Nationality Law in France: Questioning the "inclusive" model

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I. Introduction: Questioning a Narrative

Citizenship has long been at the heart of vibrant historical and political movements in France. It forms a genuine—and sometimes romanticized—model that has both spread and been consolidated over the centuries. It marks a dividing line between the French national community, with full political capacity and a permanent right of abode, and foreigners whose legal position is more precarious in many respects. The boundary line between citizens and foreigners is a shifting one and provisions for acquiring, retaining, and losing citizenship are highly diverse and technical. However, French nationality law is caught up in a certain narrative running from the eighteenth to the twentieth centuries and based on the idea of the nation being inclusive in character. The present contribution sets out to question this idea.

France is said to be a *terre d'accueil* for immigrants, a country that facilitates their integration and acquisition of nationality. This narrative is rooted in two conceptions of nationality law: one sociological, the other voluntaristic.

By the first of these conceptions, the inclusive character of the national community is grounded on a sociological perception of the situation of immigrants. On this view, acquisition of nationality is conditional upon residence and the passage of time, which are seen as proxies for integration into the national community. Ever since the Enlightenment, inclusion in the body of citizens has been based on the will of the individual, but that willingness is expressed through residence on the soil of the State. Rousseau wrote in the *Social Contract* that "[w]hen the State is instituted, residence constitutes consent" (Rousseau, IV, 2). During the French Revolution, Robespierre declared from the gallery of the Assembly in 1790 that "[a]ll men born and domiciled in France are members of the political society which is called the French nation, that is, French citizens. They are so by the nature of things and by the first principles of the law of nations." It was therefore both the relationship to place and (the passage of) time that formed a basis for acquisition of nationality in the revolutionary period (Lepoutre 2020a). Both the Girondin and Montagnard revolutionary constitutions made *ius soli* and domicile the fundamental principles for acquiring nationality (Safran 1991: 221–2).

This republican and inclusive conception of nationality is widely accepted today in progressive circles, as shown by the report submitted in 1997 by Patrick Weil, commissioned by the socialist Prime Minister Lionel Jospin. Weil writes that "Republican law bases nationality on socialization rather than on ethnic fact or on a voluntary and contractual act; on the acquisition of social codes rather than on origin or place of birth, which are ultimately only markers of this potential acquisition" (Weil, 1997: 9). Here, the individual's will comes second to the State's need to take into account time spent in the French social milieu. The report thus places the "structure" and "permanence" of French nationality law in a "logic of the effective sociological link" (ibid.). It is the State's desire to "include" immigrants that matters.

By the second of the above conceptions, the inclusive character of French citizenship is based on a voluntary and elective conception of nationality. On this view, it is the willingness to become part of the national community as expressed by the immigrant that is the decisive factor in acquiring nationality. Ernest Renan, in his famous "What is a nation?" (1882) lecture at the Sorbonne, presents membership of the French nation as being based on the "consent" of the population and, for the individual, "the clearly expressed desire to continue a common life," the celebrated "daily plebiscite." This approach does not, of course, rely exclusively on the immigrant's desire to become part of the national community. Renan also draws on a certain "historical patriotism" by affirming that the individual must "perpetuate the value of the heritage that one has received in an undivided form." In other words, the desire to join the national community is accompanied by adherence to its values. Renan's lecture was not without its ulterior motives, however, at a time when France was seeking philosophically to oppose Germany, which had recently annexed Alsace-Lorraine in 1871 after winning the Franco-Prussian war. The aim was to assert that the French nation, unlike the German one, was neither ethnic nor organic (Weil 2008, 182–8).

Ever since that lecture, the model for French nationality has been presented as an "elective" one, i.e., "a voluntarist approach to membership in the national community" (Safran 1991, 231). This model is based on individuals wanting to join the national community and, symmetrically, on a certain predisposition of the State to welcome and include those individuals. Indeed, "[b]ecause civic nationalism rejects barriers to national belonging rooted in immutable individual characteristics like ancestry and place of birth, it has been shown to correlate with more positive attitudes toward minorities and immigrants and, as a result, has been equated with social inclusion in general" (Simonsen and Bonikowski 2019: 4). This inclusive and voluntarist conception of nationality was fully accepted by the commission chaired by Marceau Long, set

up by conservative Prime Minister Jacques Chirac in 1987 and that reported a year later. The commission states that it "clearly situated its work within the framework of the elective conception." In this way, it considers, first, that "[f]or individuals, this conception implies a clear adherence to the essential common values of French society and to the rules it set itself" and, second, that "[f]or the host society, the obligations are no less onerous: to take note of the will expressed; to develop, in order to make integration possible, an attitude of tolerance towards cultural differences; to conduct an active policy of accompaniment and support in all areas (education, housing, security, work)" (Long 1988: 89-90). The emphasis is thus placed on the will of individuals and their adherence to the values of society, without neglecting the necessary inclusiveness of the State, which must allow inclusion through integration.

Positive law largely reflects these two inclusive philosophies, divided between sociological and voluntaristic approaches to nationality. The France of the *Ancien Régime* made *ius soli* the cardinal principle for the attribution of nationality at birth, just as it never opposed applications for naturalization from foreigners residing on its soil (Sahlins 2004). The French Revolution confirmed these inclusive principles, even making naturalization automatic for a time. Although the Napoleonic reforms of the early nineteenth century made *ius sanguinis* the cardinal principle for acquiring French nationality, it maintained *ius soli* through automatic conferral of nationality upon coming of age. Subsequently, the laws of 1851 and especially 1889 anchored the "double" *ius soli* in the French republican tradition: for reasons related to equality with birthright citizens (*ius sanguinis*), any foreigner born in France to a parent who was himself or herself born in France became a French citizen from birth. The law of 1927 completed the edifice by opening up the gateway to naturalization—for reasons that were both ideological and demographic—and allowed foreigners residing on French soil to obtain citizenship after a few years of residence. Since the 1970s, both naturalized and native-born French citizens have enjoyed the same rights, the former no longer being incapacitated in any political, social, or administrative matters. Since the Treaty of Maastricht (1992), French citizens also enjoy European citizenship, which they acquire automatically as nationals of a European Union Member State (Weil 2008).

Academic works on French nationality law in general thus largely present France as a country of immigration, broadly inclusive, contrasting it with countries of emigration (such as Italy) or with countries that have only recently become countries of immigration (such as Germany) (Weil and Handsen 1999; Weil and Spire 2005; Weil 2008; Migration Policy Group 2013;

Bertossi and Hajjat 2013). In all respects, France appears to be a legal, political, and philosophical model of a nation that is open to immigrants.

The purpose of this contribution is to question and analyze the situation from a legal perspective. What is the current state of the inclusive model of French nationality law? Can it survive the neo-liberal and conservative turn that is seeing the reappearance of the notions of borders, foreigners, and closure? Does the "effective sociological link" uniting the individual to the State still lie at the heart of French law? Is the individuals' will combined with adherence to core republican values, residence, and time still sufficient for them to become a part of the national community?

The first part of this contribution analyzes the survival of the inclusive model of French nationality law. The French courts regularly guarantee the full inclusion of immigrants subjected to arbitrary government treatment. Recent laws have reduced the discretionary component of ordinary naturalization and created privileged categories of immigrants enjoying a "right to" naturalization. Finally, proposed constitutional reforms designed to extend the deprivation of nationality to birthright citizens have so far all failed. The second part of this contribution shows, however, that the tightening of the bonds of the national community is leading to several discreet but rather radical changes to nationality law. The threats and restrictions to *ius soli*, the growing exclusiveness of naturalization, and the extensive administrative use of deprivation of nationality are totally out of keeping with the inclusive ideal of French nationality, leading to the erosion of this classical model.

II. The resilience of the inclusive model

The inclusive model of nationality is theoretically based primarily on the dual criteria of residence and the passage of time: "People acquire a moral right to citizenship from their social membership and the fact of their ongoing subjection to the laws" (Carens 2013: 59). This tradition is still active in France, whether in (1) the courts, (2) the legislature, or (3) the constitution, each of which has on numerous occasions protected or supported the inclusion of immigrants in French society.

1. Court control over citizenship

The development of judicial review of individual measures related to the acquisition or loss of citizenship is the subject of several studies (Dionisi-Peyrusse 2008; Lagarde 2011; Hajjat 2013;

Lepoutre 2020a). The objective here is to focus on two emblematic demonstrations of the courts' power in the supervision of nationality law—in the service of an inclusive approach to French nationality. I will focus here on the interventions of the administrative courts to prevent the government from taking into account either [1] the political opinions (communism) of immigrants or [2] their state of health (illness or disability).

[1] The acquisition and loss of citizenship are united by old ties to political opinion. This is probably the most emblematic illustration of judicial review of nationality law by the Conseil d'État, France's highest administrative court. It is worth mentioning it as it shows how judicial review can shape administrative practices with respect to inclusion. During the Cold War, France's various governments pursued a resolutely anti-communist policy through citizenship, which the Conseil d'État neutralized in order to maintain or allow the inclusion of immigrants in the national community regardless of their political outlook. In the 1950s indeed, the French government used its powers to refuse to grant citizenship to communist militants or to deprive them of it in pursuit of a targeted policy (Lepoutre 2020a: 679–82). I will mention three emblematic cases here.

In a first decision, the *Speter* case (CE, March 7, 1958, Lebon 152), the Conseil d'État reviewed an order to deprive of their French citizenship two married appellants who, according to the administration, "behave[d] factually and legally as nationals of a foreign country" (art. 96 of the Nationality Code, now 23-7 of the Civil Code), in the case in point Poland. The profile of the persons concerned was particularly significant. At the time they were stripped of their citizenship on June 21, 1952, the Speters had been in France for more than twenty years and had been naturalized in 1947. They had both been active in the French resistance. Mr. Speter was awarded the *croix de guerre* and mentioned in dispatches; Mrs. Speter was deported to Auschwitz in 1942 because of her commitment to the cause, returning in 1945. They had two children, Denise, born in 1937 and married to a Frenchman, and Michel, born in 1946, still a student. Mr. Speter was accused of being an activist in a communist association, and Mrs. Speter of being the editor-in-chief of a Polish-language newspaper opposed to the French government. The political argument was therefore preponderant, as the family's integration in French society was beyond question. The Conseil d'État opportunely noted that the applicants "had not been informed of the facts that had been brought against them" and that the procedure was therefore flawed. Clearly the Conseil d'État made good use of this procedural flaw to sanction the government.

In a second decision, the *Dame Vorobiova, épouse Eftassiou* case (CE, April 28, 1978, Lebon 197), the Conseil d'État refused to consider that communist involvement constituted "indignity" (poor moral character) or a "lack of assimilation" that could justify denying citizenship to an applicant. In this case, the appellant had been targeted by an order opposing her acquisition of French citizenship. The government made its case on the grounds of both a lack of assimilation due to a temporary stay in the Soviet Union and the appellant's indignity due to her relations with persons "suspected of activities on behalf of a foreign power." The Conseil d'État found first that the lack of assimilation had not been established: "the fact that, during 1975, the applicant had gone to the Soviet Union to stay with her husband, who had himself been temporarily assigned to that country by a French employer, could not be considered as proof of a lack of assimilation." It then ruled that indignity on the grounds of association with persons suspected of activities for the benefit of a foreign power was not proven either: "it does not appear from the documents in the case that these relations were of a character other than personal or professional." What stems from these decisions is that applicants for citizenship have the right to stay in the Soviet Union without any lack of assimilation being inferred from this and the right to associate with communist militants in the context of personal, professional, or community relations, without this meaning they are not of good character and therefore unfit to acquire French citizenship.

In a third and final decision, the *Rutili* case (CE, July 13, 1979, Lebon 738), the Conseil d'État furthered this movement to protect and include immigrants in the national community regardless of their political commitments. In this case, the applicant, Roland Rutili, was accused of "anti-national sentiments", which were in fact due to his "membership . . . of the French Communist Party" and to "the violent campaign he had led against the President of the Republic and the Prime Minister." The government thus opposed conferral of citizenship on the grounds of indignity. It is clear to what extent political motives were important here, since it was convictions—and certainly not acts—that were at issue. The Conseil d'État overturned the order, considering that "it does not appear from the documents in the case that Mr. Rutili had engaged, in the conduct of his political activity, in acts constituting indignity." There is therefore nothing unworthy—contrary to good character—in the commitment to the communist cause of immigrants wanting to become French.

The position of the Conseil d'État is therefore remarkably clear and consistent. Communist militancy cannot serve as a basis for removal of nationality or objection to its conferral, whether on the grounds of indignity, lack of assimilation, or exercising a foreign (and soviet) citizenship.

France's highest administrative court thus demonstrated its determination to thoroughly scrutinize the exercise of government prerogatives.

[2] More recently, the Conseil d'État has also gradually overcome the seemingly insuperable obstacles to immigrants in poor health becoming naturalized citizens. For quite a long time, preventing immigrants suffering from a medical condition or disability from obtaining nationality was considered as perfectly normal administrative practice. In the 1930s this situation was not debated. As Niboyet, a professor of international law, puts it:

> The question of the value of naturalized immigrants has perhaps not received all the attention that it should. France needs quantity, that is obvious, and it cannot afford the luxury of being excessively strict about quality. However, a certain policy in this respect would seem necessary. (...) Age first. It is not appropriate, in principle, to let old men come, since, from a demographic point of view, they are of no interest to us, and then risk falling rapidly into the hands of the community. Health. It is hardly necessary to show how the health of immigrants for the same reasons as above should be watched. We might as well not let them come if we cannot support them. (Niboyet 1938: 270)

At the time, ill-health led to fears of people being unable to "give children" to the country or to serve in the military—for obvious reasons, it was of primary importance that recruits should be able-bodied and "fighting fit." As early as 1945, the government issued a regulation that included health as one of the selection criteria for future French citizens. This condition was abolished in the major reform of 1973 in order to bring French law into line with "the liberal and generous spirit of our nation," as one senator put it (Lepoutre 2020a: 639–40). However, the measure remained in administrative practice. As the government stated in 1984: "While health status ceased to be, legally speaking, a condition for naturalization, it nevertheless remained a possible criterion for the appropriateness of the decision" (ibid.).

After having validated the legality of such practice for several decades, the Conseil d'État reviewed its jurisprudence at the time of the *Richard* case in 2001 (CE, September 26, 2001, Lebon 955). In this case, naturalization was refused to Fatima Richard, who was eighty percent disabled due to a very serious kyphoscoliosis and who was of short stature (1.29 m/ 4 ft 3 in). The minister refused the naturalization application because of the burden it would entail for the community. The *commissaire du gouvernement*[1] stated in her conclusions that "[i]n terms of human dignity, the criterion of 'good health' does not seem to us to be related to the vocation

[1] An independent judge tasked with offering a decision to the chamber, which is then free to follow it or not. The "pleadings" of the *commissaire* are often used to clarify the meaning of the traditionally brief decisions of the Conseil d'État. To avoid any misunderstanding (as this judge is not at all related to the governement), the *commissaire du gouvernement* now goes by the title of *rapporteur public*.

to join the national community" (De Silva 2001: 20). The Conseil d'État soberly judged that "the administration, which has a broad discretionary power in matters of naturalization, may legally take into account, in its examination of the merits of an application for naturalization or for reinstatement in French nationality the state of health of the foreign applicant," while adding "that such a refusal, based exclusively on the fact that, because of her physical disability, the naturalization of Mrs. Richard would create a burden for the community, [is] vitiated by an error of law."

The implication of this approach is that the government should invalidate its decision when it relies *solely* on an applicant's health status to deny naturalization. This caselaw remained unsatisfactory in terms of inclusiveness, since the government could still refuse naturalization if the disability prevented the applicant from having stable and sufficient resources—a standard criterion for naturalization (Fargues 2019: 350–64). As a result, the Conseil d'État amended its caselaw in 2019. Henceforth the government cannot base its denial of naturalization on the individual's insufficient resources if they are a direct result of an illness or disability (CE, November 29, 2019, n° 421050, Lebon). This series of rulings, which began in 2001 and was consolidated in 2019, clearly demonstrates the intention of the courts, against the administration's practice, to guarantee the inclusive nature of French nationality by refusing to close the doors, for financial reasons alone, to people suffering from illness or disability.

2. The decline of administrative discretion regarding the acquisition of citizenship

Since the 2010s, socialist governments have launched new schemes enabling immigrants to acquire nationality as of right, i.e., by removing certain categories of immigrants from *discretionary* naturalization. In doing so, the law promotes the integration of these populations on the basis of objective criteria mainly based on residence and the passage of time.

First, the law of December 28, 2015, creates a new article 21-13-1 of the Civil Code providing that "[p]ersons who are at least sixty-five years old, have been regularly and habitually residing in France for at least twenty-five years and are the direct ascendants of a French national may claim French nationality, by declaration." This new article thus concerns the ascendants of French nationals with 25 years of residence. Second, the law of March 7, 2016, creates an article 21-13-2 of the Civil Code, which states that "[p]ersons who have been habitually resident on French territory since the age of six, if they have received their compulsory schooling in France in educational establishments subject to State control, may claim French nationality at the age

of majority by making a declaration to the administrative authority . . . , if they have a sibling who has acquired French nationality in accordance with articles 21-7 or 21-11 [*ius soli*].” This provision allows the “1.5 generation,” i.e., children who entered French territory with their parents at an early age (from the first generation of immigrants) but who subsequently have brothers and sisters born on French soil and who thus acquire French nationality at the age of 13 at the earliest (from the second generation), to acquire nationality by declaration. These two categories of foreigners have thus seen their conditions of access to nationality greatly eased, moving toward a logic by which the discretionary nature of the authorities’ evaluation is receding. For the time being, the dynamic remains rather modest, with relatively low figures compared to naturalizations under ordinary law (around one percent of the total).

2016	**2017**	**2018**	**2019**	**2020**	**2021**
6	544	948	1,777	1,221	1,563

Acquisitions by ascendants and siblings per year. Source: INSEE, 2022.

Will this dynamic continue? Could the law of access to nationality be completely turned into a logic of right, thus excluding the administration’s discretionary appreciation? This would not be unprecedented. In French constitutional history, certain regimes have already taken this option. From 1790 to 1799, the revolutionary period provided for a regime of naturalization as of right on the proviso that the foreigner was domiciled in France and, for example, that they “make a living from their work” or “provide sustenance for an old man” (1793 Constitution, art. 4). The Napoleonic Empire and then the monarchic Charters re-established the power to assess the merits of applicants for naturalization, enjoying a wide margin of discretion. A new interlude occurred under the Second Republic when a decree of March 28 and 31, 1848, of the provisional government authorized foreigners to obtain naturalization under the sole conditions of five years’ residence and a certificate of their good character (dignity). The decree was suspended at the end of June, as the executive noted that thousands of new naturalizations had been granted in the space of a few months, at a time when only a few hundred were usually conferred each year (Légier 2014, t. 1: 399). On a subject as emblematic as naturalization, French tradition thus shows that discretionary power is not a constant—even if recent

developments reflect a tightening of the conditions for granting citizenship, eroding the logic of inclusion (see below).

3. The failed constitutional extension of the deprivation of citizenship

In 2015–6, President François Hollande sought to extend as part of the Constitution the deprivation of citizenship for birthright citizens, whereas the ordinary mechanism had previously been reserved for those who had acquired citizenship (mainly naturalized French citizens). This proposal came up against the impossibility of inscribing such a measure in the liberal and inclusive reference framework of French nationality. Indeed, in France, in order to revise the Constitution, both chambers (National Assembly and Senate) have to pass the text in the same wording. However, in the case in point, the two chambers failed to agree on the outline of this new kind of loss of citizenship. As both chambers noted, deprivation of nationality necessarily leads to a breach of either the principle of non-discrimination together with the principle of equality, or the principle of prohibition of statelessness. By blocking the process of extending the withdrawal of nationality, the French Parliament safeguarded the inclusive ideal of French citizenship by refusing to widen the range of individuals liable to be excluded from the national community.

The National Assembly first considered that deprivation of nationality breaches the principle of equality among French citizens. The French system set out in Article 25 of the Civil Code provides that loss of nationality is restricted to French citizens "by acquisition" who have dual nationality at least. There is thus a clear breach of the principle of equality among French citizens on two levels: first, between birthright citizens and French citizens "by acquisition" (who obtained their nationality after birth); second, between single-national French citizens and dual (or multiple)-national French citizens. For the National Assembly, extending the deprivation of nationality to birthright citizens was first of all a good way to overcome the first distinction between native-born and naturalized citizens—"*la déchéance pour tous*."[2] As for the principle of non-discrimination, the National Assembly thought by the same logic that deprivation should not just apply to citizens with multiple nationalities. Indeed, holding multiple nationality often results from one coming from a foreign background. Individuals born abroad may later apply for French nationality and thus come to have dual (or multiple) nationality; individuals born French may be given a second foreign nationality by filiation (by

[2] Similar to "*le mariage pour tous*," the political slogan of the same socialist majority defending, in 2013, marriage for every citizen regardless of their sexual orientation.

their parents), and again have dual or multiple citizenship. France, indeed, does not prevent its citizens from possessing multiple nationalities (Weil 2008: 237–9). In most cases, pluri-nationality stems from the individual's foreign background. Limiting deprivation to individuals who possess several nationalities thereby amounts to targeting the "category" of French citizens of foreign origin. In other words, as Hugues Fulchiron wrote, reserving disqualification for people with multiple citizenships "creates . . . real discrimination between 'native-born' French people, who have only one nationality and who will therefore remain immune to a revocation measure, and French people who are descendants of immigrant families, who could see their status as French nationals called into question" (Fulchiron 2015). To solve these two problems (equality and non-discrimination) the National Assembly maintained in the draft constitutional revision that the revocation should affect all French nationals, with no distinction as to the mode of acquisition or the number of nationalities. But this necessarily led to the creation of a new problem with regard to the prohibition of statelessness.

The Senate then considered that should the withdrawal of nationality be extended to all French citizens it would jeopardize the prohibition of statelessness. By this principle, deprivation of nationality must not render an individual stateless, i.e., an individual who does not possess any nationality. Authorizing deprivation of citizenship without distinguishing between single-nationals and dual (multiple)-nationals necessarily means the former may find themselves stateless. France is not party to any international treaty prohibiting statelessness in the event of nationality being revoked (Decaux 2017). Even today, the prohibition of statelessness is more a matter of international morality. But France has long chosen to align its practice and legislation with this moral position. The Minister of Justice Elisabeth Guigou, for instance, argued along these lines during legislative debates in 1997 that statelessness "is not acceptable" when it comes to withdrawal of nationality (Lepoutre 2020a: 517). The Senate therefore included in the constitutional draft the requirement that revocation should be reserved for French citizens who were at least dual-nationals, which prevents statelessness but is a breach of equality and discrimination on the basis of national origin.

The French constitutional debate has thus shown that deprivation of nationality is a dead-end: one can either protect equality and non-discrimination among French citizens, or one can protect the prohibition of statelessness. These principles cannot be reconciled, nor can they be ranked. This incompatibility is well illustrated by the respective positions of the National Assembly and the Senate: the first in favor of equality and non-discrimination (constitutional draft adopted on February 10, 2016), the second in favor of the prohibition of statelessness

(constitutional draft adopted on March 22, 2016). Given that it was impossible to reach any consensus, President Hollande was forced to abandon the constitutional draft. This negative result ultimately shows that exclusion through deprivation of nationality cannot be made consistent with the liberal and inclusive model.

III. The erosion of the inclusive model

The French model, for so long based on inclusiveness and a certain amount of voluntarism and adherence to shared values, had always placed the factors of residence and the passage of time at its core. Since the 1980s, however, and at a quickening pace in recent years, the inclusive character of the French model has been eroded. (1) *Ius soli* is increasingly contested politically, and is even approaching a watershed. (2) Naturalization has become the subject of a form of sacralization that has led to an increasingly exclusive status, leading to the exclusion of ordinary immigrants, but also to gender and religious discrimination. (3) The French practice of revoking nationality is also leading to the exclusion from the nation of nationals who—sociologically—belong to the French community.

1. *Ius Soli* at a watershed

Debates about *ius soli* are not new in France and not exclusive to the far right. The right wing, that of Jacques Chirac, Charles Pasqua, Valéry Giscard d'Estaing, Pierre Mazeaud, etc., was already proposing the abolition of the "droit du sol" in the 1980s and early 1990s (Weil 2008: 155–64). The step was never taken, but the hostility on the right of the political spectrum remains. A recent reform has led to a restrictive turning point, limited for the time being to overseas territory.

There is not really any *ius soli* in France. The "droit du sol" implies that the mere fact that an individual was born in the territory of a State leads to them being granted citizenship. This is often the case on the American continent, such as in the United States, Canada, Argentina, etc., where being born in a particular country entitles someone to obtain a passport of that country. France, however, has no such mechanism. A child must not only be born on French soil but also reside there for five years for nationality to be acquired. At the earliest, at the age of thirteen, via an early declaration by the parents; at the latest, on attainting the age of majority,

automatically. There is also the "double droit du sol,"[3] which allows a child born in France to obtain birthright citizenship, but on the condition that one of the parents was also born in France. In French, "droit du sol" refers to all these mechanisms although they differ widely.

Since the early 2000s, the political discourse on *ius soli* has regularly led to attempts to modify it, specially to avoid "attracting immigrants"—following very similar concerns in the United States with the debate on "anchor babies" (Chavez 2017). The point that crystallized the debates was the addition of a condition of lawful residence of one of the parents at the time of the child's birth for the child to later acquire French nationality. The bill became law in 2018. A new mechanism appeared in the recent law of September 10, 2018, for controlled immigration, an effective right of asylum, and successful integration. It adapts, for the territory of Mayotte alone (a small island off the Comoros), the "simple" *ius soli*, i.e., by birth and residence, by providing for an additional condition related to the lawful residence of one of the parents at the time of the child's birth on French soil (art. 2493 and 2494 of the Civil Code).

This reform, resulting from a parliamentary amendment tabled during the debates, is based on the adaptation of nationality law to Mayotte on the basis of Article 73 of the Constitution, with the legislator considering that there are "particular characteristics and constraints" in this territory that require a reform of the law of citizenship. In fact, for the author of the amendment, Mayotte exerts a particularly attractive effect on the neighboring Comoros because of the possibility for children born on the soil of this overseas *département* to obtain French nationality. By introducing a condition of lawful residence for one of the parents at the time of the child's birth, the legislator sought to prevent any instrumentalization of nationality law, driven by the objective of giving birth to a child on French soil in anticipation of a future acquisition of nationality, and thereby of the legalization of the parents' residence (Lepoutre 2019a).

However, this reform calls for particular criticism. The legislator has decided to revise the right of citizenship for the territory of Mayotte alone. In doing so, it has re-established a colonial and restrictive approach to nationality law for this territory only. For a long time, the continental law of French nationality did not apply there. In particular, indigenous people and immigrants did not benefit from *ius soli*, access to nationality being governed by *ius sanguinis* and naturalization only. It was not until the reform of 1993 that the law of nationality applicable to Mayotte was brought into line with ordinary law and that the *ius soli* became applicable there.

[3] As opposed to the previous mechanism, frequently referred to as "simple *ius soli*."

From colonial times, the justification of the government in 1933 for this differentiation was rather clear: "[certain individuals], happy to benefit from more extensive rights than they would have in their own country, have not evolved socially to the point where it would be desirable to see them take their place among our nationals" (Lepoutre 2020a: 227). The non-application of *ius soli* in Mayotte was thus historically the result of a racist representation of the populations and fully consistent with colonization. It is precisely to this past that the law of 2018 harks back. Although the justification for the fight against unlawful immigration now supersedes the argument of inequality between natives and immigrants, the outcome remains that the territory of the Republic is divided, conditions for obtaining French citizenship are unequal, and a huge part of the immigrant population suffers exclusion.

The Conseil constitutionnel validated this legislative development (CC, September 6, 2018, no 2018-770 DC). It ruled that Mayotte does indeed have "special characteristics and constraints" within the meaning of Article 73 of the Constitution, thus allowing Parliament to adapt the legislation. What are these characteristics and constraints based on? The Conseil constitutionnel considers, following the legislator, that "illegal immigration to Mayotte [may] be encouraged by the prospect of a child born in France obtaining French nationality and by the resulting consequences for the family's right of residence." Beyond the weakness of this argument,[4] this decision by the Conseil constitutionnel raises questions about the constitutional guarantees that could protect *ius soli* from being abolished in full. *Ius soli* is in fact only provided for by ordinary legislation, i.e., the Civil Code. Since this is the objective of several political parties, might it be possible to abolish it by ordinary law? This is doubtful. In view of the deliberations of the members of the Conseil constitutionnel in 1993, it seems that a distinction is made between *ius soli* as a principle and the modalities of *ius soli*. The addition of a condition of legal residence of a parent at the time of a child's birth does not call into question the principle of "droit du sol," but rather its modalities. On the other hand, its outright abolition could call into question a French constitutional principle that recognizes the fundamental and republican character of this way of acquiring French nationality (Lepoutre 2019b). Further legislative developments may help to clarify this question. In the meantime, *ius soli* is admittedly approaching a watershed, but it still survives as a core principle of French nationality law.

[4] As *ius soli* does not apply at birth, but only (at the earliest) at the age of thirteen, such a strategy would imply that parents would come to Mayotte to give birth and then wait for thirteen years before enjoying the right to reside legally based on their child's French citizenship.

2. The exclusive character of naturalization

Naturalization is becoming increasingly exclusive not only [1] because of a paradigm shift that is well described by scholars whereby this honor must now be earned (Mazouz 2012; Joppke 2021), but also because of the development of a degree of arbitrariness in government policy reflected by discrimination based on [2] gender or [3] religion.

[1] Naturalization numbers have been falling steadily since the mid-2000s. This is a deliberate policy of the government, due to a clear change of doctrine. Naturalization is no longer the final step in a successful integration process whose main proxies are residence and the passage of time. Naturalization is becoming instead a reward for a commitment, for the value that the immigrant represents for France. While the political discourse projecting the requirement of merit onto the immigrant population is not new (Brubaker 1992: 138–64), its translation into figures and public policies is relatively recent. Since the mid-2000s, naturalization has become a closed and exclusive process, contrary to the traditional French model.

Figures for naturalizations have plummeted. They have fallen from 100,000 naturalizations per year in 2009 to fewer than 50,000 in 2019 and 2020—and the 75,000 new naturalized individuals of 2021 follows this trend as it includes stock from the covid pandemic (Ministère de l'Intérieur 2022). What has happened? First, there are a number of technical explanations that I will not dwell on, which have to do with the local procedure for examining applications and also with the required level of proficiency in French. Above all, the authorities now have a policy of valuing immigrants who conspicuously contribute to French society.

2005	2006	2007	2008	2009	2010	2011	2012
101,785	87,878	69,831	91,918	91,948	94,573	66,273	46,003

2013	2014	2015	2016	2017	2018	2019	2020	2021
52,207	57,610	61,564	68,067	65,654	55,830	49,671	41,927	75,249

Number of naturalizations per year. Source: INSEE 2022

This dynamic was launched by President Nicolas Sarkozy at the beginning of his term of office (2007–12). In a speech on March 11, 2008, at the Toulon prefecture during a citizenship ceremony, he praised the "qualities" of foreigners who had become French and indicated that "work" and "service to fellow citizens" were the "democratic moral values" to which these new

French citizens must adhere. From 82,000 in 2008, naturalizations were almost halved in five years, in particular through the tightening of certain criteria and through confidential instructions ("*notes blanches*") to prefectures. A half-ambitious policy raised the number of naturalizations for a time (and slightly) during the presidency of François Hollande (2012–7). His Minister of the Interior Manuel Valls, himself naturalized at the age of 20, sent a circular to prefects in 2013 urging them to take into account the "potential" of foreigners applying for naturalization, and to value "high-flying students and professionals" from France's "grandes écoles," citing in particular Polytechnique and the Écoles normales supérieures (top schools in France). Once again, merit and distinction were showcased. The dynamic intensified during Emmanuel Macron's first term of office (2017–22). His Minister Delegate in charge of Citizenship Marlène Schiappa promised in September 2020 that the path to French citizenship would be facilitated for foreign workers in the front line of the fight against coronavirus. This has been the case for 12,000 of them, health professionals, delivery drivers, security or maintenance workers, cashiers, farm labourers, or even home helpers (). All of them have become eligible for naturalization after a shorter period of residence in France (two years instead of five) and their applications have been viewed favorably (Lepoutre 2021).

This policy makes the "deserving" foreigner the model of the future French citizen. It is necessary to have either accomplished remarkable feats or to hold out great promise of future success in order to ensure a favorable outcome to the naturalization application. A number of high-profile media cases attest to this. Mamoudou Gassama, a Malian national, was naturalized in 2018 after risking his life by scaling a building to save a child (Chrisafis 2018). U.S. citizens Anthony Sadler, Alek Skarlatos, and Spencer Stone, were all decorated and naturalized in 2019 after thwarting a terrorist attack on board a high-speed intercity train (Pavy 2019). Snap's CEO, Evan Spiegel, was also naturalized in 2018, without even residing in France, in consideration of his contribution to France's influence in the world—which was, at best, purely hypothetical (Moutot 2019). Spiegel is a young American who became a billionaire at the age of 24 after commercializing a student project designed in class at Stanford: the perfect illustration of the "nation of entrepreneurs" that President Emmanuel Macron frequently advocates for. These fast-track procedures for distinguished immigrants are not shocking *per se*; the problem lies in the subsequent exclusion, shown by the figures of naturalization, of ordinary immigrants, i.e., the ones who can support their applications with nothing more than their long-time presence on French soil.

[2] Moreover, exclusion also flourishes in discriminatory naturalization policies directed more or less overtly at women and Muslims. Some positions of the government now seem quite arbitrary and the courts endorse them without much discussion. I will discuss first the situation of women barred from acquiring nationality because of the situation of their partner.

Since the early 1950s, the Conseil d'État has had to deal with several cases where citizenship was withdrawn from an individual, and by extension, from his or her spouse, without any legislative provision permitting it. The Conseil d'État clearly invalidated this administrative approach to deprivation. In the *Roterman* case the Conseil d'État had to recall the rule that "naturalization is granted to a married woman because of her personal situation and not as a matter of right as a consequence of her husband's naturalization" (CE, May 18, 1951, Lebon 272), as a result of which the withdrawal of her husband's citizenship could not automatically extend to her.

Since the 2000s, however, the administrative practice has been revived and this time round validated by the Conseil d'État. In a first *Pham* case adjudicated in 2000 (CE, October 4, 2000, Lebon 387), the authorities postponed the appellant's naturalization application for three years on the grounds that her husband, with whom she had lived for "a long time . . . had been an officer in the Vietnamese intelligence services posted to the Vietnamese embassy in Paris and responsible for gathering scientific and technical information for the benefit of these services." The Conseil d'État, following the Administrative Court of Appeal, did not find any error of law "in the particular circumstances of the case." In a second *Kerech* case in 2004 (CE, December 10, 2004, Lebon 689), the appellant had "an effective community of life" with her husband, who turned out to be "one of the main leaders of a federation of religious organizations to which several extremist movements advocating the rejection of the essential values of French society are affiliated." Her application for naturalization was dismissed on this ground. This decision is directly related to another ruling issued on the same day, probably concerning her husband, *Boubaker El Hadj Amor*, a member of the *Union des organisations islamiques de France*, in which the Conseil d'État upheld the dismissal of the naturalization application on the identical grounds that "the person concerned [is] one of the main leaders of a federation of religious organizations to which several extremist movements advocating the rejection of the essential values of French society are affiliated" (CE, December 10, 2004, unpublished, no 257589). The refusal of naturalization of Mrs. Kerech is thus attributable to the activities of her husband, with the decision of the Conseil d'État on her situation merely duplicating the decision concerning her husband.

In a third case adjudicated in 2021 (CE, April 8, 2021, Lebon), the wife of a Rwandan dignitary had her application for naturalization refused after twenty years of residence on French soil. Her spouse had been sentenced by the International Criminal Tribunal for Rwanda in 2014 to thirty years in prison for genocide. The government considered that it was contrary to the interests of France to naturalize the applicant because of her marital ties to an individual convicted of an international crime. The decision of the Conseil d'État confirms this analysis, stating that the government may "take into consideration the applicant's special ties to a third party, in particular the spouse" and "may, in this regard, reject an application for naturalization if it considers, in particular, that such ties are likely to affect the interest that the granting of French nationality to the applicant would present for the country."

This does not mean in these cases that naturalization should have been granted to these three applicants, but that the administration should have provided proof that the first had participated directly or indirectly in intelligence activities, that the second herself rejected the "essential values of French society," and that the third supported genocide in Rwanda. The extension of decisions to family members followed in these three cases tends in reality to consider that the "community of life" of the spouses is nothing other than a "community of spirit," with primacy of the man over the woman. The same discriminatory dynamic can be observed with regard to the Muslim religion.

[3] The question of the place of Islam in French nationality law is not new. In addition to colonial history which led to discrimination against Muslim nationals of the French colonies as second-class citizens (Weil 2008: 207–24), the 1980s marked the return of the question of the compatibility of the "values" of Islam with those of the French Republic. The Commission chaired by Marceau Long (see above) echoed this when it reported that "[we] should not underestimate the extent of the effort that may represent, for the Muslims in France most attached to Islamic law, their adherence to certain rules of our society" (Long 1988: 49). From the government's perspective, an official circular dated August 24, 2011 (Circular no IOC/N/11/14306/C), the latest on these issues, tries to strike a balance between inclusion of Muslim migrants and adherence to French values. It emphasizes equality between men and women, potentially undermined by a strict practice of Islam: "the adoption of discriminatory attitudes towards women on a daily basis, such as refusing to shake their hands, reveals a lack of assimilation; such a way of life, even if based on religious precepts, is incompatible with the values of the Republic." As for the veil, the government clearly states that "[t]he strict observance of a relationship and the manifestation of an attachment to the principles of that

religion through the wearing of a symbol or traditional clothing are not sufficient to constitute the lack of assimilation." This lack of assimilation may, however, be characterized "if the case shows that this aspect of behavior is part of a way of life clearly and objectively incompatible with the essential values of the French Republic." Yet this balanced position is far from being enforced—as administrative practice revealed by caselaw shows.

In the *Machbour* case (CE, June 27, 2008, Lebon 737), the appellant was wearing a burqa, i.e., a full veil, at the time of her hearing by the prefectural services—before wearing this garment in a public place became prohibited by law in 2010. The government based its opposition to the acquisition of nationality by decree on the wearing of this garment, claiming a lack of assimilation. The Conseil d'État validated this assessment: the applicant had "adopted a radical practice of her religion, incompatible with the essential values of the French community, and in particular with the principle of gender equality." This decision is particularly important because it reveals a particular attitude of the court: it is through the interpretation of a religious symbol that the court infers the lack of adherence to the values of French society. No particular act was in fact noted against the appellant; nothing in the decision reveals any reasons for wearing such a garment. Equality between men and women is applied at the expense of a woman—who is presumed to consider herself as the inferior of men for the simple reason that she hides her face. Several years later, the European Court of Human Rights rightly consider in *SAS v. France* (July 1, 2014, app. no 43835/11) that "a State Party cannot invoke gender equality in order to ban a practice that is defended by women." Better justifying their decision, the judges write that "the preservation of the conditions of 'living together' (*vivre-ensemble*)," i.e., "the ground rules of social communication" and "a principle of interaction between individuals," justify the ban of full-face veils in public. In other words, for the European Court, the exclusion is allowed on the objective ground that wearing the burqa prevents any interaction in public, which can be deemed contrary to the necessity of interaction in democracy, rather than on the basis of a subjective interpretation of what a woman has in mind when she covers her face.

In another decision of 2018 (CE, April 11, 2018, Lebon), a woman who had claimed nationality by marriage was subject to an opposition order for lack of assimilation. The grounds for this measure turned out to be her refusal to "shake the hands of the secretary general of the prefecture and an elected official of a municipality" who had come to "welcome her" during the "citizenship ceremony organized at the prefecture of Isère." The appellant explained this refusal by her "religious convictions." Here, it was the mere refusal to shake hands with

representatives of the authorities "in a symbolic place and time" that provided the basis for the lack of assimilation without any other form of justification. The *rapporteur public* considered that "[i]n itself, the reluctance to have physical contact with persons of the opposite sex or the refusal to do so does not seem to us to necessarily characterize a failure to assimilate" (Domino 2018) However, still according to the *rapporteur public*, "when this refusal manifests itself during the citizenship ceremony and concerns the person, in uniform, who symbolically welcomes us into the national community, it seems that the religious conviction thus expressed reveals too great an imbalance in the allegiances of the person concerned, who is incapable of making an exception to his or her preferences in a moment whose symbolic significance cannot escape him or her."

In order to assess the court's reasoning, it is necessary to say a word beforehand about this republican citizenship ceremony. The organization of republican naturalization ceremonies has been required for all modes of acquisition of nationality since the law of July 24, 2006, on immigration and integration, which sets out this obligation in articles 21-28 and 21-29 of the Civil Code. However, this is nothing new; such ceremonies had been mandatory since 2004 for naturalizations, and many prefects and mayors already organized them before then. The *travaux préparatoires* indicate that the purpose of this ceremony is to create a "solemn event [playing] a symbolic role" according to the terms of the report by Member of Parliament Thierry Mariani, who initiated this measure (Lepoutre 2020a: 517). In no way, however, are these ceremonies the time to "take an oath" for the purpose of expressing allegiance, as is often seen in countries with an Anglo-Saxon tradition (Orgad 2014). This ceremony is therefore not mandatory and the acquisition of French nationality is not in any way made conditional on attendance.

The attitude of the applicant and her assimilation could therefore be evaluated in the light of these factors. This woman, whose religious practice forbids her to shake hands with men, could not have been unaware that such a ceremony would take place, and in particular that the handing over of various documents (in particular the charter of rights and duties of French citizens) might involve shaking hands with a representative of the State. Her acceptance of the invitation could therefore be evidence of a genuine wish to participate in this ceremony, as the appellant could perceive and adhere to its "solemn" and "symbolic" character. Her refusal to shake hands with the secretary general of the prefecture and an elected municipal official would then be part of a more global context of free and voluntary participation in this republican ceremony. In other words, in order to evaluate her assimilation, it is possible to consider that the low-intensity act—the refusal to shake hands—should not take precedence over the appellant's solemn choice

to submit to the republican symbolism of such a ceremony although there was no obligation to do so.

In both cases, the acquisition of nationality by a foreign woman married to a French man would have contributed not only to equality within the couple but would also have reinforced their autonomy, independence, and inclusion. This did not happen. In choosing the opposite course, the government and the courts are deliberately trying to explore the conscience to track down conflicts between religious beliefs and French values and, eventually, exclude immigrants.

3. Deprivation of citizenship for acts of terrorism

Since the attacks in New York on September 11, 2001, many anti-terrorist policies have challenged ordinary legislation and led to the perpetuation of exceptional measures. Nationality revocation laws are part of this trend. While many observers had noted before that date the "obsolescence" of the loss of nationality (Giudicelli 2001), "home-grown terrorism" is leading to an upsurge in deprivation of nationality and the subsequent exclusion of French citizens.

Article 25 of the Civil Code provides that: "An individual who acquired the French nationality may be deprived . . . of French nationality, unless the deprivation results in him becoming stateless: 1° When he is sentenced for an act characterized as an ordinary or serious offence that constitutes a violation of the fundamental interests of the Nation, or for a crime or offense that constitutes an act of terrorism." Article 25-1 of the same code indicates that the alleged acts must have occurred prior to or within fifteen years of acquiring citizenship and that deprivation can only be ordered within fifteen years of the commission of the said acts. Concerning the prevention of statelessness, first of all, the French rules on deprivation of nationality cannot, in an absolute manner, have as their outcome that an individual is made stateless. As regards the way in which the citizenship of persons subject to deprivation was obtained, French legislation can only apply to individuals who have obtained nationality by acquisition (i.e., mainly naturalization, but also "simple" *ius soli*), despite the attempt to extend deprivation to birthright citizens during the debates in 2015–16 (see above). Deprivation of nationality must necessarily be based on a final judgment in a criminal matter. The known French cases of disqualification were all based on final judgments convicting individuals under article 421-2-1 of the Criminal Code, which lays down penalties for conspiracy to commit terrorism.

2002	2006	2014	2015	2019	2020	2021	2022	TOTAL
1	5	1	5	2	4	4	1	24

Number of revocations (art. 25 of the Civil Code) per year. Source: French Official Journal

This policy began in 2002 and has since led to the revocation of citizenship of twenty-four individuals. The numbers have risen significantly since 2019. This decision downgrades the individual to the rank of foreigner and leads in many cases to their expulsion to the other state of which they are nationals—transforming the removal of nationality into a banishment measure (Macklin and Bauböck 2015). Several recent examples are revealing. The first case is that of Bachir Ghoumid, born on April 5, 1974, in Mantes-La-Jolie (France), who became French by declaration on August 29, 1991, and has been married since 1996 to a French woman with whom he has two children of French nationality. This individual was therefore born in France where he has resided ever since; he obtained his nationality by *ius soli*, and his entire family unit is French. He was nevertheless stripped of his citizenship on October 7, 2015. The same is true of a second case, that of Attila Turk, born on June 5, 1976, in Mantes-la-Jolie, who also became French on September 15, 1994, and has been married since 1999 to a French citizen with whom he has four French children born in France. He too was stripped of his nationality by an order of October 7, 2015. More recently, Mesut Sekerci, stripped of his citizenship on March 31, 2022, was born in Évreux in 1995; Mohamed Skalab, stripped of his citizenship on November 17, 2021, was born in Arles in 1987; Ali Abzouzi, stripped of his citizenship on May 11, 2021, was born in Nice in 1994; Mansour Ly, stripped of his citizenship on April 30, 2021, was born in Trappes in 1994; etc. All these individuals were therefore born in France and obtained their nationality through *ius soli*. Revocation orders are, then, pure exclusionary measures, in total contradiction with the sociological backgrounds of these persons as it does not take into consideration residence and passage of time (Lepoutre 2020b).

In various decisions on the legality of these revocation orders, the courts have found that the French "personal identity" of the applicants was admittedly "strong" but that "the actions that justified the criminal convictions of the persons concerned also reveal the little importance that their allegiance to France and its values had in the construction of their personal identity" (Domino 2016). Here governments and courts (including European courts) converge around the idea that nationality is enshrined in a value-laden frame of reference. A conviction for terrorism

reveals an individual as unworthy and disloyal, no longer deserving to be part of the national community (Andriantsimbazovina 2020; Tripkovic 2021).

IV. Conclusion

The major determinants of the inclusive model of French nationality law survive for now. *Ius soli*, even if threatened and restricted, still survives. It is the most powerful vector of integration through acquisition of nationality for the second generation of immigrants. For first-generation immigrants, however, the situation is more ambivalent. Admittedly several legislative reforms have reduced the administration's discretionary power by conferring on certain privileged categories of migrants a "right to" nationality—though they are few in number. The vast majority of immigrants are still subject to ordinary (and discretionary) naturalization for which numbers have been halved in the last ten years. Merit and performance are becoming increasingly important in the practice of naturalization. It is no longer simply a matter of recognizing immigrants who are already sociologically French (by virtue of residence and passage of time), but rather of rewarding—sometimes very quickly and without any condition of residence—successful immigrants who epitomize government policy. This restrictive turn is further reinforced by the hostile attitudes of the authorities towards women and Islam. As concerns the deprivation of nationality, the results are again mixed. While the failure to extend the withdrawal of nationality to birthright citizens in 2015–6 clearly shows that the liberal and inclusive perspective still prevails, administrative practice reveals an acceleration in individual measures of deprivation of citizenship. The courts themselves seem torn between defending the inclusive character of French nationality and reducing control over it. Judicial review has intensified when it comes to the dignity of immigrants who are ill or disabled; but it has vanished or at least receded when it comes to defending women or Muslims. Future changes to French nationality law will help to determine whether the inclusive model is still part of the national narrative or whether it is time to find another one that can better "define who we are as a nation" (Elias 2016: 2168).

Bibliography

Andriantsimbazovina, Joël. 2020. “La déchéance de nationalité des auteurs d’actes terroristes et la Cour européenne des droits de l’homme.” *Revue française de droit administratif* 6: pp. 1107–1112.

Bertossi, Christophe and Abdellali Hajjat. 2013. “Country report: France.” *EUDO Citizenship Observatory RSCAS* 2013(04): pp. 1–37.

Brubaker, Rogers. 1992. *Citizenship and Nationhood in France and Germany*. Cambridge, Massachusetts and London, England: Harvard University Press.

Carens, Joseph. 2013. *The Ethics of Immigration*. New York: Oxford University Press.

Chavez, Leo R. 2017. *Anchor Babies and the Challenge of Birthright Citizenship*. Stanford: Stanford University Press.

Chrisafis, Angelique. 2018. “Paris ‘Spider-Man’ joins fire brigade after citizenship fast-tracked.” *The Guardian*, May 29, viewed June 30, 2022.

De Silva, Isabelle. 2001. “Naturalisation et handicap.” *Petites affiches* 255: pp. 20–7.

Decaux, Emmanuel. 2017. “L’apatridie.” *Pouvoirs* 160: pp. 73–84.

Dionisi-Peyrusse, Amélie. 2008. *Essai sur une nouvelle conception de la nationalité*. Paris: Defrénois.

Domino, Xavier. 2016. “Contrôle du juge sur les mesures de déchéance de nationalité.” *Actualité juridique droit administratif* 31: pp. 1758–62.

Domino, Xavier. 2018. “Conclusions sur CE, 2/7 ssr, 11 avr. 2018, no 412462, Mme A.” *ArianeWeb*: pp. 1–3.

Elias, Stella Burch. 2016. “Testing Citizenship.” *Boston University Law Review* 96: 2095–171

Fargues, Emilien. 2019. *Exclu.e.s de la naturalisation. Analyse des frontières de la “communauté nationale” en France et au Royaume-Uni*. PhD thesis, Sciences Po, Paris.

Fulchiron, Hugues. 2015. “Déchéance...” *La semaine juridique édition générale* 51, 1378.

Giudicelli, André. 2001. “La déchéance de la nationalité française.” In *La sanction du droit. Mélanges offerts à Pierre Couvrat*, pp. 333–50. Paris: Presses universitaires de France.

Hajjat, Abdellali. 2013. “Naturalisations procedures for immigrants: France.” EUDO Citizenship Observatory, NP 2013/03, Naturalisation Procedures Reports.

Joppke, Christian. 2021. “Earned Citizenship.” *European Journal of Sociology* 62(1): pp. 1-35.

Lagarde, Paul. 2011. *La nationalité française*. Paris: Dalloz.

Légier, Gérard. 2014. *Histoire du droit de la nationalité française*. 2 vol. Aix-en-Provence: Presses universitaires d’Aix-Marseille.

Lepoutre, Jules. 2019a. “La réforme du droit de la nationalité à Mayotte.” *Actualité juridique droit administratif* 5: pp. 285–7.

Lepoutre, Jules. 2019b. “Ius Soli: a French constitutional principle?” *GlobalCit Blog*. February, 1.

Lepoutre, Jules. 2020a. *Nationalité et Souveraineté*. Paris: Dalloz.

Lepoutre, Jules. 2020b. “When losing citizenship is fine: denationalisation and permanent expatriation.” *Citizenship Studies* 24(3): pp. 339–54.

Lepoutre, Jules. 2021. “Devenir Français est de plus en plus affaire de mérite et de performance.” *Le Monde*, Septembre 19–20, p. 31.

Long, Marceau. 1988. *Être Français aujourd’hui et demain*. Paris: La documentation française.

Macklin, Audrey and Rainer Bauböck (eds.). 2015. *The return of banishment: do the new denationalisation policies weaken citizenship?* EUI RSCAS 2015/14, EUDO Citizenship Observatory.

Mazouz, Sarah. 2012. ““Une faveur que vous a accordée la République.’ Comment la naturalisation se mérite.” In *Economies morales contemporaines*, edited by Didier Fassin, pp. 137–54. Paris: La Découverte.

Migration Policy Group. 2013. “Access to citizenship and its impact on immigrant integration: ACIT handbook for France.” EUDO Citizenship Observatory, ACIT Handbooks.

Ministère de l’Intérieur. 2022. “L’accès à la nationalité française.” *L’Essentiel de l’Immigration* 80 (January).

Moutot, Anaïs. 2019. “Comment le PDG de Snapchat est devenu Français.” *Les Échos*, December 16, viewed on June 30, 2022.

Niboyet, Jean-Paulin. 1938. *Traité de droit international privé français*. Volume I. Paris: Sirey.

Orgad, Liav. 2014. “Liberalism, Allegiance, and Obedience: The Inappropriateness of Loyalty Oaths in a Liberal Democracy.” *Canadian Journal of Law & Jurisprudence* 27(1): pp. 99-122.

Pavy, Julien. 2019. “ Les héros du Thalys naturalisés français.” *EuroNews*, February 1, viewed on June 30, 2020.

Renan, Ernest. 1882. *Qu’est ce qu’une nation ?* Paris: Calmann Lévy.

Rousseau, Jean-Jacques. 2003 (1762). *On the Social Contract*. Translated from French by G. D. H. Cole. Mineola, N.Y.: Dover Publications Inc.

Safran, William. 1991. “State, Nation, National Identity, and Citizenship: France as a Test Case.” *International Political Science Review / Revue Internationale de Science Politique* 12 (3): pp. 219–38.

Sahlins, Peter. 2004. *Unnaturally French. Foreign Citizens in the Old Regime and after*. Ithaca and London: Cornell University Press.

Simonsen, Kristina Bakkær and Bart Bonikowski. 2019. “Is civic nationalism necessarily inclusive? Conceptions of nationhood and anti-Muslim attitudes in Europe.” *European Journal of Political Research* 59 (1): pp. 114–36.

Tripkovic, Milena. 2021. “Transcending the boundaries of punishment: On the nature of citizenship deprivation.” *The British Journal of Criminology* 61(4): pp. 1044–1065.

Weil, Patrick. 1997. *Mission d’étude des législations de la nationalité et de l’immigration: rapports au Premier ministre*. Paris: La documentation française.

Weil, Patrick and Randall Hansen (eds.). 1999. *Nationalité et citoyenneté en Europe*. Paris: La découverte.

Weil, Patrick and Alexis Spire. 2006. “France.” In *Acquisition and Loss of Nationality. Policies and Trends in 15 European States. Volume 2: Country Analyses*, edited by Rainer Bauböck, Eva Ersbøll, Kees Groenendijk, and Harald Waldrauch, pp. 187–211. Amsterdam: Amsterdam University Press.

Weil, Patrick. 2008. *How to Be French: Nationality in the Making since 1789*. Translated from French by C. Porter. Durham and London: Duke university Press.