



Reconciling pluralism and equality in post-multicultural Europe

Comparative analysis on recent integration policy reforms in Sweden and the Netherlands

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Abstract

Contemporary European ‘diversity panic’ set the challenge: how to create and effectively apply integration policies that foster equality between natives and newcomers while being responsive to the tensions in ever diverse European societies. The analysis is carried out in the light of the ‘failure of multiculturalism’ polemic and suggests that an ideal integration policy must rest on a ‘de facto’ multicultural standpoint on diversity management ensuring equal human dignity while respecting the moral imperative not to set assimilationist requirements by regulating identity.

The main focus of the research is on the role and realization of integration courses and tests in comparison between the contrasting Dutch and Swedish models. The assessment is undertaken primarily as to the (il)liberal nature i.e. acceptability of tests in a liberal-democratic context with regard to the actual provisions, their formulations and potential/cumulative effects as well.

On a more in-depth level the potential danger of regimes, seeing the ultimate means of reconciling contemporary tensions around immigrant integration in exclusionary integration policies, is stressed and illustrated with the restrictive Dutch integration tests assessing, and occasionally failing, newcomers’ inner mindset and personal convictions.

It is concluded, “the most liberal citizenship test is none at all.” The author advocates European countries of immigration currently before their integration reforms to follow the recent Swedish example which has the potential to enhance integration without employing illiberal means.

Introduction

*“This multicultural approach, saying that we simply live side-by-side and are happy about each other, this approach has failed, utterly failed.”*¹ Angela Merkel, German Chancellor, October 17, 2010

*“Under the doctrine of state multiculturalism we have encouraged different cultures to live separate lives apart from each other and apart from the mainstream; we failed to provide a vision of society which they feel they want to belong. We have even tolerated segregated communities behaving in ways that run completely counter to our values ... This hands-off tolerance has only served to re-enforce the sense that not enough is shared...”*² David Cameron, British Prime Minister, February 5, 2011

*“Multicultural society has failed... the Dutch no longer feel at home in their own country and immigrants are not entirely happy here either.”*³ Maxime Verhagen, Dutch Deputy Prime Minister, February 15, 2011

Recent statements from the highest political level deliver a clear message: leaders of the largest countries of immigration within the EU are on consensus regarding the “failure of multiculturalism” on the basis that it failed to create social cohesion by generating feeling of belonging. The question is what direction immigration/integration policies will take after abandoning this previously glorified policy? Leaders of increasingly pluralist European societies face difficult policy decisions since in light of mass immigration flows, resulting in certain countries up to 10-15% foreign born population,⁴ these decisions affect drastically not ‘only’ millions of newcomers but also will have a determinative impact on the future of European societies as a whole. This exceptional relevance requires careful and conscious policy considerations and correspondingly responsible presentation of them in the shadow of

¹ <http://www.bbc.co.uk/news/world-europe-11559451> - accessed March 9, 2011

followed by Australia's former prime minister John Howard and former Spanish prime minister Jose Maria Aznar, <http://www.telegraph.co.uk/news/worldnews/europe/france/8317497/Nicolas-Sarkozy-declares-multiculturalism-had-failed.html> - accessed March 9, 2011

² <http://www.bbc.co.uk/news/uk-politics-12371994> - accessed March 9, 2011

³ http://www.dutchnews.nl/news/archives/2011/02/multiculturalism_has_failed_ve.php - accessed on March 9, 2011

⁴ www.migrationinformation.org/datahub/comparative.cfm#worldstats last accessed March 20, 2011

Europe-wide fear from terrorism threat. Special regard should be given also to the fact that social unity and feeling of belonging are incomprehensible and often emotion-based notions *per se* thus personal influence of well-known public actors, political leaders and in particular the media can often be even decisive.

In the light of the above, it is alarming that both political rhetoric and public debate through media shows a definite tendency to link ‘failure of multiculturalism’ i.e. a theoretical ground of immigrant integration, to a specific national security issue, namely counter-terrorism. It is undeniable that the shock of the Madrid and London bombings carried out by “home-grown terrorists”⁵ established a strong, and legitimate, security aspect of the need for effective integration. This, however, cannot be seen either as exclusive or primary goal of integration as the new form of contemporary terrorism cannot be regarded either as straightaway consequence of the alleged failure of integration or more specifically an integration model. Integration is highly desirable and most likely would have a considerable stake in resolving, inter alia, ethnic and religious tensions feeding into the terrorism debate as well. Yet it is distressing that political and media discourse depicts the failure of multiculturalism with young rootless Muslim men with necessarily high terrorism affiliations. This approach is highly problematic and indeed dangerous from various aspects which will be elaborated upon when assessing the national security concerns-integration policy interrelation.

Furthermore the picture is more complex: how to create and effectively apply integration policies, with special regard to integration tests, that foster equality between

⁵www.dailymail.co.uk/news/article-1353577/Britain-facing-wave-homegrown-suicide-bombers-warns-MI6.html - last accessed March 20, 2011

www.guardian.co.uk/uk/2005/jul/12/july7.uksecurity6 - last accessed March 20, 2011

natives and newcomers while being responsive to the challenges of ever diverse European societies.

Amongst human rights and fundamental principles characterizing a democratic society I chose to carry out the examination primarily in light of the *equality* aspect. Academic debate regarding immigrant integration has been mainly led either by a theoretical, pro and contra multiculturalism,⁶ or pragmatic mostly socio-economic, i.e. (un)employment/welfare dependency, perspective.⁷ Moreover comparative studies focusing on Sweden are generally carried out in the Scandinavian context⁸ whereas the Netherlands is often a point of comparison in relation with Germany, which shares similar immigration concerns due to large-scale Turkish immigration into both countries. The two examined jurisdictions do not fall under the same geographical classification, however it is of little relevance since their size, welfare traditions, recent history with regards to immigration, proportion and composition of immigrant population and other factors create an appropriate basis of comparison.

Consequently, I aim at providing a fresh angle of the integration debate by twinning the equality-centred theoretical argument with the departure from traditional geographical division of jurisdictions in comparison. The objective is to contribute to the human rights sensitive considerations within the decision-making process with special regard to the direction European immigration states, most notably the United Kingdom, currently before its

⁶ Joppke, Christian. "The retreat of multiculturalism in the liberal state: theory and policy." *The British Journal of Sociology* 55, no. 2 (June 2004): 237-57.

OR Koopmans, Ruud. "Trade-Offs between Equality and Difference: Immigrant Integration, Multiculturalism and the Welfare State in Cross-National Perspective." *Journal of Ethnic and Migration Studies* vol. 36, no. 1 January, 2010: 1-26.

⁷ European Social Watch Report. "Time for Action Responding to Poverty, Social Exclusion and Inequality in Europe and Beyond," 2010

⁸ Westin, Charles: Acculturation in Nordic Countries, 2006 Jan. 16 - hardcopy from Centre for Research in International Migration and Ethnic Relations (CEIFO) Stockholm University where the author carried out her research

immigration/integration reform, should take. However, the limitations of the present paper are extensive; it rather provides an insight only into socio-cultural aspects of the integration of third country national regular migrants. It is emphasized that policy-makers, but also the general public, is to realize the limited impact of integration measures themselves. Even though a specific measure, such as the stringent Dutch integration abroad test for instance, can dishearten a whole generation, it leaves intact the fundamental premise that it is a field where non-legal, even personal individualistic aspects play key role.

The above problem-centred, rather empirical investigation of the specified topic will be based on a parallel theoretical argument which focuses on the declared failure of multiculturalism and analyses the shift from this previously glorified policy towards the civic integration model. I will use Koopmans two-dimensional integration framework to carry out my assessment on the policy shift which uses the *social unity* and *national identity* aspects for differentiation. It will be followed with a more thorough analyses primarily as to the (il)liberal nature and so acceptability of tests in a liberal-democratic context with regard to the actual provisions, their formulations and potential/cumulative effect as well.

The examinations will be completed with an in-depth comparative analysis on two policy models: one that *should* be followed i.e. Swedish, being illustrative of a nuanced rights-line approach employing civic integration in its pure sense; contrasted with the Dutch which, *seems to be* followed and, demonstrates a diametrically opposite reading of civic integration. Consequently, in the final chapter it is argued that primarily the Swedish model can be recommended to serve as paradigm for the path of overcoming current European diversity panic.⁹

⁹COMPAS (Centre on Migration, Policy and Society), University of Oxford
<http://www.compas.ox.ac.uk/research/everyday/multiculturalism/> - last accessed March 10, 2011

II. Comparative Analysis on Theories Addressing Diversity

A. The liberal democracy context

The basic premise of the multicultural concept aims at not only respecting but accommodating ethnic diversity by recognizing and promoting the maintenance and expression of the given group's distinct identity and practices.¹⁰ The tendency of moving away from multiculturalism towards civic integration is in the centre focus of the present chapter. In order to understand the (alleged) legitimacy of the retreat from multiculturalism, first, I analyze Kymlicka's classic multiculturalism concept then critically assess the possible shortcomings of the theory and its application.

I offer an alternative of multiculturalism in 'civic integration' and reason that its realization ensures more beneficial position for immigrants than the classic multicultural concept taking into account the 'side-effects' of its realization in practice. These two ends were chosen out of a broad variety of integration theories and even more hectic national practices on one hand illustrating the wide spectrum of conceptual differences that might arise under the liberal-democratic perspective; while on the other hand is relevant and topical being in the centre of public and political discourse in connection with, due to the financial crisis, even more heated 'immigration debate.'

The premise regarding the material scope of my analysis is that the examined states can be considered as liberal democracies, for two reasons. First, contemporary EU member states claim, and corresponding to their EU and international human rights undertakings, ought to be democratic; second the main scope of scrutiny is carried out from an *equality*

¹⁰ Banting, Keith and Kymlicka, Will. "Multiculturalism and the Welfare State – Recognition and Redistribution in Contemporary Democracies." Oxford University Press, 2006: 1.

point of view, which is a main indicator of the evaluation as to policy objectives or their realization can be seen as liberal. Without lengthy philosophical analysis on different streams of liberalism, the overall conviction towards equal human dignity,¹¹ consequently that individuals, irrespective of their race, class, nationality and so on, ought to be respected equally, is shared.¹² By the same token liberalism is characterized by an anti-authoritarian rejection of unjustified state/majority interference potentially abusing dominant position in its classical Lockean sense.¹³

In the present paper the term *liberal-democratic* is understood strictly as the category of integration policies consistent with individualistic human rights and fundamental freedoms, especially freedom of expression, religion and the principle of individual integrity, promoting the creation of a community in civic terms which is potentially available for newcomers since participation does not require the fulfilment of conditions which are either not possible to achieve/change such as colour or history, or highly intrusive to expect to be changed, example religious convictions. This, even though simplified common denominator, is chosen and found to be legitimate sharing the worry of Randell Hansen over the word *liberalism* covers the views of so many people agreeing on so little that “the concept has been emptied of meaning.”¹⁴

The above frame of investigation can be contradistinguished with such inherently undemocratic and illiberal concepts of diversity management as ethnic assimilation or ethnic segregation, which both identify ethnicity as the defining factor of community formation and

¹¹ Dworkin, Ronald. „A Matter of Principle.” Harvard University Press, 1985: 205-212.

¹² Kostakopoulou, Dora “What liberalism is committed to and why current citizenship policies fail this test” in European University Institute, Working Papers, Robert Schuman Centre for Advanced Studies, European Union Democracy Observatory on Citizenship, 2010: 15.

¹³ Uzgalis, William, "John Locke", The Stanford Encyclopedia of Philosophy (Winter 2010 Edition), Edward N. Zalta (ed.), <http://plato.stanford.edu/archives/win2010/entries/locke/>

¹⁴ Hansen, Randall. „Citizenship tests, an unapologetic defence” in European University Institute, Working Papers, Robert Schuman Centre for Advanced Studies, European Union Democracy Observatory on Citizenship, 2010: 25.

so policy setting.¹⁵ Koopman's two-dimensional framework (Table 1.), which addresses the interrelation and possible interaction between the integration ideal types of assimilation, segregation, multiculturalism and civic integration, also demonstrates how one concept can essentially convert into the other one. It can be illustrated with the case of an integration policy held to be multicultural theoretically, but in the realization phase is exclusively executed on ethnic grounds and becomes a basis of ethnic segregation.

	Active promotion of distinct ethnic identities (subgroups)	
	No	Yes
Basis of community concept		
ethnicity	1. Ethnic assimilation	2. Ethnic segregation
democratic values	3. Civic integration	4. Multiculturalism

1. Integration models - Koopmans et al. 2005¹⁶

It needs to be indicated at this point that the 20th century's conscious, deliberate segregation and assimilation politics¹⁷ fall outside the scope of my examination and will be

¹⁵ Borevi, Karin "Dimensions of Citizenship. European integration policies from a Scandinavian perspective." Fifth Pan-European Conference on EU politics, 2010: 3-5.

¹⁶ Koopmans, Ruud et al. "Contested Citizenship. Immigration and Cultural Diversity in Europe." University of Minnesota Press 2005

mentioned only in the context of modern (post)multiculturalism¹⁸ as (un)invited and (un)foreseeable outcomes of certain domestic immigration laws and integration policies.

B. Retreat of multiculturalism? Critiques and conceptual arguments

It is essential to see the critiques of multiculturalism since the general European tendency of abandoning this model, as the leading theory guiding policy-making on the field of integration, proved their legitimacy.

The notion of multiculturalism is understood in the classical Kymlickan sense, however, since the material focus of the present paper is more focused on the immigration-integration aspects of modern pluralist societies, as opposed to the possible queries as to whether immigrants can be considered to be a minority group from a classical minority rights point of view, I rather use Augie Fleras' definition which identifies *multiculturalism* as "a set of principles, policies, and practices for accommodating diversity as a legitimate and integral component of society."¹⁹

In recent years wide range of criticism has been formulated. Without attempting to provide an exhaustive overview: the concept was challenged by claiming it oversimplifies

¹⁷ Staying with the main jurisdiction i.e. in the Swedish context the Sami minority was subjected to different 'minority-politics' first in a form of rather aggressive assimilation for the sake of national coherence then, after the declaration of their failure to integrate, ethnic segregation on the basis of inherent differences between the majority Swede and minority Sami population.

in Borevi, Karin. "Dimensions of Citizenship - European integration policies from a Scandinavian perspective." Fifth Pan-European Conference on EU politics, 2010: 4.

¹⁸ Vertovec, Steven, Prof. Dr. "Towards 'post-multiculturalism'?" Max-Planck-Institute for the Study of Religious and Ethnic Diversity, power point presentation
online: http://www.mmg.mpg.de/fileadmin/user_upload/powerpoint/Towards_post-multiculturalism/Towards_post-multiculturalism.pdf - last accessed: 2011-03-20

¹⁹ Charlton, Mark and Baker, Paul. "Contemporary Political Issues." Second edition, Scarborough, Nelson Canada, 1994: 26.

reality, when originates from the presumption that majority and minority cultures are distinct and internally homogenous notions, failing to recognize their overlaps and continually interacting and changing nature.²⁰ Further concerns were expressed regarding the support for the maintenance of certain, undeniably traditional, practices of some minorities which interfere with such basic human rights, as for example gender equality, which ought to be guaranteed by the state in European liberal context.²¹ Moreover the ‘dilemma of differences’ was raised by Brian Barry when stating that multiculturalism entails a continuous reinforcement of group-differences which is of a potential stigmatizing effect on minorities.²² In addition, public (and political) discourse often elaborates on the argument that resources aimed to support socio-economically disadvantaged groups are automatically spent on minorities, equating in an undifferentiated way the two categories at the expense of members of the majority in need.

Moreover classical multiculturalism is built upon the idea of group rather than individual rights which can be seen as inconsistent with the contemporary individualistic understanding of human rights. However, the former claim might be explained and counterbalanced by widening the scope of personal choice for disadvantaged vulnerable groups. This notion envisions immigrants essentially as a minority group, however, they do not form a coherent, homogenous group either in ethnic, religious or linguistic terms.

The above raised concerns attest that whether multiculturalism provided a reassuring answer for the challenges of diversity in practice is highly disputable and might provide explanation as to the increasing tendency by policy makers to turn towards civic integration

²⁰ Benhabib, Seyla. “The claims of culture: equality and diversity in the global era.” Princeton University Press, 2002: 115-127.

²¹ Okin, Susan Moller. “Is multiculturalism bad for women?” Princeton University Press, 1999: 5-20.

²² Barry, Brian. “Culture and Equality. An Egalitarian Critique of Multiculturalism.” Harvard University Press, 2002: 118-131.

models. The theory gives a prioritized central role to the host country's national identity which (theoretically) might serve as a benchmark or a point of reference for the new-comers regarding the expected standards and other informal behavioural patterns with the stated aim of easing the process of not only legal/formal but social/substantial integration.²³ However, the genuine nature of those stated aims are questionable, referring to the practice, which shows integration tests are almost exclusively used to conceal the application of assimilationist requirements aiming at targeted selection of certain unwanted immigrant groups such as Muslims.

Joppke gave an account of the essence of the examined policy shift as “so far the prevailing view across Europe was that a secure legal status enhances integration; now the lack of integration is taken as grounds for the refusal of admission and residence.”²⁴ The legitimacy of this observation will be examined throughout the substantive chapters proving that the current worrisome spread of such restrictive ‘duty-line’ conform practices rightly raise *equality* concerns.

C. Civic integration as an alternative

Civic integration model is often seen, in the light of 21st century's European tendencies, as the alternative replacing multiculturalism or rather as an outcome of the “retreat of multiculturalism.”²⁵ However clarification is necessary as to the scope of such

²³ Borevi, Karin. “Dimensions of Citizenship. European integration policies from a Scandinavian perspective” Fifth Pan-European Conference on EU politics, Porto, 23-26 June 2010: 2.

²⁴ Joppke, Christian. “Beyond national models: civic integration policies for immigrants in Western Europe”, *Western European Politics*, vol. 30 (1), 2009: 1-22.

²⁵ Joppke, Christian “The retreat of multiculturalism in the liberal state: theory and policy” *The British Journal of Sociology*, vol. 55: 235-257.

dismantle since the so-called “de facto multiculturalism”²⁶ understood as respect for ethnic and cultural diversity inherent feature and requirement of a liberal state is advocated to characterize any integration model aiming at immigrant inclusion as well. Whereas classical ‘Kymlickan’ multiculturalism, briefly evaluated above, which entailed the view that immigrants ought to be recognized and protected as distinct ethnic minority groups, is currently not applied in the European context.²⁷ Even such flagships of multiculturalism as the Netherlands and the UK abandoned their previous policy concept.

Followers of the multicultural approach, most notably Banting and Kymlicka, believe that ensuring equal rights is a minimum standard, however, the essence of successful, real integration, as opposed to mere formal equality, is the recognition and facilitation of the distinct ethnic, cultural and other identities of immigrants.²⁸ According to the civic integration model the assurance of formal access and actual, substantive exercise of civic rights and duties is seen to be enough to guarantee integration in which ethnicity and other ‘private’ factors, regarded as falling outside the public domain, should play no part.²⁹

²⁶ Joppke, Christian and Morawska, Ewa. “Integrating Migrants in Liberal Nation-States. Policies and Practices” in “Towards Assimilation and Citizenship: Immigrants in Liberal Nation-States” 2003: 1-36.

²⁷ Canada upholds its multicultural approach, but as Kymlicka himself explained: „Canada is quite unique, not in its level of tolerance and sophistication, but rather in being blessed by a number of propitious conditions that help reduce fears of liberal multiculturalism.” http://www.queensu.ca/edg/prs/Kymlicka_PRS.pdf

²⁸ Kymlicka, Will. “Multicultural Citizenship. A Liberal Theory of Minority Rights” Oxford University Press, 1995: 107-131.

²⁹ Barry, Brian. “Culture and Equality. An Egalitarian Critique of Multiculturalism.” Harvard University Press, 2002: 118-131.

III. Evaluation of Civic Integration Tests

Examination of integration tests necessarily has to start with anticipating that the nature of the field under analysis would require a wider, empirical research prior to a theoretical, normative one, especially in the chosen jurisdictions, which is beyond the extent of the present work. Thus my inquiry is rather of gradually narrowing theoretical nature dealing with the following questions which are, in the present chapter, not subject to deeper analysis, only exemplified with European instances.

Is there an overarching public interest that justifies the existence of integration tests? What is the stated aim on one hand and the rationale behind on the other? What is the interrelation between three paramount aspects: firstly, the security concern that seems to have triggered their introduction; secondly, the liberty or rather liberalism aspect under which I will examine whether states can possibly retain their liberal-democratic character parallel with the application of integration tests; and finally whether they contribute to the achievement of the overall goal of all integration policies, namely, equality within diversity.

The dilemma is how to create social unity, feeling of belonging, which are incomprehensible notions *per se* at the first place while ensuring full respect for fundamentally different and often conflicting national identities. The cohesion to be built has high standards to reach, namely expected to be capable of filling the identity gap left behind after the collapse of nation states, and subsequently the traditional *nation* concept, which served as a well-established point of reference for centuries. From another standpoint, unity cannot be created in an intrusive manner, since even liberal aims lose their legitimacy by

being achieved by illegitimate means. Another important consideration whether the respect, preservation or even support for the newcomer's national identity is compatible, both from a theoretical and pragmatic point of view, with the overall aim of creating social unity. Weighing the importance of these often clashing interests is subject to conscious policy choices which need to take into consideration both the well-being of the nation as a whole, that entrusted its leaders with political power (and so responsibility), and the human rights of the individual as well.

After narrowing down the topic it is essential to identify how we understand the basic concepts and premises used in this section of the study. In order to understand that the contradiction between pluralism and equality is only ostensible it is worth to differentiate between the notions of *unity* and *uniformity*. While the former meant to be the guiding principle which can serve as a basis for a more specific rights protection system, the latter would be an uninvited and unacceptable requirement by the majority which could even be capable of threatening peace. Without unity equality is hard to be interpreted since both require a context, namely a relationship, interaction between the members of society. It has enormous practical importance since in lack of social unity, despite opposite intentions, even the rights/measures meant to support specifically immigrants themselves might become counter-productive as to their outcome by reinforcing differences.³⁰ Such uninvited but actual consequence can be vividly observed through the high level of residential segregation 'assisted' by multicultural integration policies recognizing immigrants' as minority groups but in effect facilitated their separate/parallel living.³¹

³⁰ Author's own course paper in Minority Rights 2010 December

³¹ see e.g. ethnic and (corresponding) economic segregation maps in Sweden in Danuta, Biterman and Franzén, Eva. "Residential segregation (Chapter 6)." *International Journal of Social Welfare* 16, no. s1 (July 2007): S127-S162. <http://doi.wiley.com/10.1111/j.1468-2397.2007.00519.x>. - last accessed March 8, 2011

A. The (il)liberal nature of integration tests

After clarifying terminology and context, it is essential to note at the outset that citizenship tests were designed for permanent residents aiming at achieving equal position in the host country which logically entails a more rigorous set of requirements, whereas integration tests, as I will show later through the Dutch example, are routinely required from permanent resident aspirants and, most arguably, from family members aiming to join their closest relatives either in a form of family reunification or family formation as well.

The importance of undertaking the integration tests' analysis hand in hand with the perceived 'failure of multiculturalism' trend originates from their cumulative effect: on the one hand the departure from multicultural integration policy results (theoretically) in passive tolerance instead of support towards distinct ethnic cultures i.e. by and large decreased level of targeted direct support, moreover the introduction of integration tests makes the acquisition of previously accessible rights subject to certain conditions to fulfil.

The specific historical, social, economic context leading to the emergence of the duty-line conform testing in Western Europe in the late 20th century, as discussed later, was hit by the demands of a neoliberal market being sensitive to and cautious with contingent welfare aspirants. In the 1990's the Netherlands was pioneer in introducing, however restrictive but reasonable and objectively assessable, market-related requirements which aimed at supporting the newcomers' competitiveness on the labour market and consequently assisting their autonomous self-sustained participation in the host society. The Dutch integration policy development got into the centre of controversy when additionally to knowledge requirements on, among others, domestic language and institutional set-up, a so-called 'liberal identity

component’ was attached which inherently carried exclusionary connotations. Compliance with Dutch identity called for respect for a set of vaguely defined norms and values such as liberalism and secularism which manifested more intensely, especially in connection with gender equality, equality of different sexual orientations and limits of free speech.³² Many authors who were not opposing integration tests *per se* condemned the inclusion of “identity-related” requirements. One model example is Christian Joppke who authoritatively identified integration tests intruding into one’s personal convictions and conscience as manifestations of “repressive liberalism,” stressing no matter how liberal the aims are if they are pursued by employing illiberal means they will essentially reach the exact opposite i.e. illiberal outcome.³³

It raises the question: is the integration test requirement acceptable, furthermore desirable, in a liberal democracy? The answer is yes and no. There is no consensus in academia as to the liberal or illiberal nature of the application of these tests. Such distinguished and widely renowned experts of the field as Joppke and Koopmans believe in the effectiveness and overall positive judgment of the testing model from a liberal-democratic perspective. However, Joppke differentiates between questions regarding legality and morality and makes their legitimacy dependent upon which classification they belong to; whereas, inter alia, Sergio Carrera and Elspeth Guild argue the exact opposite i.e. any sort of tests are illiberal *per se*.

Carrera points out the astonishing contradiction that states are substantially re-identifying themselves as nation states since their absolute decisive factor of differentiation is nationality. The entire policy is in philosophy based on ‘values and principles of a *liberal*

³²Maussen, Marcel Dr. and Bogers, Thijs. “Tolerance and Cultural Diversity Discourses in the Netherlands.” EUI, Robert Schuman Centre for Advanced Studies, 2011: 24-28.

³³ Joppke, Christian. “Beyond National Models: Civic Integration Policies for Immigrants in Western Europe, West European Politics, Vol. 30, No. 1, 1 – 22, January 2007, p 14-19.

state,' however in effect it creates an exception from liberal principles and fundamental rights on the ground of non-compliance with those values.³⁴ Moreover, beyond this worrisome doctrinal concern one has to recognize the difficulties of its realization as well: since integration is an elusive concept *per se* to measure it objectively is conceptually excluded. Thus it is pressing not to maintain tests, especially with mandatory nature and highly negative consequences, since those will be always exposed to subjective judgments within an exceptionally large margin of appreciation of the state.

It is further contested that objective cognitive knowledge cannot be identified in this sense which can be illustrated by the instances of depicting, even the least questioned, element of test schemes i.e. history by (manipulating) certain historical events in a way convenient for the given political situation or demands.³⁵ Lastly, the basic premise of “national liberal democratic history, principles and values... (in a rather hypocritical fashion) is considered to be alien only to non-nationals,”³⁶ which not only results in discrimination but is indeed degrading as well. How can be the practice challenged? Human rights and fundamental principles, with special regard to equality standards, can and should be used “precisely to limit the nation states’ temptation to standardize the perfect citizen.”³⁷

³⁴ Carrera, Sergio. “In search for the perfect citizen, The Intersection between Integration, Immigration and Nationality in the EU.” Nijhoff Publishers, 2009: 293.

³⁵ Ryzhkov, Vladimir. „A Backward Tradition of Manipulating History.” *The St.Petersburg Times*, May 29, 2009 (Issue # 1478) http://www.sptimes.ru/index.php?story_id=29141&action_id=2 – last accessed March 24, 2011

³⁶ Carrera, Sergio and Guild, Elspeth. “Are Integration Tests Liberal? The „Universalistic Liberal Democratic Principles” as Illiberal Exceptionalism” in *EUI, Working Papers*, Robert Schuman Centre for Advanced Studies, EUDO on Citizenship, 2010: 29.

³⁷ *Ibid* 2010: 33.

B. Rights-line vs. duty-line theories (the division of responsibilities aspect)

In order to develop a more nuanced understanding of human rights implications of the use of integration tests, it is worth to complete the assessment undertaken along the liberal-illiberal viewpoint with a further narrowed aspect, namely, the so-called rights- or duty-line approach. The seminal ‘rights-line’ theory, as Borevi refers to it,³⁸ introducing the close interdependence between the assurance of a full spectrum of civil, political, and social rights and effective integration, already lead down in 1950 when T.H. Marshall’s classical volume of ‘Citizenship and Social Class’ was first published.³⁹ However, as many scholars⁴⁰ pointed out, the theory was never exclusively focused on rights. Marshall did not support the undifferentiated grant of rights as a form of unlimited access to welfare, but the decisive feature was rather the position of those rights: it was seen as an essential ground for the fulfilment of duties, consequently states were ought to give before they could require.

The exact opposite policy approach, identified as ‘duty-line’, can be observed in contemporary integration tests: one has to fulfil duties⁴¹ in order to be ‘worthy’ of having rights. This shift is not to be understood simply as a restriction. Its premise is founded on a different policy approach: the responsibility of the newcomer’s integration is primary within the given individual’s competence which in essence shifts this burden from the society. However, the author also shares the perception most famously conceptualized by Etzioni that citizenship tests do serve in practice as manifestations of discriminatory selection processes

³⁸ Borevi, Karin “Dimensions of Citizenship, European integration policies from a Scandinavian perspective.” Fifth Pan-European Conference on EU politics, Porto, 23-26 June 2010: 9.

³⁹ However the theory was far from equal – corresponding with the then mainstream understanding of the concept of gender equality. – Marshall, Thomas Humphrey “Citizenship and Social Class in Citizenship and Social Class and other Essays.” University Press, 1950: 20-34.

⁴⁰ Hvinden, B, and Johansson, H. “Citizenship in Nordic Welfare States. Dynamics of choice, duties and participation in a changing Europe.” Routledge Press, 2007

⁴¹ and even beyond in a sense that newcomers do not have courses to attend or materials to read they are only expected to deliver results

with a primary aim of restriction through differentiation and prioritization between applicants.⁴²

Not only does the entity bearing responsibility differ in the rights/duty line understanding but also the way in which the common goal i.e. successful integration is meant to be achieved. While the rights based approach builds upon the presumption that if the newcomer is provided with useful resources helping him to overcome such practical barriers as example the lack of knowledge of, among others, the domestic language, culture, labour market requirements, it will become a motivating factor because of its effectiveness. The duty-line approach on the other hand sees the source of motivation in incentives: unless the person performs the required level of knowledge or participates on the set amount of classes, his actual exercise of rights such as freedom of movement, access to social rights and so forth, remains restricted. Consequently, the two approaches presuppose two different immigrant pictures: while the former invests in discovering the persons' potential, the latter sees the newcomer as a source of problem,⁴³ which has to be prevented by those restrictive measures that form the basis of duty-line integration policies. It is essential to recognize the relevance of the different *image of man* because this understanding will be guiding throughout the entire integration process. It might seem to be a minor issue at first glance but it can be determinative in light of the premise that equal society cannot be based on subordinate position from the outset. This aspect will be revisited during the analysis of the national identity angle in chapter IV.

⁴² Etzioni, Amitai. "Citizenship Tests: A Comparative, Communitarian Perspective." *The Political Quarterly*, vol. 78 (3): 353-363.

⁴³ with Kostakopoulou's words: „individuals... should not be presumed to be deficient, backward or inferior" in Kostakopoulou, Dora. "What liberalism is committed to and why current citizenship policies fail this test" in European University Institute, Working Papers, Robert Schuman Centre for Advanced Studies, European Union Democracy Observatory on Citizenship, 2010: 17.

To sum it up, the shift from rights- towards duty-line integration policy approach is characterized by allocating the primary responsibility of integration to the individual from the state. The ideal instrument of achieving integration is seen in incentives rather than in resources, and the legitimacy is originated from individual, tailored eligibility, treatment and control instead of a universal system. In the context of the examined jurisdiction, with special regard to Sweden, it is important to discover the parallel between the philosophy underlying the rights-line approach and universal welfare policies which intend to cover the society as a whole.⁴⁴

Contemporary immigration laws further refine the duty-line picture when, within the EU of most certainty, require the newcomer⁴⁵ to ensure, inter alia, financial self-sustainability, health insurance or some form of employment relation which guarantees his financial contribution to the state budget. Kostakopoulou further argues from a theoretical point of view that in the above scenario states cannot serve with an overriding public interest that would justify the differentiation made between newcomers and natives violating the fundamental equality principle. Thus, if the newcomer acts as a proper burden-sharer in the host country, further requirements and tests are unjustified and so discriminatory. In my opinion, this argument raises an important understanding of modern regular mass migration. In the era of globalization entailing intense mobility it is undisputed that stimulated migration is triggered primarily by economic reasons.⁴⁶ It is especially emphatic with regard to the EU whose immigration policy's declared goal is to attract the brightest and create knowledge-based economies competitive on the global market. It requires open and constructive

⁴⁴ Rothstein, Bo. "Just Institutions Matter. The Moral and Political Logic of the Universal Welfare State." Cambridge University Press, 1998: 188-195.

⁴⁵ since the scope of study was narrowed at the outset to regular migrants, the loyalty-solidarity argument in relation with refugees is disregarded here

⁴⁶ Nonetheless it is essential to note that „three-quarters of new immigrants in any one year in most European states are not selected at all but entering on the basis of (family or refugee) rights.” in Joppke, Christian “How liberal are citizenship tests? A Rejoinder.” EUI, EUDO on Citizenship, 19 March 2010: 39.

integration system, in light of the which, it might be a reasonable expectation from states to accept that if the aims are economical, the means are economical than the requirements demanded from newcomers should remain purely economical as well.

According to the above reasoning the additional test criterion, irrespective of its content, manifests inequality in treatment of the “burden-sharers.” Since the contribution is equal the differentiation is unjustified thus it constitutes a downright discrimination based on nationality. Since, even though the resident shares the duties equally, for instance in a form of tax contribution, demonstrates law-abiding lifestyle and has a considerable time of residence, certain countries such as the Netherlands, still retains that these proven factors do not suffice. In addition, immigrants are also expected to prove their worthiness on certain further integration/nationality tests which clearly contradicts the view, shared by the author as well, that are to share not only the burdens/duties but also the benefits/rights equally with the natives. In a nutshell, as Kostakopoulou puts it, “equal burden sharers are thus *de jure* and *de facto* unequal beneficiaries.”⁴⁷

Lastly, the tremendous importance of non-legal aspects on the integration field must be stressed: the state-citizen aspirant relationship starts but does not end with the integration course/test. The psychological link, the message delivered towards the newcomer can determine to a great extent the realization of the stated aim i.e. whether the individual will become an active part of the host society. In order to facilitate the advancement of such tie, even in a gesture can be helpful, as the US Citizenship and Immigration Service’s Naturalization Guideline “Welcome. We are very pleased that you want to become a US

⁴⁷ Kostakopoulou, Dora. “What liberalism is committed to and why current citizenship policies fail this test” in European University Institute, Working Papers, Robert Schuman Centre for Advanced Studies, European Union Democracy Observatory on Citizenship, 2010: 16.

citizen.”⁴⁸ However, these are only words and without adopting the suggested welcoming approach do not weigh much but illustrate my argument shared by a wide range of authors: integration is, in this phase, primarily (and paradoxically) a personal relationship with a public authority which is filled with psychological elements of paramount importance.^{49, 50, 51} Through an overview on the demonstrated, and advised, approaches as to the newcomer as a person, the state-individual relationship and the communication of objectives, a proper context for analysis of the tests is laid down.

C. Leverage points: Content – Formulation - Outcome

Prior to a more detailed analysis of integration test questions, it is essential to recognize that “citizenship tests do not exist in vacuums.”⁵² To elaborate upon the specific circumstances on each level of the given state’s integration policy development path which has gradually contributed to the present form of integration test would be a crucial auxiliary but falls outside the scope of the present paper. However, it must be noted that the general context influenced by, inter alia, social, political circumstances, timing, public discourse (role of media indicated later) are not only telling but often even determinative as to the aims, content and formulation of policies. Moreover it would be also important to cover the entire process taking into account all other administrative, language and national identity or rather

⁴⁸ <http://www.uscis.gov/files/article/M-476.pdf> - last accessed March 20, 2011

⁴⁹ Klekowski von Koppenfels, Amanda. “Citizenship tests could signal that European states perceive themselves as immigration countries” in European University Institute, Working Papers, Robert Schuman Centre for Advanced Studies, European Union Democracy Observatory on Citizenship, 2010: 12.

⁵⁰ Kostakopoulou, Dora “What liberalism is committed to and why current citizenship policies fail this test” in European University Institute, Working Papers, Robert Schuman Centre for Advanced Studies, European Union Democracy Observatory on Citizenship, 2010: 17.

⁵¹ Hultengren, Therese “A Moving Experience A phenomenological study of what it means to be an immigrant in Sweden.” Lunds Universitet, Department of Psychology, 2010

⁵² Wallace Goodman, Sara. “Lost and Found: An Empirical Foundation for Applying the ‘Liberal Test’” in Robert Schuman Centre for Advanced Studies, EUDO on citizenship, 2010: 35.

value-focused requirements in order to get a comprehensive picture. Also, not only the content of a requirement is determinative as to its acceptability from a liberal point of view, but whether it demands undifferentiated requirements on different levels of status. The problem can be illustrated by the Dutch case which expects the same conditions to be fulfilled by citizenship aspirants, by already naturalized foreign-born Dutch citizens and by relatives of Dutch (EU) citizens willing to exercise rights of family-reunification even before entering the country. Lastly, and more thoroughly, the specific questions are to be assessed in the intersection of the complex set of questions.

Content

The fundamental premise of those experts of the field who do not reject the possibility of reconciling liberalism and integration tests in absolute terms and so see certain versions justified, is, as Michalowski puts it, that citizenship tests are “liberal in the Rawlsian sense if... they ask what is right not what is good.”⁵³ This test seems to be passed based on the statistics on EU countries which in general proved to ask predominantly questions regarding rights, politics and democracy. The only current exception is the Netherlands where 20% of all questions belong to the “what is good” form of value judgments.⁵⁴

So what is the reason that integration tests applied by Western European states are commonly seen as tools of exclusion and ‘immigrant shopping’? Why the various allegations of their illiberal punitive nature from a wide range of highly renowned academics?⁵⁵ I believe, because *the devil is in the detail*: EU member states, actors of the international

⁵³ Michalowski, Ines. “Citizenship tests and traditions of state interference with cultural diversity.” Robert Schuman Centre for Advanced Studies, EUDO on citizenship, 2010: 5.

⁵⁴ Michalowski, Ines. „Citizenship Tests in Five Countries: An Expression of Political Liberalism?” WZB Discussion Paper, No. SP IV. 2009: 702.

⁵⁵ arguments as to EU countries refuse to accept the fact they became immigration countries in Wright, Sue. “Citizenship Tests in Europe – Editorial Introduction.” *International Journal on Multicultural Studies*, vol. 10 (1): 1-3.

community, signatories of various human rights conventions all emphasizing *equality* as a fundamental pillar and so prerequisite of a democratic society, cannot allow themselves to introduce downright illiberal integration policies especially that those are applied to immigrants being in a vulnerable position from multiple aspects from the outset. Consequently, one has to look at the details, identify leverage points of comparison to reveal whether the given policy can be considered as illiberal as to its aim, means or effects. Not only the fact that a state policy touches upon identity or conviction related area of life but also the mandatory nature of the related integration courses and/or exams can constitute the repressive nature in Joppke's, previously invoked, analysis. However, since 2007, he reconsidered his position and found that mandatory obligation imposed by the state on the newcomer does not constitute "repressive liberalism" *per se*, rather it will depend on whether the given means are oppressive *ipso facto* or not.⁵⁶

Notwithstanding, the system of tests representing duty-line approach can indicate the alternative reading that the newcomer's culture does not deserve recognition and appreciation *per se* just as the individual has to prove to be worthy of acceptance as well. The main conceptual change is that the proof of *worthiness* goes beyond securing necessary financial means, health insurance or tax contribution.

Legality

Initially states started to require such, previously optional and undeniably useful knowledge objectively serving the interest of the immigrant himself as familiarity with the host country's language, basic democratic institutions, laws and social structure. The system was regarded as "national constitutionalism" since the threshold for entering the community

⁵⁶ Joppke lecturing on the International Conference on "Civic Integration to Beat Parallel Society", 8th October 2010, Hertie School of Government, <http://www.youtube.com/watch?v=XS9wXfJ4B9Y>

(nation) is to prove basic constitutional understanding.⁵⁷ Its legitimacy is also underpinned by the fact that it constitutes only cognitive expectations i.e. in case appropriate circumstances are ensured, which is not always realized as it will be analyzed below in relation with the Dutch tests, material can be mechanically learned and reproduced.

Even though it seems to be justified in the light of the legitimacy of promoting for example democratic participation, or the practical usefulness of providing civic orientation, however, agreeing with Orgad, I would question merely the *fairness* of the means.⁵⁸ They rest on the premise that, as Carrera puts it, “national liberal democratic history, principles and values... (in a rather hypocritical fashion) considered to be alien only to non-nationals.”⁵⁹ Although accepting Hansen’s premise that differential treatment cannot be automatically equated with unfair treatment, however, as long as natives are allowed to be constitutionally ignorant such condition cannot be set for the newcomer either. There are no, in my opinion highly necessary and desirable, requirements put in place, such as proof of a basic knowledge and understanding of the democratic settings of their countries, before being entitled to vote thus the society the immigrant wishes to participate tolerates all those who are lacking even the most fundamental familiarity regarding the issues they are voting about. The reason of coupling and comparing integration tests and requirements for the native electorate is the fact that essentially citizenship provides, as Hansen puts it, “only one major advantage... voting.”⁶⁰ Paradoxically, even though the official explanation given for the demanding Dutch

⁵⁷ Orgad Liav. “Illiberal Liberalism: Cultural Restrictions on Migration and Access to Citizenship in Europe.” *American Journal of Comparative Law*, vol. 58. (1), 2010: 53-61.

⁵⁸ Orgad, Liav. “Five Liberal Concerns about Citizenship Tests” in Robert Schuman Centre for Advanced Studies, EUDO on citizenship, 2010: 22.

⁵⁹ Carrera, Sergio and Guild, Elspeth “Are Integration Tests Liberal? The „Universalistic Liberal Democratic Principles” as Illiberal Exceptionalism” in EUI, Working Papers, Robert Schuman Centre for Advanced Studies, EUDO on Citizenship, 2010: 29.

⁶⁰ Hansen, Randall. „Citizenship tests, an unapologetic defence.” in European University Institute, Working Papers, Robert Schuman Centre for Advanced Studies, European Union Democracy Observatory on Citizenship, 2010: 25.

naturalisation test that “future citizens make use of their right to vote;”⁶¹ the egalitarian idea of extending such compliance to the whole nation, did not arise.

Furthermore, since demanding cognitive knowledge in this area is widely applied in Europe, I would suggest that in case states persist with the standpoint that the need to uphold their liberal democratic nature requires well-informed participation and decision-making than civic education is advised to be a precondition of *both* enrolling into the electorate and correspondingly it is justified to be expected from those newcomers willing to be part of such a “well-informed” political community. This way countries could avoid, currently justified, allegations regarding the lack of a minimum degree of political willingness to fulfil the very first EU *common basic principle* on immigrant integration, i.e. that “integration is a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States”⁶²

Morality

As demonstrated in the previous section, views differ as to the acceptability of questions belonging to the sphere of legality as well. An even greater scepticism surrounds requirements of moral accord; since they go to the heart of one’s personality and so identity: examine the understanding of basic values and beliefs, personal attachments and deliver value judgment with such frequent result as subsequent refusal of granting residence permit. These questions not only violate the classical liberal democratic *state neutrality* principle when intervening its citizens’/citizen aspirants moral convictions but also ‘change the face’ of the integration policy itself by substantiating a shift in aims. Reflecting on this phenomenon,

⁶¹ van Oers, Ricky.”Justifying Citizenship Test sin the Netherlands and the UK.” in Guild, Elspeth et. al (eds). „Illiberal Liberal States: Immigration, Citizenship and Integration int he EU.”Ashgate Company, 2009: 128.

⁶² Council of the European Union, PRESS RELEASE, 2618th Council Meeting, Justice and Home Affairs, Brussels, 19 November 2004: 19.

Joppke identified the threshold of liberality by setting a clear distinction between areas of legality and morality in the Kantian sense. While the former demands, as it was previously identified, realistically attainable cognitive knowledge on a set of legitimate areas thus sets a *external behaviour* requirement, the latter investigates one's *inner mindset* and so focuses on questions of morality.

According to the most up-to-date state of art, there seems to be a consensus within academia that the latter almost exclusively constitutes a case of repressive liberalism which essentially entails that by virtue of applying illiberal means the liberal state itself ceases to exist. As Joppke puts it “the notion that the liberal state is one only for liberal people passes the threshold of illiberal.”⁶³ It can be captured when the state identifies the ‘good way of life’ and imposes on its immigrants a compulsory conformity with it.

Formulation

The scope of investigation can be further refined by raising the attention to the relevance of not only the content but the formulation of a question. The following comparative example can serve as a manifest illustration of the argument. Both states are targeting to evaluate the same knowledge as to the content. The Dutch requirement states that “the candidate knows that concubinate (also of same-sex partners) is accepted in the Netherlands” whereas Germany formulated question No. 245 by asking “Who is not allowed to live together as a couple: Hans (20) and Mary (19) Tom (20) and Klaus (45 years), Sofie (35) and Lisa (40), or Anne (13) and Tim (25)?”⁶⁴ The important distinction to be made is that whereas the German question can be answered based on legal knowledge, the Dutch asks

⁶³ Joppke, Christian. “How liberal are citizenship tests?” European University Institute, Working Papers, Robert Schuman Centre for Advanced Studies, European Union Democracy Observatory on Citizenship, 2010: 2.

⁶⁴ Michalowski, Ines. “Citizenship tests and traditions of state interference with cultural diversity.” Robert Schuman Centre for Advanced Studies, EUDO on citizenship, 2010: 6.

and presupposes an unproven social consensus, (referring here to strictly religious groups' antagonism towards homosexuality for instance),⁶⁵ of a topical issue which is hardly accessible, assessable and so expectable from a newcomer to know. The lack of official preparatory material or published answer sheets in the Netherlands, illustrating the different manifestations of the problem, will be discussed later. Moreover Groenendijk reminds that the Dutch state not only uses tests to assess (and judge) the inner mindset of an immigrant-to-be by invoking the case when the "wife of an imam was refused naturalisation for her *supposedly* insufficient integration"⁶⁶ even without applying any test. The state's response on the definite marriage patterns amongst certain, predominantly Muslim, ethnic minority groups choosing spouses almost exclusively from the country of origin will be analysed in chapter IV.

In essence

The essence of the inner-mindset argument was capsuled in the so-called *Jehovah's Witnesses* decision from another main European state of immigration, namely Germany, where the *Bundesverfassungsgericht* held that citizens (not even long-term residents for instance) "are legally not required to personally share the values of the Constitution."⁶⁷ This view, seemingly revolutionary in light of widespread contemporary patriotism in political rhetoric, has long-established roots in numerous jurisdictions. It was already expressed in a 1944 US decision which ruled "patriotism is not a condition of naturalization, that attachment is not addressed to the heart, demands no affection for or even approval of a democratic

⁶⁵ see for example: <http://news.bbc.co.uk/2/hi/europe/1917905.stm> - last accessed March 22, 2011

⁶⁶ Council of State, 2006, August 6. in Groenendijk, Kees and van Oers, Ricky. „How Liberal tests are does not merely depend on their content, but also their effects.” in European University Institute, Working Papers, Robert Schuman Centre for Advanced Studies, European Union Democracy Observatory on Citizenship, 2010: 9.

⁶⁷ BVVerGE 102, 370, 2000, December 10, in Joppke, Christian. "How liberal are citizenship tests?" European University Institute, Working Papers, Robert Schuman Centre for Advanced Studies, European Union Democracy Observatory on Citizenship, 2010: 2.

system of government, but merely acceptance of the fundamental political habits and attitudes which here prevail, and the willingness to obey the law.”⁶⁸

Without lengthy philosophical arguments it is noted that the premise that EU countries are in conformity with democratic values, is widely accepted. However, at the same time they all have far right, religious and other extremists, who undisputedly act contrary to democratic values. Thus when identifying barriers for newcomers on the basis of their ‘undemocratic’ convictions states have two options to justify the differentiation: either explicitly demarcate basic human rights and fundamental freedoms ought to be ensured for natives, from another restricted set for newcomers and so lose their liberal character and also breach a variety of international undertakings; or it is to be realized that, in light of the equality principle, inner dispositions cannot be punished just like “identity cannot be legislated”⁶⁹ either.

The assessment process can be challenged as well on the basis that elusive requirements can often be brought under the umbrella of ‘cultural knowledge’ which can easily serve as an illiberal filter by constituting severe obstacle obtaining of answers. Whether one classifies a given question as having exclusionary connotations or sees it as demanding reasonably expectable knowledge, varies by person to person even among experts. As an example, Christian Joppke makes an even more refined differentiation between questions of morality and knowledge on *social conventions*. A British test question is cited as illustration on “What to do if you spill beer over someone in a bar?” which cannot be regarded as intrusive or instructive as to someone’s moral convictions or personal identity even though

⁶⁸ Gordon, Susan. “Integrating Immigrants: morality and loyalty in US naturalization practice.” *Citizenship Studies*, vol. 11 (4): 367-371.

⁶⁹ Joppke speech: Christian Joppke lecturing on the International Conference on “Civic Integration to Beat Parallel Society”, October 8, 2010, Hertie School of Government, online: <http://www.youtube.com/watch?v=XS9wXfJ4B9Y>, last accessed: March 20, 2011

cannot be classified as cognitive knowledge under the umbrella of ‘constitutional citizenship’ either, thus he classifies it as a helpful real-life ‘situation game’ amounting to being a social convention in the UK.⁷⁰ Contrarily, Orgad challenges the necessity and justification of state interference into the above scenario, especially in a form of testing that can result in failure effecting the applicant’s status, rights and benefits. The difficulty to provide clear-cut right or wrong answers to any moral or conventional questions must be noted since those do not have *ipso facto* uncontested answers. Furthermore, as already indicated above, “liberalism contains the freedom to choose not to be liberal, as long as one’s way of life is democratic and legal,”⁷¹ and the above cited question obviously does not touch upon the area of legality at the first place. Consequently, academic debate demonstrates how difficult is to struck the fine line between nuanced expectations and illiberal intrusion into the personal decision-making sphere or way of living. This dilemma faced extensively when encountering questions on particularisms.

Particularisms

It is widely accepted that integration courses and tests should reflect the country’s specifics. The legitimacy originates from the premise that countries of origin and destination do defer and this difference is to an extent that calls for programmes to overcome difficulties that are expected, thus recognized as natural. Orgad recognizes the necessity for demanding particularisms that capture the specialty of the state and its society.⁷² Such characteristics are most probably of cultural, historic nature not of general respect for human rights for instance.

⁷⁰ Christian Joppke lecturing on the International Conference on “Civic integration to beat parallel society”, October 8, 2010, Hertie School of Government, <http://www.youtube.com/watch?v=XS9wXfJ4B9Y> last accessed March 15, 2011

⁷¹ Orgad, Liav. “Five Liberal Concerns about Citizenship Tests.” in Robert Schuman Centre for Advanced Studies, EUDO on citizenship, 2010: 21.

⁷² Orgad Liav. “Illiberal Liberalism: Cultural Restrictions on Migration and Access to Citizenship in Europe.” *American Journal of Comparative Law*, vol. 58. (1), 2010: 53-61.

However the difficulty arises how to uphold state neutrality on one hand but express the character of the given political community on the other hand.

Joppke argues that such cultural particularism should be one that captures the very precepts of not any, but the given specific liberal democracy. The reasoning can be followed through the example of a German citizenship question on “Why did former Chancellor Willy Brandt kneel down in the former Warsaw Ghetto in 1970?”⁷³ Such questions are evaluated as relevant to understand what does liberal democracy mean in the given state today and the path the country arrived here. This key role is that provides legitimacy of such events to be included among tests without making them illiberal.

However, it must be noted that there are great differences between countries as to what extent to ask such historical questions.⁷⁴ As Perchinig indicates, relying on the example of Austrian *Länder* asking about county-specific medieval events, that along this line civic integration essentially shifts into assimilationist policy.⁷⁵ The question arises how to find the fine line that balances both the need for knowledge easing the integration of the newcomer but conforms to the fundamental equality requirement. In public debate a frequently invoked threshold is not to require more than from natives.⁷⁶ Soysal and Szakács identifies the acceptable limit as one that corresponds with the general historical knowledge thought in

⁷³ <http://www.spiegel.de/international/germany/0,1518,559021,00.html> last accessed March 21, 2011

⁷⁴ Michalowski, Ines. “Citizenship tests and traditions of state interference with cultural diversity.” Robert Schuman Centre for Advanced Studies, EUDO on citizenship, 2010: 6.

⁷⁵ Perchinig, Bernhard. “All You Need to Know to Become an Austrian: Naturalization Policy and Citizenship Testing in Austria.” 2010: 39-44.

in ed. Ricky van Oers et al. “Re-definition of Belonging? Language and Integration Tests in Europe, Immigration and Asylum Law in Europe.” Nijhoff Publishers, 2010: 25-30.

⁷⁶ see for example: Rice-Oxley, Mark. “UK Citizenship test: Too hard for most Britons.” *Christian Science Monitor*, vol. 100 (46), January, 2008: 1-5.

Howe, Darcus. “Millions of Britons would fail the citizenship tests being proposed for new migrants.” *New Statesman*, Vol. 132. Issue 4655, September 15, 2003: 13-13.

public schools.⁷⁷ However, considering the amount of years native youth, speaking the language perfectly, spends with attaining such knowledge, even this threshold can be seen as leaving too wide elbowroom for incorporation of too difficult questions with exclusionary effects.

In any case, to set national values as benchmark is, in my view, arguable from multiple aspects: first, from a theoretical point of view, one of the foundations of the classical liberal democracy concept is that the state ought to be neutral.⁷⁸ Thus it is an imperative not to make value judgments or promote such choices, except in extreme cases, *inter alia*, for the protection of public order. From a practical point of view, the actual identification of such values may be problematic as the Europe-wide tendency shows: defining human rights and freedoms as *national values* can hardly serve as a point of reference as to the host country's national identity rather as a restriction on certain practices inconsistent with such rights. Human rights bear, in my opinion, no distinguishing characteristic. As a result, they cannot function as 'social glue' since on this ground there should be no difference between the national identity, for instance, of Italy, Germany and the UK, since generally all three are considered to be in compliance with human rights.

Effects

After analyzing the content and formulation of integration tests it is to be complemented with the assessment whether it complies with the liberality requirement as to its content in order to determine whether one can regard them as adequate in a liberal democracy. Does it impose unjustifiable restrictions on human rights and fundamental

⁷⁷ Soysal and Szakács. "Reconceptualising the Republic: Incorporating "Diversity" in Citizenship Teaching in France." *The Journal of Interdisciplinary History*, Vol. 41, 2010: 97-102.

⁷⁸ Van der Burg, Wibren and Brom, Frans. "In Defense of State Neutrality." Freiburger Universitätsverlag. August 28, 2009, Available at SSRI - last accessed March 20, 2011

freedoms of the newcomer, with special regard to his freedom of opinion and conscience? Coupling the above two aspects might result in scenarios when the formally equal citizenship test affects predominantly for example only the Muslim minority and so can be a manifestation simultaneously both intolerance towards religious dissenters and illiberal test as to the test's effect from a substantial equality point of view.

Citing a Dutch example, the exemption from taking the otherwise mandatory integration test for third country nationals on the basis of a minimum secondary school level diploma is seemingly an objective and legitimate requirement which presupposes the knowledge of language and a certain level of practically attained familiarity of the host society and integration into the community. However, taking a closer look to the scope of affected groups one will find the following: first generation immigrants holding no diploma or one from the country of origin and those among second generation who were unable to finish secondary education. It 'coincides' with the fact that these people are in the core of socio-economic disadvantages and social marginalization and so 'the least wanted' members of the resident community within the country. The exclusionary nature is further confirmed by the expensive, min. 230 €, cost of test-taking and the unprecedented practice of not providing any preparatory material or sample tests, which cumbers especially those vulnerable subgroups within the newcomer community as elderly or uneducated.⁷⁹ Consequently, the stated aim of better integration can either hardly be considered as genuine or was a downright failure, since these applicants tend to abandon their intention to take the test, thereby proving its alienating effect.⁸⁰

⁷⁹ Groenendijk, Kees and van Oers, Ricky. "How Liberal tests are does not merely depend on their content, but also their effects." in European University Institute, Working Papers, Robert Schuman Centre for Advanced Studies, European Union Democracy Observatory on Citizenship, 2010: 9.

⁸⁰ "According to the Dutch Immigration and Naturalization Service (IND), the introduction of the overseas integration test in March 2006 is the main cause of the 20 % reduction in the number of MVV (authorization for

As the assessment presented, the transforming role, content and application of integration policies indicates a shift in nature i.e. from providing assistance towards setting restrictions. In essence it results in a fundamental change in character as well manifested in the fact of abandoning inclusiveness for the aim of exclusion for those not ‘worthy.’

temporary residence) applications for family reunification and family formation in 2006, compared to the previous year” in Human Rights Watch. “The Netherlands: Discrimination in the Name of Integration Migrants’ Rights under the Integration Abroad Act.” 2008: 19.

IV. Overview on Post WWII Immigration Patterns and Integration Policy Developments

The following examination will show an insight to the different ways ethno-cultural diversity has been addressed from the late 20st century in Sweden and the Netherlands in order to set the context for the later critical assessment of contemporary integration policies and especially entry/residence/naturalization requirements with special attention to integration tests.

I believe the *theory-legal framework-realization* interrelation and interaction can be lucidly observed in the field of immigrant integration since the debate in public domain as well as in academia had a relevant guiding impact on the formation of subsequent policies. The challenge is set since the fall of nation states: how to create and successfully apply a policy concept which reflects the shift from the pre-World War homogeneity, which perceived and prioritized the understanding of the country's people as ethnic, religious and cultural entity; while adequately addresses the diversity that characterizes the examined jurisdictions today, whose heterogeneous population will necessarily built up from individuals with multiple, overlapping identities.

Different readings of integration tests will be analysed through an overview of the similarities and disparities of historical developments, corresponding legislative frameworks and their overall effect. It will be pointed out that despite of similar immigration patterns downright opposite policies were developed in Sweden and the Netherlands.

Sweden is well-known, and renowned both in academia and in the public,⁸¹ as an exemplar of a welfare state committed to the so-called rights-line policy approach, analysed in chapter II. Its aim is to ensure a wide range of civil, political and social rights for immigrants on one hand to motivate them to integrate and on the other hand to avoid subordination of the newcomer with the absolute goal of ensuring equality among people residing in the country. This overall objective was present in each version of the changing Swedish policy trends observed since World War II i.e. the beginning of intensive immigration into the country.

Firstly, I will provide a brief overview on the nature and volume of immigration not only to evolve a general picture on the context in which contemporary immigration and integration takes place but also to enhance the understanding of integration as a continuous interaction both in vertical (government-individual) and horizontal (natives-newcomer) terms. The necessity to be sensitive to the feedbacks from each angle and shape policies accordingly is prominent in order to ensure real-life substantial equality.

A. Pre-integration era with assimilationist but (paradoxically) equality-centred connotations

So what were the main patterns of the way approximately one million immigrants⁸² have arrived to Sweden since WWII, amounting today 14% of the population?⁸³ After the flow of ‘world war refugees’ until 1948 Sweden received almost exclusively large number of

⁸¹ <http://www.telegraph.co.uk/expat/expatnews/8359653/Sweden-is-top-country-at-integrating-immigrants.html> - last accessed March 24, 2011

⁸² ILO, IOM statistics in Schneider, H. “Towards a European Migration Policy: From Maastricht to Amsterdam, From Tampere to The Hague,” 2005 in “Migration, Integration and Citizenship. A Challenge for Europe’s Future: The Position of Third Country Nationals in Europe.” Maastricht: Forum Maastricht. 2005: 7-33.

⁸³ Parusel, Bernd. „Sweden.” Focus Migration, Country Profiles, No. 18, December 2009: 4.

regular labour migrants⁸⁴ from Nordic countries till the early 1970's, whose tax share was crucial for the maintenance of the welfare system. The underlying presumption, supported by the *provider state* notion of a long-lasting social-democratic era, was that "immigrants would stay."⁸⁵ Accordingly, immigrants benefited from welfare allowances equally with their Swedish counterparts on the field of employment, education, housing, social care and so on, which practice gained legal recognition in 1968.⁸⁶ The prerequisite of such treatment was that residence permit was granted which was linked exclusively to the verification of an actual job offer for the applicant.

This practice nuances the picture of the Swedish rights-line policy approach in a sense, by demonstrating that its application has never been absolute since the basic pillar of the system remained to be the immigrant's *duty to work*. There were no further specific integration measures introduced, which is appreciated by some authors, like Borevi for instance, as reflections on the historical and cultural similarities between Nordic nations;⁸⁷ whereas others, like Roth and Hertzberg, evaluate the lack of official reception system as a characteristic of a purely assimilationist policy.⁸⁸ However, by and large, neither labour immigrants nor their families encountered any substantial obstacles on the stages of entry, residence and naturalization. The overall notion corresponds with special European historical circumstances of the time, namely the execution of the Marshall plan, the establishment of the United Nation and initial foundational steps towards the European Union.

⁸⁴ As opposed to for instance in Germany, no guest workers policy, i.e. employees prevented to settle and did not have access to certain rights and benefits, was introduced.

online: <http://www.migrationinformation.org/Profiles/display.cfm?ID=235>

⁸⁵ Parusel, Bernd. „Sweden.” Focus Migration, Country Profiles, No. 18, December 2009: 4.

⁸⁶ Borevi, Karin. "Dimensions of Citizenship. European integration policies from a Scandinavian perspective." Fifth Pan-European Conference on EU politics, 2010: 10.

⁸⁷ Ibid 2010: 12.

⁸⁸ Roth, Hans-Ingvar and Hertzberg, Fredrik. "Tolerance and Cultural Diversity in Sweden." Accept Pluralism Research Project, European University Institute, Robert Schuman Centre for Advanced Studies, 2011: 22.

In light of the above, the converging power and responsibility of the state was in the forefront in order to comply with the socially responsible “Folkhem” (People’s Home)⁸⁹ concept of the country. The main focus laid on the enhancement of formal equality between nationals and (permanent) residents, for example by giving access to active and passive voting rights, as part of the understanding that ensuring equal rights is the key to effective integration, as articulated in related governmental proposals.⁹⁰ This notion has been complemented with the parallel liberalization of naturalization conditions as well.⁹¹ However, since there was no explicit recognition or support for the newcomers’ distinct cultural heritage rather an expectation of blending into the working class environment, the policy could be understood as assimilationist in terms of cultural or national identity. However, in my reading it rather represents a de-emphasis on traits like religion or distinct culture which might be of divisive potentials. It can explain why the main focus was directed instead to neutral aspects as work which anyone can identify oneself with thus it was seen as better serve the objective of social cohesion.

Similarly, meanwhile strong diversification has been taken place in the Netherlands as well where the rate of *allochtoons* (inhabitant having at least one foreign-born parent) reached 19,3 % by 2006.⁹² From the early 16th century up to precisely the same awakening times of the 1960’s-70’s the field was dominated by policies of *tolerance*. The period was characterized by a sharp demarcation of public and private life in order to ensure peaceful

⁸⁹ “people’s home.” Encyclopædia Britannica Online, 2011.

<http://www.britannica.com/EBchecked/topic/1262068/peoples-home> - last accessed March 25, 2011.

⁹⁰ 1968: 142 Governmental Proposal, for the full scheme see: Dahlström, Carl. “The Rhetoric and Practice of Institutional Reform – Modern Immigration Policy in Sweden.” Presentation Paper at the biannual meeting of the Council for European Studies. Chicago March 29—April 2, 2006: 15.

⁹¹ Lemaitre, Georges. “The Integration of Immigrants into the Labour Market: The case of Sweden.” OECD Social, Employment, and Migration Working Papers, 2007: 14.

⁹² Ersanilli, Evelyn. “the Netherlands.” Focus Migration. Country Profiles. No.11, November 2007: 1.

relations by avoiding possible clashes based on sensitive, inter alia, religious, grounds.⁹³ The exclusion of controversial, for instance belief or identity oriented matters can be vividly depicted with the “symbolic invisibility” of the church, as Kaplan puts it, which manifested in the lack of crosses, other symbols or bells calling for service.⁹⁴ Consequently, a similar ‘pragmatic’ equality and *secularity* concept developed in both jurisdictions: in Sweden in order to uphold the priority of balanced working life/relations while in the Netherlands the classical *lassaiz-faire* approach was applied in order to secure societal peace.

B. Misconceptions: Short-lived Swedish multiculturalism and Dutch multiculturalism as heritage of pillarization

The era of unregulated (and so unrestricted) immigration accompanied with welfare generosity ended in Sweden with the introduction of *Government proposal* No. 26 in 1975 on guidelines for immigrant and minority policy,⁹⁵ its influential role is shown by the practice that the “equality, freedom of choice, and partnership (or cooperation)” triad of principles is still considered to be a basic “slogan” in Sweden.⁹⁶ Hammar summarizes the interpretation of the core principles as follows:

⁹³ Maussen, Marcel Dr. and Bogers, Thijs. “Tolerance and Cultural Diversity Discourses in the Netherlands.” EUI, Robert Schuman Centre for Advanced Studies, 2011: 29-30.

⁹⁴ Kaplan, Benjamin. “Divided by Faith. Religious conflict and the practice of toleration in early modern Europe.” Cambridge: Harvard University Press. 2007: 176.

⁹⁵ http://www.riksdagen.se/webbnav/?nid=37&doktyp=prop&rm=1975&bet=26&dok_id=FY0326 (in google translation) – last accessed March 21, 2011

⁹⁶ Westin, Charles. and Dingu-Kyrklund, Elena. “Reducing Immigration Reviewing Integration, The 1995 Swedish RIMET Report.” Stockholm: CEIFO Publications, 1997: 8.

“The goal of equality implies the continued efforts to give immigrants the same living standard as the rest of the population. The goal of freedom of choice implies that public initiatives are to be taken to assure members of ethnic and linguistic minorities domiciled in Sweden have a genuine choice between retaining and developing their cultural identity and assuming a Swedish cultural identity. The goal of partnership implies that the different immigrant and minority groups on the one hand and the native population on the other both benefit from working together.”⁹⁷

It is important to note that the period was also marked with the beginning of language and civic education in the country. Interestingly, even though these measures focused on features characterizing the civic integration model, identified in chapter I. as distinct from multiculturalism from numerous aspects, this very policy was the starting point establishing Sweden’s reputation as the ‘country of multiculturalism’ from the 1970’s. This common belief could have originated in the principles of the scheme which promoted not only legal, formal equality but also substantive equality recognizing and expressly supporting the newcomers own cultures in form of facilitating the retention of their own languages and personal contacts with the country of origin as well. This doctrinal ground, as to its underlying principle, got the highest constitutional protection by the 1974 constitutional amendment inserting the following section to the constitutional text.⁹⁸

“Opportunities should be promoted for ethnic, linguistic and religious minorities to preserve and develop a cultural and social life of their own.”⁹⁹

Even though the section’s wording, ‘should’, does not indicate positive state obligation *per se*, however, in practice the official constitutional recognition perceived to

⁹⁷ Hammar, Tomas. “European immigration policy: a comparative study.” Cambridge: Cambridge University Press 1985: 33.

⁹⁸ Interestingly Sweden does not have a single written constitution but instead four fundamental laws: the Instrument of Government, the Act of Succession, the Freedom of the Press Act and the Fundamental Law on Freedom of Expression. for equality provisions see: Chapter I-II. The Instrument of Government Act’s on ‘Basic Principles on the Form of Government’ and ‘Fundamental Rights and Freedoms.” http://www.riksdagen.se/templates/R_Page_6357.aspx - last accessed March 20, 2011

⁹⁹ http://www.riksdagen.se/templates/R_PageExtended_6309.aspx - last accessed March 20, 2011

achieve the purported heightened protection. Laying the foundations of classical multicultural policy continued with financial support for minority press, moreover the recognition of minority languages as the language of instruction in public schools. It lucidly illustrates the compromise between the recognition of diversity in form of support for cultural pluralism and the maintenance of institutional integrity and unity of the welfare system. Conversely, the Dutch understanding of multiculturalism resulted in the creation of, among others, minority schools and other separate institutions which inherently ran a high risk of ethnic segregation.¹⁰⁰ However, a set of successful initiatives should be appreciated as well such as the creation of minority TV and radio channels.

Most notably, a system of state-funded advisory bodies having a say in various policy matters were created which are still in function enhancing mainstreaming of minority aspects. It is to be recognized as the most successful heritage of the multicultural phase of Dutch policy-making.¹⁰¹ The open and flexible approach towards political representation of minorities and their incorporation to the political branched successfully avoided the trap of tying a formal right to representation to an exhaustive list enumerating specific minority groups concerned. Similarly, at the same time in Sweden, the minority recognition of immigrants was completed by officially encouraging the formation of ethnic minority organizations¹⁰² with the future goal of their incorporation into the political system.

A possible alternative, for the realization of multiculturalism in policy level can be found in the British practice where respect for multiculturalism was primarily manifested ‘negatively,’ as opposed to the Swedish and Dutch form of *positive* state obligation. The

¹⁰⁰ akin debate in Maussen, Marcel Dr. and Bogers, Thijs. “Tolerance and Cultural Diversity Discourses in the Netherlands.” EUI, Robert Schuman Centre for Advanced Studies, 2011: 27-20.

¹⁰¹ Michalowski, Ines. „What is the Dutch Integration Model, and Has it failed?” in Focus Migration, Policy Brief No. 1, April 2005: 1.

¹⁰² Soysal, Yasemin. “Limits of Citizenship. Migrants and Postnational Membership in Europe.” The University of Chicago Press, 1994: 79-81.

British approach manifested in a form of common law exceptions on cultural/traditional grounds in case of recognized minorities. An illustrious example of the exemption method is the case of Sikh motor drivers' who are exempted in the UK from wearing helmet in order to prevent to force them for removal of their traditional turban.¹⁰³ Conversely, the 'exemption method' has always been alien to the Swedish understanding of universal application of rights and duties on equality basis which is well illustrated by the example of the ban on traditional *halal* and *kosher* slaughter practices,¹⁰⁴ despite notable Muslim and Jewish inhabitants of Sweden,¹⁰⁵ on the ground of general prohibition on animal cruelty.

As it can be concluded from the above, the 1970's policy approach "can be seen as an experiment characterized by a desire to question the existing division between immigrant and minority policy."¹⁰⁶ Through this reform Sweden became a pioneer in a sense that it even furthered the multiculturalism concept formulated by Kymlicka in his idea-setting Multicultural Citizenship (1995) volume, emphasizing the state's positive obligation to provide, primarily but not exclusively, legal, financial and institutional support which necessarily had to rely on the welfare system's generosity both in its doctrinal meaning and technical realization. The question might arise why not to appreciate the Netherlands as pioneer if it ensured the above detailed support maybe to even a greater extent? The answer is that even though the realization is almost identical, the very underlying motivation is fundamentally different. As it will be explained below in connection with the traditional pillarization system of society, the motto characterising the Dutch notion of multiethnic coexistence has always been *tolerance*. In my view, tolerance not only contradicts but in

¹⁰³ Barry, Brian. "Culture and Equality. An Egalitarian Critique of Multiculturalism." Harvard University Press, 2002: 118-121.

¹⁰⁴ Borevi, Karin. "Dimensions of Citizenship. European integration policies from a Scandinavian perspective." Fifth Pan-European Conference on EU politics, 2010: 12.

¹⁰⁵ <https://www.cia.gov/library/publications/the-world-factbook/geos/sw.html> - last accessed March 22, 2011.

¹⁰⁶ Soininen, Maritta. "The Swedish model as an institutional framework for immigrant membership rights." *Journal of Ethnic and Migration Studies*, vol. 25(4), 1999: 685-702.

practice counteracts social cohesion which can be identified as the overall aim of any integration policies. This argument will be revisited in more detail in chapter IV.

Interestingly, the above-detailed policy approach served as a prototype for later formulated multicultural policies in Europe despite the fact that Sweden recognized its inapplicability already in the mid 1970's, in light of the changing composition of its newcomers. When immigration tendency shifted from regional labour migration predominantly towards refugee reception and subsequent family reunification from developing countries (1972-1989, inter alia, from Chile after the fall of the Pinochet regime).¹⁰⁷ The country promptly reconsidered the *equality-freedom of choice-partnership* triad. The departure was reasonable, and since confirmed by time to be right, since the immigration policy necessarily had to be adjusted to the new situation. The shift in approach is well demonstrated with the fact that domestic labour aspects decreased while human rights considerations played an ever significant role.

The change in newcomers' cultural characteristics/traditions challenged the very ground of the 1975 policy: while full recognition of, for example, the Finnish labour migrants' minority culture did not create any significant clash with Swedish national identity, the mass arrival of refugees and their family members from developing countries raised the question whether the recognition of the distinct cultural heritage of such newcomers would in effect jeopardise their integration into a European society? This concern is typically depicted with the perceived contrast between the, in Sweden exceptionally dominant, gender equality principle and the traditional Muslim family model. Thus the dilemma of policy-making arose in the process of seeking better integration. In practice it also caused confusion as to institutional responsibility and effective tackling of such severe problems, growing under the

¹⁰⁷ Wright, Thomas and Onate, Rody. "Chilian Diaspora." in Ember, Melvin et al. (eds). "Encyclopedia of Diasporas – Immigrant and Refugee Cultures Around the World." Springer Science, 2005: 57.

veil of the celebration of the multicultural ideal, as racial discrimination or socio-economic marginalization. Also, the extent of immigration grew to a degree, especially taking into consideration the size of the country, which financing in the previous way would have meant a considerable burden even on the Swedish welfare state.

Dutch pillarization

Meanwhile the period of years of *toleration* turned into the so-called pillar-system in the Netherlands. As it was mentioned before, the historic specifics of Dutch society had, in my interpretation, a determinative impact on the understanding of social cohesion which might provide an alternative explanation for the emergence of its specific form of multiculturalism. The core of the system was the official recognition of a divided society which consisted of classes of “Catholics, Protestants, Socialists, and Liberals – around which formed virtually all politically and socially relevant organizations and group affiliations.”¹⁰⁸ This ‘voluntary segregation’ characterized the public, working and political life and largely even the private sphere.¹⁰⁹ These various groups presented themselves as sovereign moral communities within the nation-state.¹¹⁰ The theoretical ground was formulated as “*parallelism*... the right and freedom of differing religious and philosophical perspectives and movements to develop freely on separate, parallel tracks, neither hindered nor helped by the government.”¹¹¹ Thus parallelism as the most unwanted of all outcomes of multicultural policies was accepted and taken as a standard setting of society in the Netherlands. This

¹⁰⁸ Liphart, Arendt. „The Politics of Accommodation: Pluralism and Democracy in the Netherlands.” Second Edition, Revised. University of California Press, 1968: 23.

¹⁰⁹ Marshall, Gordon. "pillarization." A Dictionary of Sociology. 1998. Retrieved March 21, 2011 from Encyclopedia.com

¹¹⁰ Maussen, Marcel Dr. and Bogers, Thijs. “Tolerance and Cultural Diversity Discourses in the Netherlands.” EUI, Robert Schuman Centre for Advanced Studies, 2011: 31.

¹¹¹ Monsma, Stephen and Christopher Soper. „The challenge of pluralism. Church and state in five democracies.” Second Edition, Lanham: Rowman and Littlefield.2009: 152.

contradicts to the very idea of Swedish society understood as a unit where every single person is of equal value and must have equal opportunities thus the idea of, for instance, workplaces prioritizing based on religious or political belonging would be unacceptable.

Thus when distinct (vulnerable) groups of religious minorities or homosexuals started to claim not only to be tolerated but fighting for recognition and acceptance as equal, took place in a fundamentally different environment. The characteristics, such as religious belief or sexual orientation, which the claims were necessarily built upon, challenged the earlier understanding of the ‘tolerance phase.’ The ideal that strict division between public and private matters is fundamental was contested by bringing matters, previously regarded as strictly private, to the public arena. The other premise of the ‘tolerance phase’ i.e. rejection of accommodating differences by disregarding features with a risk of actually being different led to the demand for a reformed policy approach. Moreover, a strong stance rooted in the 20th century’s Dutch society also had to be overcome, namely recognizing different communities but at the same time rejecting their values, culture and ideas vice versa.

Consequently, when classical multicultural policy was applied to immigrant integration, in the Netherlands less caution was given for avoiding segregation which due to socio-economic disadvantages of the newcomer subsequently amplified into marginalization. However, the intentions were good in a sense that they meant to reflect on the Holocaust by supporting the retention of distinct ethnic, religious, linguistic identity of minority groups seeing immigrants as part of them as well. Also, Dutch identity was shaped by the self-perception of being a leader of rebuilding democracy in Europe¹¹² which can be put in

¹¹² Maussen, Marcel Dr. and Bogers, Thijs. “Tolerance and Cultural Diversity Discourses in the Netherlands.” EUI, Robert Schuman Centre for Advanced Studies, 2011: 33.

parallel with the Swedish modern, progressive and democratic self-image.¹¹³ All the above led to a system of state financed separate institutions, schools, representative councils etc. Although defenders of the policy emphasize the relevance of all cultures' equal recognition which entails that none, including Dutch, can be seen as superior and imposed on others. However, I think, the practical effects of the policy, explained above, weighed out the noble notions identified as its objectives.

C. Post-multiculturalism: civic integration Swedish style

The recognition of both doctrinal and economic difficulties with the applicability of multiculturalism led to the quick reconsideration of the fundamental 1975 policy by the 1986 reform which declared that "ethnic groups consisting of immigrants who have arrived after World War II should not be considered to constitute linguistic or national minorities."¹¹⁴ The change was obvious not only in terminology, changing from minorities' to *immigrant* policy, but in principle as well. Since immigrants were not considered to constitute a minority group any more, the various forms of their respective cultural expressions could not be subsidized by the state any longer. However, minority organizations constituted an exception¹¹⁵ and did not cease to exist due to continued economic assistance for their sustenance.

The practical justification of such turn was the recognition that ethnic differentiation, as a main guiding factor in law and policy-making as well as logically in the supporting infrastructural system, led in practice to stigmatization and often segregation. Consequently,

¹¹³Roth, Hans-Ingvar. "The Multicultural Sweden" in Almqvist, Kjerstin and Glans, K. (ed). "The Swedish Success Story?" Stockholm, Johnson Foundation. 2004: 10.

¹¹⁴ Thus the often referred Swedish multiculturalism lasted only a decade and is not a mainstream policy for 25 years.

¹¹⁵ Alund, Aleksandra and Schierup, Carl-Ulrik. "Paradoxes of Multiculturalism: Essays on Swedish society." Aldershot Avebury, 1991: 11.

the 1985 civic integration approach was duly reaffirmed by the 1990's Swedish integration policies, especially the 1997 Act,¹¹⁶ which were all reflective on the continuing asylum-seeker flow, in the past two decades primarily from Eastern-Europe and the Baltic,¹¹⁷ and constituted a definite turn from multiculturalism towards (or backwards?) civic integration. The triad of *equality- freedom of choice-partnership* was replaced with an integration-centred policy concept; which remained rather employment-focused with a strengthened non-discrimination background.¹¹⁸ This change was coupled with the public downgrading of the multicultural ideal. Diversity became a “catchword”¹¹⁹ but rather in relation with the practical, economical advantages not as a moral conviction or ideal.

By and large it can be concluded that “one salient characteristic of the Swedish welfare state in the 20th century has been a model of general and uniform policies, for all citizens.”¹²⁰ Correspondingly, Swedish legal environment in general, not exclusively on the field of alien or citizenship laws and integration policies, rejects the idea of differentiation on ethnic, or any other, grounds. This doctrinal stance was also expressed in the overall scepticism, and so lacking recognition of group-rights, collective self-determination or such related claims as cultural autonomy or land rights.¹²¹

The end of the 20th century witnessed the same departure from multiculturalism in the Netherlands, however, towards a manifestly different ideal. Although the individualistic

¹¹⁶ Diakité, Arthur. „The Policy and Strategies Used in the Integration of Immigrants in Sweden.” English International Association of Lund, Briefing Paper No. 2006: 20, 3-4.

¹¹⁷ <http://www.migrationinformation.org/usfocus/display.cfm?ID=406> – last accessed March 24, 2011

¹¹⁸ Roth, Hans-Ingvar. “The Multicultural Sweden” in Almqvist, Kjerstin and Glans, K. (ed). “The Swedish Success Story?” Stockholm, Johnson Foundation. 2004: 30-35.

¹¹⁹ de los Reyes, Paulina. “Diversity and Differentiation. Discourse, difference and construction of norms in Swedish research and policy debate.” Stockholm, National Institute for Working Life. 2001: 155-163.

¹²⁰ Blank, Dag and Tydén, Mattias. “Becoming Multicultural? The development of a Swedish Immigrant Policy”. in Akerman and Granatstein (ed). “Welfare States in trouble. Historical Perspectives on Canada and Sweden.” Umeå & Uppsala, Swedish Science Press. 1995: 64.

¹²¹ Roth, Hans-Ingvar and Hertzberg, Fredrik. “Tolerance and Cultural Diversity in Sweden.” Accept Pluralism Research Project, European University Institute, Robert Schuman Centre for Advanced Studies, 2011: 22.

understanding remained to be one of the main characteristics of the Dutch post-multicultural integration system as well, apart from that, the country took the most definite turn away from the multicultural ideal. The emerging notion of Dutch welfare state took over numerous tasks performed before by organizations belonging to the penumbra of the pillars and resulted in the gradual decline of the pillar system. The 1980's witnessed a decline of the welfare state ideal for a more neoliberal policy reform, it did not result in the re-strengthening of pillarization due to the much more dominant influence of secularization which persist ever since to an extent comparably wide to the French *laïcité*'s.¹²²

In essence, while the most dominant trait of the Swedish approach can be identified in the principle of *equality*, the Dutch was, until recently, rather *tolerance*-centred. Passive tolerance as a default understanding was greatly modified from the beginning of the 21st century by “principled acceptance”¹²³ articulated most palpably in the pillar-system which, even though, accepted equality but firmly retained the distance between groups. Instead of engaging, similarly to the Swedish shift, in a more rights-based form of civic integration, the Netherlands demonstrated a sort of doctrinal confusion, in my view. As I will assess in the next chapter the current Dutch policy does not fit either into the country's own theoretical line diversity management in practice or its perception of Dutch national identity. In the followings I will suggest, the confusion is Europe-wide and originates from a reactionist, instead of reflective, policy-making greatly influenced by a misleading political and media discourse which carries the risk of becoming a self-fulfilling prophecy.

¹²² Rooden, Peter van. “Dutch way of dealing with religious difference”. In Sengers, Erik and Thijl Sunier (ed) “Religious Newcomers and the Nation State.” Eburon Academic Publishers. 2010: 71.

¹²³ Maussen, Marcel Dr. and Bogers, Thijs. “Tolerance and Cultural Diversity Discourses in the Netherlands.” EUI, Robert Schuman Centre for Advanced Studies, 2011: 30.

V. Contrasting Readings of Civic Integration: The illiberal trap of integration tests and how to avoid them

D. Blurring boundaries: the power and dangers of political and media discourse

The direction taken in political and media discourse regarding the current immigration-integration debate were briefly quoted in the introduction and at instances are used as illustration throughout the substantive chapters as well. However, at this point it is worthy to clarify the different angles that can prevent supporting such rhetoric. My standpoint emphasizes essentially two aspects and their interrelation, moreover builds upon the assumption that the above discussed tendency of policy change has been triggered primarily by national security considerations. Current European ‘panic’ rests upon the *demonization* of the newcomer which is strengthened by contemporary political discourse and related media coverage as well.

First, I am convinced that the message of Lord Bingham’s following statement given in relation with a more specific overlap of the immigration-security area, namely the question of control orders, conveys a more general truth transferable to the present problem as well: “the choice of an immigration measure to address a security problem had the inevitable result of failing adequately address that problem.”¹²⁴ Thus, despite important security aspects recognized as legitimate, just as policy-making the present analysis advised as well to remain within the (original) immigration, as opposed to security, field. Furthermore, in relation with

¹²⁴ Lord Bingham in the case *A v. Home Secretary* in Dickson, Brice. “Law versus Terrorism: can law win?” *European Human rights Law Review*, vol. 11, 2005: 8. - Also cited in the author’s previous ‘Civil Rights and Liberties in the UK’ course assignment.

the discussed linkage, it must be indicated, that it is based on an incomplete picture by being taken out from context and being silent about many other important factors contributing to the occurrence of present form of terrorism.

Secondly, based on this misleading picture the continuous *terrorism-integration* discourse takes away the attention from such equally important factors, also strengthening terrorists' denouncements on the present form of Western co-existence, as "voluntary" de facto residential segregation,¹²⁵ severe socio-economic disadvantages and wide net of various inequalities from the field of education to healthcare.¹²⁶ These are all factors aggravating a negative perception of 'us' and them' and consequent 'group differences' which act counter to the paramount objective of social cohesion.

Thirdly, as a consequence of the two previous points the categorical declaration of the failure of multiculturalism, knowing that the failure was just linked precisely to the occurrence of terrorist-threat, generates unmanaged fear which is logically directed towards the subjects of the 'failed' integration policy i.e. newcomers. In case the real motivation of such declaration was to deflect public attention from severe problems listed in the previous section, then it works. However, if the aim is, as it stands in all cited speeches, to achieve unity then, in my opinion, it is not only counter-productive but even dangerous since in effect justifies such allegation which actually contributed to the occurrence of tensions i.e. delivering the message of being superior by demonstrating illiberal, intolerant and oppressive traits.

¹²⁵ Johnston, Ron, Michael Poulsen, and James Forrest. "The Geography of Ethnic Residential Segregation: A Comparative Study of Five Countries." *Annals of the Association of American Geographers* 97, no. 4 (December 2007): 713-738.

¹²⁶ ECHR, Kofman, Eleonore, Lukes, Sue, D Angelo, Alessio and Montagna, Nicola. "The equality implications of being a migrant in Britain." Social Policy Research Center, Middlesex University, 2009

Lastly, by restricting the main focus of integration to counter-terrorism, states reach three uninvited and worrisome results. They strengthen those problems that remain unprioritized. Liberal democracies lose justification for their fight against extremism since although they might pursue legitimate goals but they employ illiberal means to reach them. Finally, all the above essentially fulfils the ultimate aim of terrorist attacks which is not exclusively to take human lives but rather to take the “face” of democracy.¹²⁷ Thus contemporary political rhetoric carries the severe risk of becoming the executive of the terrorists’ will and no liberal democracy can become instrumental to that

Another factor of special importance, still remaining in the domain of political communication, is *breaking taboos* surrounding the question of multiculturalism. This deliberate intention, articulated in the Cameron speech as well,¹²⁸ does not save the policy-maker from the responsibility for consequences, as Ruud Koopmans puts it: “Good intentions sometimes make bad policy.”¹²⁹ The history of the Netherlands had shown through Pim Furtuyn’s taboo-breaking sharp criticism and consequent rejection of multiculturalism¹³⁰ what happens if an influential public figure opens the floodgates to such sensitive and heated issue as immigrant integration related problems. However it is self-evident that the quoted prime ministerial statements cannot be equated with remarks of a controversial far-right populist. Yet, it has to be recognized that, regardless of my judgment as to his political agenda, he was an influential public figure indeed thus can be seen as someone in comparable position.

¹²⁷ author’s own course paper - Civil Rights and Liberties in the UK, January 2011

¹²⁸ www.youtube.com/watch?v=ClZYy9LVTmo&feature=related – from 9:20 min, last accessed on March 10, 2011

¹²⁹ Koopmans, Ruud. “Good Intentions Sometimes Make Bad Policy: A Comparison of Dutch and German Integration Policies” in online: www.vu.nl/nl/Images/Koopmans-Good-intentions-sometimes-make-bad-policy_tcm9-36207.pdf - last accessed - March 10, 2011

¹³⁰ <http://www.economist.com/node/1125205> - last accessed March 20, 2011

His ‘straight talk’ called for an end of hypocrisy by acknowledging the shortcomings of the management of Dutch pluralist society and opened public scrutiny on the sources of tensions. However, under the veil of this ‘reformed’ thinking he essentially planted extremism into 21st century’s Dutch public life. It eventually resulted in the validation and spread of uncontrolled anti-immigrant propaganda and initiatives in mainstream politics and among the general public as well. Abandoning political correctness paved the way for further anti-immigrant and particularly anti-Islam populist streams which continuously re-occur in Dutch public and political sphere.

Ever since the Fortuyn murder in 2002,¹³¹ which was the first political assassination in modern Dutch history and resulted that sentiments, suddenly perceived to be suppressed by traditional Dutch political correctness under the principle of tolerance, got unleashed. Since then, a solid political stance has emerged which centred around the immigration-integration problematic with the main scope almost exclusively on Muslim immigrants, consolidating, a previously unprecedented, hostility. The last nail in the coffin of Dutch toleration was the 2004 killing¹³² of the controversial anti-Islam film-maker Theo van Gogh by a young Moroccan extremist.

Fortuyn’s campaign phrase “No tolerance towards the intolerant!”¹³³ became a slogan representing a new political and public climate. Consequently, the past decade has been marked by the constant representation of the infamous Fortuyn ideal in varying revelations: from the impact of former Integration Minister Verdonk (Iron Rita)¹³⁴ to current highly

¹³¹ <http://news.bbc.co.uk/2/hi/europe/1971423.stm> - last accessed March 27, 2011

¹³² <http://www.migrationinformation.org/Profiles/display.cfm?ID=341> – last accessed March 27, 2011

¹³³ Ersanilli, Evelyn. “the Netherlands.” Focus Migration. Country Profiles. No.11, November 2007: 2.

¹³⁴ <http://www.time.com/time/magazine/article/0,9171,1209921,00.html> – last accessed March 27, 2011

controversial far-right politician with a key position in government, also sees as counterpart of the scandalous Thilo Sarrazin from Germany,¹³⁵ Geert Wilders.¹³⁶

His statements characterize contemporary Dutch public discourse and carry the risk of amounting to complex *demonization* of immigrants on multiple grounds. He calls for protecting the Netherlands from immigrants who cause “terrorism, unemployment (welfare dependency) and the destruction of Dutch values and national identity.”¹³⁷ His claims essentially imply that national interests on all possible front i.e. national security, economy and culture are threatened by the mere presence of newcomers. It has special relevance in the light of the party’s election success;¹³⁸ the by now stabile tradition of sheer anti-immigrant rhetoric rooted since the Pim Fortuyn; and the symbolic verification of the acceptability of such claims in a form of prime ministerial recognition; in a way which confirms tensions but identifies no exact problem to tackle. Consequently, no solutions are offered either, which leaves Dutch citizens in a threatened state of mind.

As I see, there is a simple, still disregarded, lesson to learn: it is of fundamental importance to always link a clear and realizable alternative when one calls for abandoning a ground concept established with the promise of solution before. Otherwise the fear and concerns, already arisen and leading to the change in policy, remain undirected and this vacuum provides seedbed for extremism. This risk has special topicality being aware of extremist movements taking advantage and relying on such general justification’ to further

¹³⁵ <http://www.rnw.nl/english/article/german-wilders-sees-islam-submerging-his-country> - accessed March 27, 2011

¹³⁶ <http://www.telegraph.co.uk/news/worldnews/europe/netherlands/7818281/Geert-Wilders-to-enter-Dutch-government-after-support-for-anti-Islamic-party-triples.html> - last accessed March 27, 2011

¹³⁷ <http://www.guardian.co.uk/world/2009/feb/12/profile-geert-wilders?intcmp=239> –accessed April 1, 2011

¹³⁸ <http://www.telegraph.co.uk/news/worldnews/europe/netherlands/7818281/Geert-Wilders-to-enter-Dutch-government-after-support-for-anti-Islamic-party-triples.html> - last accessed April 1, 2011

their exclusionist persuasion.¹³⁹ In the light of the duty-line approach, which, as analyzed before, transfers the full responsibility of integration from the state to the individual, this rhetoric's potential result is to point at immigrants as scapegoats in case of insufficient integration.

After clarifying the reasons of a need for change it is worth to recall our findings in the first chapter which indicate that currently there seems to be widest support for, various forms of, civic integration model. At this point a more in-depth evaluation can be made on the Swedish and Dutch versions of civic integration with special regard to their classification as representatives of the rights and duty-line approaches respectively.

E. Undifferentiated system of naturalisation and integration in the Netherlands

In the followings, the recent controversial Dutch integration reform will be critically assessed with references to the contrasting Swedish policy targeting similar integration challenges without sacrificing the foundational principle of equality for the management of a pluralist society. The analysis of the role and nature of Dutch integration tests and the path lead to their introduction is of special relevance. It is suggested that a parallel can be drawn between policy changes occurred from the late 20th century in the Netherlands and the

¹³⁹ critique on the Cameron speech's timing which coincides with the English Defence League's central rallying ("EDL is a far-right street protest movement which opposes what it sees as the spread of Islamism, Sharia law and Islamic extremism in England") - <http://www.bbc.co.uk/news/uk-politics-12371994> - last accessed March 20, 2011

contemporary situation in Europe where integration “tests are being politically justified, practiced and promoted.”¹⁴⁰

The topicality of the present research’s focus is also supported by an interesting observation on current tendencies, namely that even though only soft law is targeting the integration issue from a more general doctrinal view point on EU level, primarily through the European Council’s 2004 ‘Common Basic Principles on Immigrant Integration’¹⁴¹ and Handbook on Integration;¹⁴² yet, despite the lack of legal obligation, EU Member States seem to act in accord. Recently nine of them introduced integration courses which show similarities to a significant extent.¹⁴³ This trend explains why is reasonable the concern that the Dutch example, having already been followed as a pioneer will continue as to its aggravating integration requirements with more and more exclusionary effects as well. The concern is that such approach might spill over to the most dominant countries of immigration, for instance the UK, currently before its integration reform.

The Dutch background of the criticized policy is the departure from the rights-based approach, present in the multicultural phase of its domestic policy development, claiming that the model itself is incapable of functioning effectively. Instead the Netherlands turned to the method of applying incentives which were and are believed to generate motivation. This argument, in my opinion, presupposes that insufficient integration was primarily due to lack of motivation and, by this, disregards such other influential factors as example racial

¹⁴⁰ Carrera, Sergio and Guild, Elspeth. “Are Integration Tests Liberal? The „Universalistic Liberal Democratic Principles” as Illiberal Exceptionalism” in EUI, Working Papers, Robert Schuman Centre for Advanced Studies, EUDO on Citizenship, 2010: 29.

¹⁴¹ Council of the European Union, Press Release, 2618th Council Meeting, Justice and Home Affairs, Brussels, 19 November 2004: 19.

¹⁴² for complete EU scheme see: Collett, Elizabeth. „What does the EU do on integration?” European Policy Center, 2008: 2.

¹⁴³ Jacobs, Dirk and Rea, Andrea. “The End of National Models? Integration Courses and Citizenship Trajectories in Europe.” *International Journal on Multicultural Societies (IJMS)*, vol. 9. No. 2, 2007: 264-283.

discrimination on the labour market etc. As a result, the immigrant is not only identified as the entity bearing responsibility but is potentially put in a scapegoat position. A possible justification of such way of policy-making is that the government is primarily responsible to its citizens who transferred sovereignty on them in order to ensure their well-being. However, it can be argued that such responsibility might be primary but never *exclusive* thus cannot enjoy absolute priority. Yet, this human rights sensitive understanding can be further challenged with the argument that to express solidarity and enhance compliance with fundamental rights might be identified as auxiliary objectives of the given country's refugee protection scheme, supplemented in the EU with the temporary and subsidiary protection systems,¹⁴⁴ but not its immigration/integration policy, which is to be seen in the context of both advantages and burdens caused for the state, and consequently to its people, as a whole.

In contrast, such consideration are alien from the ideal type, purely applied in the Swedish practice, which takes up the societal responsibility for integration but at the same time ensures the individual's freedom of choice by leaving the participation in civic integration and language courses optional. Accordingly, there were no examination requirements introduced during the five decades history of Sweden as a typical country of immigration.¹⁴⁵ It does not contradict to our previous finding, namely, that Sweden is historically the pioneer of civic integration, since, as opposed to the common belief, the

¹⁴⁴ EURLEX: 2001/55 EC Directive on Giving Temporary Protection in the Event of a Mass Influx of Displaced Persons and on Measures Promoting a Balance of Efforts Between Member States in Receiving Such Persons and Bearing the Consequences Thereof , 2001 July 20

EC Council Directive 2004/83/EC of 29 April 2004 on Minimum Standards for the Qualification and Status of Third Country Nationals or Stateless Persons as Refugees or as Persons who otherwise need International Protection and the Content of the Protection granted

¹⁴⁵ IOM. "Compendium of Migrant Integration Policies and Practices: Integration of Migrants in Sweden." 194-200.

mandatory nature of integration courses and the requirement of integration tests is not an indispensable part of the civic integration school of thought.¹⁴⁶

Before providing a more in-depth analysis and criticism of current integration tests, one might find worth to recall the long history of individual interviews conducted by local or municipal representatives assessing newcomer's suitability, even though only in linguistic terms, but raising tremendous concerns regarding transparency and objectivity.¹⁴⁷ The shift in practice also shows the change in understanding as to the role of citizenship tests: previously they constituted a step in the process whereas today applicants are expected to provide proof of a completed integration in advance. This shift automatically entails higher standards but also can, and supposedly does,¹⁴⁸ serve as means of controlling/restricting immigration in line with growing public hostility towards mass immigration.

The administration of mandatory introduction courses abroad finished with pivotal language and civic integration examination focusing also on cultural elements which are currently seen by many academics and political leaders as key tools of resolving the post-multicultural crisis in Europe.

However, I believe the current practice is rather counter-productive. This potential impact is even more serious in the light of Europe-wide tendency of aggravating requirements to fulfil by third country national regular migrants when willing to acquire residence permit or to participate in family formation/reunification.

¹⁴⁶ Goodman, Sara. "Integration Requirements for Integration's Sake? Identifying, Categorising and Comparing Civic Integration Policies." *Journal of Ethnic and Migration Studies*. Vol. 36, Issue 5, 2010: 753 – 772

¹⁴⁷ Carrera, Sergio and Guild, Elspeth. "Are Integration Tests Liberal? The „Universalistic Liberal Democratic Principles" as Illiberal Exceptionalism" in EUI, Working Papers, Robert Schuman Centre for Advanced Studies, EUDO on Citizenship, 2010: 32.

¹⁴⁸ Goodman, Sara. "Integration Requirements for Integration's Sake? Identifying, Categorising and Comparing Civic Integration Policies." *Journal of Ethnic and Migration Studies*. Vol. 36, Issue 5, 2010: 761.

Critics of mandatory integration requirements consider them as tools of exclusion and ethnic segregation under the veil of promoting the founding principles of liberal-democratic societies. The Netherlands' general practice seems to justify such claims since mandatory pre-arrival integration tests with the consequence of withholding even short-term residency rights in case of failure of the test, are applied only in case of 'unwanted' immigrant aspirants while a telling list of nations is exempt. This general and discriminatory barrier on access to rights leads to the stigmatization and subordinate position of the arrivals from the outset. In the light of this, tests can be seen as proliferation of the civic integration model. It raises the concern that it makes the system spill-over into the "worst-case scenario" forms of Koopmans' two-dimensional integration framework, introduced in the first chapter, i.e. ethnic assimilation or segregation. The understanding of post-multiculturalism as a "return to assimilation," most famously represented by Rogers Brubaker,¹⁴⁹ is challenged by the nuanced understanding the present paper offers, when referring to 'post-multiculturalism Swedish-style.' In any case, introduction of mandatory programmes changes the 'face' of the integration model drastically towards the duty-line understanding marked with the transfer of responsibilities.

The beginning of such policies can be identified in 1993 when the first Dutch integration test was introduced. However, its scope was restricted to the naturalization process and did not raise the doubt of institutional bias towards or against any group of citizenship aspirants, thus it did not suggest inherently the drastic turn witnessed later on. The extent limitations of the present paper prevent the analysis of interim policies from 1993 till the 2007 Integration Act which will stand in the centre of the following examination,

¹⁴⁹ Brubaker, Rogers. „The Return of Assimilation? Changing Perspectives on Immigration and its Sequels in France, Germany, and the United States, in Joppke, Christian and Morawska, Eva. „Towards Assimilation and Citizenship: Immigrant in Liberal Nation-States.” Houndmills, Basingstoke, 2003: 39-58.

nevertheless the findings of the so-called “Building Bridges” Report by the Parliamentary Committee entrusted to evaluate the Dutch integration situation in 2004, are telling: “many immigrants integrated successfully *despite* the integration policies.”¹⁵⁰

Arriving to the essence of policy analysis, one important terminological clarification must be anticipated. Strictly within the 21st century Dutch context the reference to *naturalization* and *integration* tests as interchangeable notions is (paradoxically) adequate. The explanation for that is that measures of the Dutch Naturalization Act 2004 which can be considered as prototype of the infamous new approach, being at the heart of this research, were extended (with a time lag) to integration tests to be taken by newcomers as well. Astonishingly, it means that from 2007 the same requirements apply to the case of a citizen-to-be and, in certain categories, someone applying ‘only’ for *temporary* residence permit.¹⁵¹ Even though, the main focus will be given to the 2007 Act, cross-references are made to measures of the Naturalization Act as well, where appropriate.

The peculiarity of these Acts is that they strongly resemble the Europe-wide condemned “loyalty test” of Baden Württemberg,¹⁵² but at the same time they are already in effect for seven and four years respectively and enjoy considerable domestic support. As Ersanilli puts it “it is clear that there is a consensus on *forced* integration that was unimaginable ten or fifteen years ago.”¹⁵³

¹⁵⁰ Ersanilli, Evelyn. “the Netherlands.” Focus Migration. Country Profiles. No.11, November 2007: 6.

¹⁵¹ van Oers, Ricky. “Justifying Citizenship Test sin the Netherlands and the UK.” in Guild, Elspeth et. al (eds). „Illiberal Liberal States: Immigration, Citizenship and Integration int he EU.” Ashgate Company, 2009: 127.

¹⁵² <http://www.spiegel.de/international/germany/0,1518,559021,00.html> – last accessed March 27, 2011

¹⁵³ Ersanilli, Evelyn. “the Netherlands.” Focus Migration. Country Profiles. No.11, November 2007: 6.

The invoked Interview Guideline (2005) of Baden-Württemberg¹⁵⁴ was the most telling example of illiberal tests in Europe since its content was targeting precisely inner beliefs, criticized earlier, with the stated aim of confirming the validity and truthfulness of the newcomer's written "declaration of loyalty" to the German Basic Law, as required by the domestic naturalization laws since 2000.¹⁵⁵ However, a loyalty requirement can be seen as a border line case, in a sense that it demands personal convictions but only in a form of external formality without any punitive consequences. Although, following this logic, it is unclear how could the state measure, even within its wide elbowroom, the truthfulness or honesty of such declaration. Furthermore, if the test meant to investigate personal dedication, the legitimacy of its mandatory nature is also questionable. It is either to be a downright requirement mandatory to fulfil and so possible to crosscheck or a symbolic voluntary action expressing personal convictions.

The German example is of special relevance not only because it is resembled in the Dutch integration tests' explicitly discriminatory scope of application, but also because it targeted in effect exclusively newcomers from predominantly Muslim states. The main reason of its domestic criticism was that it violates such basic rights enumerated in the Grundgesetz as for example freedom of conscience and opinion.¹⁵⁶ The implications of the Dutch tests' as to their rights-compliance will be assessed later.

¹⁵⁴http://www.verfassungsschutz-bw.de/index.php?option=com_content&view=article&id=338:022006-der-gespraechsleitfaden-fuer-die-einbuengerungsbehoerden-im-spiegel-arabischer-medien&catid=139:die-ideologie&Itemid=244 – last accessed March 27, 2011

¹⁵⁵Joppke, Christian. "How liberal are citizenship tests?" European University Institute, Working Papers, Robert Schuman Centre for Advanced Studies, European Union Democracy Observatory on Citizenship, 2010: 1.

¹⁵⁶ Rüdiger, Wolfrum and Röben, Volker. " Gutachten zur Vereinbarkeit des Gesprächsleitfaden für die Einbürgerungsbehörden des Landes Baden-Württemberg mit Völkerrecht." Heidelberg, 2006: 16. in Joppke, Christian. "How liberal are citizenship tests?" European University Institute, Working Papers, Robert Schuman Centre for Advanced Studies, European Union Democracy Observatory on Citizenship, 2010: 2.

The contested feature of the current Dutch test, which mirrors the Baden Württemberg illiberalism, was encapsulated by a Ministry of Justice official as “the purpose of the test is not only to check whether an immigrant has the proper knowledge to become a Dutch national, but also whether he has the right *attitude*; and that cannot be learnt by heart.”¹⁵⁷ The Dutch general position, seen in my argument as the underlying conceptual problem, was revealed in connection with the acceptability of assessing and ‘failing’ inner beliefs and attitudes, analyzed above in connection with morality questions, was confirmed at this instance as well. The standpoint was expressed when reflecting on the questioning as to the justification for consistent refusal of disclosing the content of the naturalisation, and later under the 2007 Act, the integration tests as well.

As it can be observed, the worrisome doctrinal basis causes severe obstacles on the pragmatic front as well making it difficult to comply with the tests. Such difficulties as accessibility can be illustrated with the fact that exemplars used in the present work to describe Dutch integration tests had to be derived from the curriculum containing a list of 310 “important-to-know” bullet-points.¹⁵⁸ The spectrum of difficulties is completed with the serious financial burden imposed on applicants per attempt (260 € for naturalisation test with an additional 351 € for naturalisation application; 230 € for integration tests).¹⁵⁹ This aspect will have special relevance in connection with the subsequently analysed integration abroad test which scope ‘coincides’ with primarily (Muslim) generally *impoverished* countries. However, it does not necessarily amounts to a pass, as for example handymen who work in

¹⁵⁷ Groenendijk, Kees. „Integratie en Uitsluiting in het Nederlandse Vreemdelingenrecht” in Boeles, P and Lodder, G. (eds). „Integratie en uitsluiting.” Den Haag: SDU, 2005: 9. 31. in van Oers, Ricky. „Justifying Citizenship Test in the Netherlands and the UK.” in Guild, Elspeth et. al (eds). „Illiberal Liberal States: Immigration, Citizenship and Integration in the EU.” Ashgate Company, 2009: 125.

¹⁵⁸ Michalowski, Ines. “Citizenship Tests in Five Countries - An Expression of Political Liberalism?” WZB Discussion Paper, No. SP IV, 2009: 702.

¹⁵⁹ van Oers, Ricky. „Justifying Citizenship Test in the Netherlands and the UK.” in Guild, Elspeth et. al (eds). „Illiberal Liberal States: Immigration, Citizenship and Integration in the EU.” Ashgate Company, 2009: 125, 127.

the country for decades, speak the language fluently but never needed to learn how to write or read in Dutch properly. Thus tests of this sort cause frustration even in long-time participant of the society with a sharp exclusionary and dissociating effect.

F. The Dutch ‘Invention’: Integration Abroad

The above integration reform analysis must be complemented with the evaluation of the *civic integration abroad* test since the two regimes are in force simultaneously. While the previously discussed measures primarily concern those already in the Netherlands territory and focus now has to be extended to those third country national regular migrants aiming at acquiring short or long term residence permit from abroad. The unprecedented integration abroad test can be seen as an outcome of political ‘competition’ to please the electorate, during and following the 2002 general election campaign,¹⁶⁰ by addressing the issue drastically held most pressing by the public i.e. deep-seated tensions in economic, social and cultural terms. The challenge was addressed, after achieving a strong political consensus, in a form of introduction of the Act on Civic Integration Abroad 2005 [IAA]. In order to gain a full picture of the absurdness of this further refinement it is worth to observe more closely the exact scope, potential discriminatory corollaries and finally visualize the realization process itself in the light of some technical details.

The core measure of IAA requires third country nationals to pass an oral exam at the Dutch Embassy while still in their country of origin. The test consists of two parts focusing on language and civic knowledge and conducted on Dutch language. However, the test

¹⁶⁰ Van Holsteyn, Joop J. M. and Galen A. Irwin. “Never a dull moment: Pim Fortuyn and the Dutch parliamentary election of 2002.” *West European Politics*. vol. 26(2), 2003: 41-66.

requires basic level¹⁶¹ Dutch but is carried out on a rather difficult way. The applicant hears questions listed by a computer through the phone regarding Dutch history, geography, health care, economy etc, which the applicant is expected to answer, without ever being to the Netherlands or potentially met any Dutch person, in a way and with an accent recognizable when replaying. Further difficulty of the computer-administered exam is that it leaves no room for clarification or taking into account other important auxiliaries as meta-communication which in a real-life personal interaction could play a significant role, thus the test could show a more comprehensive picture from the applicant's understanding if it was administered by individuals. The exam is completed through reciting short stories or giving the opposites of words listed by the computer etc. One attempt cost 350 €and, following the logic of rules regarding civic integration within the Netherlands, no official sample tests or state-guaranteed courses are offered.

So far the foregoing seems to be akin to standard European duty-line style naturalisation tests, however for instance in Sweden even naturalisation cannot be subjected to tests, since five years residence and lack of criminal record suffice.¹⁶² In contrast, the above-detailed process describes the way of getting a *temporary* residence in order to obtain a visa for up-to 90 days. It means that national of over 130, predominantly developing countries have to go through the above procedure unless they will be refused to get entry.¹⁶³

¹⁶¹ A1 in the Common European Framework of Reference for Languages: Learning, Teaching, Assessment, abbreviated as CEFR

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¹⁶³ according to the enumeration on the Dutch Consulate's homepage, http://istanbul.nlconsulate.org/Products_and_Services/Consular_services/Visa/Visas_for_the_Netherlands_Schengen_Visas/Visa_requirements_according_to_nationality/Stay_shorter_than_90_days/Nationals_who_need_a_visa_for_a_stay_of_up_to_90_days - last accessed March 30, 2011

The absurdity of the state of affairs can be vividly depicted by thinking of a family from Indonesia which is a practical example being the country where most *allochtonen*¹⁶⁴ originate from.¹⁶⁵ Moreover, since, the country's Islam population exceeded 210 Million in 2011,¹⁶⁶ it can well illustrate our previous presumption that in fact new integration measures aim at keeping Muslim newcomers out of the Netherlands. Considering that the (gross!) national income per person per month is below 120 €¹⁶⁷ in Indonesia, which is even higher than the 100 other most impoverished countries on the list, then setting the fee of test-taking in 350 € per attempt is a discouraging start. Taking a family of only four willing to visit their *allochton* family member entails a 1400 € cost which exceeds the *yearly* gross income of an average Indonesian. The presumption of exclusionary intentions are supported in view of the fact, that as a result of the 2005 entry into force of IAA the number of applicants for long-term visa dropped with more than 50 %, furthermore even among those actually attempting to succeed on the test, the pass-rate is around 50%.¹⁶⁸

I believe that the above numbers show the relevance to scrutinize technicalities which cumulative effect amounted to a definite restrictive nature of the requirements. Thereby proving that *the devil is in the detail* in relation with Dutch integration tests as well, it can be concluded that integration policies, once serving as assistance and could be considered as part of domestic social policies, has in the Netherlands essentially shifted to the ambit of "legal

¹⁶⁴ widespread way of referring to immigrants of the Netherlands, in direct translation means 'originating from another country' and in practice used for individuals having at least one parent born outside the Netherlands, <http://www.cbs.nl/nl-NL/menu/methoden/toelichtingen/alfabet/a/allochtoon.htm> - English version through Google Translate, - last accessed March 29, 2011

¹⁶⁵ Allochtonen by country of origin (Figure 1.) Central Bureau voor Statistiek (CBS) in Ersanilli, Evelyn. "the Netherlands." Focus Migration. Country Profiles. No.11, November 2007: 3.

¹⁶⁶ <https://www.cia.gov/library/publications/the-world-factbook/geos/id.html> - last accessed March 29, 2011

¹⁶⁷ <http://siteresources.worldbank.org/DATASTATISTICS/Resources/GNIPC.pdf> - last accessed March 29, 2011

¹⁶⁸ Besselink, Leonard. „Integration and Immigration: The Vicissitudes of Dutch 'Inburgering'." in Guild, Elspeth et. al (eds). „Illiberal Liberal States: Immigration, Citizenship and Integration in the EU." Ashgate Company, 2009: 246.

immigration regimes.”¹⁶⁹ In essence it results in a fundamental change in character as well by abandoning inclusiveness for the aim of exclusion of those not ‘worthy.’

In practice IAA primarily concerns relatives of Dutch (EU) nationals/residents from Muslim country of origins, most notably Turkey and Morocco, willing to access the Netherlands through *family-reunification*.¹⁷⁰ This category provides a vivid example since the reasons for a ‘pro’ welcoming policy ensuring assistance is heightened by the fact that the right is attached to an already acknowledged and protected legal status. Furthermore the country also has to comply with related international undertakings such as the *Universal Declaration on Human Rights* declaring the protection of family as a fundamental unit of society,¹⁷¹ the *European Convention on Human Rights* protecting the right to respect for family life;¹⁷² moreover the right to marry¹⁷³ and lastly the overall prohibition on discrimination.¹⁷⁴ The latter is also confirmed in the equality, more precisely equal treatment clause¹⁷⁵ of the *Constitution of the Kingdom of the Netherlands*.¹⁷⁶ Consequently, protective instruments would be expectable, reflecting the intersection of vulnerabilities that those families need to face. This would essentially result in least restrictive measures. Not this is the case.

The past five years showed that the government’s intention when drafting IAA was, confirmed by preparatory materials accessed by Human Rights Watch, to restrict family

¹⁶⁹ Besselink, Leonard. „Integration and Immigration: The Vicissitudes of Dutch ‘Inburgering’.” in Guild, Elspeth et. al (eds). „Illiberal Liberal States: Immigration, Citizenship and Integration in the EU.” Ashgate Company, 2009: 244.

¹⁷⁰ Human Rights Watch. „The Netherlands: Discrimination in the Name of Integration. Migrants’ Rights under the Integration abroad Act.” May, 2008: 1. – last accessed April 1, 2011.

¹⁷¹ UDHR Art. 16 (3), <http://www.un.org/en/documents/udhr/index.shtml> - last accessed, April 1, 2011

¹⁷² ECHR Art. 8, <http://conventions.coe.int/treaty/en/Treaties/Html/005.htm> - last accessed April 1, 2011

¹⁷³ UDHR Art. 16 (1), ECHR Art. 12

¹⁷⁴ ECHR Art. 14. and Protocol 12, ICCPR Art. 26.

¹⁷⁵ Art. 1. of the Constitution of the Kingdom of the Netherlands

¹⁷⁶ <http://www.legislationline.org/documents/section/constitutions/country/12> – last accessed April 1, 2011

migration especially among those ethnic groups, who do not “marry outside their communities” and rather established a practice of bringing spouses from the country of origin.¹⁷⁷ The two biggest communities of such groups, also perceived as least willing to integrate are the Moroccan and Turkish immigrants. The negative integration implication of such marital choice is well-known since it “indicates the highest degree of orientation towards the sending society and its culture, and is also bound to result in the integration problems for the offspring.”¹⁷⁸ Yet it might explain but not *justify* the indirect discrimination severely curtailing the exercise of their related human rights and EU entitlements.

Discriminatory scope of both Acts on integration

This directed reactionist policy-making can be captured by the analysis of the actual provisions, especially the Acts’ personal scope. The wide net of exceptions under both Acts shows the lack of actual concept, creates the impression of a patchwork aiming at filling the gaps of the Dutch immigration control system. As several authors pointed it out, neither the *formal* by fact of being an alien nor the *substantive* actual lack of language knowledge ways of assessments seems to be consistently followed.¹⁷⁹ From the lengthy exception list on EU/EEA, US, Swiss, Canadian, Australian etc.¹⁸⁰ citizens emerges an obvious assumption of willing to welcome only well-off white immigrants with a Judeo-Christian religious/cultural background.¹⁸¹

¹⁷⁷ Human Rights Watch. „The Netherlands: Discrimination in the Name of Integration. Migrants’ Rights under the Integration abroad Act.” May, 2008: 2. – last accessed April 1, 2011.

¹⁷⁸ EQUALSOC: Economic Change, Quality of Life & Social Cohesion. “Imported brides, imported grooms: Partner choice among immigrants in Europe” <http://www.equalsoc.org/157> - last accessed April 1, 2011

¹⁷⁹ Besselink, Leonard. „Integration and Immigration: The Vicissitudes of Dutch ‘Inburgering’.” in Guild, Elspeth et. al (eds). „Illiberal Liberal States: Immigration, Citizenship and Integration in the EU.” Ashgate Company, 2009: 248.

¹⁸⁰ Ibid 2009: 250.

¹⁸¹ as Besselink puts it „... who have to comply with integration requirements tend not to be white Europeans.” in Besselink, Leonard. „Unequal Citizenship: Integration Measures and Equality.” in „The Nexus Between

Astonishingly, it is not even the most obvious (unjustified) unequal treatment put in place owing to the Civic Integration Act's identifying "aliens employed in religious office" as an enumerated category that have to go through the minimum 3-6 month integration process even if applying only for temporary residence permit. Even though it does cover religious officers representing any of the religions but Dutch scholars seem to agree that "the extended integration obligation is mostly aimed at people on welfare and spiritual leaders such as *imams*."¹⁸² The overall message of the integration reform delivered to the 19,3 % *allochtonen*, in the Netherlands out of whom approximately 1,7 Million¹⁸³ are non-Western i.e. directly affected by the integration measures is encapsulated by Besselink as "religion is dangerous and Islam is the prime example of that danger."

The above findings raise the question what was the real aim behind the introduction of the aggravated duty-line system symbolized by the infamous Dutch integration tests? It could not be to give the newcomer a chance on the labour market since he had to prove previously either his self-sustainability or employment relation. It is not to help him to follow the norms and laws of the host country, since a previous criminal record (often even a minor offence) can prevent the granting of citizenship or long-term residence. It seems, the aim rather could have been to enhance an inherently illiberal, authoritarian state control over a subordinated migrant population in order to discipline them in a process within which they are passive subject of a mandatory, sanction-based integration procedure which leaves them only one choice: comply fully or leave.¹⁸⁴ This shift in emphasis can be regarded as step-back towards assimilationist policy-making (see on the Koopmans scale in Table 1.) since the only

Immigration, Integration and Citizenship." <http://igitur-archive.library.uu.nl/law/2007-0313-201138/UUindex.html> - last accessed April 1, 2011

¹⁸² <http://focus-migration.hwwi.de/The-Netherlands.2644.0.html?&L=1> – last accessed April 1, 2011

¹⁸³ Ersanilli, Evelyn. "the Netherlands." Focus Migration. Country Profiles. No.11, November 2007: 1.

¹⁸⁴ Kostakopoulou, Dora "What liberalism is committed to and why current citizenship policies fail this test" in European University Institute, Working Papers, Robert Schuman Centre for Advanced Studies, European Union Democracy Observatory on Citizenship, 2010: 16.

distinguishing factor playing central role is nationality with corresponding ethnic and religious implications.

However, in case one presupposes, the intention was to tackle shortcomings of the previous multiculturalism-based policy approach, it is worth to investigate which factors of it could have led to the declared failure. Without repetition of the in-depth analysis of chapter I, it should be noted that the Netherlands also failed to replace the multicultural framework with a meaningful new concept. In my opinion, a predominantly negative, restriction-focused system can hardly be interpreted as a model rather as a strict set of requirements which rather characterizes immigration control measures.

The task to strike a fine balance between a system that is not too intrusive as to its cultural, personal aspects but still formulates an ideology that gives its substance, is undeniably difficult. In my judgment, the recent Swedish integration reform finds this balance when it reflects on such integration challenges as high unemployment rate or extended welfare dependency but at the same time retains its liberal characteristics that express its commitment towards democratic values.

Accordingly, based on the analysis undertaken from the liberalism, rights-/duty line approach and equality perspectives, showing the foreseeable dangers of following the Dutch model, at this point it is worth to consider the recent integration reform introduced in Sweden as a possible, more promising, alternative.

G. A possible alternative - Recent integration reform in Sweden

Sweden leads most comparative statistics as to the quality of its integration policy expressing its overall approach towards immigrants. Recent reforms further strengthened this position according to the Migration Policy Institutes analysis focusing on seven main aspects of integration, such as access to nationality, non-discrimination, labour market mobility etc.¹⁸⁵ This position could partly be achieved thanks to the Ministry of Integration and Gender Equality's latest reform¹⁸⁶ considered to be the "greatest change in integration policy in decades."¹⁸⁷ The policy continues the previously detailed focus on employability when setting its main goal in speeding up the process of job-readiness. The essential maneuver employed by Swedish policy-makers by which, in my judgment, a proportionate fine line has been identified which manages to reconcile the need for fostering more rapid and beneficial integration with the liberal/moral imperative of not to employ means found to be illiberal in the above analysis, on the following way. Upholding the principles of state neutrality and *lassaiz faire* but at the same time reflecting on and addressing shortcomings by the setup of an adequate, constantly adjusted infrastructure, related awareness raising moreover inclusion of majority in the integration process realizing the two-way nature ideal of integration.

The system essentially combines the long-established¹⁸⁸ "Swedish" civic integration by applying rights-based personalized incentives with a diversity-sensitive de facto

¹⁸⁵ <http://www.mipex.eu/sweden> - last accessed March 24, 2011

¹⁸⁶ in force since 1st of December 2010 in Regeringskansliet. "New policy for the introduction of newly arrived immigrants in Sweden" <http://www.sweden.gov.se/sb/d/12485/a/157688> - last accessed April 1, 2011

¹⁸⁷ Ibid

¹⁸⁸ since the 1980's see Borevi, Karin "Dimensions of Citizenship. European integration policies from a Scandinavian perspective." Fifth Pan-European Conference on EU politics, 2010: 2.

multiculturalism, or *semi-multiculturalism* as Hjern regards it.¹⁸⁹ Even though the actual measures introduced resemble one of the main traits of duty-line policies but, as it will be shown below, in fact this characteristic was essentially relegated. The novelty of the Swedish incentive-system is that it upheld its strong disapproval of measures with punitive connotations like denial of entry or residence permit as applied in the Netherlands. Sweden rather aimed at supporting the potential positive consequences in a form of financial benefits awarded to newcomers in case of active participation in introductory activities. For enhancing personal motivation and suitability, personalized integration plans are created but without any formal state pressure on mandatory participation. The Swedish interpretation of equality does not allow the use of law enforcement in cases outside the scope of preventing or sanctioning illegal activities. Thus the recent Dutch practice, detailed above, would be unacceptable in the Swedish context from both a theoretical and pragmatic point of view, furthermore, outside far-right rhetoric, not even in the realm of political discourse. It also contributed to a refined understanding of civic integration, proving that it does not entail inherently integration courses and tests of mandatory nature with determinative and mainly irreversible outcomes.

As it was shown in the chapter 3, Scandinavian states did not remain intact by newcomers from fundamentally distinct cultures, due to large-scale asylum-seeker flows since the 1990's occupying the dominant role in Swedish immigrant body in the past two decades. Importantly, Swedish policies were reflective on this relevant shift without reaching such extreme ends as currently applied in the Netherlands. The frequently invoked justification for such drastic exclusionary approach is the reference to the special 'trait of immigration' faced by the country. The only weakness of the argument is that is not supported by statistics. Focusing on the Muslim community, to name the minority group

¹⁸⁹ Hjern, Mikael. „National identity: a comparison of Sweden, Germany and Australia.” *Journal of Ethnic and Migration Studies*, vol. 24. No. 3. 1998: 451.

generally singled out, one finds that Sweden, in comparison with the Netherlands, has higher rate of Muslim newcomers in the light of the countries' total population respectively, especially due to its substantial refugee reception from Iraq and Somalia.¹⁹⁰ The Swedish response to the intensive diversification within its newcomer population was a very early introduction of extensive, even up to three years long, full day introduction programmes focusing mainly on language education. The main intention was to shape the course as much to the "individual qualifications, needs and preferences"¹⁹¹ as possible.

Consequently, the above described system can be seen as a peculiar Swedish version of the rights-based approach, since the overall doctrine has been maintained but refined with incentives aiming at targeting the recognized shortcomings. More precisely, even though courses continued to be in place but had no automatic negative consequences attached to non-attendance or non-compliance. Those practical considerations as the degree of financial burden put on the, generally economically vulnerable, newcomer were overcome by the fact that civic and language education remained state financed on each level.

The incentive system avoided the path taken by the Netherlands when manifested in special 'introductory benefits' in order to encourage participation. The method was criticized by many authors, like Hagelund and Brochmann, as "compulsory for those unable to support themselves financially."¹⁹² It was held by others that the introduced incentives are representing the "duty-line" approach by sanctioning non-participation in the courses with the withdrawal or reduction of benefits.¹⁹³ Nevertheless, this criticism is questionable since

¹⁹⁰ Parusel, Bernd. „Sweden." Focus Migration. Country Profiles. No. 18, December 2009: 2. and Ersanilli, Evelyn. "the Netherlands." Focus Migration. Country Profiles. No.11, November 2007: 3.

¹⁹¹ Hagelund, Anniken and Brochman Grete. "From rights to duties? Welfare and citizenship for immigrants and refugees in Scandinavia." in ed. Baert, P. et al. "Conflict, Citizenship and Civil Society", Routledge/ESA Studies in European Societies, 2010: 55-70.

¹⁹² Ibid.

¹⁹³ <http://www.sweden.gov.se/content/1/c6/15/76/88/2e1d8725.pdf> - last accessed March 22, 2011

introductory benefits are more generous than regular allowances helping the newcomer and in case of non-participation only the additional amount is lost thus the immigrant is still entitled for general financial support.¹⁹⁴ However, in comparison with the Dutch system's shortcomings are not substantial to an extent that could potentially lead to reconsideration of the traditional Swedish liberal understanding on integration.

Possible criticism is weighed out by positive initiatives of the reform. Most notably, initiatives serving the actual realization of *two-way nature* integration were introduced which core component is the introduction/re-allocation of certain task to citizen level. A new institution the 'introduction guide' was created which makes both natives and newcomers (financially) interested in mutual work. After private individuals and companies are included to the government's list of guide aspirants willing to receive newly arrived migrants the immigrant has the opportunity to choose. Future guides are stimulated to offer proactive and promising assistance, internship etc. programmes since only those guides receive remuneration that were picked and achieved results. The programme considered to be successful if the newcomer gets hired or enrol into tertiary education. This model contributes to the elimination of the needy immigrant picture and creates a ground for a more balanced, equal interaction.

The above are only few examples of the complex system nonetheless they meant to illustrate how the same problem can be approached from a different angle: allowing the immigrant to enter the country and employing 'positive' incentives facilitating the mutual work towards reconciling the perceived conflict between equality and diversity.

¹⁹⁴ According to Government Bill 2009/10:60 on the *Introduction of newly arrived immigrants into the labour market – individual responsibility with professional support* in Borevi, Karin "Dimensions of Citizenship. European integration policies from a Scandinavian perspective." Fifth Pan-European Conference on EU politics, 2010: 16.

Conclusion

The overall aim of the present paper was to provide a comprehensive picture of differing ideal type integration policies in the post-multicultural era and identify a policy concept which can be recommended to European countries of immigration currently before their integration reforms. A further significant observation strengthening the issue's topicality was the tendency among EU Member States to shift their policies towards a duty-line type model represented (in)famously by the Dutch Integration Acts. In essence my objective was to point out how this system essentially puts the immigrant-to-be in the intersection of multiple inequalities complemented with further technical barriers. In order to ensure the comprehensiveness of the assessment relevant factors of analysis were identified in the il(liberal) nature of measures, their rights or duty-line compliance and a more nuanced content-formulation-outcome triad which all must be taken into account in their interrelation and interaction when assessing whether a given policy can be seen as in compliance with the fundamental principles of a liberal democracy. It is further argued that in case the state opts for the application of illiberal means contradicting the very foundation of a democratic system that country essentially cease to be a liberal state which has overarching implications to its society as a whole.

The role of political and public discourse played considerable part in my analyses on the domestic level since the field of immigrant integration has traditionally been influenced by heated public debates and populist sentiments. In the light of this, the quoted statements, declaring not only the failure of multiculturalism as an integration model but the failure of *integration* in a sense of social cohesion, were found to be potentially dangerous. To illustrate these concerns I was drawing a parallel between Dutch domestic issues after the Millennium and the current European diversity panic, in order to learn how to avoid the critical points that

amounted to sentiments got unleashed in the Netherlands. The identified chain of logic was applied to the Dutch and Swedish integration models, taking into account relevant historic, political and doctrinal backgrounds of both countries respectively. Without repetition, what needs to be stressed at this point is that the countries in comparable position reflecting on the same changes took very different turns: while Sweden was adjusting its policy in order to facilitate active participation of all stakeholders, the Netherlands reaction can rather be seen as reactionist, greatly influenced by the contemporary political situation which amounted to an exclusionary policy setting the “us” and “them” distinction from the very outset. Thus the country deliberately chose illiberal means in order to deal with immigration-related problems by eliminating immigration itself as much as possible.

The subordinate position that implies the immigrant has to prove prior to be *worthy* of rights essentially jeopardize the very concept of *equality*. I believe, the fact that non-legal aspects tend to be disregarded within the policy-making process carries the risk of amounting to underlying conceptual problems. Policy-makers need to recognize that integration is a genuinely sensitive process. Immigration, even if it happens in the form of regular migration, is often indicated by serious economic, political etc. problems. The immigrant-to-be is already in an especially vulnerable position. Thus the psychological link, the message delivered towards the newcomer can determine to a great extent the realization of the stated aim i.e. whether the individual will become an active part of the host society.

For the achievement of social cohesion it is advised to employ sophisticated rights-line policies with a heightened emphasis on the *two-way nature* of the integration process which has to demonstrate the understanding that *equality* is not granted but a genuine principle of liberal democracies and is to be at the heart of any integration policy aiming at achieving equality within diversity.

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