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## Original Article

# The impact of extreme-right parties on immigration policy in Italy and France in the early 2000s

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**Abstract** In May 2001, the Italian *Lega Nord* (LN) was included in the coalition government led by Silvio Berlusconi after the general election. A year later, the French *Front National* (FN) provoked a political earthquake after the passage of Jean-Marie Le Pen to the second round of the 2002 presidential ballot, alongside the incumbent President Jacques Chirac. Drawing from a qualitative methodology, this article compares the LN's and the FN's impact on the development of Italian and French immigration policies during Berlusconi's second term and President Chirac's last term. Acknowledging the complexity of immigration policy, the article concludes that the LN had a moderate impact in Italy while the FN enjoyed significant impact on policy developments in France. This research highlights the presence of important endogenous and exogenous constraints on the development of this political process in the two cases, which have been neglected in the ERP literature.

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## Introduction

After a long period of political ostracism, members of the extreme-right parties (ERP) family resurged in European political systems from the mid-1980s onwards after accumulating electoral breakthroughs into mainstream politics in six European countries (Ignazi, 2006). Moreover, the rise of ERPs extended from France, Italy, Austria, Switzerland, Netherlands to northern European countries such as Finland, Denmark, Sweden (*The Economist*, 2011). This political phenomenon has been closely examined by political scientists interested in understanding the causes behind ERPs' electoral breakthroughs and the ideological variations within this party family

(Carter, 2005). This ascension has impelled intense speculation on ERPs' ability to exercise pressure on mainstream political parties and their political agendas (Hainsworth, 2008). However, and despite being one of the most studied party families, research on ERP political impact on domestic political systems is still at a very initial stage (Mudde, 2007, p. 277).

In order to address this shortcoming, this article compares the Italian *Lega Nord* (LN)'s and the French *Front National* (FN)'s impact on their national immigration policies during the terms taking place in the first half of the 2000s. Consequently, this research is driven by the hypothesis that both the LN and the FN had a salient impact on the management of inflows taking place during Berlusconi's second term (2001–2006) in Italy and President Chirac's last term (2002–2007) in France. This study employs a research design based on small-N comparative method combined with process tracing (George and Bennett, 2005; Mahoney, 2007). The LN and the FN were selected because of their cultural xenophobia at the ideological level and similar significant electoral threats to mainstream centre-right parties in the national first-order ballots.<sup>1</sup> Whereas the few comparative studies on this political phenomenon were developed over the 1990s, this article focuses on a contemporary time frame (Minkenberg, 2001; Williams, 2006).

Against the growing insularity between immigration studies and ERP literature, this investigation performs a synthesis between these two strands of political analysis to improve the broader understanding of the aforementioned political process (Bale, 2008). ERP literature recurrently refers to immigration as a driving factor behind these parties' electoral expansion but tell us very little about the complexity of this social phenomenon, which enhances sweeping statements over this political process (Ignazi, 2006; Fella and Ruzza, 2009). Immigration studies highlight the contagion effects of extreme-right parties on policy developments without providing a consistent methodology to support this linkage and travel to other political contexts (Messina, 2007). By contrast, this article will provide indicators to evaluate ERP impact according to the different types of flows of immigration and assess potential variations at domestic and cross-national levels. Finally, this investigation provides a critical appraisal over past research on ERP impact on immigration policy on the two selected cases.

Drawing from the aforementioned qualitative research design, this article demonstrates that the FN had a stronger level of impact on the development of French immigration policy than the LN in Italy during the selected time frames. As will be seen, this methodology allowed the identification of salient variations on the contents of ERP political impact on immigration control in the two cases. Moreover, this investigation highlights the presence of important endogenous and exogenous constraints on the intensity of this political process that have been neglected in ERP literature. Finally, this research confirms that mainstream parties mediated ERP impact in the two cases, but the analysis highlights that the agency of mainstream political elites can either reduce or expand the intensity of this political process.



The article's first section provides a review of the few academic studies available on ERP impact in Italy and France to summarise their main findings. The second section provides a definition of ERP impact, as well as the proposed methodology to evaluate this political process at the comparative level. The third section develops the selection of Italy and France as case studies on the basis of the 'method of agreement', by examining the constraints and incentives that affect the development of the aforementioned political process. A brief contextualisation of the LN and the FN is provided through the fourth section to explore these parties' electoral challenge to mainstream parties and respective proposals on immigration policy in the early 2000s to identify potential causal linkages. This investigation will scrutinise the LN's impact on immigration control in Italy while the FN's impact is addressed on the next section. The last section develops the comparative synthesis of the in-depth analyses over the two selected case studies, which is followed by the conclusion.

## Past Studies on ERP Impact on Domestic Politics

Alongside the shortage of studies on ERP political impact, a frequent incongruence of this type of research concerns the contradictory character of its conclusions on similar time frames and identical case studies. Research undertaken on the impact of ERPs with parliamentary representation in Germany, Austria, France and Italy during the 1990s suggested that ERP impact had been most relevant at the cultural level than on policy developments because of the mediation imposed by the interaction with mainstream parties (Minkenberg, 2001, p. 18). Further research on ERPs' impact on immigration policy in Germany and Italy in the early 1990s also suggested that impact on this area of public policy 'were less than had been expected' (Perlmutter, 2002, p. 295).

Yet, these two former studies were challenged by comparative research undertaken on the impact of radical right-wing parties in France, Germany and Austria during the 1990s and the early 2000s (Williams, 2006). Through the employment of a quantitative methodology, a moderate rate of ERP impact was identified at the policy level in the three selected cases. This trend was demonstrated by the increasing number of restrictive reforms of immigration policy and the lower number of legislative acts tackling racism in the selected period across the three countries (Williams, 2006, p. 202). Past research on the FN's impact in France during the 1980s and 1990s also emphasised this growing influence of ERP on the policy agenda illustrated by the mainstream parties' 'attempts to co-opt and gain control of issues of immigration and security' (Schain, 2006). Effectively, the French Interior Minister Charles Pasqua's statement that his goal was to push towards 'zero-immigration' to appeal to the FN voters in the 1993 legislative elections is conceived as a classical case of 'clothes stealing' or informal co-option of the ERP discourse (Hainsworth, 2008).<sup>2</sup>



Contemporary research over the consequences of the LN's participation in Berlusconi's second government also contains contradictory conclusions on ERP impact on immigration control (Zincone, 2006; Bouillaud, 2007; Geddes, 2008; Fella and Ruzza, 2009). Consequently, the opposing statements on ERP impact in France and Italy will be clarified by this in-depth analysis. Whereas only one proposal provides a consistent research design to study this political process at the comparative level, this article seeks to overcome this shortcoming by proposing an original qualitative methodology based on process tracing combined with a small-N research design. Moreover, past research on this topic has failed to address the potential constraints placed upon ERP impact on immigration policy, which has significant repercussions on the expectations over the contents of this political process. The next section examines the research design implemented to attain the proposed objectives.

### **ERP Impact on Immigration Policy and Measuring This Political Process**

This methodology to examine ERP impact is restricted to immigration policy or immigration control; this is to consider the conditions imposed for the regular entrance and settlement of foreign citizens in the host countries, while integration policy is excluded from the object of analysis (Meyers, 2002). In general, ERP political impact is conceived as the ability to promote a policy outcome that would not have been observed if it was not for the agency of this party (Mudde, 2007). As ERPs are regarded as a distinct party family for their extreme xenophobia or racism towards immigrants,<sup>3</sup> their political impact on immigration control is interpreted as the ability to disseminate their xenophobic agenda into the official state policy. Consequently, the research assesses the potential transposition of ERP proposals into the policy cycle by examining the selected ERPs' own proposals and performing the in-depth analysis of the subsequent development of national immigration policies.

According to migration studies, immigration policies can be classified as 'strict' or 'liberal' depending on the conditions demanded by the host state for the admission and residence of foreign citizens; indicating the number of entrances of new immigrants; and legal guarantees presupposed by authorisation of residence against the vulnerability of arbitrary expulsion, capturing the permanent/temporary dimension of the stay permits (Hammar, 1985; Meyers, 2002). Reflecting their cultural xenophobia or racism, ERPs' proposals should hold a 'strict' or anti-immigration character constraining immigrants' access to a stable life in the host society. Furthermore, immigration studies stress the importance of disaggregating this policy according to the different types of immigration flows: labour migration, family reunion, asylum and irregular immigration (Messina, 2007). Therefore, the examination of ERP impact on immigration policy presupposes the scrutiny of the selected



ERP's agenda towards the different types of inflows and then to assess a potential causal linkage with the different stages of the policy cycle (regarding policy inputs, outputs and outcomes).<sup>4</sup>

In sum, this study employs a qualitative methodology known as process tracing, which is based on causal process observations and conceived as an 'analytic tool for drawing descriptive and causal inferences from diagnostic pieces of evidence' (Collier, 2011). These in-depth analyses undertaken across Italy and France will be followed by a cross-national synthesis, because the combination of process tracing with a small-N research design enhances the assessment of 'whether and how' ERP impact took place instead of providing a quantitative estimate of how much causal weight can be associated to the ERPs (George and Bennett, 2005, p. 55). Notwithstanding its potential subjectivity, ERP impact on immigration policy is ranked on a three-point scale (irrelevant, moderate and significant) rather than on a zero-sum scale. The variable absolute levels of intensity depend on whether the ERP's proposals are reflected on the policy towards one or more types of immigration flows. Thereby, the aim is to provide a judgemental estimate of this political process, as measuring indirect impact is a particularly tricky issue (Mudde, 2007). This method will also enable assessments of potential variations on ERP impact at domestic and cross-national levels.

According to the past literature, ERP impact can be simultaneously ranked as: (i) proportional/disproportional at relative level, according to the ERP's strong/weak position within the party system; and (ii) direct/indirect, because 'participation in and influence over policy-making is most direct when the party controls or is a coalition partner in the national government' (Schain, 2006, p. 273). Whereas the ERP representation in government grants these parties with direct access to the policy-making process, indirect impact means that mainstream parties in office might be constrained to readjust the legislative agenda to accommodate the policy issues of the opposition parties (Mudde, 2007). After the review of the proposed methodology, a justification of the case selection is provided in the next section.

## Case Selection and Constraints on Scope of ERP Impact

The present case selection was undertaken according to the 'method of agreement'<sup>5</sup> and the subsequent exclusion of important factors that constrain and incentive the observation of the dependent variable (Schain, 2006). Consequently, France and Italy were selected as most appropriate cases due to the presence of ERPs that pose a similar salient electoral threat to mainstream parties, the liberal character of their political systems, membership of the European Union (EU), and the strong degree of bipolarism observed across their political systems. The 'liberal state' thesis stresses the restraints imposed by domestic factors on the capacity of liberal states to control their borders, such as the constitutional rights extended to foreign citizens that



prevent deployment of ‘zero-immigration’ policies (Joppke, 1998). Consequently, ERP impact must also abide by the national legal framework while the enactment of their legislative proposals is equally subjected to vetoes from the partisan and institutional players found at the domestic level (Tsebelis, 2002).

Policy change is expected to be more frequent in France than in Italy because of the higher number of veto players within the Italian political system. Whereas the French government usually enjoys a solid single-party majority in the parliament that recurrently prevents vetoes on the executive’s proposals, the Italian government is recurrently formed by a coalition of parties that increases the number of veto players at the partisan level (Tsebelis, 2002). Nonetheless, both Italy and France have Constitutional Courts that can abort entire pieces of legislation or parts of them approved by the executive and these judicial bodies can also water down the scope of ERPs’ impact.

Second, the Italian and French national immigration policies are equally constrained by developments at the EU level, such as the enlargement process in 2004 and 2008. The EU membership of the two countries presupposes recognition of the supranational free movement rights for EU citizens established in the Treaty of Rome (1957) and guaranteed by EU laws, as well as the respect for fundamental principles of liberty, democracy and human rights as acknowledged in the Amsterdam Treaty (1999) and the Charter of Fundamental Rights (2000) (Boswell and Geddes, 2011). Therefore, ERP impact cannot contravene the EU legislation or the integration process without the subsequent condemnation from EU-supervising institutions, which can ultimately lead to the country’s withdrawal from the EU.

Finally, the bipolar patterns of inter-party or inter-coalition competition encouraged by the electoral systems employed at the first-order ballots in France and Italy enhance the scope of the ERPs’ electoral threats to the mainstream parties, as it will be seen in the next section. Considering the extremists’ potential division of the right-wing vote, mainstream centre-right parties hold stronger incentives to prevent the waste of votes to ERPs within bipolar party systems. This trend incentives mainstream parties to react to the ERPs’ electoral challenges enhancing the occurrence of the dependent variable in the two cases (Bale, 2003). Consequently, the case selection enables the restriction of the conclusions to a well-specified range of cases with similar structural constraints and incentives over the selected political process. After these theoretical insights, a brief contextualisation of the LN and FN is provided in the next section.

## **The Italian LN and The French FN**

In Italy, the LN participated in the first Berlusconi – the leader of the centre-right party *Forza Italia* (FI) – government in 1994 but dropped from the cabinet to reassert its antagonism towards the Italian party system and propose the independence of



northern regions into a new nation named as *Padania* (Diamanti, 2007). After the initial success at the 1996 general elections, Bossi was forced to adopt an overt office-seeking strategy following the electoral disaster in the 1999 European Parliament (EP) election and the rejection of the independence project (Cento Bull and Gilbert, 2001). Benefiting from a vital lifeline provided by Berlusconi, a deal was brokered in January 2000 between Bossi, Berlusconi and the remaining leaders of the coalition parties that composed the *Casa delle Libertà* (CdL) – the *Alleanza Nazionale* (AN) and the *Biancofiore*<sup>6</sup> parties. The signature of stand-down agreements allowed Berlusconi to minimise the LN's electoral threat to the CdL in the single member districts in northern regions and to prevent the overall defeat observed in 1996.

The agreement presupposed the drop of the LN's independence project, a shift followed by the LN's adoption of a devolution project against Rome's centralism, overt cultural xenophobia<sup>7</sup> and opposition to the EU as the party's new ideological cornerstones (Guolo, 2002; Passalacqua, 2009). Instead of claims for independence, the LN mobilised its rank-and-file against Islam and the construction of mosques demonstrating its cultural xenophobia while Bossi (2000) stated that immigration was accepted for labour purposes only. This ideological shift prompted the LN's reclassification from an ethno-regional party into the ERP family (Ignazi, 2007; Fella and Ruzza, 2009). During the 2001 electoral campaign, the CdL set a distinct political agenda from the centre-left coalition with strong emphasis on crime, insecurity and immigration (Bull and Bellucci, 2002). In the context of the CdL's overall victory, the LN's electoral crisis deepened after failing to overcome the threshold in the proportional tier with only 3.9 per cent of the vote in 2001. Nonetheless, Berlusconi still benefited from the LN's support, because the coalition proved to be decisive in more than 50 constituencies (Cento Bull and Gilbert, 2001).

In France, the French FN was considered the most successful ERP in Western Europe under the leadership of Jean Marie Le Pen. The FN's leader pioneered a cultural xenophobic ideology that framed immigration as a threat to the national identity from the 1970s onwards (Ignazi, 2006). The FN initially adopted a neo-liberal xenophobic ERP model but shifted into an authoritarian xenophobic ERP model from the mid-1990s onwards (Carter, 2005). Notwithstanding the lack of parliamentary representation, French voters have not been dissuaded to vote for the FN and this ERP enjoys the ability to force triangular contests (that is, left, centre-right, extreme-right) in particular constituencies by retaining its candidates on the second ballot of legislative elections. This trend favoured the victory of the centre-left, like in the 1997 legislative election (Hainsworth, 2008).

Moreover, a political earthquake with international shockwaves was observed after Le Pen's passage to the second round of the 2002 presidential elections alongside President Chirac (the FN candidate obtained 16.68 per cent of the vote; Shields, 2007). The FN's electoral manifesto stated that 'mass integration' of immigrants leads to the destruction of national identity (FN, 2001, p. 22). During the electoral

campaign for the second round, Le Pen proposed to reverse the ‘current of immigration’ and demanded the halt of all legal inflows alongside the suppression of the Constitutional article protecting the right to conduct a normal family life, stressing his opposition to family reunion (*Le Monde*, 2002a). Yet, Le Pen’s overall defeat to President Chirac was followed by the FN’s weak electoral performance in the 2002 legislative elections (Perrineau, 2003). In short, this article compares the impact of two culturally xenophobic ERPs that pose a similar salient electoral threat to mainstream centre-right parties despite their different levels of electoral support or access to office seats. The examination of these ERPs’ impact during Berlusconi and Chirac’s terms is developed through the following sections.

### **The LN Impact on Immigration Policy during Berlusconi’s Second Term**

The LN’s electoral setback in the 2001 general election forced this ERP into the position of weakest coalition partner, deprived of blackmail power because the CdL government could survive without its parliamentary support. Nevertheless, Berlusconi rewarded Bossi by allocating the LN three cabinet posts<sup>8</sup> as a counterweight towards the remaining coalition partners (Donovan, 2004). Whereas the LN’s role as agenda setter was initially expected to be irrelevant, a ‘northern axis’ composed by Berlusconi, Bossi and the Milanese Finance Minister, Giulio Tremonti, was perceived as dominant within the government by 2003 (Diamanti, 2007). Furthermore, Berlusconi received unconditional support from the LN, in particular over judicial reform, providing leverage over the remaining coalition partners in exchange for favouring Bossi in the executive (Diamanti and Lello, 2005).<sup>9</sup>

Reform of immigration policy was quickly prioritised by the new CdL government (Geddes, 2008). Leading the intra-coalition negotiations with the AN leader Gianfranco Fini, the LN Welfare Minister Roberto Maroni proposed the introduction of a ‘contract of residence’ against the opposition of Italian employers. This new residence authorisation subordinated the legal entrance of non-EU citizens to prior acquisition of a valid job contract, the employer’s insurance of proper lodgement, and proof of financial means to cover costs of return after expiration of the job contract (immigrants were allowed to remain for 6 months to look for a new job). As Einaudi (2007, p. 150) noticed, the ‘contract of residence’ represented a longstanding proposal, first presented by the LN in the parliamentary debate over the Italian 1990 immigration law, while its highly restrictive character clashed with the intense domestic demand for foreign labour.

Initial opposition from the LN to the general regularisation programme demanded by the UdC and Italian employers during the draft of the 2002 immigration law was later overturned after intra-coalition negotiations (Einaudi, 2007). Awareness of his party’s incapacity to veto the coalition partners’ demands led Bossi to exchange his endorsement for the introduction of additional high-profile securitarian measures to



appease his own voters (Albertazzi and McDonnell, 2005). Consequently, collection of biometric data of all regular immigrants who applied for access/renewal of residence authorisations was imposed, which stigmatised immigrants as a deviant population.<sup>10</sup> Immigrants' entitlement to child benefits was also suppressed by an LN parliamentary initiative, demonstrating the party's welfare xenophobia (Zincone, 2002). Following the enactment of the regularisation programme, more than 640 000 immigrants obtained a regular status between 2002 and 2003 constituting the largest regularisation programme ever undertaken in Western Europe, reflecting the intense domestic demand (Colombo and Sciortino, 2004). In the meantime, Bossi made the headlines after advocating the employment of naval force against irregular immigrants arriving by boat at the Italian southern shores (Geddes, 2008).

A final draft of the Bossi–Finì law was approved in July 2002 extending restrictions on all types of inflows (Table 1). Considering the political rhetoric of the 2001 electoral campaign, some authors suggest that the Bossi–Finì law was not as restrictive as initially expected (Zincone, 2006). Yet, the 'contract of residence' was an outcome of the LN's agency that aggravated the Italian state's inability to manage labour immigration according to domestic demand, as well as the restrictions imposed on access to welfare and the measures towards irregular immigration

**Table 1:** Modifications to Italian immigration policy introduced by the Italian no. 189 of 30 July 2002

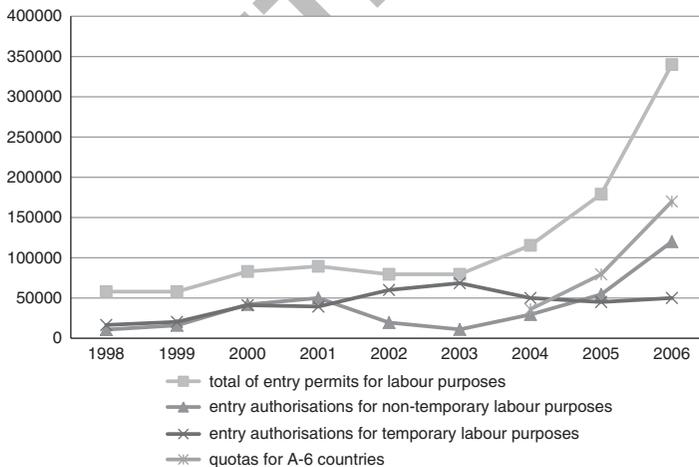
<i>Main modifications</i>			
<i>Labour migration</i>	<i>Family reunion</i>	<i>Asylum</i>	<i>Irregular inflows</i>
Suppresses sponsored entry authorisation; prospective employers forced to ensure lodging and financial means to cover return costs after the end of work contract. Validity of residence authorisation is made dependent on duration of work contract; residence authorisation remains valid for 6 months after loss of employment. Probationary period to access permanent residence extended to 6 years. Allows collection of biometric data.	Family reunion was limited to conjugal and minor descendants. Immigrants' entitlement to child benefits was abolished	Instituted 'territorial commissions' (seven have been established) to examine asylum requests. Introduced identification centres for asylum seekers. Instituted two distinct procedures (simplified or ordinary) for asylum seekers according to their permanence in identification centres. Removes right to appeal	Detention limit expanded to 60 days. Reinforced sanctions on employers of irregular immigrants. Reformed procedures for forced removal

*Source:* Author.

(Table 1; Colombo and Sciortino, 2004). The development of the 2002 regularisation programme reflected the LN’s position of weakest coalition member within the cabinet, alongside the potential risk of terminal decline if it dropped from the government and subsequently snubbed Berlusconi’s vital support. Yet the LN’s impact was not restricted to the 2002 immigration law, as some ERP studies presupposed (Albertazzi and McDonnell, 2005; Fella and Ruzza, 2009).

The Provisional Ministerial decrees issued between 2001 and 2003 setting the quotas on labour authorisations were initially supervised by the LN Welfare Minister Roberto Maroni (Geddes, 2008). Under intense pressures to supply immigrant labour, Maroni raised the 2001 quotas (Figure 1). This action was interpreted as evidence that the LN could not ignore domestic demand (Albertazzi and McDonnell, 2005). Yet, the LN accepted immigration under a strict utilitarian approach with limited access to social rights (temporary immigrants were granted a short-term residence authorisation of a maximum duration of 9 months and were ineligible for family reunion) reflecting its welfare xenophobia and the frame of immigration under a strict utilitarian perspective (Einaudi, 2007). As Bossi stated: ‘who comes into our country should enter by the front door, upholding a work contract whose duration should not exceed three years. During this period, the worker’s performance will be evaluated and he can remain if his contribution is positive or otherwise removed from the country’ (Vitorini, 2001).

Consequently, the disproportional dimension of temporary over permanent quotas was reinforced during 2002 and 2003 reflecting the LN’s aversion to accept the structural dependence on labour immigration and the transformation of Italy into an



**Figure 1:** Italian quotas for labour inflows between 1998 and 2006.

Source: Colombo and Martini (2007).



immigration country (Figure 1). Moreover, the gap between the intense domestic demand for foreign workers and the limited supply of labour visas by the Italian state, particularly between 2001 and 2003, demonstrated the hegemony of the LN's political priorities (Reyneri, 2007).<sup>11</sup> The contradictions found on the Italian immigration policy supported the maintenance of intense irregular inflows into Italy (Colombo and Sciortino, 2004). In short, the LN deployed a guest-worker system for labour immigration, ignoring the intense demand from the domestic labour market, thereby diminishing the legal guarantees enjoyed by labour immigrants against forced removals, as well as their access to social rights. At this stage, the LN had a significant and direct impact on Italian immigration policy, especially over the management of labour inflows.

However, the LN's profile on immigration policy was drastically watered-down reflecting a conjugation of distinct factors: (i) judicial intervention, (ii) intra-coalition dynamics, and (iii) the new EU member-states accession. First, the Constitutional Court in 2004 questioned the legitimacy of the Bossi–Fini law on the deportation of irregular immigrants, providing evidence of the presence of a domestic veto player.<sup>12</sup> A compromise between coalition partners led to the acceptance of the court's recommendations and the promulgation of a corrective decree (Statute 271/2004), rectifying the most repressive components of the 2002 immigration law, which reflected the LN's agency (Bouillaud, 2007). Second, decision-making on the management of the quota system became a more formal and consensual process from 2003 onwards because its supervision passed from Maroni to the FI Interior Minister Giuseppe Pisanu (Einaudi, 2007). Furthermore, and regardless of, his co-authorship of the 2002 immigration law, Fini stated publicly that his party 'does not exclude in the future, not in years but in a few months, to remove the quota mechanism of entry', sharing the UdC's dissatisfaction with the LN's management of the labour quotas (Lorenzo, 2003; Arachi, 2004).

Finally, Berlusconi's government had to deal with the accession of new member-states into the EU because Italy opted to deploy a transitional scheme on the right of citizens of A-6 countries<sup>13</sup> to access the domestic labour market (Colombo and Martini, 2007). Thus, separate quotas for the new EU citizens were deployed by the 2004 Flows Decree increasing the number of labour visas. The LN was therefore forced to recognise Italy's compromises at the international level providing evidence of exogenous constraints on the scope of this ERP's impact. Moreover, an overt policy shift was observed after the dissolution of the 'northern axis', following Bossi's illness and the FI's loss of electoral support at the 2004 administrative and EP elections (Donovan, 2004; Newell and Bull, 2009).

Under Pisanu's supervision, the 2004 consolidation act of the 2002 immigration law increased the quota system's flexibility and was followed by the expansion of overall caps for labour visas (Figure 1; Colombo and Martini, 2007). In the absence of Bossi, the LN Minister Calderoli spearheaded the opposition to the policy shift: 'immigration quotas would only be raised over his dead body' (Lorenzo, 2004).

However, the adoption of an adversarial attitude at the time when the LN's devolution bill was under parliamentary debate could jeopardise its approval (Bull and Newell, 2009). Once again, the LN was forced to bow to the coalition partners' demands, and the U-turn on the management of the quota system was consolidated in 2006 (Figure 1). Consequently, the LN's impact on policy developments was downgraded to a moderate level until the end of the term. Lastly, the agency of mainstream coalition parties, in particular the AN and the UdC, restrained the LN impact on the management of inflows while Berlusconi's favouring of Bossi enhanced the intensity of this political process in the first half of the term. After the review of the ERP impact on the Italian immigration policy, the analysis now moves to the French case study.

### **The FN Impact on Immigration Policy from 2002 to 2007**

The victory of President Chirac's party, the *Union pour un Mouvement Populaire* (UMP), in the 2002 legislative elections was followed by the reconfirmation of the UMP government led by Prime Minister Jean-Pierre Raffarin, including Nicolas Sarkozy as the Interior Minister (Perrineau, 2003). Immigration policy became a sudden priority of Sarkozy with the closure of the Sangatte camp in November 2002 (Schuster, 2003). Furthermore, a reform of the immigration law was presented to parliament in 2003, where Sarkozy announced that a 'zero-immigration policy' was a 'myth', apparently distancing himself from the FN and Pasqua's legacy (Sarkozy, 2003, p. 1). Nonetheless, Sarkozy stated that: 'the wheel of legal immigration is entirely fed by inflows that we do not want, as family reunion processes and asylum seekers' (Sarkozy, 2003, p. 3). An initial consensus was therefore found between the FN's frame of particular regular types of immigration as illegitimate and the Interior Minister's rhetoric.

The 2003 immigration law contained a two-pronged strategy: abolition of the '*double peine*'<sup>14</sup> to appease immigrant associations alongside the introduction of restrictions on labour, family reunion and especially on irregular inflows (Weil, 2005; Lochak and Fouteau, 2008). Owing to 'difficulties of [immigrant] integration' (Sarkozy, 2003, p. 1), proof of integration in French society was demanded on access to long-term residence authorisations, reversing the past logic of promoting immigrant integration through the concession of these permissions (Table 2). An experimental compulsory *Contract d' Accueil et Integration* (CAI; Contract of Welcome and Integration)<sup>15</sup> was also introduced for newcomers, blending immigration and integration policies (Table 2). Sarkozy envisaged in particular those immigrant communities who 'resisted to Republican integration with their endogamy practices' (Sarkozy, 2003, p. 3). Immigrant integration was therefore articulated as a threat to French Republicanism and the host society like the FN's discourse in 2002. Considering the absence of integration from the mainstream parties' electoral



**Table 2:** Modifications to French immigration policy by the law no. 2003-1119 of 26 November on control of immigration and settlement of foreigners in France

<i>Main modifications</i>			
<i>Labour migration</i>	<i>Family reunion</i>	<i>Asylum</i>	<i>Irregular inflows</i>
Access to long-term residence authorisations delayed from 3 years to 5 years of previous settlement; access to stay permits in 12 departments was made dependent on signature of CAI	Extends Mayors' powers to control marriages between nationals and foreigners, as well as housing conditions and financial resources to apply for family reunion visas; family members who enter France are granted temporary residence authorisations for the first 3 years. Authorities can withdraw residence authorisation during the first 4 years after marriage	—	Criminalises marriages for convenience. Extends detention limits from 9 days to 32 days; authorises collection of biometric data from all candidates who are granted entrance visas

Source: Author.

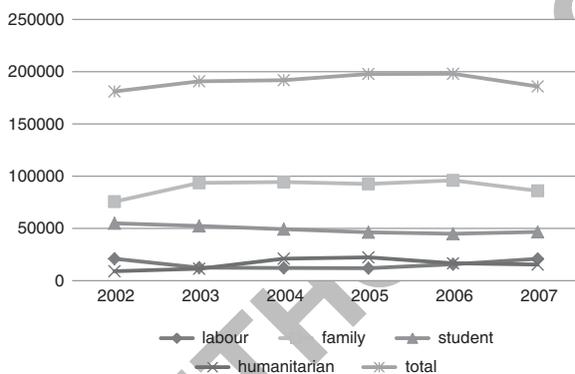
campaign in 2002 (*Le Monde*, 2002b), the blend of immigration and integration policies seemed to reflect the shockwaves of Le Pen's electoral result and the emergence of a 'post-2002 integration consensus' at the national level (Noiriel, 2007).

The sudden prioritisation of the immigration policy after the 2002 presidential election was also confirmed by President Chirac's statement in a TV interview on 14 of July that: 'We must immediately reform asylum (...) Today, when someone asks for asylum, the decision takes eighteen months, it is absurd and serves no purpose' (RFI, 2002). Notwithstanding the expansion of asylum into France from 1998 onwards, this issue had been absent from Chirac's 2002 electoral campaign and manifesto (*Le Monde*, 2002b). Unsurprisingly, the new 2003 asylum law had a clear restrictive character (Table 3; Weil, 2005). Three years later, the Interior Minister presented the policy outcomes to Parliament: time frame to evaluate an asylum request was reduced to 8 months while the number of requests dropped after 2004 (Sarkozy, 2006; Figure 2).<sup>16</sup> Therefore, the FN's impact on policy developments by the mid-term of President Chirac was considered moderate and was indirectly reflecting the prioritisation of immigration and asylum reforms with a restrictive character, notwithstanding the absence of these issues in the 2002 electoral campaign and, especially, the blend of immigration and integration policies alongside the subsequent institutionalisation of the 'post-2002 integration consensus'. Nonetheless, the intensity of this political process expanded henceforth, especially on family reunion.

**Table 3:** Modifications to French immigration policy introduced by the law no. 2003.1176 of 10 December 2003 on asylum

<i>Main modifications</i>			
<i>Primary inflows</i>	<i>Secondary inflows</i>	<i>Asylum</i>	<i>Irregular inflows</i>
—	—	Abolishes concept of territorial asylum and introduces figure of subsidiary protection, annually renewable. Introduces notion of internal asylum in origin countries and a list of ‘safe’ countries. Centralises all asylum demands in the OPFRA office. Introduces accelerated procedures and reduces right to appeal of asylum seekers	—

Source: Author.



**Figure 2:** Grants of settlement by category of grant in France, excluding EEA and Swiss nationals, between 2000 and 2007.

Source: SGCICI (2011, p. 43).

As the new elected UMP leader, Sarkozy organised a series of party conventions on different topics to unveil his plans for the 2007 presidential elections and by-pass the Prime Minister and President’s veto powers on the agenda-setting (Tsebelis, 2002). At the June 2005 UMP convention entitled ‘Selected immigration, ensured integration’, Sarkozy proposed a new paradigm for French immigration policy including a quota system on the concession of residence authorisations to ‘move from unwanted immigration to selected immigration’. His objective was to attain a stronger balance between ‘labour immigration’ and ‘rights immigration’ covertly referring to family reunion and asylum (Sarkozy, 2005). Notwithstanding the lack of specification on the selected criteria, this proposal shifted the UMP’s position on immigration closer to the anti-equalitarianism characteristic of the FN and posed a direct challenge to the French Republican paradigm (Ivaldi, 2008).



Furthermore, Sarkozy's frame of particular types of immigration flows as 'unwanted' seemed uplifted from Le Pen's 2002 electoral campaign.<sup>17</sup> Consequently, Sarkozy started a process of informal co-option or 'clothes stealing' of the FN's discourse (Noiriel, 2007; Hainsworth, 2008). Immigration policy constituted a cornerstone of Sarkozy's electoral strategy for the 2007 presidential election that sought to tie the right-wing vote in his favour, in the context of strong electoral bipolarisation (Perrineau, 2008). Consequently, Sarkozy presented his plans as a rupture with President Chirac's unpopular legacy, and who favoured Dominique De Villepin to win the UMP presidential nomination for the 2007 elections (the disagreements were stronger on integration policy rather than on policy of entry; Schain, 2008). Second, the proposed policy shift and the informal co-option of Le Pen's discourse by the UMP leader would operate in Sarkozy's favour to attract the FN's electorate at the first round of the 2007 ballot (Cole *et al.*, 2008; Marthaler, 2008).

Following his reinstatement as the Interior Minister under the leadership of the new Prime Minister De Villepin in June 2005, Sarkozy adopted a repressive approach towards irregular immigration. Regional removal quotas for irregular immigrants were announced and a circular was issued to provide legal coverage to the intensification of internal controls.<sup>18</sup> Regardless of the failure to intensify the rate of forced removals of irregular immigration in the short term, Sarkozy's initiative had a strong symbolic power (Weil, 2009). A second reform of immigration policy was presented to Parliament as a profound transformation of French immigration policy (Sarkozy, 2006, p. 39). However, Sarkozy's proposal for a quota system had been vetoed by President Chirac on fairness grounds on a TV statement in November 2005 demonstrating the intra-party conflict over Sarkozy's plans and the agency of a partisan veto on the intensity of the FN's indirect impact on French immigration policy.

The 2006 immigration and integration law reformed the channels for labour migration, but Sarkozy recognised in Parliament his unwillingness to re-open the French labour market to immigration in the context of high unemployment (Table 4; Sarkozy, 2006, p. 46). Moreover, this new law was distinctive for the scope of bureaucratic hindrances imposed on family reunion and the consolidation of the 'post-2002 integration consensus' (Table 4; Lochak and Fouteau, 2008). The application of the *CAI* was extended to all newcomers and on the access/renewal of long-term residence authorisations. This action deepened the fusion between immigration and integration policy and potentially destabilised immigrants' protection against the eventual loss of regular status (Weil, 2009). The promulgation of the 2006 immigration law was followed by the decline of residence authorisations granted for family reunion purposes by 10.6 per cent and labour purposes by 9.4 per cent in 2007 (SGCICI, 2008, p. 43; Figure 2). Therefore, the 2006 immigration law transposed the policy shift announced by Sarkozy in 2005 and incorporated the FN's agenda to restrain 'unwanted' inflows such as family reunion. Sarkozy

**Table 4:** Modifications to French immigration policy introduced by the law no. 2006-911 of 24 July 2006 over control of immigration and settlement of foreigners

*Main modifications*

<i>Primary inflows</i>	<i>Secondary inflows</i>	<i>Asylum</i>	<i>Irregular inflows</i>
Introduces the CCT; opens access to labour market in function of labour shortages in particular geographical areas. Establishes the <i>carte salarié</i> for job contracts of 12 months or longer duration and the <i>carte travailleur temporaire</i> for contracts of less than 12 months. Access to long-term residence authorisations dependent on signature of CAI. Long-term residence authorisations for family members granted after 3 years of legal residence and proof of Republican integration in the French society	Probation period imposed on access to family reunion processes increased from 12 months to 18 months of previous legal residence. Social benefits are excluded from calculation of financial resources of immigrants who apply for family reunification. Access to temporary residence permits for family purposes delayed for 3 months after arrival. A probation period of 3 years is imposed on access to residence authorisation by foreign partner of French citizen	—	Replacement of automatic regularisation of irregular immigrants after 10 years of settlement by a mechanism of regularisation for humanitarian concerns. Authorises creation of database of French citizens who hold contacts with foreigners

Source: Author.

recognised his covert agenda on immigration after publicly acknowledging his intention to seek extreme-right voters ‘one by one’ following his appraisal that: ‘If the FN has made headways, it is because we have not done our job’ (*Le Parisien*, 2006; Marthaler, 2008).

This strategy was escalated during the electoral campaign as Sarkozy announced his intention to associate immigration to national identity under a single ministry and recovered his proposal for a quota system (Noiriel, 2007; Ivaldi, 2008). Effectively, the informal co-option of the FN’s agenda alongside the political capital provided by the tenures at the Interior Minister operated as a magnet for FN voters in the 2007 presidential elections.<sup>19</sup> As Le Pen (2007, p. 2) recognised in the electoral aftermath: ‘paradoxically winners on ideological grounds, we have temporarily lost in the electoral arena’. In sum, the FN’s indirect impact during President Chirac’s last term had an initial moderate intensity, but expanded to a significant level after the extension of application of CAI and the intense restrictions imposed on ‘unwanted’ inflows in 2006, in particular on family reunion and irregular immigration. Lastly, the FN impact in the 2000s had a different outline from the process observed in the early 1990s. The next section compares the observations extracted from the two selected cases.



## Comparing ERP Impact on Policy Developments in Italy and France

The comparative analysis of ERP impact in Italy and France suggests that the FN had higher levels of impact than the LN during the first half of the 2000s. Whereas the FN's agency indirectly promoted the institutionalisation of the 'post-2002 integration consensus' in 2003 and in 2006, as well as the transposition of its agenda against 'unwanted' inflows into the legislation, the LN's agency introduced important modifications to the immigration law in 2002 and managed the labour quota system until 2004. Whereas the FN's impact expanded throughout the selected time frame, the LN's impact was watered down to a moderate level after the U-turn on the caps on labour immigration. Hence, the employment of the qualitative methodology allowed the identification of substantial variations on the intensity and contents of ERP impact in the two cases. These differences demonstrate the contingent character of ERP impact on immigration policy, challenging unfounded expectations that it should lead to a uniform outcome at the policy level. Furthermore, the comparative analysis suggests that ERPs' direct access to government seats does not seem to be correlated with higher intensity of ERP impact, as it was expected in the past (Bale, 2003; Messina, 2007).

Both the LN's and the FN's impact in Italy and France were ranked as disproportional but on different grounds: the LN's impact overcame initial expectations, reflecting this party's position as the weakest coalition partner, while the FN's intense impact coincided with its exclusion from office. Apparently, these ERPs' impact on immigration policy reflected a common objective of the centre-right leaders to prevent the waste of votes to the selected ERPs in the national first-order ballots, in the context of strong bipolarisation (Bale, 2003). Yet Berlusconi's full cooperation with Bossi also sought to enhance his leverage vis-à-vis the remaining coalition partners within the executive, the AN and the UdC respectively, demonstrating the importance of intra-coalition dynamics to understand the observation of this political process in Italy. Lastly, Sarkozy's informal co-option of the FN's agenda was also an instrument to detach himself from Chirac's legacy, suggesting that intra-party politics have also enhanced the aforementioned political process in France.

Finally, this research identified the presence of stronger constraints on the selected ERPs' impact on immigration policy in Italy than in France, as it was initially expected. In Italy, both domestic partisan and institutional veto players moderated the LN's impact on policy developments. The international compromises signed by Italy towards the EU also restrained the intensity of the LN's impact on the management of labour inflows. In France, Chirac restrained the intensity of the FN's impact on immigration policy through the veto on Sarkozy's proposal for a quota system in 2005, providing evidence of a partisan veto on the FN's indirect impact. Failure to acknowledge the potential role of domestic and exogenous constraints on ERP impact can lead either to understatements of this political process or exaggerated

expectations regarding its potential outcomes. Mainstream parties effectively mediated the selected ERPs' impact on policy developments in Italy and France like past comparative research suggested (Minkenberg, 2001). However, this research demonstrated that mainstream political elites can either moderate or expand the intensity of this political process according to their own political priorities. Whereas Fini and the CdU in Italy, as well as Chirac in France, opted to water down the selected ERPs' impact on immigration policy, Berlusconi and Sarkozy enhanced the direct and indirect transposition of the selected ERPs' proposals into the national legislation showing important distinctions across the agency of mainstream centre-right political elites.

## Conclusions

This article evaluated the LN's and the FN's impact on immigration policy in Italy and France during Berlusconi's second term and President Chirac's last term. This investigation concluded that the FN had a more significant impact in France than the LN's moderate level of impact in Italy. The Italian ERP's impact was stronger than presupposed by some ERP studies (Albertazzi and McDonnell, 2005; Fella and Ruzza, 2009). ERP impact throughout the selected time frame across the two selected cases superseded the cultural or discourse levels (Minkenberg, 2001). The collected evidence suggests that the policy outcomes of ERP impact would have not been observed if it was not for the agency of the LN and the FN, as illustrated by the introduction of the 'contract of residence' in the 2002 Bossi-Fini law, or the experimental introduction, and then extension, of CAI to all newcomers in France. Consequently, the proposed qualitative methodology allowed the identification of salient variations on the intensity and contents of this political process in the two countries.

The intensity of ERP impact on immigration policy in France seemed to be weakly dependent on the FN's access to the executive branch, or on formal cooperation with mainstream parties (Bale, 2003). The Italian case also indicates that the scope of ERP impact on immigration policy is not dependent on the selected ERP's level of electoral support, while the role of the LN within the Italian executives was broader than previously admitted in ERP literature (Mudde, 2007). Important domestic (partisan and institutional veto players) and exogenous constraints (EU membership) were identified in Italy and France that helped to curtail the scope of ERP impact on immigration policy in the two cases. The acknowledgement of these factors prevents potential understatements of this political process.

The interplay between ERPs and mainstream parties has been emphasised by this investigation, as ERP impact was enhanced by the objective of leaders of centre-right parties to prevent loss of votes to the ERPs at national first-order ballots. Nonetheless, intra-coalition politics in Italy and intra-party politics in France were also



associated with the development of the selected ERPs' impact on immigration policy. This investigation concluded that mainstream political elites can either moderate or foster the intensity of this political process, according to their own objectives. Further analysis is recommended on the interplay between the ERPs and mainstream parties, in particular over the availability of leaders of centre-right parties to fully engage with, or to incorporate, ERPs' proposals into the legislation. Finally, the proposed methodology to evaluate ERP impact on immigration policy can also travel to other political contexts and contribute for further comparative analysis of this political process.

## About the Author

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## Notes

- 1 Potential issues of case selection bias reflecting the LN's participation in government in 1994 and 2001 are dismissed because ERP impact is not dependent on access to office seats (Mudde, 2007).
- 2 This event was followed by a sweeping reform of immigration and asylum policy to achieve this goal, which led to a veto on the 1993 immigration law from the Constitutional Council. Relying on the 1946 constitutional text, the judges rejected the restrictions imposed on: family reunion, marriage between nationals and foreign citizens, right of appeal as well as the measures for the automatic expulsion of refugees (Hollifield, 2004, p. 199).
- 3 ERPs can be identified at the broad level by their location on the political spectrum and objectively classified on the basis of the ideological criterion by evaluation of the anti-system properties of these parties' ideologies. These ideological properties encompass attachment to a Fascist legacy or anti-constitutional or anti-democratic values, including the denial of human equality (AUTHOR).
- 4 It should be noticed that gaps between the aims stated by the national government and the subsequent policy outcomes of these decisions are frequently observed across the immigration policies of industrialised countries (Cornelius *et al.*, 2004).
- 5 'A research design that compares cases which are matched (i.e., *in agreement*) on one of the main variables of concern (either an independent or a dependent variable), and which *differ* on other variables understood to be potential causes or effects of that variable' (Brady and Collier, 2010, p. 356).
- 6 Formed by the Italian Christian-Democrat parties and later renamed '*Unione dei Democratici Cristiani e Democratici di Centro*' (UdC).
- 7 The 'choice of immigration was ideological' according to Bossi, as the left-wing parties' failure to control immigration sought to 'simplify the society' according to the dichotomy of 'big business

- against the people' (Bossi, 2000, p. 6). In October 2000, Roberto Calderoli organised a rally against the construction of a mosque in Lodi (north of Milan) involving the spreading of pig excrement on the proposed site (Parenzo and Romano, 2008).
- 8 Bossi was appointed as Minister for Reform responsible for devolution; Roberto Maroni became the Minister of Welfare; and Roberto Castelli was appointed Minister of Justice.
  - 9 The assignment of the Ministry of Justice to the LN demonstrated Berlusconi's confidence in this ERP on issues of key personal interest, such as judicial reform and media regulation (Albertazzi and McDonnell, 2005).
  - 10 By 2004, 700 000 data units had been collected by Italian authorities (Barbagli, 2008).
  - 11 Reyneri (2007, p. 7) reported that Italian companies forecasted hiring an annual minimum of 105 000 non-seasonal immigrants between 2001 and 2005 (this forecast did not include domestic labour demand), a number much superior to the annual caps on labour inflows decreed until 2005 (Figure 1).
  - 12 In particular, the Court vetoed the generalisation of escorted forced removals and imprisonment of individuals because of an administrative offence. However, the peak of forced removals had been in 2002 and was declining henceforth (Barbagli, 2008).
  - 13 Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia.
  - 14 *Double peine* refers to the legal mechanism of double penalty that decrees the imprisonment/incarceration of foreign citizens followed by their automatic deportation after expiration of judicial sentences deployed by the 1993 immigration law.
  - 15 This contract obliges foreigners to have language training and civic formation, which includes a presentation on French institutions and Republican values, especially on equality between genders and secularity. This contract is valid for 1 year and mayors are responsible for supervising abidance with the contract. Failure to comply with the contract can lead to the rejection of renewal of residence authorisation.
  - 16 In 2004, there were 50 547 first requests of asylum seeking against 42 578 in 2005 and 26 269 in 2006 (SGCICI, 2008, p. 124)
  - 17 The FN (2001, p. 26) electoral manifesto stated: 'The massive immigration that we do not want affects our national identity and consequently France's existence'.
  - 18 Circular of 21st February 2006 concerning internal controls on irregular immigrants.
  - 19 Sarkozy captured 30 per cent of Le Pen's 2001 voters in the first round and 67 per cent of these same voters in the second round of the 2007 presidential elections (Perrineau, 2008, p. 211). This trend reflected public perception that both Le Pen and Sarkozy shared a similar electoral platform but the UMP candidate's image of a statesman and credibility was far superior to that enjoyed by the FN's candidate (Mayer, 2007).

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