

Nationhood in Citizenship Tests and Loyalty Oaths:
Evidence from Austria, Denmark, and the Netherlands.

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Abstract

In the last decade, several European states added citizenship tests and loyalty oaths to the naturalization procedure. One current in the literature asks why states adopt citizenship tests and loyalty oaths. To evaluate the purpose of tests and oaths I analyze conceptions of nationhood in Austria, Denmark, and the Netherlands. I focus on legal definitions of ‘the nation’ as an object of loyalty and an object of knowledge. I find three distinct patterns. The Austrian ‘nation’ is defined by an 18th-20th century historical narrative, the Danish ‘nation’ is defined by people-oriented nationalist ideals, and the Dutch ‘nation’ is defined by banal lifestyle norms. I argue in each case the adoption of citizenship tests and loyalty oaths is largely symbolic, however, in certain cases they may be a form of immigration control.

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Introduction: The Content Puzzle

Several European states adopted citizenship testing and mandatory loyalty oaths over the last decade. The citizenship tests include questions about events in history, political concepts, and social practices. The loyalty oaths include a commitment to support liberal principles. This paper compares the content of citizenship tests and loyalty oaths in Austria, Denmark, and the Netherlands.

The practice of testing for citizenship is new to Europe. In the last decade Denmark, France, the Netherlands, the United Kingdom, Luxembourg, Austria, Norway, and Germany added a test to the citizenship procedure.¹ The avalanche of citizenship tests in the rather dormant field of citizenship policy is perplexing. For one, there is no clear explanation of why European states added citizenship tests. The major hypotheses include political pressure from the far right,² policy borrowing,³ and migration growing pains, but a firm answer is lacking. This extends to the theoretical literature with scholars placing tests within broader contexts such as ‘civic integration,’⁴ ‘anchoring,’⁵ and ‘restriction.’⁶ The disagreement on explanations and concepts extends to even the smaller details such as the proper questions for citizenship testing. In forum on the *EUDO Observatory* eleven authors gave their opinion on how to tell a

¹ The countries I list here created formal tests. In addition, several countries created a more strenuous formal test, and others in East and Central Europe added a formal test as well. For a complete breakdown refer to: Sarah Wallace Goodman, “Naturalization Policies in Europe: Patterns of Inclusion and Exclusion,” *RSCAS/EUDO-CIT-Comp.* 2010-07.

² Montserrat Guibernau, *The Identity of Nations*, (Cambridge: Polity Press, 2007)

³ Christian Joppke, *Citizenship and Immigration*, (Cambridge: Polity Press, 2010)

⁴ Christian Joppke, “Transforming Immigrant Integration: Civic Integration and Antidiscrimination in the Netherlands, France, and Germany,” *World Politics* 59, no. 2, (January 2007): 243-273.

⁵ Sarah Wallace Goodman, “Fortifying Citizenship: Policy Strategies for Civic Integration in Western Europe,” *World Politics* 64, no.4 (October 2012): 659-98.

⁶ Marc Morje Howard, *The Politics of Citizenship in Europe* (Cambridge: Cambridge University Press, 2009)

liberal from an illiberal question.⁷ The authors took Kantian positions and Rawlsian positions, and classical liberal positions and Foucauldian positions. Each approach could point to evidence, or a question here or there, to make a broader point about citizenship testing, but there was no consensus on a steadfast rule for the proper questions in a citizenship test. One way forward is content analysis. Systematic accounts of the questions states include in their citizenship tests provide a good basis for explaining and characterizing citizenship testing.

The creation of citizenship tests in Europe is accompanied by several other integration tests. These include language exams and citizenship ceremonies. One striking addition is the loyalty oath. A loyalty oath is a pledge taken to obey the law, legal principles, and moral values. The oath is a mandatory part of the citizenship procedure. Unlike citizenship testing there is little commentary on loyalty oaths, but the two policies share several normative and empirical features. The two policies originate in the same political climate, create a hurdle to naturalization, and add a symbolic component to the citizenship procedure. Furthermore, both function as political tests. They require the applicant to learn about and acknowledge a political authority. The two policies complement each other, and here I compare their deployment in three European states.

In this paper I compare the content of loyalty oaths and citizenship tests in Austria, Denmark, and the Netherlands. Citizenship tests contain three dimensions: the procedure, the substance, and the personal.⁸ From these three dimensions I study the procedure and the substance. In particular I focus on one aspect of the substance: nationhood. I explore how ‘the nation’ is defined in citizenship tests and loyalty oaths. In the discussion portion of the thesis I

⁷ Rainier Baubock and Christian Joppke, eds., “How Liberal are Citizenship Tests?” *EUDO Observatory*, 2010; Triadafilos Triadafilopoulos, “Illiberal Means to Liberal Ends? Understanding Recent Immigrant Integration Policies in Europe,” *Journal of Ethnic and Migration Studies* 37, no. 6 (July 2011): 861-880.

⁸ Christian Joppke, “Through the European Looking Glass: Citizenship Tests in the USA, Australia, and Canada,” *Citizenship Studies* 12, no. 1, (2013): 1-15.

extend this analysis to consider why ‘the nation’ is part of European citizenship testing and loyalty oaths.

The paper begins with the literature on oaths. Loyalty oaths function in three ways. First, oaths create contracts. The contract created by the oath requires an individual to perform a duty for the oath holder. A contract can be informal and social, or formal and legal. The crucial variable is whether the contract is enforceable. In practice the oaths in citizenship create limited obligations. One reason is the lack of enforcement. Second, oaths create feelings of solidarity. In citizenship, solidarity is found during citizenship ceremonies where loved ones and politicians can share in the final stages of naturalization. The oaths in citizenship only create fleeting feelings of solidarity. Third, oaths create political tests. In the political test the oath is a demonstration of a social or political relationship. This function is closest to the content of loyalty oaths. The political relationship is to symbols such as ‘the nation.’ For example, in the Austrian, Danish, and Dutch oaths, the participant swears loyalty to ‘the Austrian nation,’ ‘the Danish nation,’ and ‘the Dutch nation.’ In this case, loyalty oaths reinforce the authority of ‘the nation’ and the boundary between citizens and aliens.

The paper proceeds to citizenship tests where the ‘the nation’ is turned into questions and tested. Loyalty oaths and citizenship tests both act as political tests. Both demand recognition of the political authority of ‘the nation,’ but by different means. In the citizenship test the emphasis is placed on knowing things about ‘the nation.’ To pass the citizenship test a person must answer questions about the history, culture, lifestyles, and political institutions of the state. The person’s knowledge of nationhood is tested by actual questions about the substance of ‘the nation.’ Because states adopted tests and oaths in the last decade they make for a good comparison. In the cases I compare ‘the Austrian nation,’ ‘the Danish nation,’ and ‘the Dutch nation’ is defined twice. Once in the loyalty oath and once in the citizenship test. For each state, I use both the oath and the test to fill out the comparison and to capture the expression of nationhood.

To compare the three ‘nations’ I draw on Rogers Brubaker’s work on categories. Brubaker argues scholars should spend more time looking at how categories of people get defined and turned into law. In oaths and tests the category is ‘the nation.’ To compare nationhood I borrow a typology of citizenship tests.⁹ In a comparison of oaths and tests in Austria, Denmark, and the Netherlands I find distinct nationhood ideals. The ‘Austrian nation’ is historical and defined by the 18-20th century; a string of notable scientists and designers defines the ‘Danish nation’; and the ‘Dutch nation’ is defined as a lifestyle. I explore the connections between procedures and nationhood ideals at the end. I then turn to a second and third puzzle. The second puzzle is what is the purpose of each nationhood ideal? Moreover, and more generally, why do states institutionalize nationhood in oaths and tests? The third puzzle is why do nationhood ideals differ? For each I consider several possible answers. Brubaker argues categories get put to work. In other words, categories get defined in certain ways for certain purposes. For oaths and tests this includes symbolic dominance. It also includes access to certain goods and privileges such as public office or voting rights. In each case- Austria, Denmark, and the Netherlands- I look at the symbolic and material importance of the category. To explain differences I move beyond politics, the nature of migration, and structural features. I look at the authors of the oaths and tests instead. This raises several puzzles.

In the conclusion I summarize the research and findings. The comparison of loyalty oaths and citizenship tests in Austria, Denmark, and the Netherlands revealed three distinct ways of defining ‘the nation.’ For each case, the distinct nationhood ideals accompany political ideals. In each case, the symbolic work done by the category of ‘the nation’ is minimal. In fact, citizenship tests and loyalty oaths- if the purpose is to maintain privilege or rights- might not

⁹ Szabolcs Pogonyi, “Citizenship Tests in East Central Europe,” (paper presented at the 18th annual ASN World Convention, Columbia University, New York, NY, April 18-20, 2013). This is a working paper on file with the author. For a copy of the paper and permission for citation please contact the author.

work that well. To end the thesis I note two limitations. The first limitation is the research scope is limited to three countries. The second limitation is the language barrier and the practice of keeping test material secret, which prevented the complete analysis of the citizenship tests. I suggest several avenues for future research. The first avenue is comparing oaths on a larger scale. The second avenue is performing ethnographies of the process of writing citizenship tests.

Chapter One: Political Tests

In Europe, states face immigration they cannot control. Contemporary immigration is driven by family reunification and asylum, which are protected as legal rights.¹⁰ The ‘unwanted’ immigration is also Muslim immigration, which in European states is creating a moral panic.¹¹ The current political climate is the backdrop loyalty oaths and citizenship testing. The political backdrop and the character of immigration- ‘unwanted’ and Muslim- coincides with a policy backdrop, which consists of three trends. The first trend is creating clear rules for naturalization. The second is placing the burden of integration on the individual. The third is making citizenship more difficult to get. The three trends provide a broad context for citizenship testing and loyalty oaths.

The first policy trend is creating clear standards for integration. Integration is a traditional part of citizenship in Europe. In the past officials tested integration, and made a decision after a short conversation. The tests and oaths are new. The new tests standardize the old-style informal evaluation of integration. The standard is set in law, and the applicant and official follow the same rules. When meeting with different people the same rules and processes apply, and the procedure is transparent and open to review. The creation of tests protects against official discretion, prejudice, and arbitrariness.

The second trend is the return of assimilation.¹² The return of assimilation describes a set of ideas about inclusion. First, the burden is on the immigrant to integrate. Second, integration occurs in multiple places. In citizenship, for example, to naturalize an immigrant

¹⁰ De Hart and van Oers, “European Trends in Nationality Law,” in *Comparative Analyses*, ed. Baubock et al., Vol. 1 of *The Acquisition and Loss of Nationality: Policies and Trends in 15 European Countries* (Amsterdam: Amsterdam University Press, 2006), 318. According to the authors immigration is “largely considered unwanted.”

¹¹ Joppke, “Through the European Looking Glass,” 2. According to Joppke the primary suspicion is that “immigrants do not share a common cultural and moral horizon.”

¹² Christian Joppke and Ewa Morowska, *The Return of Assimilation*.

might need to prove employment or even good health.¹³ These would signal integration into the economy and health regime. The main domain of citizenship policy is integration into the state. Integration is tested with thin liberal ideals, which include learning the language and committing to liberal political values.¹⁴

The third trend is making citizenship more valuable. The trend is a re-packaging of naturalization and its function in integration. Making citizenship more valuable is accomplished in two ways. One is testing integration before awarding citizenship. In the past states understood integration as a natural process. States now create standards and ask immigrants to meet them in order to become citizens. The second is making citizenship exclusive. Here immigrants ‘earn’ a valuable citizenship, which is given substance in tests and classes.¹⁵ Both make citizenship more valuable. The first makes naturalizing more difficult and the second makes the title of citizenship more meaningful.

In practice, the three trends include the introduction of citizenship tests, loyalty oaths, language tests, and citizenship ceremonies into the naturalization process.¹⁶ These conditions affect immigrants by adding-on to previous qualifications such as residence, employment, the absence of public debt, or a clean criminal record.¹⁷ Scholars express widely different views on how to interpret the purpose of the new, largely symbolic, components. The main questions

¹³ For an overview of material conditions for naturalization see Harald Waldrauch, “Acquisition of Nationality,” in *Comparative Analyses*, ed. Baubock et al., Vol. 1 of *The Acquisition and Loss of Nationality: Policies and Trends in 15 European Countries* (Amsterdam: Amsterdam University Press, 2006), 147-154.

¹⁴ Joppke and Morowska argue the only legitimate criteria of integration in the liberal state is “language acquisition plus a commitment to the political values that constitute a liberal democracy, independently of its concrete territorial incarnation.” (2003, 6)

¹⁵ Maarten P. Vink and Gerard-Rene de Groot, “Citizenship Attribution in Western Europe: International Framework and Domestic Trends,” *Journal of Ethnic and Migration Studies*, 36, no. 5, (May 2010): 713-734. The authors argue there is an “increasing emphasis on the symbolic importance of citizenship as an identity status,” 714.

¹⁶ The extension of ties to ethnic kin abroad, or “re-ethnicization,” is an important part of contemporary citizenship policy. It signals a desire to select, or promote, the immigration of compatible individuals; however, re-ethnicization is more about emigrants than migrants, or at least when compared to new conditions for naturalization. For the origin of the concept see Christian Joppke, *Selecting by Origin*,

¹⁷ Waldrauch, “Acquisition of Nationality.”

include: who bears the brunt of more exclusive rules, and what kind of state is integration tested towards? Is it a liberal-state or a nation-state? The answer is connected to the political climate. Tests and oaths come paired with heated public debates on the compatibility of Muslim immigrants with the European political order, and the rise of xenophobic, populist political parties. To provide a reference point for this thesis it helps to review the literature on loyalty oaths and citizenship tests.

Loyalty oaths and citizenship tests share certain features. On the normative level both raise concerns over freedom of conscience. Oaths of allegiance, in particular, test the belief of the oath taker. Certain citizenship test questions also violate freedom of conscience by asking for acceptance or positive feelings about controversial topics, such as homosexuality. In addition oaths create a problem of obligation. If an oath is enforceable by law, then the duties of the oath taker and the obligation to perform them create hard commitments. If the oath is mandatory, then the practice is an example of strong state power. In practice the normative issues raised by oath and citizenship tests depend on the function. Here I review the literature on loyalty oaths and citizenship tests. I present normative and empirical questions and frameworks. In the concluding portion of the chapter I tie these ideas to their function as political tests. I introduce the next section by exploring how a political test to ‘the nation’ works in an oath.

Oaths: Two Problems

Literature on loyalty oaths in citizenship is rare. Work is done on citizenship ceremonies,¹⁸ integration tests,¹⁹ and oaths and law,²⁰ but not oaths in citizenship. One exception is Liav Orgad's analysis of oaths and immigration.²¹ His normative analysis is about oaths in principle, and he touches on two points. Oaths impose commitments and attachments, which violate freedom of conscience. Oaths create legal obligations without clear terms, which endangers personal freedom. His empirical analysis questions the purpose of oaths. Orgad defines three oath functions. An oath acts as a social contract, a nation-building project, and a political test. Each function is a possible purpose of the oath.

On the normative end, a loyalty oath raises two issues. The first issue is the nature of the commitment. An oath can carry a commitment to obey the law because it is right, or a commitment to believe the law is good. Orgad draws this distinction between obedience and allegiance, but behind each concept is a distinction between regulating behavior and regulating feelings. Obedience is about a person's behavior and actions. Allegiance, on the other hand, reaches deeper. It is about a person's beliefs and feelings. The mandatory commitment to believe something violates freedom of conscience and creates an undue pledge to "the best interest[s] of the community."²² The issue raised by Orgad is whether a loyalty oath can separate allegiance from obedience. He argues allegiance is an unavoidable part of the loyalty oath.²³

¹⁸ Tine Damsholt, "Makin Citizens: On the Genealogy of Citizenship Ceremonies," in *Constituting Communities: Political Solutions to Cultural Conflict*, ed. Per Mouritsen and Knud Erik Jorgensen (New York: Palgrave Macmillan, 2008), 53-72.

¹⁹ Sarah Wallace Goodman, "Controlling Immigration through Language and Country Knowledge Requirements," *West European Politics*, 34, no. 2 (March 2011): 235-255.

²⁰ For two examples see, Cass R. Sunstein, "Unity and Plurality: The Case of Compulsory Oaths," *Yale Journal of Law and the Humanities*, 2, no. 1 (1990): 101-111; Sanford Levinson, "Taking Oaths Seriously: A Comment on Carter and Sunstein," *Yale Journal of Law and the Humanities*, 2, no. 1 (1990): 113-117.

²¹ Liav Orgad, "Liberalism, Allegiance, and Obedience: The Inappropriateness of Loyalty Oaths in a Liberal Democracy," *Canadian Journal of Law and Jurisprudence*, (forthcoming, 2014).

²² *Ibid.*, 10-11.

²³ *Ibid.* One reason for this conclusion is the wording of loyalty oaths. The object of loyalty can be law or the principles behind law. In the second case, the oath is to values, which is a matter of allegiance.

This creates a big normative question for liberals about whether an oath can ever be justified. Orgad sidesteps this problem by questioning the value of an oath of allegiance. He argues loyalty oaths contribute little to ensuring good behavior. He points out that a criminal record bars an applicant from naturalization, which effectively tests for obedience to the law. In this case an oath of allegiance is superfluous as well as a violation of freedom of conscience. There is a more grounded reason to oppose loyalty oaths too. Oaths create legal obligations.

The second problem with oaths is whether they are legally enforceable. In political theory an obligation is created “through a specific transaction [where] a definite individual, A, creates a special right, held by B, to some definite action or performance.”²⁴ The transaction in citizenship is the oath, which the individual applicant signs or recites. The wording of the oath determines the special right to loyalty and the oath holder. The special right to loyalty can be general, a political obligation, or specific, a legal obligation.²⁵ The normative issue addressed above is whether the definite action is a behavior, obedience, or a belief, allegiance. The next issue is whether the obligation is enforceable. The two together make for a variety of oaths. An oath could be a legal obligation to believe in the principles of law, or a legal obligation to obey the law. In each case, legal enforcement ramifies the normative issue. For example, in certain states, the loss of nationality due to disloyalty is possible. In this case, the holder of the special right is consequential. Examples of oath holders include the political institutions such as parliament, and social categories such as ‘the nation.’ The terms of the oath depend on *who* holds the oath and *who* can demand the action. This is a problem in theory, but it is also a problem of interpretation.

²⁴ George Klosko, *The Principle of Fairness and Political Obligation*, New Ed., (Lanham: Rowman and Littlefield Publishers, Inc., 2003), 8.

²⁵ A political obligation is a general, systemic, and perhaps moral obligation to obey law. A legal obligation is in essence a contract to obey the law. For an overview see Bhiku Parekh, “A Misperceived Discourse on Political Obligation,” *Political Studies*, 41, (1993): 236-251.

One question when interpreting an oath is whether to read it as a demonstration or as a literal commitment. For example, in *Cole v. Richardson* the US Supreme Court heard a case on loyalty oaths in public hospitals. The Court deliberated whether the phrase “oppose the overthrow” created an undue obligation.²⁶ The Court argued the “recognized purpose” of an oath is to assure the public of the willingness of an official to serve.²⁷ The oath does not specify an obligatory action, but demonstrates a commitment. In this case the oath does not create an enforceable legal obligation. The literal interpretation of the oaths reverses the conclusion. On the literal approach the oath creates an undue legal obligation by virtue of its imprecision. For example, ‘observe legislation’ could mean knowing *every* new law, or ‘faithfully fulfill’ the duties of a Dutch citizen could mean voting in *every* national election. The point behind the literal approach is the oath taker cannot know the terms of the obligation. This conclusion requires a return to the rules of enforcement. In citizenship, the conditions for loss of nationality due to disloyalty change the potential purpose of an oath. From the normative standpoint, if an oath is enforceable, then the terms should be clearly stated and known beforehand. The normative and empirical puzzles demonstrate the possible problems with oaths in citizenship, but in practice how do oaths function?

Oaths: Three Kinds

Oaths function in three ways. The oath works as a social contract, a nation-building project, and a political test. In the contract model, the oath creates consent or agreement.²⁸ The oath can mark a social or legal contract. The social contract is not backed by force, but is an agreement between two parties about cooperation. The legal contract is cooperation backed by a law. In this case the questions I raised above become important. In practice most oaths contain multiple dimensions. For example, all oaths contain a legal obligation to obey the law.

²⁶ *Cole v. Richardson*, 405 U.S. 676 (1972), 677

²⁷ *Ibid.* 684

²⁸ Orgad, “Liberalism, Allegiance, and Obedience,” 11-14.

This is enforced by a criminal code. Most oaths contain a social contract too, which is mostly a reminder about principles. The oath as a contract creates the ground rules for trust and cooperation. The second function of an oath is as a nation-building project.

In the nation-building model the oath functions as a ritual to unite a group of people.²⁹ By reciting words together the group acknowledges, in public, a commitment and attachment to one another. The oath marks solidarity. The oath works as a nation-building project when it is part of a citizenship ceremony. The capacity of the oath to create solidarity is an open question. The oath is a one-time recitation made at the end of the citizenship process. The oath takers might not know each, or live close to each other. High-level government officials may or may not attend. The oath as a nation-building project creates a feeling of in-group unity, but in citizenship ceremonies the in-group is forced and temporary. The third function of an oath is as a political test.

In the political test the oath is an act of recognition.³⁰ Here the purpose of the oath is not to create an obligation. Instead the oath demonstrates a political bond between the oath taker and an authority. Historically, the political entity was a king and the oath the recognition of fealty. In liberal states the oath is recognition of the constitution, the supremacy of Parliament, or the rule of law. The oath is no longer the recognition of fealty, but is made to a principle such as equal human dignity. The political test model requires an act (the oath) as a demonstration of the political bond. The oath as a political test can set ground rules such as the principle of the rule of law.

To date there is no study comparing the political authority, the oath holders of loyalty, in citizenship oaths in Europe. In the context of citizenship loyalty oaths can serve all three functions, Oaths act as a social contract, political test, or a nation-building project. The case depends on the wording of the oath and its place in the naturalization process. Normatively,

²⁹ Ibid., 18-21.

³⁰ Ibid., 14-18.

oaths create a duty of obedience and allegiance. The demand this places on immigrants' creates problems for liberals. Empirically, oaths impose an obligation on the immigrant, which when paired with disloyalty clauses in the rules of loss of nationality can be consequential. The primary function of an oath is as a political test. Oaths create a political obligation. The political entity can be legal like the constitution or symbolic like 'the nation,' but in each case the entity is named. The political obligation created by an oath is best evaluated in the context of other features. One interesting feature of loyalty oaths is states adopted them around the same time they adopted citizenship tests. The work on citizenship tests serves as a good complement to the discussion. In the following section I review the literature on citizenship tests.

The Citizenship Test Debate

The literature on citizenship tests is robust. Making citizenship tests part of naturalization is a new policy in Europe. In the last decade states adopted citizenship tests along with language requirements, citizenship ceremonies, and loyalty oaths. The addition of these new integration tests is part of civic integration policy. According to one author the tests signal the intention to “no longer make naturalization eas[y].”³¹ One way of viewing citizenship tests is as a political solution to the failure of multiculturalism. The principle of citizenship tests can be critiqued from this angle. The second critique concerns the way states practice citizenship testing. The controversy in Europe over citizenship tests is due to the “coercive and punitive character of at least some of the tests,” which is specific to the European trend.³² The result of the controversy is a stream of debates on the purpose, content, and effect of tests.³³ Much less has been said on the content of citizenship tests, or the ideas expressed by historical, political, and cultural questions. The literature can be divided into four

³¹ de Hart and van Oers, “European Trends,” 353.

³² Christian Joppke, “Through the European Looking Glass.”

³³ Baubock and Joppke, “How Liberal.”

views on tests and four views on content. The tests can be seen as barriers, rites, political solutions, or technologies of power. The content can be compared by its liberality, reasonableness, value, or nationhood ideals.

The minimal purpose of a citizenship test is to add a condition for naturalization. From the principled view adding a condition is restrictive.³⁴ This is nominally true because any additional condition restricts access to citizenship; however, the degree of restriction depends on the context. For example, some argue a new condition can promote integration by acting as a rite of passage for immigrants or promote naturalization as step in the integration process.³⁵ The relationship between citizenship tests and integration is blurred by the current political climate in Europe, which is tinged by xenophobia. The effect of the political climate on citizenship policy is fiercely debated. The changes to citizenship can be characterized as ‘civic integration,’³⁶ Islamophobia,³⁷ the far right,³⁸ or the overall liberal trend in citizenship.³⁹ Part of the disagreement is over the proper weight to assign to certain actors and influences such as the far right. The particular role of any actor- including the far right- in the adoption of citizenship tests is best dealt with by digging into the details.⁴⁰

One big detail is the form of the new condition: the test. From the Foucauldian view the form of the test is criticized because it acts as a ‘technology of the self,’ which leads people to control and prohibit their own actions.⁴¹ The purpose of testing is to create the perfect citizen. The test encourages immigrants to control impulses and internalize values. Certainly, some questions appear to regulate religious or cultural dissent, but it is healthy to keep in mind

³⁴ Ibid., 15-20; 29-34.

³⁵ Ibid., 11-13; 19-20.

³⁶ Christian Joppke, “Transformation of Immigrant Integration”

³⁷ Baubock and Joppke, “How Liberal,” 17.

³⁸ Marc Morje Howard, *The Politics of Citizenship in Europe*

³⁹ Christian Joppke, *Citizenship and Immigration*

⁴⁰ For a discussion of the political parties and citizenship tests in Austria see, Bernhard Perchinig, “All You Need to Know to Become an Austrian: Naturalization Policy and Citizenship Testing in Austria,” in *A Re-definition of Belonging? Language and Integration Tests in Europe*, ed. Ricky van Oers, Eva Ersboll, Dora Kostakopoulou (Boston: Martin Nijhoff Publishers, 2010), 44-47.

⁴¹ Baubock and Joppke, “How Liberal,” 29-34; Perchinig, “All You Need to Know,” 25- 50.

citizenship tests only ‘work’ on the small number of people who naturalize, and in most cases are short.⁴² The power of the test to discipline an immigrant is quite restricted, and more accurately capacity enhancing. The Foucauldian view may be more appropriate for employment conditions which truly due make membership conditional on economic production.⁴³ Further, there is evidence the audience of citizenship tests is not even immigrants. Citizenship tests may be adopted to prepare the home population for a new migration world. The purpose of citizenship tests is perhaps more readily linked to content than the form.

The Test Questions Debate

The content of citizenship tests is the second big detail. The focus of scholars is on creating a criterion for judging questions. The first criterion is drawn from liberal theory and the distinctions between the right and the good, and the legal and the moral. The tests cross the boundary into coercive and punitive territory when questions ask about inner dispositions.⁴⁴ In that case the purpose of the test is to make people ‘believe’ in liberal values. From this direction the content of the Dutch citizenship test comes under scrutiny for its normative tilt; however, the majority of content tests external behavior and cognitive knowledge. This includes questions about ancient history, the process for making food, or card games. The value of certain knowledge and its necessity for citizenship is critiqued as well. Scholars disagree over what immigrants should know. From one side the business of scholars is not to evaluate the content of a test or judge whether it is appropriate.⁴⁵ If content is reasonable, fair, and valuable, then it is up to states to decide. Cultural and historical questions fall into a wide area of state discretion.⁴⁶ Certainly, historical or cultural knowledge is not necessary, but it

⁴² Baubock and Joppke, “How Liberal,” 9-10.

⁴³ Joppke, “Transformation of Immigrant Integration,” 267-268.

⁴⁴ Baubock and Joppke, “How Liberal,” 1.

⁴⁵ *Ibid.*, 26.

⁴⁶ Liav Orgad, “Illiberal Liberalism: Cultural Restrictions on Migration and Access to Citizenship in Europe,” *American Journal of Comparative Law* 53 (2010).

does test knowledge of a specific country and describe how a political order came to be. Other prefers test such as the new US citizenship test, which focuses on political concepts.⁴⁷ This narrows the range of acceptable questions to the Rawlsian ‘overlapping consensus’ on what is right. In this case, law is the ideal dividing line between valuable and pointless knowledge.

The definition of ‘the nation’ in citizenship tests is the third big detail. Each test includes questions about culture, historical events, famous people, and political institutions. The content of each test is gathered together by sifting through and selecting ‘key ingredients.’ Together the questions and the test create a prototype of ‘the nation.’ To compare ‘the nation’ in different cases several studies try to sort the content of citizenship tests into categories. Sorting the tests by political ideals such as republican, liberal, and communitarian and connecting the tests *in toto* to political debates sharpens different national models.⁴⁸ Sorting questions by political ideals and connecting the questions to tests sharpens different sub-national models. Each method helps to define and compare ‘the nation.’

There is reason to oppose citizenship tests on principle. Tests add a barrier to naturalization and the act of testing presumes the immigrant is not aware of political facts. There is also reason to oppose certain kinds of questions on citizenship tests such as questions testing belief or values. These questions violate freedom of consciousness. The content of citizenship tests falls into a wide area of state discretion, and questions on history and culture, politics and law, and norms and etiquette make up a portion of all citizenship tests. The balance of questions is a useful tool for understanding how the category of ‘the nation’ is defined by the state. Citizenship tests can illuminate the oath holder in loyalty oaths, and the object of political obligation. By pairing the loyalty oaths and citizenship tests two questions

⁴⁷ Liav Orgad, “Creating New Americans: The Essence of Americanism under the Citizenship Test,” *Houston Law Review* 47, no. 5, (2011).

⁴⁸ Ricky van Oers, “Citizenship tests in the Netherlands, Germany and the UK,” in *A Re-definition of Belonging? Language and Integration Tests in Europe*, ed. Ricky van Oers, Eva Ersboll, Dora Kostakopoulou (Boston: Martin Nijhoff Publishers, 2010), 51-106.

can be addressed. First, what is the oath holder in loyalty oaths for naturalization? Second, how is the oath holder defined in different countries?

Finding ‘the nation’

In the European loyalty oaths I study the political entity is defined as ‘the Austrian nation,’ or ‘the Danish nation.’ The holder of loyalty is defined as a category of people. The category in this case is rarely explicated in the oath, and in no case is a formal definition of the ‘the Danish nation’ provided. The political test is based on the recognition of a political authority whose identity is unknown. When an oath is taken to a constitution the oath taker can pick up a physical copy of the constitution and read it. The oath is made to a piece of paper. Similarly, when an oath is taken to obey the law the oath taker can find laws in a University legal library or even online. When an oath is taken to ‘the Danish nation’ the situation is less clear. Who exactly is the political authority? Who is included in ‘the Danish nation?’

Knowing the political authority behind the oath is important for several reasons. For one, if the oath creates a contract, then the political authority is the enforcer. In cases where ‘the nation’ is the political authority the contract is enforced in the name of something- it rests on a political claim. For example, the ‘reputation’ or ‘the interests’ of the oath holder can be violated in Austria. Because there is no something out there whose reputation could be measured a violation of the oath is a matter of opinion, the justice of the stronger. In this sense the relevant political authority is particularly consequential for the candidate because it rests on ideas about who can speak for ‘the nation.’ A second reason the identity of the oath holder is consequential is symbolic. By taking the oath the candidate acknowledges the existence of ‘the Danish nation.’ Why might this matter? For one, it buttresses the idea the territory of Denmark is owned by ‘the Danish nation.’ More practically, it justifies social closure. Without acknowledging ‘the Danish nation,’ without passing the political test, the candidate cannot

enjoy benefits of citizenship such as public office or the right to vote. It embeds the idea that access to certain goods is a privilege of certain people- ‘the nation.’

The substance of the oath holder is consequential as a political test. In citizenship tests the political authority being described is ‘the nation.’ Because both oaths and tests function as a political test they must define ‘the nation.’ I am arguing loyalty oaths and citizenship test address the same authority. In every loyalty oath an oath holder is needed. The oath holder is a political authority, which can be the constitution or ‘the nation.’ The identity of the oath holder is important for symbolic reasons because it is part of a political test. It is important for legal reasons when it creates a legal obligation. Despite the importance of the political authority as an object of loyalty it is rarely defined in the oath. The citizenship test complements the loyalty oath because it provides *one* formal definition of ‘the nation.’ The connection between the two is more than a good fit it is also a connection in time. In each case I study the loyalty oath was adopted shortly after the citizenship test. These two events provide a snapshot of why states adopted loyalty oaths and citizenship tests. A comparison of loyalty oaths and citizenship tests in Europe addresses three gaps in the literature.

First, a comparison contributes to explaining why states adopt oaths and tests. The adoption of both instruments gives a good reason to think they address the same concerns. The form of each is highly symbolic, but what practical reasons undergird the choice of oaths and tests. Second, a comparison can reveal any patterns in the practice of oaths and tests. In particular a comparison addresses the content gap in the literature. Third, a comparison explores the symbolic link between policies. The foundations for a symbolic tie between citizenship tests and loyalty oaths are theorized in Rogers Brubaker’s work on nationalism. To provide a ground for these questions I review his theoretical contribution to nationalism studies. I use these to justify the connection between loyalty oaths and citizenship tests, and to create expectations about the current purpose of test and oaths.

Chapter Two: Theory

Citizenship tests and loyalty oaths are “about *us*.”⁴⁹ In each a formal version of ‘the nation’ is given. One way to connect loyalty oaths to citizenship tests is to connect the formal “idealized nationhood conceptions” in each to each other.⁵⁰ After exploring connections within states the cases can be compared to others in Europe. The formal version of ‘the nation’ is the product of what Rogers Brubaker calls the institutionalization of nationhood. He argues nationalism is a set of *things* people *do* with categories.⁵¹ When the *things* people *do* with categories become law the effect is enduring. His work provides a wealth of theoretical backing for connecting loyalty oaths and citizenship tests to nationhood. In this section I clarify his theoretical framework.

Categories at Work

In Rogers Brubaker’s work on nationalism he invites scholars to think in terms of categories instead of groups. He argues that treating groups as the “chief protagonists” of the social world mistakes a claim, or event, for something that exist out in the world and acts in concerted movements.⁵² Instead of thinking of groups Brubaker suggests scholars think in terms of categories and begin by asking how a social category is defined, how it is institutionalized, and by who and for what purpose it is defined. In the context of citizenship Brubaker’s proposal is astute. For example, instead of thinking of ‘the Australian nation’ as a thing out in the world deserving loyalty it should be taken as a political claim about a category of people. The questions then become how ‘the Australian nation’ is presented in loyalty oaths and citizenship tests and why it is presented in that way. If the category ‘the Australian nation’ is put to work as an object of loyalty, then Brubaker might ask what purpose is served by

⁴⁹ Orgad, “Liberalism, Allegiance, and Obedience,” 2

⁵⁰ Pogonyi, “Citizenship Tests”

⁵¹ Rogers Brubaker, “Ethnicity Without Groups,” *Archives Européennes de Sociologie* XLIII 2 (2002): 163-189.

⁵² *Ibid.*, 164

pledging loyalty to ‘the Australian nation?’ In other words, a category needs to be connected to work, which means benefits and costs.

In his early work Brubaker argued citizenship is an object and instrument of social closure. His lens is based on Max Weber’s concept of social closure, which describes practices that restrict access to goods to members of a category.⁵³ To apply social closure to citizenship the state needs to be thought of as a membership association. The state defines its members as citizens, and offers them certain privileges and obligations such as voting in national elections or serving in public office. One reason categories get put to work is to restrict access to privileges and goods. The status of citizen is valuable in global terms because it governs access to scarce resources and determines life chances.⁵⁴ The primary work done by a category in citizenship is to make access to goods easier or more difficult for certain people. But, for what purpose are certain categories chosen? Why is ‘the Australian nation’ chosen instead of ‘low income immigrants?’ The question here reaches deeper. It touches on why ‘the nation’ is such a powerful and enduring political claim. Here Brubaker takes his theoretical cues from the sociological work of Pierre Bourdieu.⁵⁵

The main sociological concept for citizenship is the field.⁵⁶ In Bourdieu’s theory a field is “a set of objective, historical relations between positions anchored in certain forms of power, or capital.”⁵⁷ The field is made up of forces oriented towards a certain kind of capital. The game consists in trying to accumulate capital and make rules about the proper and improper

⁵³ *The Penguin Dictionary of Sociology*, 4th Ed. (London: Penguin Books, 2000), s.vv “social closure.”

⁵⁴ Shachar, *The Birthright Lottery*.

⁵⁵ Rogers Brubaker, “Re-thinking Classical Social Theory: The Sociological Vision of Pierre Bourdieu,” *Theory and Society* 14 (November 1985): 745-775.

⁵⁶ For examples of the concept of ‘field’ in citizenship and nationalism studies see Christian Joppke, “Mobilization of Culture and the Reform of Citizenship Law: Germany and the United States,” in *Challenging the Politics of Ethnic Relations in Europe: Comparative European Perspectives*, ed. Ruud Koopmans, and Paul Statham (Oxford: Oxford University Press, 2000), 157; Christian Joppke, and Ewa Morowska, *Towards Assimilation and Citizenship: Immigrants in Liberal Nation-States* (New York: Palgrave Macmillan, 2003), 3; Rogers Brubaker et al., *Nationalist Politics and Everyday Ethnicity in a Transylvanian Town* (Princeton: Princeton University Press, 2006)

⁵⁷ Pierre Bourdieu, and Loic J.D. Wacquant, *An Invitation to Reflexive Sociology*, (Cambridge: Polity Press, 1992), 16.

means of accumulating capital. The ways of accumulating capital correspond to ingrained ways of doing things, which Bourdieu calls *habitus*.⁵⁸ In a field actors compete to maintain relations of power and capital. In the case of citizenship this includes rights and state obligations as well as symbolic capital. The symbolic dimension of citizenship is ownership of the state, which can be claimed by political actors. Brubaker argues nationalism is a set of claims about ownership of the state. Political actors define and institutionalize social categories such as ‘the Australian nation’ in order to defend and secure symbolic and material dominance.

The use of ‘the nation’ in citizenship tests and loyalty oaths is an example of institutionalizing a claim in order to assert symbolic dominance.⁵⁹ Its function as an instrument of material closure is weak. The benefits of citizenship include certain social rights, voting rights in national elections, and the right to abode, but as scholars point out the real key for someone’s life chances is securing permanent residence.⁶⁰ The ability to get to a country and stay is the real prize. Further, in most cases taking an oath or passing an 18-question multiple-choice test is not difficult. The purpose of citizenship tests and loyalty oaths in this case is symbolic. The power of symbolic capital is to make a division of the world appear natural. In the case of citizenship this includes the division of the world into nation-states owned by a particular category of people. The final question is: what kind of symbolic claim do state make? How is ownership defined?

What kind of a claim is being made can be gathered from public discourse or law. In the case of law the focus is on official, formal definitions. For example, a law on citizenship might state, “only Americans who can trace their genes to George Washington are eligible for citizenship.” In other words, the claim is the United States belongs to the descendants of George Washington. If a law in Great Britain made the same claim for descendants of Isaac

⁵⁸ Ibid., 101.

⁵⁹ For a short discussion of nationhood see, Rogers Brubaker, “Nation as Institutionalized Form, Practical Category, Contingent Event,” *Contention*, 4, no.1, (Fall 1994).

⁶⁰ Joppke, *Citizenship and Immigration*.

Newton, then the pair of laws could be characterized as descent-based claims. The institutionalization of political claims means placing a claim about ownership or belonging in a legal form. The kind of claim is a category of analysis for comparing different patterns of claim making. To compare kinds of claims I rely on a typology built by Szabolcs Pogonyi.

Political, Nationalist, Banal

In his work Pogonyi provides a typology to structure comparisons of citizenship test questions. The typology is built around three ‘idealized nationhood conceptions,’ which refer to the kinds of claims questions make. He divides questions into three categories: political, nationalist, and banal.⁶¹ The political category includes questions about politics, legal institutions, and administrative services. These correspond to basic liberal principles. The nationalist category includes questions about history, geography, and symbols. The questions in the nationalist category present a “historical narrative” emphasizing continuity and the “recognition of a specific conception of nationness.”⁶² The banal category captures questions about social norms and etiquette.⁶³ The questions in the banal category include the application of basic norms and their place in the ‘national’ lifestyle. These three kinds of claims provide a good structure for thinking about citizenship tests. In addition the typology can measure variation within kinds of claims.

In each category an ideal can be thick or thin. For example, consider a question about filing a petition. The question and answer could be about the correct office of submission, the number of signatures, or simply the entire process from complaint to redress. In this case the level of detail gives an idea of how *much* a person is expected to know. In this case the more knowledge is required the thicker the ideal. For a banal question the thin version might ask for

⁶¹ Pogonyi, “Citizenship Tests,” 7.

⁶² Ibid., 8.

⁶³ Banal nationalism is a term introduced by Michael Billig to describe everyday practices used to reinforce ‘the nation.’ His examples include flags, parades, and coronations. Banal here refers to everyday social practices. For a more complete discussion of Billig’s banal nationalism see, Michael Billig, *Banal Nationalism*, (London: Sage Publications, 1995).

toleration of prostitution while the thicker version might ask for acceptance. In general, thicker ideals bring up more normative issues than thinner ideals. Thicker ideals require the applicant to know more as in the petition example, which is a cognitive strain. They also can cross the legal-moral line and begin to test feelings and beliefs. This typology gives a structure for comparing citizenship tests. It can also be extended to loyalty oaths.

The kinds of claims in Pogonyi's typology correspond to nationhood ideals. He built the typology for citizenship tests, but his typology can inform a discussion of loyalty oaths. One problem with loyalty oaths is they mention 'the nation,' but only in passing. There is not enough content to conclude whether 'the nation' is a political ideal, a nationalist ideal, or a banal ideal. For example, consider the Australian oath, which states:

From this time forward under God
I pledge my loyalty to Australia and its people
whose democratic beliefs I share
whose rights and liberties I respect, and
whose laws I will uphold and obey.⁶⁴

The oath is political because it refers to rights, liberties, and laws; nationalist because it refers to the Australia; and banal because it refers to beliefs. The alternative to leaving the oath as a commitment to a pie in the sky is to connect it to the citizenship test. Each oath gives hints towards a nationhood conception, but an honest comparison of loyalty oaths needs further support. Citizenship tests provide support and can be connected to loyalty oaths. The connection can be made with the idea of a political test.

The function of a loyalty oath as a political test is closest to the function of a citizenship test. Pogonyi argues one possible function of a citizenship test is having the immigrant recognize "a specific conception of nationness."⁶⁵ Earlier I argued the loyalty oath, as a political test demands the same recognition. Citizenship tests relate to loyalty oaths because

⁶⁴ Department of Immigration and Border Protection, "Australian Citizenship Pledge," Australian Government. <http://www.citizenship.gov.au/ceremonies/pledge/>

⁶⁵ Pogonyi, "Citizenship Tests," 8.

they both require recognition (by different means) of a ‘conception of nationness.’ By themselves loyalty oaths cannot say much, but paired with a citizenship test the two identify the political authority, the oath holder. For this reason I do not combine oaths and tests into a single typology. Instead I evaluate the function of an oath. In each case I selected the oath functions as a political test. To explore what the political test is about, or in other words the political authority to which the oath is held, I turn to citizenship tests. By pairing the two I come to a conclusion about the ‘idealized nationhood conceptions’ found in each.

Chapter Three: The Methodology

Selecting the Cases

In this chapter I describe the method I used to select cases and compare citizenship tests and loyalty oaths. I chose three cases: Austria, Denmark, and the Netherlands. Each case shares certain core features. For one, they are liberal democracies,⁶⁶ members of the European Union,⁶⁷ and new immigration countries. Further, in each case strong far right parties define the political climate. I gathered information on the cases from secondary sources. Due to the language barrier and the secret nature of some citizenship tests I relied on country reports, previous comparative studies, and updates from the EUDO website. To categorize the content I relied on several techniques including thematic categories and code words. To determine the function of oaths I evaluated public statements and the wording. I provide three case studies and a discussion.

I chose three cases from Europe where citizenship test or loyalty oaths were adopted. This controls for the effect of public international law and European law on nationality legislation. It also controls for normative pressures and imitation, which a recent study suggests explain policy convergence.⁶⁸ In addition the three cases were selected to fit the new migration model, which is a unique dynamic.⁶⁹ The three cases were selected for political context too. First, in each case naturalization is valuable because of the additional rights it

⁶⁶ See Christian Joppke, ed., *Challenge to the Nation-State: Immigration in Western Europe and the United States* (Oxford: Oxford University Press, 1998).

⁶⁷ See Kay Hailbronner, "Nationality in Public International Law and European Law," in *Comparative Analyses*, ed. Baubock et al., Vol. 1 of *The Acquisition and Loss of Nationality: Policies and Trends in 15 European Countries* (Amsterdam: Amsterdam University Press, 2006), 35-104.

⁶⁸ Baubock et al., *The Acquisition and Loss of Nationality: Policies and Trends in 15 European Countries* (Amsterdam: Amsterdam University Press, 2006).

⁶⁹ See Gary Freeman, "Modes of Immigration Politics in Liberal Democratic States," *International Migration Review* 29, no. 4, (Winter 1995): 881-902.

gives immigrants.⁷⁰ Second, in each case, a far right political party mobilized the public on citizenship issues. When the public is involved in the policy process, the literature predicts a restrictive outcome.⁷¹ The public is a poor decision maker on issues such as citizenship, which can be prone to framing by politicians or the media, common prejudices, and trigger effects. In each case the far right moved the public enough to exert a strong influence on the policy process.⁷² These common features cover the most important macro-variables for citizenship; however, certain features differ in each state.

On the structural side the cases show different levels of court involvement in citizenship policy. The literature suggests elites such as the leaders of political parties or religious organizations can dampen the influence of the far right by setting boundaries on discourse and policy.⁷³ This is supported by the general literature on rational choice and courts as strategic actors.⁷⁴ One elite actor commonly cited in the literature is courts.⁷⁵ In Austria, Denmark, and the Netherlands the chance of court intervention in the policy process varies. In Austria, the Constitutional Court (Verfassungsgerichtshof) can review legislation and

⁷⁰ The benefits of Austrian citizenship include social rights and family reunification. In Denmark citizenship provides civic and political rights, residence benefits and family reunification privileges, access to public employment and public social pension. In the Netherlands the primary benefit of naturalization is civic and political rights. Isabelle Chopin, "Administrative Practices in the Acquisition of Nationality," in *Comparative Analyses*, ed. Baubock et al., Vol. 1 of *The Acquisition and Loss of Nationality: Policies and Trends in 15 European Countries* (Amsterdam: Amsterdam University Press, 2006), 256.

⁷¹ Howard, *Politics of Citizenship*.

⁷² Electoral support at the introduction of the citizenship test: FPO received 11% of the vote, the DPP received 13.3%, VVD received 17.9% of the vote.

⁷³ See, Rogers Brubaker, "Comments on 'Modes of Immigration Politics in Liberal Democratic States,'" *International Migration Review* 29, no. 4, (Winter 1995): 903-908; Marc Morje Howard, "Can Populism be Suppressed in a Democracy? Austria, Germany, and the European Union," *East European Politics and Societies* 15, no.1, (2001): 18-32; Triadafilos Triadafilopoulos and Andrej Zaslove, "Influencing Migration Policy from Inside," in *Dialogues on Migration Policy* ed. Marco Guigni and Florence Passy, (Lanham: Lexington Books, 2006): 171-192.

⁷⁴ For a general introduction see, Kenneth Shepsle, *Analyzing Politics: Rationality, Behavior, and Institutions*, 2nd Ed., (New York: W.W. Norton, 2010); For a theoretical model see, George Tsebelis, *Veto Players: How Political Institutions Work* (New York: Russell Sage Foundation, 2002).

⁷⁵ Christian Joppke, *Challenge to the Nation-State*; Claus Hofhansel, "Citizenship in Austria, Germany, and Switzerland: Courts, Legislatures, and Administrators," *International Migration Review* 42, no.1, (Spring 2008): 163-192.

administrative acts. In contrast, in Denmark the Supreme Court (Højesteret) does not review legislation on nationality or citizenship policy. In between is the Netherlands where the Supreme Court (Hoge Raad) can hear only cases on human rights issues. The chance of court intervention could stifle the policy effect of the far right, however, the literature suggests courts rarely intervene in the right to citizenship, which is the issue here. A cursory overview of domestic case law confirms this finding.⁷⁶

On the political side the climate in each case is different. In Austria, the Freedom Party (FPO) put pressure on citizenship policy by arguing for stronger and tighter conditions of naturalization.⁷⁷ This included asylum, family reunification, language integration, and the conditions of naturalization. In Denmark the Danish People's Party politicized citizenship by arguing for stronger legislation to combat Islamic fundamentalism. This included citizenship tests, language conditions, and even religious integration.⁷⁸ In the Netherlands the Pim Fortuyn List and later Geert Wilder's Party for Freedom (VVD) politicized citizenship by questioning the integration of Islamic immigrants. The latter campaigned for ending exemptions for dual nationality, inserting a public threat clause for naturalization, and adding integration conditions.⁷⁹ In each case the pressure to create more exclusive rules for naturalization had an influence on policy and led to the adoption of a citizenship test and loyalty oath.

Data on Loyalty Oaths and Citizenship Tests

The loyalty oaths were gathered from the EUDO website. The Austrian loyalty oath is available in *Acquisition and Loss of Nationality: Policies and Trends in 15 European States:*

⁷⁶ To verify this finding I reviewed the case law in each country. This review covered domestic cases concerning nationality. The cases come from EUDO Observatory's case law section, which contains domestic case summaries for each European country. The cases reviewed include: Austria- Decision No. B863/07; Decision No. G16/08; Decision No. G154/10-8; Decision No. B13/11-10; and Decision No. G66/23-7. For Denmark - Decision U 2010.1035H. For the Netherlands- 2004 case (September 3rd). <http://eudocitizenship.eu/databases/citizenship-case-law>.

⁷⁷ Chopin, "Administrative Practices," 235.

⁷⁸ Ibid., 234.

⁷⁹ Ibid., 236-37.

Country Analyses in the “Austria” chapter. The authors translated the loyalty oath. The 2010 extension is available online and is translated by the author.⁸⁰ The Danish loyalty oath is published in a translation of “Circular Letter No. 61 of 22 September 2008” available online.⁸¹ The Dutch loyalty oath is published in a translation of the “Kingdom Act on Netherlands Nationality” available online.⁸² The loyalty oaths reflect the latest version of nationality, which is subject to amendment.

To compare the loyalty oaths I evaluated the procedure of oath taking, the object of loyalty, and the essence of loyalty. The procedure includes when the oath is taken (end or beginning), how the oath is taken (verbal or written), whether the oath is mandatory. The object of loyalty includes the law, the constitution, freedom, rights, principles, the country, society, and reputation. The essence of loyalty includes respect, obedience, observe, promise, declare, faithfully fulfill, avoid, and abide. The relation between the parts determines the function of an oath. The first stage is the procedure. If the oath is mandatory then it functions as a political test because it forces the oath taker to recognize a political entity. The second stage is the object of loyalty. If the oath is loyalty to the country, then the oath is nationalist. If the oath is directed at law, then it is political. If the oath is directed at beliefs or values, then it is banal. The third stage is the essence of loyalty. If the oath defines a legal obligation, then it performs a contractual function. If the contract is enforceable, then the oath is a formal contract. If the contract is not enforceable, then it is a social contract.

The Austrian test is available online.⁸³ The Federal portion of the Austrian test was revised and updated on 24 April 2014. Due to time constraints and the availability of secondary sources the analysis is based on the old test. The new test contains fewer historical

⁸⁰ <http://eudocitizenship.eu/docs/CountryReports/Austria>

⁸¹ <http://eudo-citizenship.eu/NationalDB/DEN>

⁸² <http://eudocitizenship.eu/NationalDB/ND>

⁸³ http://www.bmi.gv.at/cms/BMI_Staatsbuergerschaft/start.aspx

questions and more political concepts.⁸⁴ The Danish test is not available online or in person, but sample questions and old test questions appear online. A new Danish citizenship test is expected in 2014. The new test is shorter, the passing score is lower, and test material is published.⁸⁵ The Dutch citizenship test is not published and no preparatory material is available. Scholars use test guidelines published by the Dutch Parliament, which contain 310 bulleted points.

Handling the Data

To compare citizenship tests I evaluate the procedure and content. The procedure includes the length of the test, passing score, time limit, times offered, test materials, and the size of the question bank. The content includes the questions in the exam. Comparing the content brought up several challenges. The first challenge is the availability of the tests. The actual test is not available in Denmark and the Netherlands, which offer guidelines or textbooks instead. In addition, the Danish test includes five questions on current events. For this reason much of the data is missing. The availability of textbooks and government issued study materials does provide approximate data. Scholars studying citizenship test seem to agree the sample question closely approximate the real test.

Second, the available data posed a language barrier. The content is secondary, which creates several problems. One problem is coding criteria. The secondary sources contained anywhere from seven to nineteen themes, which needed to be compiled into the three question types. This required combining the thematic categories of previous studies. Because the thematic categories were *more* specific than the types I use this required little alteration. For example, the thematic category of ‘Health (system)’ falls into the political type, or the category of ‘History, geography, national symbols’ falls into the nationalist type. I address these coding

⁸⁴ <http://eudo-citizenship.eu/news/citizenship-news/851-austria-revised-naturalisation-test-questions-and-study-guide>

⁸⁵ <http://cphpost.dk/news/easier-citizenship-test-on-its-way.7213.html>

issues later. The second problem is gathering questions. The test questions were compiled from ten sources.⁸⁶ The secondary sources yielded eighteen Dutch questions, thirteen Danish questions, and three Austrian questions. In addition to individual questions the secondary sources provide thematic and content analysis for each case. To analyze the data I relied on three techniques. First, I rely on content analysis when it is available. This provides the foundation for the weight and emphasis of the test. Second, I consider the fraction of a type of thematic category. For example, in the Netherlands there are 8 thematic categories. If 5 of the categories fall into the political type, then I use this to estimate the emphasis of the test. Third, I use the available questions to illustrate each category and theme. Together this provides a decent overview of each test.

I sorted questions into political, nationalist, and banal categories based on Pogonyi's criteria.⁸⁷ I sort each question by the object of knowledge. The political category includes questions about political and legal institutions, rights and freedoms, the constitution, administration, education, employment and work, public services, health services, and finances. The nationalist category includes questions about historical events, geography, and national symbols such as flags or crests. The banal category includes questions about lifestyles and social norms, etiquette, and applied knowledge.

For each case I first present the loyalty oath. The loyalty oath is more general than the test and provides a frame of reference. The oath is evaluated by procedure, object of loyalty, and essence of loyalty. Using this data I evaluate its functions. I then continue to the

⁸⁶ Ines Michalowski, "Required to Assimilate? The Content of Citizenship Tests in Five Countries," *Citizenship Studies* 15, no.6-7, (October 2011): 729-268; Matthias Kroenig, ed., "Citizenship Tests in a Post-national Era," *International Journal on Multicultural Societies* 10, no. 1, (2008); Tineke Strik et al. ed., *The INTECT Project: Integration and Naturalization Tests: The New Way to European Citizenship*, (Nijmegen: Center for Migration Law, 2010); Ricky van Oers, Eva Ersboll, Dora Kostakopoulou, ed., *A Re-definition of Belonging?: Language and Integration Tests in Europe*, ed. (Boston: Martin Nijhoff Publishers, 2010); Silvia Adamo, "What's the Point? Policies on Immigration and the Language issue in Denmark," *RECODE Online Working Paper Series* 4, (2012): 1-40.

⁸⁷ Pogonyi, "Citizenship Tests," 7-9.

citizenship test. The citizenship test is analyzed as a complement to the oath. I analyze the procedure and content by type and provide examples of questions. At the end of each case study I provide a summary. Following the case studies I provide a discussion of the oaths and tests. Here I question the purpose of citizenship tests and loyalty oaths.

Chapter Four: Case Studies

Austria: The Patterned Divide

The Austrian Loyalty Oath

The Austrian loyalty oath is:

I swear I will be a loyal citizen of the Republic of Austria, that I will consciously abide by the laws and that I will avoid everything that might harm the interests and reputations of the Republic.⁸⁸

In 2010 the legislature extended the loyalty oath to include “a commitment to the ‘core values of a European democratic state and society.’⁸⁹ The loyalty oath is taken at the end of the naturalization procedure. The oath as a nation-building project is weak in Austria because the oath takers recite the oath before a government official who then hands over the completed application and certificate of naturalization. In some provinces there is a ceremony, but in others the applicant is presented the certificate alone. As a contract the oath is weak as well. While the oath is mandatory in Austrian nationality law there is no provision for loss of nationality due to disloyalty. The oath as a political test is quite strong, and in fact supranational.

The oath is made to three things. The first is ‘the law,’ which is a legal and political concept. The second and third are more than legal concepts and require definition. The second object is the ‘Republic of Austria’ and the third is the ‘interests and reputation of the Republic.’ The two concepts complement each other, and the third describes the second. Each is based on the claim there is a thing, Austria, whose interests and reputation can be harmed. In legal terms the concepts describes the state of Austria in international law. The harm is

⁸⁸ Dilek Cinar and Harald Waldrauch, “Austria,” in *Country Analyses*, ed. Baubock et al., Vol. 2 of *The Acquisition and Loss of Nationality: Policies and Trends in 15 European Countries* (Amsterdam: Amsterdam University Press, 2006), 32.

⁸⁹ <http://eudocitizenship.eu/docs/CountryReports/Austria>

committed here by scheming to dissolve the state. The political concept describes 'the nation.' In this case the loyalty oath is a political claim. It describes an 'Austrian nation' whose reputation and interests could come into harm. Here the concept of reputation is especially abstract. The dictionary defines reputation as "the estimation in which a person is generally held."⁹⁰ There is no thing-in-the-world called the 'Austrian nation' with a reputation, nor is it clear who would evaluate its reputation. The words 'reputation' and 'interests' function in the oath as a political test. To become a citizen the oath taker is required to acknowledge the existence of 'the Austrian nation,' which deserves loyalty and possesses a character. By reciting the oath the oath taker acknowledges the existence of this political claim.

In the oath 'the Austrian nation' is described as a 'European democratic state and society.' The extension, again, describes the character of 'the Austrian nation.' The 'core values' of Europe probably means liberal values, but the modifier 'European' makes them unique. The idea of core *European* values only makes sense in relation to non-core, or peripheral values- if not non-European values. The only hint from the compiled questions is one asking, "Are honor killings forbidden and subject to prosecution in Austria?" This looks like a reference to Muslim immigrants. The extension confirms Austria as a 'nation' in itself and as a member of a larger project. The political claim could be an ode to the legal entity the European Union, the territory of Europe, or European civilization. The use of society gives character to 'the Austrian nation.' It is both European and Austrian, but the political claim itself is ambiguous. The category of 'the Austrian nation' as a 'European democratic state and society' is put to work as an object of loyalty. Without court cases or public statement there is little chance of putting a body on the oath, but the purpose of the claim is to have the oath taker recognize such an entity 'exists.' Again, it functions as a political test.

⁹⁰ *A Dictionary of Law*, 5th Ed. (Oxford: Oxford University Press, 2002), s.vv "reputation."

The essence of loyalty is conscious abatement and the avoidance of harm (potential or actual). Abiding by law means to observe law and is judged by the behavior of the oath taker. In context, consciously abiding by the law means observing the law should be performed in good faith. The person does not need to believe every law is moral, but should accept the rule of law as a value and be aware of its importance. The last part of the oath is directed at 'the Austrian nation.' The oath creates an obligation 'to avoid everything that might harm' the 'Austrian nation.' The wording is expansive and absolute. It creates a positive duty for which the oath taker is responsible. The oath presents no guide for knowing what might harm 'the Austrian nation.' It is likely that harm is subjective and depends on the actor making the claim. In practice many actions could harm the reputation of 'a country.' For example, getting caught up in a steroid scandal at the Olympics. The clearest legal criterion is treason, but it is unclear why treason would need its own provision separate from obeying the law. Treason cuts deeper it appears and offends the community.

The Austrian Citizenship Test

The loyalty oath in Austria raises several questions about the object of loyalty. Besides the law the oath is directed at 'the Austrian nation.' The oath taker commits to avoiding all sources of harm to 'the Austrian nation.' Foremost the oath taker is committing to not offend the 'reputation' and 'interests' of 'the Austrian nation,' which possess a 'European' character. In the loyalty oath 'the Austrian nation' functions as a political test. The oath taker shows deference to the political claim. In the citizenship test the political claim is given a body and defined more fully. The Austrian citizenship test is addressed in Article 10(a) Section 2, which reads, "Basic knowledge of the democratic system and the history of Austria and of the federal province concerned."⁹¹ The citizenship test was adopted in 2006 on the back of another round

⁹¹ <http://eudocitizenship.eu/NationalDN/ND>

of electoral success for the FPÖ. The 2006 reforms created the citizenship test, which was implemented in 2007.

Procedurally, the test is an 18 question multiple-choice exam divided into three sections of 6 questions each. The exam is furnished from a sample set consisting of 90 questions, which is available to the public through both the Federal and provincial governments. The test questions are chosen randomly from the sample set. To pass the test an applicant needs to correctly answer 3 of 6 questions in each section, or 12 correctly from the entire test. Officials administer the exam at least every six months and the maximum exam time is two hours. The citizenship test is a joint operation between the Federal executive and the provinces. The Federal government provides two-thirds of the questions and the provinces provide the final third. Government authorities, the provincial archives, school departments, immigration departments, and private associations supply the provincial content.⁹²

Substantively, the test is based on the high-school curriculum and covers political institutions, civil, legal, and political rights, and Austrian and provincial history.⁹³ The questions fall into nine thematic categories: “history; geography and economy; political institutions and politics; regional or state symbols; international and the European Union; culture, science, and landmarks; rights; food, customs, and other; and cultural and religious diversity.”⁹⁴ Of the content half is political, half is nationalist, and a small portion is banal.⁹⁵ The political questions cover Austrian political institutions and the European Union. The Federal portion of the test is oriented towards international politics, however, the provincial portions focus on Austrian politics. There is less political content in the provincial portions. The nationalist questions cover both ancient and modern history. On the Federal portion the

⁹² Perchinig, “All You Need to Know,” 36.

⁹³ Cinar and Waldrauch, “Austria,” 59 ft. 40.

⁹⁴ Perchinig, “All You Need to Know,” 37.

⁹⁵ Estimations from Michalowski, “Required to Assimilate?”

history of Austria in the decade after World War II features heavily.⁹⁶ On the provincial end half of the historical content covers the period before 1848.⁹⁷ The banal questions make up a small portion of the entire test. The banal questions come on the Federal portion and cover honor killings and forced marriage.

The questions posed by federal and provisional authorities do not match up. The Federal questions fall into the political category and the nationalist questions focus on contemporary history. In contrast the provincial questions focus on 18-19th century history. Interestingly, the difference is not due to political forces. The dominant political party in each province is not correlated to the type of questions on the test.⁹⁸ The question arises why provinces focus on earlier events. One reason might be academic interest. In several cases provincial archivists who may be more interested than most in early Austrian history chose the questions. Another possibility is the focus on 18-19th century history is due to the federal structure in Austria. In each province the test could have served as a forum to justify the current political structure. In this case the historical focus would reach beyond political lines. The first possibility is more likely given the rarity of federal re-structuring, however, from a content perspective the federal structure yields interesting conclusions.

Part of the loyalty oath is made to ‘the Austrian nation.’ This claim is given body in the citizenship test, but the content of the citizenship tests shows a cleavage. At the federal level rights, laws, and elections define a legal ‘Austrian nation.’ In the Federal test even the ‘European’ character of ‘the Austrian nation’ is defined legally. The nationalist content on the Federal test is contemporary. The Provincial content is older. There is a gap between the history citizens should know as Federal members and as Provincial members. The Provincial history is grounded in 18-19th century events. The gap could mirror academic interest or the

⁹⁶ Perchinig, “All You Need to Know,” 40.

⁹⁷ *Ibid.*, 43.

⁹⁸ *Ibid.*, 44.

order of events. In the second case the Federal government could have asked the contemporary questions before the Provinces selected questions. The schism in nationalist content makes the exact object of loyalty opaque; however, between the Federal and Provincial questions there is a continuous history. The emphasis on historical roots define the ‘Austrian nation.’ Reflecting back on the loyalty oath this give hints to its reputation, but no guide to avoiding harm. The intent of the Austrian citizenship test is to function as a political test. The content is built on a historical narrative of ‘the Austrian nation.’ By answering the questions the prospectus acknowledges ‘the Austrian nation’ as a political authority of historical and contemporary importance.

Denmark: People of Prestige

The Danish Loyalty Oath

The Danish loyalty oath is a written document stating a “declaration of allegiance and loyalty to Denmark and the Danish society, and willingness to observe Danish legislation and respect fundamental Danish principles of law.”⁹⁹ The loyalty oath is signed and placed in an application packet. The oath taker signs his or her name and gives the packet to the police who handle the early stages of the naturalization process. The oath as a nation-building project is weak because the oath is taken alone. In contrast the oath carries a strong legal obligation. The oath is not only mandatory, but also creates an enforceable contract. In Danish nationality law there is a provision for the loss of nationality due to disloyalty, which is a recent addition. Loss occurs for treason, but cannot leave the subject stateless. Beyond its contractual function the oath works as a political test.

⁹⁹ Eva Ersboll, “Naturalization Procedures for Immigrants in Denmark,” *EUDO Citizenship Observatory* (February 2013), 9. Note, in personal correspondence the researcher provided two translations of the oath. The direct translation uses “act in conformity” in the place of “willingness to observe.” I follow the researcher’s published translation.

The oath is made to four objects. The first two objects are ‘Danish legislation,’ and ‘Danish principles of law,’ which are political concepts. The third object is ‘Denmark,’ which is a territorial concept, and the fourth is ‘Danish society,’ which is a cultural concept. In the ideal nation-state a territory is congruent to a cultural community. In the ideal case allegiance to both would be redundant because one would imply the other, however, here the two are mentioned as separate objects. One possible interpretation is the territory of ‘Denmark’ and ‘Danish society’ hold different allegiance weights. Foremost the duty is to the territory and then there is a duty to the people. The order of the words and the later political focus suggest the real emphasis is between culture and territory, and the political state. This is fitting with the function of the oath as a political test. The oath taker is required to recognize a special relationship to ‘the Danish nation.’ The special relationship to this political claim is backed by a difference in phrasing, which separates politics from culture and territory. In the oath the territorial and cultural components are the object of the strongest word: allegiance.

The essence of loyalty is defined in the oath as ‘allegiance’ and a demonstration of the will to observe and respect the objects of loyalty. The mundane portion of the oath is a demonstration of will. Compared to the Austrian oath the demand is mild and refers to a good faith effort. The interesting part of the Danish oath is the division between obedience and allegiance. In the oath obedience is owed to the law, but allegiance is owed to ‘Denmark.’ The oath taker makes a pledge of attachment to ‘the Danish nation’ alongside a commitment to obey the law. The oath requires the oath taker to believe and feel for the ‘nation.’ The value-added is not directed at certain core values, but beyond to ‘the Danish nation.’ The question arises what level of feeling or belief is necessary.

The clearest path forward is Danish treason law. It is reasonable to see treason as a gross violation of the law, but the idea of treason often reaches deeper to the concept of betrayal, which, again, requires an entity with human character to mean something. Indeed treason is a condition for loss of nationality in Denmark. The provision is activated if a “person

is convicted for offences against the independence and safety of Denmark.”¹⁰⁰ The test of attachment is legally enforceable only in certain criminal offenses. The wording suggests allegiance is due to ‘the Danish nation,’ but in practice allegiance is defined in law as not violating certain criminal codes, and then only in cases of dual nationality. The function of the word allegiance is better understood as a component of the political test. It creates and emphasizes the depth of recognition the oath taker makes.

The Danish Citizenship Test

The loyalty oath in Denmark raises questions about the object of loyalty. On the political end the oath is directed to ‘principles of law’ and ‘legislation.’ The first clause, however, is addressed to ‘the Danish nation,’ which is defined as a territory and social community. The oath taker swears allegiance and loyalty to ‘the Danish nation.’ The use of allegiance adds a test of belief to the Danish oath, which is not present in the Austrian one. The test of belief is enforceable when the oath taker violates certain criminal codes. To get an idea of ‘the Danish nation’ implied in the oath it is necessary to look at the citizenship test where the political claim is explicated. The Danish citizenship test is addressed in the “General Provisions” of the 2008 circular, which reads, “...knowledge of Danish society, culture and history...”¹⁰¹ The citizenship test was adopted in 2006 and implemented in 2007. To fulfill the condition applicants must pass an informal test of their knowledge of the culture and history of Denmark.

The test is 40 questions multiple-choice exam divided into two sections. The first section contains 35 questions from the textbook, which contains 200 questions and the correct answers. The second section contains 5 questions covering current events. A commission chooses the questions. Previously, the Ministry of Integration published the exam questions,

¹⁰⁰ <http://eudo-citizenship.eu/databases/modesofloss>

¹⁰¹ <http://eudo-citizenship.eu/NationalDB/DEN>

but in 2008 the preparation material was withdrawn and a set of sample questions offered instead. To pass the test an applicant must answer 28 of the 40 questions correctly. In 2008 the test revision set a higher passing standard with an applicant needing to answer 32 of the 40 questions correctly. The revision also lowered the time limit from 60 to 45 minutes. Currently, the test is offered twice a year. The content is a Federal operation and handled by the Ministry of Integration. The test content is from a textbook written by the Ministry of Integration in conjunction with a private historical society. Four history experts advised the writing of the book.

The content is broadly historical and covers the Viking age to contemporary society. According to Ersboll the textbook is oriented around nineteen thematic categories including the royal house, the Danish folk high school movement, and science.¹⁰² According to Orgad the applicants should know:

... that during the twelfth century, Saxo Grammaticus wrote *Gesta Danorum*, which is an essential source of Danish history; that the story of *The Ugly Duckling* was written by Hans Christian Andersen; that Jorn Utzon is a Danish architect who designed the Sydney Opera House; that Vilhelm Hammershoi is a Danish painter; that Niels Bohr is a Danish scientist who won a Nobel Prize in Physics; that Denmark won the European Football Championship in 1992; and that Erik Balling is the director of the film *The Olsen Gang*. Other questions focus on constitutional issues, such as abortion, equality or free speech.¹⁰³

Local experts have criticized seven questions in the test for being ambiguous, but only one question was removed from the test. The question concerned the first appearance of the word “Danmark.”¹⁰⁴ One other criticized question asked about the population of Denmark in the Viking age. The content of the test is nationalist. It covers history by focusing on people.

¹⁰² Eva Ersboll, “On Trial in Denmark,” in *A Re-definition of Belonging?: Language and Integration Tests in Europe*, ed. Ricky van Oers, Eva Ersboll, Dora Kostakopoulou (Boston: Martin Nijhoff Publishers, 2010), 144. The complete list of thematic categories is, “geography, population, and language; immigration to Denmark; the royal house; the flag; the national community; Christianization; belief and church in Denmark; norms and national holidays; youth culture; the Danish folk high school movement; schooling and education; family and family life; sport; the Culture Canon 2006; literature’ art; music; architecture; film; science; and media.”

¹⁰³ Orgad, “Illiberal Liberalism,” 24.

¹⁰⁴ Ersboll, “On Trial in Denmark,” 146.

The questions in the Danish test focus on three themes. The first theme is Denmark in the Viking age. The recent Cultural Canon, which released in 2006, provides a good example of the lengthy historical record. There too the focus is placed on early history.¹⁰⁵ The second theme is historical too, but emphasizes the people of Danish history. Famous scientists, authors, painters, architects, sports players, and film directors appear as national symbols in the Danish test. Knowledge of these people is not capacity enhancing. It cannot make someone a better citizen to know and recognize the name Jorn Utzon. Instead the inclusion of famous people in the test serves to provide examples of Danish people. It is a source of pride to have such famous people coming from ‘the Danish nation.’ The third theme is political and covers the political and legal institutions in the state. One interesting variation of the political questions is church-state relations. There is a thematic category covering ‘belief and church in Denmark’ and one covering ‘Christianization.’ The emphasis in these questions is unknown, but it is possible to imagine two variations. One version of events would emphasize the separation of church and state. The other version might emphasize the Christian roots of Denmark. The two hypothetical versions could even complement each other and suggest a path forward for new immigrants.

From the questions available the Danish test is a mixture of nationalist and political questions. The political questions cover the basic legal institutions, and controversial topics such as religion and abortion. The nationalist questions cover ancient history and people-centered events. The German test is another example of a history of people. The focus on a history of people could reflect distinct ways of doing history. The people-centered approach provides a useful explication of ‘the Danish nation’ as a territory and cultural community.

The Danish loyalty oath is made to ‘the Danish nation,’ which is defined as both a territory and a social community. In the citizenship test the social community is defined more

¹⁰⁵ http://kum.dk/uploads/tx_templavoila/KUM_kulturkanonen_uk_OK.pdf

fully. In the test the historical questions ask about people. The loyalty oath is made to a long line of people in ‘Danish society’ who accomplished internationally recognized feats. The focus on people is paired with content on Viking history. The historical narrative is nationalist, but in a different way than in Austria. It emphasizes the links between people instead of events on a territory. Here ‘the Danish nation’ is another example of a political test. The oath taker is made to recognize the supremacy of ‘the Danish nation.’ In the test the applicant is expected to correctly answer questions about the international renowned ‘Danish nation.’ This ‘Danish nation’ is both old and successful.

The Netherlands: The Lifestyle

The Dutch Loyalty Oath

The Dutch loyalty oath states:

I swear (declare) that I respect the constitutional order of the Kingdom of the Netherlands, its freedoms and rights and I swear (promise) to faithfully fulfil the duties resulting from Netherlands nationality. *The person who makes the declaration shall add as a confirmation:* So help me God, or: This I declare and promise... ¹⁰⁶

The applicant recites the loyalty oath in Dutch during the citizenship ceremony. The nation-building function of the oath is strong in the Netherlands. The loyalty oath and citizenship ceremony are mandatory, and the prospectus must recited in his newly tested language. The oath works as a contract in the Netherlands too. In Dutch nationality law a person can lose citizenship due to disloyalty includes treason, terrorism, and crimes with a sentence of eight years or longer. The last provision is a strict definition of loyalty. Statelessness is the only limit on loss of nationality. The final function of the oath is as a political test. The test here is legal and political.

¹⁰⁶ Emphasis added.

The oath addresses four objects of loyalty. The first is the ‘constitutional order’ and the second is ‘freedoms and rights.’ The first two complement each as political concepts. The third object is ‘the Netherlands nationality.’ Here the ‘Dutch nation’ is a strictly legal definition. The concept of ‘Netherlands nationality’ explicitly avoids a cultural or territorial definition of the state. Instead the concept is legal and is more akin to the political concepts. Further even when the oath describes ‘freedom and rights’ and attributes them to the ‘Kingdom of Netherlands’ the context suggests the relationship is political. The oath in this case is based on political and legal obligations. The oath is carefully worded to exclude the character of the ‘Dutch nation.’ Moreover the oath is not actually an oath of loyalty. The oath does not include the word loyalty. The only other object of loyalty could be ‘God,’ but it is more accurate to think of God as a loyalty aid. In practice the oath becomes more ambiguous.

The essence of loyalty is ‘respect’ and faithful fulfillment. The ‘constitutional order’ is respected, which in context means obeying the law. The order in the Netherlands is placed in contrast to disorder, which Dutch nationality law defines strictly as any criminal offense leading to a prison sentence of more than 8 years. The relatively light definition of disorder places a strain on the oath. The oath taker is committing to the laws made by the Parliament. In the Netherlands the constitution is interpreted by Parliament. The legal obligation created by oath and defined by Parliament is a strict interpretation of respect. The second part of the essence of loyalty is less clear. The first challenge is determining the duties of a Dutch citizen. The oath does not define these duties, but obliges the oath taker to ‘faithfully fulfill’ them. In this context ‘fulfill’ means to complete the duties and ‘faithfully’ indicates the manner of completion. The problem of determining what exact manner the oath specifies again arises. In legal terms there is no duty attached to citizenship beyond obeying the law. The obligation to respect the constitutional order precedes this duty, which suggest the duties of the citizen lie beyond mere obedience.

The Dutch Citizenship Test

The Dutch citizenship test is mentioned in Chapter 4, Article 8, section d, which reads, “...certain knowledge of the Netherlands, Netherlands-Antillean or Aruban political system and society, and who has also otherwise integrated in society in the Netherlands, the Netherlands Antilles or Aruba.”¹⁰⁷ The citizenship test was adopted in 2004, but its early predecessor is the Act on the Civic Integration of Newcomers, which first established integration testing. The current test is a result of negotiations on integration beginning in 2000. The debates led to the adoption of a formal citizenship test in 2003.

The test is a 43 question long multiple-choice exam. The test is taken on a computer and is not divided into sections. The questions are selected from a question bank of 310, which was published by Parliament in bulleted form. The published material is unofficial and the correct answer to a bulleted item is not given. The official test is secret and no other preparatory material is available. To pass the test the applicant needs to answer 28 of the 43 questions correctly. The exam time is 45 minutes and the test is offered twice a year. The exam is developed at the federal level and administered by a private company. Municipal authorities provide integration courses, but the content of the courses is not equivalent to the exam material.

The exam is based on eight themes: “work and income; manners, norms, and values; housing; health and health care; history and geography; authorities; polity and the rule of law; and education and upbringing.”¹⁰⁸ The political questions make up half of the test, the nationalist questions only a small portion, and the banal questions another half.¹⁰⁹ According to Van Oers the themes cover cognitive knowledge, but aim towards a normative dimension.¹¹⁰ For example, a question in the thematic category of ‘the rule of law’ asks, “the candidate

¹⁰⁷ <http://eudocitizenship.eu/NationalDB/ND>

¹⁰⁸ van Oers, “Citizenship Tests,” 90.

¹⁰⁹ Estimates from Michalowski, “Required to Assimilate?”

¹¹⁰ van Oers, “Citizenship Tests,” 90.

knows that state law is above religious and traditional law.” The questions test the applicants understanding of ‘Dutch’ values and their practical application. The test content covers both legal rules and informal rules, or norms, such as social relations, etiquette, and being successful. The social content is clear in a question such as “the candidate knows the way in which certain women/men are dressed in public must not be understood as unchaste or inviting.” The testing of norms is a widespread critique of the Dutch test.¹¹¹ For one, critics dispute the plausibility of a correct answer to a normative question.

The questions on the Dutch citizenship test fit the three types. The political questions cover the rule of law, the procedure of getting a driver’s license, taxes and employment, the legal status of homosexuality, education, health care, and public holidays. The nationalist questions ask about the history and meaning of public holidays. The banal questions make up a large portion of the questions. The banal covers questions on financial autonomy for women, living together before marriage, manners, the terms of being offended, manners, interactions with superiors, how (and when) to disagree, gender equality. The boundary between banal and political questions is thin. For example, the law prevents the discrimination of people by gender. The practical application of this law is not immediately clear and it could be considered a norm or a applying a political concept. Banal is the correct type because the law is not clearly formulated. The nationalist questions do not figure and only make up one of the 8 thematic categories. The political questions cover a wide range of legal and administrative activities, which make up between 5 and 6 of the 8 categories. The thematic category ‘education and upbringing’ covers both banal and political questions. A portion of the test is made up of banal questions including the thematic categories of ‘manners, norms, and values,’ and ‘upbringing.’ The banal question test the applicants understanding of gender equality and sexual freedom.

¹¹¹ Joppke, “Through the European Looking Glass.”

In the loyalty oath ‘the Dutch nation’ is defined in legal and political terms. The strictness of the definition is apparent in the emphasis on the Dutch nationality, which is a legal concept. The political test in the Dutch oath is made to the constitutional order, which is strictly defined, but not given a clear character. The Dutch citizenship test provides a useful explication of the constitutional order. The oath to ‘respect’ the ‘constitutional order’ is not simply a matter of obeying the law. Instead the oath is a matter of belief. The emphasis of the oath is on the faithful fulfillment of duty. The test describes these duties as the application of values. The emphasis in the Dutch case is on a lifestyle. The oath is recited in a communal setting, the constitutional order is tested in social interactions, and citizenship is a duty to others. The oath of loyalty is made to ‘the Dutch nation’ as defined by a certain lifestyle. The political test functions the same way, but it is made to a banal ideal.

Discussion: Procedures, Contracts, and Symbols

The analysis revealed three nationhood ideals. In the analysis I gave each ideal a caricature.¹¹² In fact, each test included political content, and in each oath the predominant oath holder is the law. Further, the primary duty to the law is respect, which in context is a behavior not a feeling. In practice the oaths I reviewed showed a balance between each idealized nationhood conception. The purpose of the comparison was to draw out some of the distinct features in each. For the loyalty oaths, the Austrian oath is distinctly European. For the test, the Dutch test is distinctly banal. The Danish test is focused on people, which might suggest a conception of nationhood based on achievement, or lineage. The different ideals raise several puzzles, and in the discussion I deal with three. The first puzzle is the connection between procedures and nationhood ideals. I ignored procedures during the case analysis. Here I bring out those details. In particular, I ask what the purpose of keeping content secret is? The second

¹¹² I chose to focus on different conceptions of the nationalist ideals, but it is important to clarify that political ideals are about nationhood too.

puzzle is the avalanche of citizenship tests and loyalty oaths. First, why *these* legal instruments? I discuss the material and symbolic importance of citizenship testing and loyalty oaths. I finish with a discussion of the possible reasons behind different nationhood ideals.

The loyalty oaths differed on three dimensions. First, the procedure for committing to the oath varied. In the Danish case the commitment came by signature, in Austria by recitation, and in the Netherlands by recitation in a group. The second dimension is the timing of the oath. In Denmark the oath is made before naturalization. In the other two cases the oath is a capstone to naturalization. The final dimension is the presence or absence of other people. Only in the Netherlands is the oath made with other people. In Denmark the oath is signed alone, and in Austria it is recited alone. What general picture is suggested by these procedural differences? For one, the Danish oath is private and a demonstration of intent. The oath functions as a sign of commitment to naturalize. In Austria the oath is made after naturalization is confirmed. It acts as the final step, but it is not ceremonial. The Dutch oath is quite distinct in the focus on ceremony and vocalizing. The capstone is not a certificate, but an event and act. One interesting correlation is the link between the banal nationhood ideal in the Netherlands and the act of ceremony. The norms in the test are social events such as meeting people in the street or proper manners. The citizenship ceremony is a fitting end to the process because it is a chance to express (or to test again) these social skills. The pairing of the oath and ceremony is unique to the Netherlands. There is a citizenship ceremony held in Denmark twice during the year, but oath taking is a private act. I am willing to draw one conclusion: oaths can work as commitments or capstones. The order of oath taking is interesting, but of less importance than the procedural aspects of citizenship testing.

How much can be gleamed from procedures? In isolation very little, but some procedures do tell quite a bit. The most notable procedure in citizenship tests is keeping the test content secret. From the nationhood lens I have approached loyalty oaths and citizenship tests with the secret content is a real challenge. There is no immediate justification for keeping the

object of loyalty and recognition secret. Rather if the true purpose of citizenship tests and loyalty oaths is to recognize a political authority, then it makes sense for ‘the nation’ to be publicized. In the Netherlands the secret content could be another example of banal nationhood in action with the everyday being promoted over the abstract, however, going back to the procedural details and comparing them begins to suggest another story.

In the Netherlands, the available test content was only released as a set of bulleted study points released by the government. After initially publishing the material the Danish government removed the preparatory material from its website. In contrast, the Austrian government published the test questions *and* answers for both the Federal and Provincial sections. The decision to keep the content secret is therefore scattered across the nationhood ideals. The stronger correlation, in fact, is between the length of the test and the decision to keep the content secret. The real purpose behind keeping the test secret is to prevent people from becoming citizens. Several authors refer to this process as confusing citizenship policy with migration control.¹¹³ The purpose of citizenship testing in this case is to act as an instrument of social closure and to restrict access to goods and privileges. The point is taken, but citizenship is a poor form of migration control and social closure. Further, the two intents are not mutually exclusive. In fact, it is possible nationhood ideals become more relevant in cases of secret content. The banal nationhood in the Dutch citizenship test could be reflected in the practice of secret material. The test is not cognitive, but truly behavioral. Only by engaging in ‘the Dutch nation’ can the material be learned and processed. This leaves us as a dead end. Procedures can only reveal so much.

Earlier, I made the case problems that arise when oaths create legal obligations. One purpose of the oath is undoubtedly legal. Oaths create legal obligations and states increasingly appear willing to exercise discretion in cases of treason or even moderate crime,

¹¹³ Joppke, *Citizenship and Immigration*.

as is the case in the Netherlands. There is little research on treason and the role of political claims about ‘the nation.’ Interestingly, the loyalty oaths I analyzed create the potential for crimes against ‘the nation.’ In particular the use of ‘reputation’ and ‘interests’ in the Austrian oath suggest there is a character to ‘the nation,’ which can be harmed. Is the purpose of loyalty oaths tied to their legal character? There is evidence for and against this interpretation. In practice, it is too early to tell. For example, the case record of the Austrian Constitutional Court’s suggests any treason case is unlikely, however, the idea of a crime against ‘the nation’ is a powerful claim.¹¹⁴ In fact in Austria there is a recent movement to denaturalize citizens fighting in Syria.¹¹⁵ Following these debates would provide a means for evaluating the role of loyalty oaths in public decision-making. Even as a rhetorical strategy, the oaths create an obligation the oath taker must face. At this point the vacuity of oaths is both a source of strength and weakness. As a general rule when strong courts encounter an oath the legal obligation is unlikely to stick. For one, the legal code is built to protect individuals from the arbitrary exercise of power. Yet the willingness of the court to stand up to political forces is context dependent. In a more practical tone, the force of the oath as a legal or political obligation is weak. The potential to exploit loyalty oaths is there, but strong courts can help allay security concerns and brash charges. I think the potential for oaths to create legal obligations is there, but currently the practice is not established.

What about oaths as a social contract? By exposing the ground rules for cooperation the oath can resolve underlying fears about cooperation. Unfortunately, this possible benefit is undermined by a normative and empirical problem. On the normative side there is no reason to

¹¹⁴ I base this conclusion solely on the following cases: Decision No. B863/07; Decision No. G16/08; Decision No. G154/10-8; Decision No. B13/11-10; and Decision No. G66/23-7. Each case is available on the EUDO website. See, ff. 76.

¹¹⁵ The news article appeared too late to include in this study. The event concerns the possibility of denaturalizing citizens who do not fight officially in foreign armies, but nonetheless engage in foreign warfare. For a report see, <http://eudo-citizenship.eu/news/citizenship-news/1133-austrian-ministers-propose-to-denaturalize-austrian-nationals-fighting-in-syria>

ask immigrants to make an oath other members of society don't need to make. Criminal conditions should suffice as a test of obedience to the law, and cooperation is not typically backed by the state with loyalty oaths. Asking the immigrant to make a demonstration of faith on top of routine commitments is normatively troublesome. On the empirical side, as Cass Sunstein comments, the form of an oath limits its force as a social contract.¹¹⁶ When oaths are proposed as means of rectifying social division the paradoxical result is they harden social division. By emphasizing unity, plurality is exposed. The need for a loyalty oath is likely to be felt most astutely when the social contract is failing. At this point the possibility of social integration around a common ideal may be limited. The citizenship test falls into a similar trap, but its narrative form provides possible escapes. In Austria the narrative of minorities is incorporated into the citizenship test. The social contract the test presents is based on ground rules that take into consideration the place of minorities and migrants. In contrast the social contract is given a strict definition in the Netherlands. There, the emphasis is placed on learning by doing. Further, if the purpose of the citizenship test was to set out a social contract, then the form of the test is troublesome. Tests do not take the form of a dialogue about social cooperation, but set the terms of social cooperation to be conformed to.

The final purpose of an oath I consider is symbolic. The symbolic purpose of the oaths is to have the applicant acknowledge the importance of 'the nation' before gaining access to certain privileges. The loyalty oath in this sense binds the candidate to 'the nation' through the allegiance and a feeling of attachment. This accounts for the strong language, but as an empirical question the symbolic power of an oath or test, again, seems overstated. The test and oath make up an important part of naturalization, but as practices their impact is an open

¹¹⁶ Sunstein, "Unity and Plurality." Sunstein's point is projects of unity tend to reinforce the disunity of society. In this case citizenship policy is stuck in a dialectic recognizing difference and promoting social integration. In *Citizenship and Immigration* (2010) Joppke explores the shift to civic integration as a consequence of multiculturalism. One wonders whether the shift to civic integration will have a consequence of its own.

question. One way to study oaths and citizenship tests would be from below to see how people experience the event. It may be the loyalty oath is viewed as a nation-building project around which new citizens can gather and feel a sense of community and solidarity. If in this case the oath were felt as a boon rather than an imposition, then serious reflection would be needed on the normative costs and functional benefits of loyalty oaths. More to the point, in terms of content the symbol oaths and citizenship tests present emphasizes historical continuity, but tests for naturalization suggests nationhood can be learned. The test and oath create situations where the applicant is expected to recognize the symbolic power of ‘the nation,’ and further is judged on their recognition. The Austrian test is the ‘best practice’ of the tests I reviewed. In the Austrian test the applicant has a certain amount of flexibility in deciding what kind of recognition to give the state.¹¹⁷ It is possible that a very aware applicant could take the test and pass without violating any moral precepts. In other cases, such as the Netherlands, the applicant is given little flexibility. The recognition is focused on the right *way* of doing things. This is a more intimate connection to the applicant and social life.

Tests and oath certainly come with symbolic baggage. The history of ‘the oath’ is one of kings, revolutions, and strong bonds. The bond implied in each loyalty oath is different. In the Netherlands the bond is made between the applicant and a banal ideal of nationhood. The proper recognition of the banal ideal is a condition for making the oath. In contrast, in Denmark the bond is made before the citizenship test as a precondition. In Austria the applicant is given a flexible choice, but the oath is a confirmation taken at the end of the naturalization process. The exact origin of the symbolic content in citizenship tests is unclear as well. This brings up a final puzzle.

¹¹⁷ For example, if the test taker did not agree with the historical narrative presented by the Provincial government, then they could skip that section as long as they knew the answers to the other questions. This is because the test can be passed in two ways in Austria. One is getting half of the questions in each section correct, and the other is getting two-thirds of the entire question set correct.

The last puzzle I presented is the matter of explaining different nationhood ideals. In this comparison, I tried to control for political and ideological factors. I selected cases with similar political climates, far right parties, and constitutional structures. I did allow one difference, which was in degrees of court influence. Arguably, in the two cases with weak judicial review the procedural aspects of the citizenship test created higher barriers; however, there is no correlation between test content and the presence or absence of judicial review. One other possibility is Austria, Denmark, and the Netherlands follow distinct state models. While this could be true I want to entertain another interpretation. One difference in the cases is the authors of the test. In Denmark and in the Netherlands the authors of the test were politicians. The Parliament of the Netherlands released the bulleted posts, and the Ministry of Integration in Denmark released the test content. In Austria the authors of the test, at the Provincial level, were archivists and historians. It is reasonable to expect different authors would impose their different visions of society on the test, but is there a correlation between employment or hobbies and nationhood ideals? It is reasonable to assume that politicians would favor political conceptions, and historians historical conceptions, but what about banal conceptions? Evidence from the Netherlands suggests that politicians could favor banal ideals, which is plausible because they deal with social life. There is little to conclude on this point from the studies I presented, however, it is a promising avenue for future research.

Conclusion: Purpose and Complexity

The adoption of citizenship tests and loyalty oaths is a new trend in Europe. I found three distinct patterns by analyzing loyalty oaths and citizenship tests. In Austria the oath of loyalty is a political test, which requires the oath taker to recognize the value of ‘the Austrian nation.’ The citizenship test provides substance for ‘the Austrian nation.’ In the citizenship test the historical narrative covers 18-20th century national history and the post-WWII period. In addition, in the Austrian test and loyalty oath there is a European dimension. The emphasis on Europe is only legal. In Denmark the oath of loyalty acts as a political test. The oath requires the oath taker to recognize the supremacy of a territory and cultural community. The citizenship test defines the cultural community as a long line of Danish people who have achieved international recognition. The focus on lineage is particular to the Danish case. The current Danish government keeps the questions for the test secret. It is interesting to note that while the test is nationalist the content is secret. In the Netherlands the oath of loyalty is made to the constitution. The Dutch loyalty oath is the most political of the oaths. When referring to people living in the Netherlands the oath uses the concept “nationality,” which is a legal term. The citizenship test, in contrast, is banal. Reflecting back on the loyalty oath and the emphasis on communal oath making the practice is tinged. It is possible the loyalty oath is another expression of banal ideals where the focus is placed on proper social relations. The undertow of the political nationhood ideal is a banal ideal, which asks the oath taker to ‘faithfully fulfill’ and apply constitutional precepts.

The findings of this research should be kept in context. The scope of the analysis is limited to Europe. The political climate in Europe is unique and the effect of supranational and international legislation is difficult to separate from the context. On the methodological side the language barrier created several problems for interpreting the data. For one, the entire scope of material could not be analyzed. The content analysis is limited to secondary sources,

which tend to group and categorize questions in study-specific ways. Second, the language barrier limited the opportunities to explore more cases. To explore more cases would have meant thinning out the analysis and stretching the conclusions. Another issue in the research design is determining the weight of different questions. Because the study relied on secondary, the conclusions should be taken quite specifically. In other words, the study shows that from the available content analysis and questions certain nationhood ideals are presented in the citizenship tests of Austria, Denmark, and the Netherlands. Further, the research shows that when paired with loyalty oaths certain commonalities can be found. The main commonality I found is in the function of citizenship tests and loyalty oaths. Both legal instruments provide a means for testing candidates for naturalization. The political test function is one means of perpetuating symbolic power. I speculated whether the political test mattered for candidates for citizenship. I concluded that the power of the test to discipline a candidate is weak, but as a possible source of future political claims the loyalty oath and citizenship test bode ill.

Citizenship tests and loyalty oaths can fulfill three functions, but in practice they appear to fulfill none at all. Bits and pieces of a legal obligation, social contract, celebration of unity, and symbolic acknowledgement can be found in each pairing I studied. None of the functions can explain the oath or test in totality. In fact, oaths and citizenship tests are quite complex and multidimensional. The order of procedure can reveal just as much as the test questions or phrasing of the oath. To talk of a single purpose is a misnomer. I asked earlier why states adopted *these* legal instruments. The strongest finding is loyalty oaths and citizenship tests create a political test for migrants. In this case the migrant is forced to recognize the symbolic power of ‘the nation’ in order to become a citizen. It is also possible that the purpose of these instruments is simply to restrict access to citizenship. As a final word, oaths come tinged with symbolic baggage, but the extent of the baggage and its form depend on the procedures for making decisions about tests and oaths. In Austria flexible procedures make for limited symbolic baggage. In the Netherlands, a strict procedure creates heavy symbolic baggage.

There are several avenues of research to explore. I suggest two promising options. The first option is getting inside the citizenship test-making process. This would provide a more detailed knowledge of how tests are made and why questions are selected. This avenue would move the focus away from the state to more decentralized forms of claim making. The second avenue is expanding the scope of the study to incorporate more studies. This would provide crucial information on the relevant variables and inputs. In particular, scholars should give more attention to the decision making process. States do not adopt citizenship tests and oaths. Political actors propose and implement citizenship tests and oaths. More attention to the different actors involved could reveal surprising and counterintuitive findings.

Bibliography

- Adamo, Silvia. "What's the Point? Policies on Immigration and the Language issue in Denmark." *RECODE Online Working Paper Series* 4, (2012): 1-40.
- Baubock, Rainier et al., ed. *The Acquisition and Loss of Nationality: Policies and Trends in 15 European Countries*. Amsterdam: Amsterdam University Press, 2006.
- Baubock, Rainier and Christian Joppke, Eds. "How Liberal Are Citizenship Tests?" *EUI Working Papers RSCAS* 2010/41.
- Billig, Michael. *Banal Nationalism*. London: Sage Publications, 1995.
- Bourdieu, Pierre and Loic J.D. Wacquant. *An Invitation to Reflexive Sociology*. Cambridge: Polity Press, 1992.
- Brubaker, Rogers. "Re-thinking Classical Social Theory: The Sociological Vision of Pierre Bourdieu." *Theory and Society* 14 (November 1985): 745-775.
- "Comments on 'Modes of Immigration Politics in Liberal Democratic States.'" *International Migration Review* 29, no. 4, (Winter 1995): 903-908
- "Ethnicity Without Groups." *Archives Européennes de Sociologie XLIII* 2 (2002):163-189.
- Brubaker, Rogers et al. *Nationalist Politics and Everyday Ethnicity in a Transylvanian Town*. Princeton: Princeton University Press, 2006.
- Chopin, Isabelle. "Administrative Practices in the Acquisition of Nationality." in *Comparative Analyses*, edited by Rainier Baubock et al., Vol. 1 of *The Acquisition and Loss of Nationality: Policies and Trends in 15 European Countries* (Amsterdam: Amsterdam University Press, 2006), 256.
- Cinar, Dilek and Harald Waldrach. "Austria." in *Country Analyses*, ed. Rainier Baubock et al., Vol. 2 of *The Acquisition and Loss of Nationality: Policies and Trends in 15 European Countries*. Amsterdam: Amsterdam University Press, 2006.
- Damsholt, Tine. "Makin Citizens: On the Genealogy of Citizenship Ceremonies." In

- Constituting Communities: Political Solutions to Cultural Conflict*, edited by Per Mouritsen and Knud Erik Jorgensen, 53-72. New York: Palgrave Macmillan, 2008.
- de Hart, Betty and Ricky van Oers. "European Trends in Nationality Law." In *Comparative Analyses*, edited by Rainier Baubock et al., Vol. 1 of *The Acquisition and Loss of Nationality: Policies and Trends in 15 European Countries*. Amsterdam: Amsterdam University Press, 2006.
- Ersboll, Eva. "Naturalization Procedures for Immigrants in Denmark." *EUDO Citizenship Observatory*. February, 2013.
- On Trial in Denmark." in *A Re-definition of Belonging?: Language and Integration Tests in Europe*, edited by Ricky van Oers, Eva Ersboll, Dora Kostakopoulou. Boston: Martin Nijhoff Publishers, 2010.
- Freeman, Gary. "Modes of Immigration Politics in Liberal Democratic States." *International Migration Review* 29, no. 4, (Winter 1995): 881-902.
- Guibernau, Montserrat. *The Identity of Nations*. Cambridge: Polity Press, 2007.
- Hailbronner, Kay. "Nationality in Public International Law and European Law." In *Comparative Analyses*, edited by Rainier Baubock et al., Vol. 1 of *The Acquisition and Loss of Nationality: Policies and Trends in 15 European Countries*. Amsterdam: Amsterdam University Press, 2006.
- Hofhansel, Claus. "Citizenship in Austria, Germany, and Switzerland: Courts, Legislatures, and Administrators." *International Migration Review* 42, no.1, (Spring 2008): 163-192.
- Howard, Marc Morje. "Can Populism be Suppressed in a Democracy? Austria, Germany, and the European Union." *East European Politics and Societies* 15, no.1, (2001): 18-32.
- The Politics of Citizenship in Europe*. Cambridge: Cambridge University Press, 2009.
- Joppke, Christian, ed. *Challenge to the Nation-State: Immigration in Western Europe and the United States*. Oxford: Oxford University Press, 1998.

- “Mobilization of Culture and the Reform of Citizenship Law: Germany and the United States.” In *Challenging the Politics of Ethnic Relations in Europe: Comparative European Perspectives*, editors Ruud Koopmans, and Paul Statham. Oxford: Oxford University Press, 2000.
- “Transformation of Immigrant Integration: Civic Integration and Antidiscrimination in the Netherlands, France, and Germany.” *World Politics* 59, no. 2 (January 2007): 243-273.
- *Citizenship and Immigration*. Cambridge: Polity Press, 2010
- “Through the European Looking Glass: Citizenship Tests in the US, Canada, and Australia.” *Citizenship Studies* 17, no. 1 (2013): 1-15.
- Joppke, Christian and Ewa Morowska. *Towards Assimilation and Citizenship: Immigrants in Liberal Nation-States*. New York: Palgrave Macmillan, 2003.
- Klosko, George. *The Principle of Fairness and Political Obligation*, New Ed. Lanham: Rowman and Littlefield Publishers, Inc., 2003.
- Kroenig, Matthias, ed. “Citizenship Tests in a Post-national Era.” *International Journal on Multicultural Societies* 10, no. 1, (2008).
- Levinson, Sanford. “Taking Oaths Seriously: A Comment on Carter and Sunstein.” *Yale Journal of Law and the Humanities*, 2, no. 1 (1990): 113-117.
- Michalowski, Ines. “Required to Assimilate? The Content of Citizenship Tests in Five Countries.” *Citizenship Studies* 15, no.6-7, (October 2011): 729-268.
- Orgad, Liav. “Illiberal Liberalism: Cultural Restrictions on Migration and Access to Citizenship in Europe.” *American Journal of Comparative Law* 53 (2010).
- “Creating New Americans: The Essence of Americanism under the Citizenship Test.” *Houston Law Review* 47, no. 5, (2011).
- “Liberalism, Allegiance, and Obedience: The Inappropriateness of Loyalty Oaths in a Liberal Democracy.” *Canadian Journal of Law and Jurisprudence*, (forthcoming,

2014).

Parekh, Bhikhu. "A Misperceived Discourse on Political Obligation." *Political Studies* 41, (1993): 236-251.

Perchinig, Bernhard. "All You Need to Know to Become an Austrian: Naturalization Policy and Citizenship Testing in Austria." In *A Re-definition of Belonging?: Language and Integration Tests in Europe*, edited by Ricky van Oers, Eva Ersboll, Dora Kostakopoulou. Boston: Martin Nijhoff Publishers, 2010.

Pogonyi, Szabolcs. "Citizenship Tests in East Central Europe." Paper presented at the 18th annual ASN World Convention, Columbia University, New York, NY, April 18-20, 2013.

Shachar, Ayelet. *The Birthright Lottery: Citizenship and Global Inequality*. Cambridge: Harvard University Press, 2009.

Shepsle, Kenneth. *Analyzing Politics: Rationality, Behavior, and Institutions*, 2nd Ed. New York: W.W. Norton, 2010.

Strik, Tineke et al. ed., *The INTECT Project: Integration and Naturalization Tests: The New Way to European Citizenship*. Nijmegen: Center for Migration Law, 2010.

Sunstein, Cass R. "Unity and Plurality: The Case of Compulsory Oaths." *Yale Journal of Law and the Humanities*, 2, no. 1 (1990): 101-111.

Triadafilopoulos, Triadafilos. "Illiberal Means to Liberal Ends? Understanding Recent Immigrant Integration Policies in Europe." *Journal of Ethnic and Migration Studies* 37, no. 6 (July 2011): 861-880.

Triadafilopoulos, Triadafilos and Andrej Zaslove. "Influencing Migration Policy from Inside." In *Dialogues on Migration Policy* edited by Marco Guigni and Florence Passy, 171-192. Lanham: Lexington Books, 2006.

Tsebelis, George. *Veto Players: How Political Institutions Work*. New York: Russell Sage Foundation, 2002.

- Wallace Goodman, Sarah. "Controlling Immigration through Language and Country Knowledge Requirements." *West European Politics*, 34, no. 2 (March 2011): 235-255.
- "Fortifying Citizenship: Policy Strategies for Civic Integration in Western Europe." *World Politics* 64, no. 4 (October 2012): 659-98.
- van Oers, Ricky, Eva Ersboll, and Dora Kostakopoulou, ed., *A Re-definition of Belonging?: Language and Integration Tests in Europe*. Boston: Martin Nijhoff Publishers, 2010.
- van Oers, Ricky. "Citizenship tests in the Netherlands, Germany and the UK." In *A Re-definition of Belonging?: Language and Integration Tests in Europe*, edited by Ricky van Oers, Eva Ersboll, Dora Kostakopoulou. Boston: Martin Nijhoff Publishers, 2010.
- Vink, Maarten P., Gerard Rene de Groot. "Citizenship Attribution in Western Europe: International Framework and Domestic Trends." *Journal of Ethnic and Migration Studies*, 36, no. 5, (May 2010): 713-734,