It is also involved in advocacy for the couples' rights to a family life in France (see www.amoureuxauban.net).

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1 Introduction

One of the most striking moments in legal expert-activist Nicolas Ferran's (2011) documentary film on the bureaucratic travails of bi-national couples in France features a dark-haired, attractive young woman. She is telling the director about the police harassment she was subjected to as she and her Cameroonian husband struggled to get a visa for him to come back to France. They had lived together in France for a while before getting married in Cameroon, and when they applied for a spouse visa there, the French Consulate requested an enquiry into the nature of their relationship. As she tells her story to Ferran, she recalls in an emotional voice how the lengthy bureaucratic struggle, which forced the couple to remain apart for months at a time, undermined the relationship. We see photographs of the couple in happier days. Visibly emotional, she recalls how the police officer in charge of the enquiry had asked her whether the marriage had been 'consummated'. Every time she had responded to a question, the officer had lectured her about the morality of her choice, and made repeated comments such as: 'You see, this shows that the only reason why he married you was to get a visa'. 'He spoke to me as a protector, a big brother, something like that... He wanted to protect me from the claws of this terrible Cameroonian who had obviously married me to get his papers', she continued. The officer had then asked her whether she had told her parents that she had gotten married during one of her trips to Cameroon. She had replied that she had not because the situation was complicated, and she did not want them to worry about her. Anyway, she had added, this was her life and her way of dealing with the situation. Still visibly affected by the memory of the conversation, the young woman recalls how the officer had replied to her: 'Your way of dealing with things concerns us all, you know'. As a viewer, we never get to know what exactly the police officer meant by this, but in the current French context I will sketch out in more detail, it is very likely that he alluded to the threat to a morally upstanding, cohesive society that he believed her failure to choose an appropriate spouse represented. The young woman was, according to the terms of current public discourse, the victim in a 'grey marriage'.

This vignette illustrates the experience of a number of my informants as well as the political context in which my study of bi-national marriage in France and Senegal is situated. Although successive law changes between 2003 and 2006 have made it increasingly difficult for foreign spouses to obtain residence rights, and eventually French citizenship, in 2011 marriage to foreign spouses accounted for nearly 25% of new French citizens, against 15% in 2008 (Comité Interministériel de Contrôle de l'Immigration 2012). Spouse access to citizenship is on the rise despite, and indeed perhaps because of, the increasing difficulty for many immigrants to gain legal status via other routes. Like other European states, France is aware that bi-national marriage may constitute a 'weak link' in immigration control, and as a result there is a growing focus on policing marriage between French and non-EU (European Union) citizens, particularly from countries with a high volume of migration to France. Thus by the mid-2000s, with Nicolas Sarkozy as Interior Minister in Jacques Chirac's government, word was passed down to consulates and préfectures (local government agencies) that up to half of marriages between French and foreign citizens were now 'sham'. Préfectures were subsequently given quotas for the number of spouse visas they could deliver annually. Meanwhile, in 2006 a new law was passed that required French-foreign couples wishing to marry, or to apply for a spouse visa after being married abroad, were required to demonstrate the genuine character of their romantic relationship to state agents with a powerful mandate to determine the outcome of marriage or visa applications.

How then, do individuals experience this growing intrusion of the state into their intimacy? How do bureaucratic practices affect the subjective experience of citizenship? This paper draws on

fieldwork with couples and their families as well as a civic association,² and a few state agents to address these questions.³ I suggest here that the policing of intimacy in contemporary France intensifies existing distinctions between 'good' and 'failed' citizens. Ultimately, in looking at the subjective experience of citizenship and family life through the lens of bi-national marriage, this paper seeks to make an original contribution to the growing literature on changing notions of citizenship in European states.

2 Migrant spouses and citizens in modern states

As Charsley (2012), Constable (2005) and others have pointed out, transnational marriage, or marriage involving the crossing of borders by one of the spouses at least, 4 is by no means a recent phenomenon. Though the availability of communication technologies and mass migration 'may expand the possibilities for individuals to contract marriages across borders' (Charsley 2012: 5), people probably enter into marriages across wider distances than in the past (Constable 2005). Indeed, marriage across borders is bound to be as old as the existence of borders themselves. The omnipresence of variously conceived forms of 'marriage of convenience' in European public discourses in the past decade, however, might mislead one to assume that the control of transnational marriage is a phenomenon of the late 20th century. And yet Charsley (2012) cites the rules imposed on marriages between Japanese migrants to the US and women in Japan in the early 20th century as an instance of regulation which strikingly resembles contemporary 'family reunification' or 'marriage migration' policies. Marriage itself was regulated of course, but also, to an even higher degree, the rights of Japanese wives to settle in the US with their husbands. Later on, the stigma of World War II had an impact on transnational marriage across Japan and the US, and this affected bi-national marriages since the Japanese wives of US soldiers were not allowed to join them in the US until 1952 (Kaiser 2008, cited in Charsley 2012). One may also mention the colonial period in Africa, when marriage between European residents and African women became increasingly restricted from the late 19th century onwards, and even more so the rights of the women to join husbands in Europe. As transnational migration scholars have found elsewhere, this was a highly gendered phenomenon. In most colonial contexts for example, marriage between African men and European women was socially stigmatised, if not banned outright (White 1999; Cole 2010).

What is relatively recent, however, is the specific scrutiny imposed on marriage to non-nationals or non-residents throughout the EU, as well as the sophistication of the legal and bureaucratic apparatus deployed to this end. ⁵ As Williams (2012: 35) points out, 'state agencies seeking to control and limit migration have marriage migration in their sights'. European states keen on stepping up

² Since October 2011 I have become involved in the work of a movement of bi-national couples set up in 2007 and turned into a formal association in 2010, Les *Amoureux au Ban Public*. The association works primarily on a voluntary basis, and provides legal support to individuals facing bureaucratic difficulties. It is also involved in advocacy for the couples' rights to a family life in France (see www.amoureuxauban.net).

³ This research was made possible by a grant from the Leverhulme Foundation (2011-13), as part of the Oxford Diaspora Programme. It forms part of a broader project entitled 'Multinational Families, Creolized Practices and New Identities: Euro-Senegalese Cases', one of eleven Oxford Diaspora Programme projects at the University of Oxford. In addition to ad hoc interviews and conversations with couples encountered through the association mentioned above, I have conducted interviews with 50 couples or former couples, followed, in a handful of cases, by conversations with relatives in several locations.

⁴ This is a broad definition that is suitable for this paper, but the academic literature has not yet crystallized around a shared conceptual framework of 'transnational marriage' (see Charsley 2012; Williams 2012).

⁵ Stricter and more complex regimes towards such marriages are now well documented in several EU countries. For the UK, see for example (Wray 2011). For Denmark, see (Jørgensen 2012; Rytter 2012, 2013).

restrictions to immigration have become aware of the difficulty of imposing radical restrictions on marriage. There are two main reasons for this. Firstly, the right to marriage and family life is recognised under Article 8 of the European Convention on Human Rights. Secondly, individual states have little control over the marriages their citizens contract abroad. As a result, bi-national marriages, as well as marriages between resident migrants and spouses from their country of origin, are increasingly perceived by European states as the 'weak link' in immigration policies. Since marriage itself is difficult to regulate, the emphasis is on controlling registration (for marriages celebrated in the European state of residence of one of the spouses) or transcription (for marriages celebrated outside Europe), as well as spouse visas. To obtain visas, foreign spouses are increasingly required to fulfil a long list of criteria which vary among European states (educational background, income threshold, language proficiency, minimum age etc.), although there is now a tendency towards standardization within the European Union. In addition, couples are often expected to demonstrate the 'genuine' character of their intimate relationship. From states' perspective, the explicit aim behind such measures is to discourage sham marriages. The manner in which this is done will become clearer with the French case in the next section, but for now suffice to say that the increasing regulation of transnational marriage is drawing a great deal of interest from the social sciences.

The emphasis of these studies has varied according to disciplinary approaches and individual researchers' orientations in relation to immigration policies. At the heart of much of this literature is thus an implicit tension: on the one hand, researchers are keen to analyse family-related migration as objectively as possible. On the other hand, there is often a fear that research may be used to justify further policy restrictions, or on the contrary to loosen control at the expense of some of the actors themselves. The tension could be summed up as follows: are European states threatening the rights of their citizens to family life by stepping up settlement restrictions, or are such measures reasonable in view of the risk that marriage may be misused for settlement and citizenship purposes, eventually harming 'deserving' individuals? A recent strand of scholarship has attempted to go beyond dualistic views of people's motivations to marry by looking at the complexity of individual trajectories and social expectations (Cole 2010; Williams 2010; Charsley 2005, 2006; Charsley 2007; Skrbis 2008; Schmidt 2011; Bloch 2011; Rodriguez García 2006; Beck-Gernsheim 2007; Constable 2003, 2005; Piper and Roces 2003). A number of studies within this strand also attempt to address the relative dearth of research on transnational marriages that represent 'the first links between families and social entities sharing little common culture or heritage' (Williams 2012: 32), which fit quite well within the French notion of 'mixed marriage'. This paper situates itself within this strand of scholarship.

The focus of this paper, however, is less on the complexity of marriage motivations than it is on the consequences of the control of intimate relationships for citizenship and belonging, for both citizens and their foreign spouses. There is now a growing literature on changing notions of citizenship in European states as the EU expands and consolidates its external boundaries, and ethnographic or sociological studies of the bureaucratic processes and rituals through which citizenship is granted (e.g. Fassin and Mazouz 2007) are particularly relevant here. There remains, however, somewhat of a gap in studying the longer trajectories leading individuals to apply for citizenship, for example as spouses. This paper attempts to contribute to this growing field.

My reflections on the plight of bi-national couples in France are also informed by recent literature on citizenship and exclusion, some of which productively places immigration policy and discourse within broader political projects. Bridget Anderson thus argues convincingly that immigration and citizenship have to do not only with status, but also with membership of what she calls a nation's 'community of value' (Anderson 2013: 4). Debates around immigration, she says, 'are about the contours of the community of value as much as they are about trade-offs and economic impacts' (ibid.).

Further, she argues, the community of value is 'defined from the outside by the non-citizen, but also from the inside, by the 'Failed Citizen'. In the UK as in many contemporary European states, the category of 'failed citizens', or similar versions of it, encompasses those individuals deemed incapable of living up to liberal ideals, those who fail to join the community of value (ibid.). The failed citizen may be a 'benefit scrounger', a rioter, a criminal, and the list is as long as it is elusive. Though phrased differently, this resonates with Didier Fassin's (2010b) edited volume on the new boundaries of French society. In the introduction, Fassin (2010a: 9) charts the rise of external as well as internal boundaries in France since the 19th century, and argues that the popularity of the far right in the 1980s both reflected and shaped a 'growing delegitimization of immigrants'. Fassin points to a long-standing racialization of French society, which became more visible from the 1980s onwards as it became evident that France was not simply drawing boundaries between citizens and foreigners, as the Republican ideal would have it, but also among its own citizens. This was done on the basis of race and ethnicity, religion, perceived genealogical 'origin' and class. This is by no means a new phenomenon but, as Fassin and his co-authors show, whereas such boundaries have been acknowledged and contested in the US for decades, until recently French society could fool itself into believing that all its citizens enjoyed equal treatment and equal chances when it came to education, housing and employment. What contributed to a growing visibility of 'internal boundaries', in the course of the 1980s and 1990s, was the political maturity of a critical mass of citizens whose parents had been immigrants, and who were still treated as aliens despite being French, and identifying as such. Indeed the generalized use of terms like 'Français issus de l'immigration' ('French descendants of immigrants') makes those boundaries both tangible and painful to the individuals concerned.

Anderson's and Fassin's work form part of a strand of literature which attempts to re-politicize scholarly studies of migration, and to place them within a broader social context than was the case in the 1980s and 1990s, when excitement about transnationalism and globalization processes tended to hide darker reactions to human mobility. Drawing on this strand of work and on recent research showing that the French state has come to perceive the family as the locus of practices preventing the 'integration' of immigration 'descendants' (Ferran 2008), I suggest that it is imperative to look at transnational families and their relationship to the state to understand the shifting nature of citizenship in modern European nations. Taking the experience of French individuals and their foreign spouses as a starting point, I argue that those French individuals who choose to form intimate relationships with individuals from poorer countries are increasingly regarded as 'failed citizens'.

3 Victims and deceitful lovers: shades of 'grey' marriage

As mentioned earlier, in recent years France has followed a broader European trend towards controlling marriage between nationals and non-EU citizens, coupled with a lengthening of the time required for foreign spouses to apply for citizenship. This shift has been perceived as fairly drastic in a nation with a history of inclusive citizenship, but in fact citizenship for foreign-born individuals has long come with conditions of 'assimilation' (from the 18th century to the end of the colonial period) and later 'integration' into French society (Hajjat 2010, 2012). Even more, French citizenship has long been silently racialized in ways which have only recently become the focus of scholarly research (Ndiaye 2008). In some respects, therefore, the perception of a radical shift is as much the result of media hype as the outcome of policy. Yet 'mixed' (French-non French) marriage and the subsequent accession of foreign spouses to citizenship have come under increasing suspicion of fraud, to the point of being the default attitude where spouses from some parts of the world, Africa in particular, are concerned. This has affected the language used to speak about bi-national marriage, with very real consequences for people's relationship to the state.

Public debate and policy around bi-national marriage have thus revolved around two main issues. The first has been the 'protection' of French citizenship, strongly defined as a 'community of value', from those perceived as gaining membership on fraudulent grounds, as evident in the introductory vignette. This is the issue I focus on in this paper. The second issue has been the widespread perception that a significant proportion of 'mixed marriages' were in fact 'community' (or 'ethnic') marriages in which second- or third-generation migrants brought spouses from their parents or grandparents' country of origin. The latter category has been increasingly stigmatized as communautarisme, or the tendency to socialize and marry primarily within a migrant community. In a state in which multiculturalism was never regarded as a 'value', communautarisme is perceived as working against the imperative of integration, even though recent research suggests that transnational marriage between countries of settlement and countries of origin is not incompatible with integration, in the sense of everyday connectedness with local life and a shared understanding of key cultural practices (Constable 2005; Rytter 2013).

In France, the dualistic view of 'community marriage' as being opposed to integration has not only been articulated by state officials and the media, but also by a segment of the scholarly community. It was with some concern, for example, that demographer Michèle Tribalat (2009) warned that by 2006, 60% of French nationals applying for a visa for their foreign spouse were in reality 'of foreign origin'. For her, the high proportion of 'mixed' marriages in the total number of marriages in France every year is not a marker of integration, but rather an outcome of the propensity by dual nationals to use their French citizenship to continue to practice endogamy, thus bringing spouses from their 'real' country of origin. France thus displays similar anxieties as other European states in the face of transnational marriage, but this is coupled with a rigid notion of what constitutes 'integration'. Moreover, this suspicion towards dual nationals and the descendants of immigrants, whose loyalty to the French nation is constantly questioned, forms part of a deeper trend towards the increasing visibility of France's 'internal boundaries' (Fassin 2010b). This is an important background to the policies discussed here, and I now turn to the recent ways in which the French state has sought to control bi-national marriage.

As Lucy Williams (2012: 29) points out in her excellent review of the various types of marriage migration around the world, marriages between 'Europeans or other groups considered culturally compatible are rarely subjected to the same sort of scrutiny that marriages between racial groups or between groups identified as "different" face'. This has been particularly salient in France since the mid-2000s, following Nicolas Sarkozy's second stint as a Minister of Interior (2005-07). During this period, the future President took on the task of reforming France's immigration policies, and in particular of stepping up visa restrictions for non-EU spouses. At the core of the reform was the Immigration and Integration law of July 2006, which turned the fight against 'marriages of convenience' (mariages de complaisance in French) into a priority. Former employees in French consulates in African countries have reported to me that this marked the beginning of a period during which they were given ever stricter guidelines for the delivery of spouse visas. In some cases they were told, informally, that up to 50% of the spouse visa applications they received were based on sham, or 'white' marriages. Consulate employees' perceptions of their duties thus shifted gradually; from delivering a service to French citizens, their mission became to investigate and 'smoke out' those who attempted to abuse marriage for migratory and citizenship purposes. Indeed the fact that spouses may apply for citizenship after four years of marriage remains in the mind of state agents at all times. As one former Consulate

⁶ Legal expert and *Amoureux au Ban Public* founder Nicolas Ferran develops this argument in his PhD thesis (Ferran 2008).

employee phrased it, speaking of the late 2000s: 'My superiors went from a vigilant attitude to being obsessed with fraud'.

The detection of sham marriage had existed in a low-key, haphazard manner before, but consulates had been largely autonomous in this respect. In French consulates in West Africa, until the mid-2000s the emphasis had been on interviews in connection with citizenship applications, in continuity with the historical requirement for 'assimilation' (Hajjat 2012). Several French-Senegalese couples I have interviewed in Senegal, and who were married between the 1970s and the early 2000s, recalled how they had been required to attend interviews when applying for French citizenship for the Senegalese spouse. One couple I knew had applied in the early 2000s, and had been interviewed by the Consul himself. They remembered the hour-long meeting as a cordial occasion during which the Senegalese wife had been asked, in fairly general terms, about her knowledge of France and her interest in French culture. In the course of the conversation, she mentioned a particular city as a place she had been most impressed with during holidays in France. By a peculiar coincidence, this happened to be the Consul's hometown, and this very articulate woman remembered how he had then exclaimed: 'You should have told me at the beginning, I would have awarded your citizenship immediately!' Her French citizenship was awarded soon thereafter, and she is now a dual citizen.

Another couple, who met in France in the mid-1970s and later married and settled in Senegal, recalled going through an interview with a French Intelligence officer when applying for the Senegalese husband's citizenship in Dakar in the mid-1980s. Despite the fact that they both had a well-documented record of left-wing militancy in 1970s' France, the details of which the Intelligence officer had in his file on the couple, the interview was fairly cordial. When the husband was asked whether his desire to become a French citizen was motivated by a desire to move back to France, he replied that he had already spent seven years there as a student, and that this had been more than enough. The officer, who seemed to have sympathy for the couple, suggested that his answer might not look good on the application. The husband then replied, in all honesty, that his wife had already applied for Senegalese citizenship, and that he wished to reciprocate so as to make her happy. The officer responded that this was the best reason he had heard in a long time, and according to the wife, wrote on the form: 'to make wife happy.' Citizenship was awarded to the husband shortly thereafter, and both spouses have been dual nationals since. Equally, spouse settlement procedures in France were fairly straightforward so long as the couple could document that a legally recognized marriage had been carried out, either in France or abroad. This may explain why, among the French-Senegalese couples I interviewed, few of those who had married before the 2000s expressed any frustration with the treatment they had received.

New laws and rules implemented between 2003 and 2006 have changed this however, and could be summed up as follows:

- 1. The probation period during which a non-EU spouse is only delivered short-term, renewable residence permits has been extended from on to up to four years.
- 2. Discretionary administrative or police enquiries into the character of the couple's relationship have been introduced. A town hall, préfecture or consulate may request an enquiry on the grounds of suspicion of sham or forced marriage, but approval must be given by the Republic's Chief Prosecution Service for the enquiry to take place.
- 3. The length of time required for the foreign spouse to apply for citizenship has been extended from two to four years after the marriage date.

In addition, bureaucratic procedures have become more complex, often to the point of being impenetrable for the state agents themselves. At every step, couples are now required to demonstrate that they share an everyday life and remain intimate through multiple elements of evidence. The

evidence people are expected to provide ranges from tangible items such as rent receipts, tax and electricity bills, a common bank account, shared subscriptions to various services and photographs of holidays together, to such 'softer' elements as testimonies from neighbours and friends testifying that the couple live together and are morally upstanding. Periods away from each other without evidence of daily contact are held against the spouses, even when distance was forced by the lack of status people are seeking to remedy. In other words, spouses are required to demonstrate that they adhere to the 'community of value', in Anderson's (2013) words, as it is defined by the French state.

What many individuals I have encountered perceived as problematic was not so much the requirement to provide evidence as the arbitrariness with which it is assessed depending on the political orientation of a given locality, the individual agents, and the cycle of electoral campaigns. Things become even more complicated when the foreign spouse is irregular since couples have often been reluctant, in such cases, to establish bills in both names. Those who try to do so routinely encounter animosity, and I have met couples who had gone through several financial institutions in different cities before being allowed to open a joint account. Many individuals also report being asked for different documents on different visits to the same préfecture. It all works as if they were being purposefully led through lengthy and haphazard procedures aimed less at determining the nature of the relationship than testing people's capacity to behave as compliant citizens regardless of what they are being put through. Should they succeed, they might eventually emerge as 'deserving' citizens. A number of informants thus felt that the town hall agents or police officers interviewing them had humiliated them on purpose so as to see whether they would 'fall apart' under pressure. The logic of this is never made explicit, but there is a sense in which those marked as potentially 'failed' citizens (people with lower levels of education, women from underprivileged backgrounds or with a history of relationships with Sub-Saharan African or North African men, state benefit clients) are required to prove their moral worth and mental resilience. As illustrated in the introductory vignette, police enquiries are often framed in protective tones, particularly when the French spouse is a woman. But they may be experienced as humiliating nevertheless, for example when officers tell women that they have the ideal profile of a victim, based on aesthetic criteria and relationship history that they are too old or not sufficiently attractive for their male partner to be really in love with them. In this context, it is unsurprising that many couples experience the French bureaucracy as an anti-immigration apparatus, or at the very least as designed to test their determination to live together. As we will see in the next section, the settlement process is often experienced as painful, not only by applicants, but also by their French spouses. Furthermore, those French spouses who acquired citizenship through a first marriage with a French national before the early 2000s, and later divorced, may re-marry a foreign citizen with the memory of how things were done at the time. In those cases, people often get caught out by procedures that were not yet in place the first time they got married.

The growing scrutiny on bi-national marriage in France has been facilitated by an opportunistic choice by Sarkozy's right-wing government to turn sham marriage into an issue of national morality. In 2009, Integration Minister Eric Besson⁷ thus declared that the state had a duty to protect its citizens from the abuse of 'grey marriage'. This newly coined term with racist undertones (in southern France the term 'grey' used to refer to North Africans in purposefully insulting terms), which Besson borrowed from a memoir about an abusive relationship (Delaunay 2006), referred to cases in which the French

⁷ Besson, a former figure of the Socialist Party who was co-opted into Sarkozy's presidential campaign in 2007, held the newly created Ministry of Immigration, Integration, National Identity and Mutually-Supportive in Development from 2009 to 2010. As Fassin (2010a) points out, the creation of this ministry both articulated and contributed to the perception that the defense of 'national identity' was intimately linked to the management of immigration.

citizen married for love; the foreign spouse, on the other hand, performed an emotional act of deceit with the sole purpose of obtaining a visa, or legal status for those already in France as irregulars, and possibly citizenship further down the line. The term later made its way into legal texts and briefing documents for state agents, and is now defined as 'emotional trickery for migratory purposes'. 8 In November 2009, Besson invited the representatives of an association of 'victims', the Anvi, to come to his Ministry and speak about their traumatising experiences with foreign spouses who had left them as soon as they had acquired long-term visas or citizenship. Needless to say, there was no shortage of press coverage. 10 There were also several parliamentary debates on the issue, and the portrayal of 'grey marriage' as a risk for thousands of hard-working, good citizens, made it easier to step up the criminalization of bi-national marriage. Though no one has yet been jailed for 'emotional trickery', the legal apparatus is now such that a convicted trickster may be subjected to five years of imprisonment and a fine of €15,000 (Groupe d'Information et de Soutien des Immigrés 2012). In practice however, providing evidence of one-sided deceit is difficult. Seriously contentious cases, therefore, usually result in the marriage being annulled and in a deportation order being issued against the offending spouse if the individual has not yet acquired French citizenship. Beyond its stated objective to protect French citizens from abuse, the highly mediatised debate around 'grey marriage' that has taken place since 2007 is undoubtedly an exercise in political opportunism. The Europe-wide increase in the control of bi-national marriage had an impact, of course, but equally important was the Sarkozy government's wish to show its electorate that it cared about the French 'community of value'.

4 Experiences of marriage and the policing of intimacy

In this section, I draw on interviews carried out since October 2011, and on material gathered during voluntary work at over 25 legal advice 'drop-in' sessions for French-foreign couples held by the Amoureux Au Ban in Paris. From the material collected, I have extracted the tales of a few couples who have found themselves caught up in the bureaucratic practices encouraged by the policies outlined above. This is not to suggest that all bi-national couples in France go through the same difficulties, and indeed most do not. But my interview material suggests a strong racialization in the treatment of 'mixed' couples in France. It also points to the importance of intimacy and family 'values' in a French national project that is trailing behind the diversity of the nation's population.

4.1 Saly and Marc¹¹

Marc is a professional soldier in his early 30s who grew up in Martinique, and joined the French army at the age of 18 to help provide for his mother and four younger siblings. He met his Senegalese wife Saly, aged 31, while on holiday in Senegal in 2006. They got married in Senegal in 2007, and since 2008 they have been living together in a block of flats outside Paris. After a year in France, Saly renewed her temporary residence permit as requested by the law, and then again the following year. After three renewals of a temporary, 1-year permit, French law entitles spouses to apply for a 10-year permit,

⁸ In French: 'escroquerie sentimentale à but migratoire'. On the subject of 'grey' marriage in France, also see Salcedo Robledo (2011) and Unterreiner (2012).

⁹ The national association of victims of insecurity (in French 'association nationale des victimes de l'insécurité').

¹⁰ See "'Mariages gris' made in Besson", *Libération*, 22nd December 2009. http://www.liberation.fr/societe/0101609938-mariages-gris-made-in-besson, accessed 28.11.2011.

¹¹ All names have been changed.

provided the couple can demonstrate that they have lived together continuously since the first visa was granted.

Saly and Marc provided the documents required by their local préfecture in 2012, as they had done in previous years. The agent who had received their application had told them that everything seemed to be in order, and they expected Saly to receive her 10-year card within a few weeks. Unbeknownst to them however, and for unknown reasons, the préfecture requested an enquiry into the nature of their relationship. Three months after they had handed in their application, and without warning, a policewoman turned up at their doorstep at 9 a.m. on a weekday. Saly and Marc were both at work, but a friend visiting from Senegal stayed at their flat, and he answered the door phone. Upon hearing that this was the police, he refused to open and told the policewoman to return at the end of the day, when Saly and Marc would be home. This unfortunate exchange would prove to be fatal for their application. The couple were subsequently summoned to the local police station a few weeks later. There the policewoman who had attempted to visit their home asked them, in foul language and aggressive terms, to explain their friend's 'unacceptable behaviour'. She then asked a few questions about their current lives, told them that the application would follow its course and dismissed the couple. A month later, they were shocked to receive the document dreaded by many immigrants, a Leaving Order or 'OQTF'¹² for Saly. The reason invoked by the préfecture was that it had not been possible to establish their 'shared everyday life'. Saly immediately informed her employer of the difficulties she was going through. She told them that this was a mistake, and that her situation would undoubtedly be regularized very soon. But there had already been tensions between Saly and her managers over employee rights, and according to her, they took the opportunity to sack her immediately, invoking the legitimate ground that any employer had a duty to sack a foreign employee who did not have a valid residence permit.

Saly and Marc got in touch with an immigration lawyer and with the Amoureux au Ban. They brought their case to the local administrative court, and an emergency closed hearing was called upon because of the urgency of Saly's work situation. I attended the hearing alongside two volunteer lawyers from the association, and I subsequently visited the couple at their home on several occasions. The couple's lawyer presented the same pieces of evidence of a shared life that Saly and Marc had handed in with their application months earlier. The préfecture, on the other hand, had probably anticipated the outcome of the procedure, and had sent neither representative nor memo to explain their decision to issue a Leaving Order. Unsurprisingly, the judge who dealt with the case overturned the decision and ordered the préfecture to issue a 10-year card for Saly, to pay for the couple's legal expenses and to grant them €1,000 as compensation for the trouble they had been subjected to.

Both spouses were shocked by what they had gone through, and both expressed anger that their rights as a married couple had been thus flouted. Saly had become so anxious throughout the process that she had been prescribed sleeping pills. Although she could have kept working, she had been so disappointed by the speed at which her employer had let her down that she decided to leave the job after all. But the worst affected was Marc, who could not come to terms with the treatment he had received as a French citizen. As a soldier, he had been on military campaigns in several countries, and felt he had been loyal to France. The fact that he had risked his life for the nation, he said, made it especially difficult to come to terms with their experience with the prefecture. Whilst being careful not to lose his temper so as not to jeopardize their case, once in front of the policewoman he had expressed his desire for his dignity as a citizen to be respected. He had told her that they were both equally engaged in

¹² OQTF stands for 'Obligation de Quitter le Territoire Français'. This is an administrative measure ordering the person concerned to leave the country within a limited period of time (usually a month) or face deportation.

defending France, he 'outside the country', and she 'from the inside'. How could he possibly be treated as a criminal? And had it mattered for the case that he was a Black French man, he wondered?

4.2 Amadou and Jordane

Amadou, a professional soldier in a West African army, left his post and came to France in 2010 with a short-term visa and a plan to join the Foreign Legion. Upon arrival, he went through a series of tests. He passed the fitness tests but failed the written ones, and was advised to return to Senegal and apply again the following year. Instead of returning to Senegal empty-handed, an unattractive option for any individual who leaves in search of better life opportunities elsewhere, Amadou decided to stay. He had friends and relatives in France, and someone he knew soon introduced him, over the internet, to a young French woman who lived with her two young children. After a short period of internet communication, Amadou went to her home to meet the young woman, Jordane, in person. The couple say they fell in love very quickly upon meeting each other. But Amadou did not move in with her initially because she had recently ended a relationship with the father of her children, another West African man, and she received benefits as an unemployed, single mother. Her status as a deserving recipient would obviously be threatened if it became known that she lived with a partner. Moreover, Jordane's former partner had been violent in the past. They knew that he had friends watching her, and feared the former partner might to report her to the social services if Amadou moved in.

A few months later however, Jordane became pregnant, and the couple decided to get married. They went to their local town hall to submit a marriage application, even though Amadou's visa had long expired by then. Indeed according to French law, the absence of regular status for the foreign spouse does not constitute sufficient grounds to reject a marriage application or report the couple to the Chief Prosecutor.¹³ I do not know whether Amadou and Jordane knew this, but they do not seem to have been deterred by Amadou's expired visa. Preparations for the marriage were going well until about a week before the wedding, when police officers turned up at their doorstep. Amadou was absent then, and they asked Jordane to come to the police station with him on the next day so that they could be interviewed 'in connection with the wedding'. Realising that this did not bode well, the couple contacted an immigration lawyer who had been recommended to them by friends who had run into similar problems, a French woman married to a West African man. To Amadou's surprise, her first question over the phone had to do with their locality of residence, and whether this was a 'left-wing or rightwing town council'. They did not know the answer to this, but the lawyer soon found out that their local council was under a right-wing mayor. 'Bad news', she said, and advised Amadou to stay away from the police station at all cost. Her concern was that he might be arrested and placed in a detention centre for undocumented immigrants. The lawyer advised Jordane to go to the appointment on her own. Much like in the introductory vignette, the policewoman¹⁴ who received her there initially lectured Jordane, in a protective tone, about the risks involved in marrying an irregular migrant from West Africa whom she had only met recently. According to Jordane, the lady encouraged her to break off the relationship while there was still time. She explained to Jordane that she had seen many young women like her end up as destitute single mothers, and that men like Amadou usually had a wife and children in their home country already. In other words, she implied, Jordane would de facto find herself in a polygamous

¹³ In practice however, the town councils in localities where immigration is unwelcome, tend to threaten couples in which one of the spouses does not have regular status with reporting them immediately to the Chief Prosecutor if they go ahead with a marriage application. Many of these couples then choose to move elsewhere or get married in the locality where the parents of the French spouse reside.

¹⁴ The cases I have come across seem to indicate an institutional preference for involving female officers in enquiries into intimate relationships.

marriage without knowing it. Moreover, she reminded Jordane that she already had a history of unhappy, at times violent relationships with African men, concluding that there was clearly a pattern emerging. 'Do you realise that you have the profile of the ideal victim?' the policewoman asked. Jordane told me quite candidly about the interview, and insisted that she had told the police in no uncertain terms that her love life was none of her business. Her husband was seated next to her as she spoke to me, and in his presence she seemed keen to show how she had stood up to pressure from the police; in her view, this clearly demonstrated her maturity and the genuine character of her love for her husband. The fact that Jordane had grown up in an underprivileged, ethnically diverse urban neighbourhood where the police was regarded as 'the enemy within' undoubtedly fed into her pride about the way in which she had dealt with the encounter.

Following the 'interview' at the police station, and with less than a week to go before the wedding was due to take place at the local town hall, the préfecture issued an OQTF against Amadou. When the couple rang the police to complain, they were told bluntly that they had brought this upon themselves since Amadou had failed to turn up at the station. The case had developed into a stand-off between the couple and the police, and the policewoman told them that if Amadou did not turn himself in before the wedding, he would be arrested on the day. At this stage, the couple's lawyer advised them to get in touch with the Amoureux au Ban Public (ABP). ABP immediately circulated a press release about the case, which made its way into several major media outlets. In addition, a small delegation of members went to show their support on the day of the wedding. Faced with the risk of unwelcome media attention, the police showed up at the wedding but did not arrest Amadou, and the town hall ceremony went ahead peacefully.

When I visited the couple at home a few months later, they were still visibly angry about the policing of their situation. They still had to wait a little longer to show evidence of six months of shared life in order to apply for a spouse visa for Amadou. In their view, the police had reacted in a prejudiced manner, not only towards Amadou, but also towards Jordane. She felt that the police looked upon her with contempt because she was a single mother, and because she already had children with an African man. Amadou, for his part, was deeply angry at the thought that he had been given a visa to join the Foreign Legion, but that his will to defend the nation did not grant him the right to marry a French woman. Strictly speaking, this was not exactly true since the worst that might have happened was that Amadou would have had to return to Senegal and apply for a spouse visa from there. But this would have been costly and time-consuming, and it is unlikely that he would have been back in time for the birth of his child. Things were more complicated than it appeared at first sight, however, since it later transpired that the reason why the police had taken a sudden interest in the case was an anonymous letter denouncing the relationship as a case of 'grey marriage'. This was not the first time I heard of a case in which 'grey marriage' was invoked in interpersonal conflict, as individuals sought to use the suspicion this would raise to harm the couple concerned. Public discourse was being used to shape intimate lives in unexpected ways.

4.3 Sophiatou and Julien

Sophiatou and Julien, a couple in their early thirties, share a small flat in a town near Paris. Julien is French, and Sophiatou, who grew up in Côte d'Ivoire, was born to an Ivorian mother and a Senegalese father. Sophiatou had originally come to France to finish high school shortly before the Ivorian civil war broke out, in the early 2000s. Unfortunately, faced with a lack of money, she had been forced to abandon her studies and work to support herself as well as her mother, grandmother and some of her siblings back home. By the time the couple met in 2007, she had already lived in France undocumented

for several years. In the eyes of the French state agents who handled their case later on, Sophiatou's lack of status alone would undermine her credibility as a 'genuine' spouse.

Although Julien shared a house with friends, Sophiatou virtually moved in not long after they had met. This was by far preferable to the precariousness she had found herself in before, when her status as a 'sans papiers' meant that she was forced to live with friends and to move frequently so as to avoid police scrutiny. The first difficulties arose the following year, in 2008, when Sophiatou and Julien decided to get married so as to live a 'normal life' together. Indeed, the constant hiding was a trial for Sophiatou. She survived from childminding jobs but aspired to go back to studying, which was nearly impossible without a regular status. The situation was equally trying for Julien, who felt that although he was a French citizen with a good job in private company, he was forced to live like a 'sans-papiers' to be with the woman he loved. Julien described what this period of hiding felt like:

We didn't allow ourselves to go out, we didn't do any of the fun things everybody else around us did. We avoided public transport, and any places where there were uniforms, in fact. We were so tense every time we saw a uniform, anywhere... Even driving past a police car at night would put us in such a state! It's a very strange feeling to be in your own country, and to have to hide like a "sans-papiers"...

Getting married, however, turned out to be more difficult than they had anticipated. They moved twice more after applying for marriage at their local town hall, and being told that since Sophiatou could not produce evidence of a regular status, the Chief Prosecutor would be notified as soon as they submitted an application. As mentioned earlier, the lack of status does not, in principle, constitute sufficient grounds to take such measures, but in practice many localities use this threat to discourage unwelcome applications. In this case, it probably mattered that in the first locality where Sophiatou and Julien attempted to get married, a right-wing mayor won the town council elections that year, thus ending over 30 years of Socialist dominance in the town. He had immediately announced that he would run the town like a company, and it is likely that ridding the locality of irregular migrants formed part of his attempt to distance himself from the previous town council.

It took failed marriage attempts in three different localities before the couple decided to get married in the rural community where Julien's parents live. French laws permits marriage to take place in a spouse's parents' place of residence, and it so happened that Julien's parents were in good terms with the mayor of their small town. This was not the end of the couple's difficulties, however. Although Sophiatou and Julien had all the evidence formally required to show that they had lived together for at least six months, it took another 18 months, 10 visits to their local préfecture and a lawsuit before they were able to submit their application for Sophiatou's visa. According to the couple, each visit, which often lasted for several hours due to the long queues imposed on applicants at the time, ended up with a refusal to receive their application on the grounds that yet another document was missing or was in the wrong format, even when the document in question had not been requested before. The couple experienced these repeated rejections (often by the same agents) as a subjective assessment of their relationship as undeserving. After the 10th visit, they were both in a state of despair after yet another refusal on spurious grounds, and turned to a Christian association which put them in touch with the Amoureux au Ban. ABP advised them to take a lawyer and initiate a lawsuit against the préfecture. They won, and Sophiatou was eventually granted a temporary visa. But the couple remained frustrated that their legitimacy as a couple was never properly acknowledged by the préfecture: like in Saly and Marc's case, the institution failed to send a representative or a memo of explanation at the court hearing, and the reasons why they had to go through such a painful journey were never revealed.

By the end of the first year after Sophiatou had received her visa, the couple were requested to show up at the local police station to complete the enquiry into the nature of their relationship. Those are the enquiries that may be conducted at people's homes, or at least in separate interviews at the station, but as the police officer told them, she was not given sufficient resources to do her job. She wanted this over and done with quickly, and she decided that she was happy with the evidence that she saw. She was particularly pleased with the photographs of the couple together on various occasions, including during visits to Julien's parents. Though the couple could be applying for French citizenship for Sophiatou by 2013, they are in no hurry to do so; they have had enough of bureaucratic procedures for a while, and Sophiatou is wary of people's suspicion that she might be using marriage for citizenship purposes. If scarred by the experience, and slightly disillusioned about an administration which they feel turned out to take a racialized approach to people's rights, Sophiatou and Julien are nevertheless relieved to be able to live an 'ordinary' life.

5 Concluding remarks: 'mixed' marriage and internal boundaries in France

In this paper, I have drawn on the experiences of French-West African couples to show how 'mixed' marriage in France is increasingly being constructed, in public discourse as well as in laws and bureaucratic practices, as both an 'immigration problem' and a threat to the morality of French citizenship. Though the control of marriage to non-citizens goes back several decades, this type of marriage has become increasingly targeted in the 2000s with the rise of anti-immigration populist politics. The laws passed in 2006 to curb marriage migration have been supported by a highly mediatized state obsession with the need to protect naive French citizens from 'marriages of convenience' with immigrants solely intent on getting legal status, and eventually French citizenship for themselves.

Although it is certainly the case that a number of bi-national marriages take place so that the foreign spouse may get regular status, this perspective ignores the fact that few other avenues are open to 'mixed' couples wishing to live together in France. In other words, another way of looking at this recent criminalization of cross-border love would be to say that many couples are pushed into marriage because of a lack of alternatives, and then charged with getting married for 'migratory purposes'. The underlying message in this logic is that 'good' citizens should avoid getting married to anyone who is not an EU citizen (and particularly to any citizen from an African nation), unless the spouse is already entitled to residency in France through other routes. I also want to suggest that the generalised atmosphere of suspicion towards mixed marriage in France has important consequences for the 'texture' of French citizenship, particularly for what Anderson (2013) calls the 'community of value'. I will only address some of them by way of conclusion, bearing in mind that there are important variations among localities, and that many couples never experience the kind of hassle described in this paper. Still, younger couples who have not been faced with a 'policing' of their intimacy often admit that this atmosphere of suspicion makes them feel vulnerable, and more likely to be perceived as undeserving citizens in situations of conflict with the administration.

The treatment of bi-national marriage in France thus contributes to the growing salience of 'internal boundaries' discussed by Fassin and his contributors (Fassin 2010b). Like Julien, Jordane and Marc, many French individuals who happen to have fallen in love with citizens from the former French colonies (but also from Asia or Latin America) feel infantilised by a state which deems them incapable of making appropriate life choices. Though this is rarely articulated as such, they are treated as 'failed citizens' in some contexts, particularly during pre-marriage interviews or post-marriage enquiries

following visa applications for the foreign spouse. Though statistics on the number of enquiries conducted every year are not available, the procedures put in place from 2006 have created a momentum of their own. Parts of the French immigration bureaucracy are now dedicated to smoking out 'marriages of conveniences', particularly 'grey marriages'. This is likely to have longer-term consequences for both spouses' experience as citizens and their attachment to their French identity (as well as that of their children), especially since many of the migrant spouses are future citizens themselves.

A related consequence is that French spouses often feel discriminated against on the basis of their choice of a life partner. Why, many couples ask, are they required to demonstrate that theirs is a 'pure' love, untainted by any instrumental considerations? Several of my informants pointed out that the intentions of French citizens marrying other French were never questioned. They were puzzled that the state found it more acceptable for French citizens to marry for money, for example, than for binational couples to marry with considerations of residency and citizenship in mind. In principle, as town hall agents have told me, and as stipulated by French marriage law, anyone suspected of marrying for considerations other than a desire to establish a family together, may be subjected to an enquiry. In practice however, enquiries into the intentions of French couples are virtually non-existent.

Normative notions of love and marriage are thus being validated in the process, even though these are only controlled for bi-national marriage. Couples are encouraged to stage their relationship in certain ways, and to conceal those aspects more likely to draw suspicion. But over-staging draws suspicion, too, and thus people may feel as though state agents are 'out to get them'. Meanwhile, the underlying logic of French marriage migration control, which is that genuine relationships will bear to be tested over longer periods of time, neglects the fact that sustained suspicion, lengthy and costly procedures, and prolonged periods of separation when one of the partners is stuck in a country of origin waiting for a spouse visa, ¹⁵ often has a detrimental effect on relationships.

From the perspective of the relation between state and citizens, police involvement in enquiries about intimate relationships introduces an element of force into procedures already perceived by individuals as unnecessarily complex and lengthy. The policing of intimacy is often experienced as deeply unsettling, as moments when the usual boundaries between the public and the intimate become blurred in seemingly arbitrary ways. It is thus significant that people expressed a mix of frustration and anger when telling their story, and were sometimes on the verge of tears when remembering what they went through. This is compounded by the obvious racialization of enquiries in some localities, though by no means all. As the cases of Amadou and Jordane and that of Saly and Marc illustrate, interactions between state agents and couples are often amplified by pre-existing tensions between 'law and order' institutions and ethnic minorities or underprivileged segments of society. In other words, the control of marriage migration brings to the fore the intensification of internal boundaries drawn along the lines of race and class. What will be the consequences of this over time, and most importantly for the identities of the descendants?

¹⁵ The particular type of visa spouses who live abroad or live in France without regular status must apply for is classified as 'visa for private and family life' (*titre de séjour 'vie privée et familiale'*).

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