Conditional belonging

A legal-philosophical inquiry into integration requirements for immigrants in Europe

de Waal, T.M.

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Chapter 4
Integration within
a Community of Equals

Thus far, I have argued that the increase and formalization of integration requirements for residential inclusion and citizenship for TCNs in multiple European countries, as described in Chapter 1, has received a fair amount of academic attention but has not yet been systematically and satisfactorily evaluated from a normative perspective. First, in Chapter 2, I reviewed the academic literature on the ethics of migration and established that it does not address all legal and social ramifications of the integration requirements in EU Member States. Second, in Chapter 3, I explored the theoretical literature of liberal nationalism and the empirical scholarship on the stark growth of integration requirements for TCNs in Europe over the last two decades. I observed that these bodies of literature do raise important issues, and yet largely ignore the pivotal normative Achilles heel of this type of policies. To be more precise, they underestimate the risks involved if states have the discretion to impose additional integration obligations on legally residing immigrants who are already in a precarious position due to lacking secure residency rights or citizenship. For this reason, I determined, firstly, that our evaluation of the normative quality of integration requirements as conditions for attaining increased rights should be attentive to how well they are equipped to neutralize their proclivity to be used for exclusionary purposes. Secondly, I concluded that academic attention should be given to searching for institutional possibilities for preventing that integration requirements are misused to further politics of exclusion.

Before turning to proposing such an institutional possibility in Chapter 5, I will first add a theoretical 'social equality' perspective to our normative discussions on the integration requirements for residential and civic inclusion in EU states. In short, I will scrutinize the potential ramifications of integration requirements for newcomers by examining their impact on relationships between citizens *with* and *without* immigrant backgrounds, as such policies can result in reinforcing hierarchical differences between these groups in terms of their status as *equal citizens*.

This perspective, I assert, offers a significant contribution to academic scholarship, as it brings to light that there are additional reasons to be concerned about the relatively novel integration requirements for TCNs in contemporary Europe, *supplementing* their potential impact on TCNs who are not (yet) citizens. Phrased differently, I think that the European practices of integration should not *only* be assessed from the point of view of those *excluded* from the territory and political community (as, for example, I did in the previous chapter), but *also* from the perspective of the *included*, that is, the citizens of the receiving country.

This might sound puzzling because the integration requirements in EU countries are not targeted at citizens, but at newcomers without equal citizenship rights. Nevertheless, if we examine the political messages these policies express (most often connected to the conceptual shift towards individualized integration, as described in Chapter 1) and their broader societal implications, we can enhance our understanding of the normative significance of these integration demands by also taking an insider's perspective into account. In particular, I believe it is important to examine their societal 'spillover effects' on how (non-EU, non-Western) immigrant citizens and their descendants and nonimmigrant citizens perceive each other. In EU Member States, integration requirements are namely increasingly used to produce narratives about national identity and, in that context, to convey political messages that symbolically express varying degrees of belonging, between, on the one side, citizens without immigrant backgrounds and, on the other side, citizens with (non-EU, non-Western) immigrant backgrounds. Or to be more specific, even though integration requirements for new immigrants in Member States do not affect citizens with migration backgrounds *legally*, some do contribute to their *social* marginalization in terms of their status of *equal citizens*.[336] These requirements, in varying degrees, emphasize that certain types of immigrant citizens are unwanted. Such implicit messages inculcate societal double standards, expecting citizens with immigrant backgrounds to perpetually demonstrate efforts, attitudes and/or cultural characteristics in order to remain as being perceived entitled to their national citizenship (which are never expected from citizens *without* immigrant backgrounds).

That said, in this chapter, my ambition is to explain that such integration requirements are problematic from the perspective of justice. I will argue that the liberal state has a distinctive responsibility to promote equal citizenship, wherever it can, and to create a political community in which citizens see each other as equal co-citizens. On that account, I will evaluate the integration requirements in Member states for TCNs that monitor the access to increased rights through the following question: Under which conditions do requirements for increased residential rights and political inclusion jeopardize the ambition of liberal-democratic constitutional states to uphold a 'community of equals', that is, a political

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336   In section 5 of this chapter, I do however highlight a recent rise of *de*naturalization policies in European countries.

community in which no objectionable class division of *superiority* and *inferiority* exists between citizens? [337]

This chapter is divided into four parts. First, I will reflect on the notion of social equality and elucidate its usefulness for normative evaluations of public policies. Second, I will highlight the challenges that migration, integration and equal citizenship pose for theories of social equality. Third, I will highlight two trends in the formations of, and political rhetoric around, integration requirements as conditions for increased rights in multiple European states, which I believe are objectionable from a social equality perspective. In this analysis, I will give extra attention to so-called 'culturalized' accounts of integration and citizenship, implying that immigrants have to embody the culture of their receiving country to have access to the (universal) values that underpin it. Lastly, I will briefly discuss the rise of denaturalization policies in EU countries that testify to the trend of regarding immigrant citizens as merely possessing a conditional form of citizenship.

However, before I elucidate this argumentation and research approach further, I should highlight that the analysis in this chapter will build on (and add to) the fairly recently developed literature on 'relational' or 'social' conceptions of liberal egalitarianism, often defined in opposition to (more mainstream) conceptions of egalitarianism that adopt a 'distributive' approach.[338] In my view, the analytical outcomes of the academic discussions that try to envision what a 'community of equals' in which norms of 'social equality'[339] operate would look like, can sharpen our normative assessments of migration, integration and naturalization policies. They provide a moral vocabulary to highlight potentially problematic social effects of certain public policies that are not easily made visible with distributive theories of justice. In turn, I believe that this chapter may also contribute to the social equality literature, by shedding light on what the ideal of 'social equality' involves in relation to formal equal citizenship. More particularly, the case of migration brings out neglected challenges for theories of justice and social equality that all too often ignore the effects of increased mobility, border-crossing and immigration. Such theories of justice implicitly assume that who is or should be a member of the 'community of equals' (they aspire to uphold) is already pre-determined. For this reason, most theories of social equality provide no guidelines for how to ensure that the practices by which people *become* members of a community of equals do not leave some citizens stigmatized or disadvantaged.

337   I focus on requirements that negatively affect social equality standards given the 'negative methodology' of the social equality literature. This will be explained on p. 116-117.

338   See e.g. Fourie *et al* 2015; Anderson 1999; Scheffler 2003; Wolff 1998; Fourie 2012; O'Neill 2008; Schemmel 2012; Young 2009.

339   This ideal of equality obviously does not involve that the state should strive to make all citizens *factually* equal in specific ways, but that a plurality of factually different citizens is able to participate as equals within public institutions, civil society and daily life.

1.   Social Equality and Justice

Within contemporary academic discussions on political justice there is a growing sympathy for the idea that 'social equality' is an indispensable part of a just society, that is, a 'community of equals'. [340] The motivation behind this body of literature is fueled by two insights: 1) theories of justice need to provide more than blueprints of ideal political institutions and formal distributions, and 2) secure justice requires more than citizens who simply abide by legal rules. Constitutional rights and freedomsrequire a far-reaching commitment on behalf of citizens in order to be effective. If it comes to minority oppression or gender inequality, for example, it is incontestable that the effective implementation of liberal-democratic and constitutional laws relies heavily on *attitudes* of citizens — a realm that cannot be directly legislated and enforced. The law will fail to protect equality and equal citizenship in the broadest sense of the word, if citizens discriminate in the informal institutions of civil society and in daily interactions. More simply put, it is one thing to have legal protections against discrimination, it is quite another to ensure that no discrimination actually occurs. Therefore, social equality theorists observe, formal equality (e.g. equal rights) is only a starting point for equality in a more meaningful sense.[341] Liberal democracies need citizens that, in principle, treat all fellow citizens as equals, refrain from discrimination in hiring and education, deny and, if needed, refute supremacist moral theories based on gender, ethnicity, and so on. For this reason, according to Elizabeth Anderson, a forceful advocate of social equality, formal equality is even 'a sham' without social equality as:

> *Political equality [...] cannot be realized without a democratic culture pervading civil society. This is not a matter of legal equality, but habits and sentiments of association on terms of equality'*[342]

That being the case, social equality theorists aim to develop normative frameworks to assess public institutions, taking into account that the way liberal democratic societies function in practice strongly depends on the dispositions, attitudes and behavior of those who live within them. Justice is not merely about erasing formal hierarchies, but also about structurally upholding a societal set of conditions in which all citizens (native and naturalized, female and male, white and people of color, etc.) unite in the ideal of a 'single status community'.[343] Liberal theories of justice, and states that adhere to them, should hence both be concerned with the quality of the vertical relationships that citizens have with their state

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340   See e.g. Fourie *et al* 2015; Anderson 1999; Scheffler 2003; Wolff 1998.

341   For an analysis of societal oppression and its implications for justice, see Kernohan 1998.

342   Anderson 2010, 93.

343   Waldron 2011, 1.

as well as the horizontal relationships that citizens have with other citizens.[344] These theories are expected to provide analyses in which the principles and duties of justice do not solely apply to the official institutional context, but apply as well, at least to a certain extent, to the institutions of civil society and individual personal choice.[345]

I write 'at least to a certain extent' as the implications of this perspective are not always straightforward and clear. For example, the state obviously has no complete control over the attitudes of its citizens. So, if, for example, racism, bigotry, homophobia or sexism is prevalent in society, or particularly present under a certain group of citizens, this may not be attributable to state influences. Moreover, there are limits to how intrusively the liberal state can intervene within the personal sphere, especially in relation to private values. As a result, even if we recognize that for liberal-democratic states the prevalence of social equality norms in society are unequivocally a prerequisite for justice, the state should not adopt policies — for instance, to further values such as individual freedom and equality — that might amount to indoctrination.

Nonetheless, until now, social equality theorists have not provided detailed perspectives on the boundaries and obligations of the state in the context of different societal circumstances and phenomena (including migration). Instead, most academic debates on social equality have concentrated on clarifying the contrast between theories of justice that operate through 'distributive' and 'social' accounts of equality. In addition, much attention is given to the question whether the former should entirely be replaced by the latter — and often it is argued that the answer to that question should be affirmative.[346]

The main difference between these two theoretical approaches is that those defending 'distributive' theories of justice start with the assumption that within a society of equals 'there is something of which justice requires people to have *equal amounts of*'.[347] In this view, which has dominated political philosophy over the last four decades, citizens in a just society hence have a certain *equalisandum* (which can be 'primary goods,' 'capabilities', rights, political power, opportunities, resources, and so on[348])

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344 Lægaard 2012, 453.

345 Generally, social equality theorists hence fully agree with the (feminist) slogan 'the personal is political'. See e.g. Cohen 1997, 3.

346 See e.g. Anderson, 1999; Wolff 1998; Scheffler 2013.

347 Cohen 1997, 907.

348 See, for example, Rawls 1999 on primary goods as an example of the (primary goods and) resourcist approach, and Dworkin 1981a, 1981b for a defense of resourcism and criticism of welfarism. See Sen 1980, Nussbaum 2001 on capabilities, and Arneson 1989 for his defense of 'equal opportunity for welfare' as the currency of justice, and criticism of the capabilities approach.

in equal measure.[349] Theorists that advocate the social equality approach, conversely, argue that those defending distributive justice are misguided, as they put the cart before the horse by merely focusing on patterns of distributions instead of *creating the right types of relationships between people.* The central point of social equality theorists is thus that the highest priority of justice is to avoid certain hierarchal evils in society, such as oppression, exploitation, domination, servility and structural snobbery.[350] Or to phrase it differently, the prime concern of a just society should not be maintaining a certain allocation that provides people with an equal amount of X (for instance, Rawls' primary goods), but instead enabling people to *interact as equals* in the political sphere, civil society and on a daily basis.[351]

In the remainder of this chapter, however, I will presuppose that the aim of the debate on social equality should not be to replace distributional accounts of justice. To me, the assumption that we *must* choose between either a distributive or social conception of equality seems misguided. I do not see why valid concerns for social equality should be interpreted as grounds to altogether abandon theories of justice that are built on more distributive notions. On the contrary even, I see no contradiction in recognizing that theories of distribution and theories of social equality may *supplement* each other. There might be distributive injustices that are not reducible to violations of social equality or, vice versa, there may be forms of societal hierarchies that profoundly shape people's opportunities in life that are better captured by identifying certain societal inequalities than by reducing them (to metrics of) a certain *equalisandum*.[352] Seen this way, theories of distribution and theories of social equality are not *competing* but rather *reinforcing* each other. They are two sides of the same coin: establishing a just society, in which equal opportunities for welfare

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349   These debates on forms of distributive justice have clearly dominated academic discussions on justice during the last two decades and tend to center around two topics. First, the discussion is on the 'currency of justice' or in other words: what kind of *equalisandum* (see previous footnote) is most important. The second is on the 'patterns of distribution', or in other words, whether strict equality is required or whether justice will be served through sufficiency (providing 'enough') or by prioritizing resources for the worst off. See e.g. on sufficiency Frankfurt 1987; Crisp 2003; Axelsen and Nielsen 2014. See Parfit 1997 on the priority view as an alternative to valuing equality of welfare per se.

350   Wolff 2015, 213.

351   To be clear, the ambition to realize such relationships may have (and probably has) drastic implications for questions of distribution (e.g. of wealth or income), but the value of equality is then *primarily* focused on realizing non-hierarchical relationships and not on realizing certain distributions, which are then only instrumentally valuable in terms of how well they reflect or help to achieve equal relationships.

352   However, accounts of social equality have undeniably been meagerly explored in most distributive justice theories. For example, in his distributive approach, John Rawls does mention that people are entitled to equal access to what he calls 'the social bases of self-respect', roughly defined as the social infrastructure that gives people confidence in the value of their lives and pursuits. Nonetheless, he does not develop the notion much further, even though he does mention that it is perhaps the most important primary good of all. See e.g. Rawls 1971, 386.

for its members are secured.[353] On that account, I am convinced that the main ambitions of the social equality literature should be to clarify what 'social equality' entails and, moreover, what states are permitted to do (or precluded from doing) to promote it.

In any case, the key drawback of the social equality discourse immediately becomes visible, if we turn our research approach towards concerns of social equality: it lacks a satisfactory definition of what a genuine egalitarian relationship would look like, or a fully developed positive account of what it means to be treated or interact 'as equals'.[354] Most conceptions of social equality boil down to generic propositions, such as that it is 'a moral ideal in which people have equal standing'[355] or that 'we have to create a community in which people stand in relations of equality to others'.[356] Another example is the 'society of misters' as described by Michael Walzer, who captures the 'social' component of equality with the image that people 'greet' each other on equal terms.[357] Generally, the ideal can be described as supporting a 'classless' society, not in the Marxist sense of abolishing wage labor, but in the sense that class positions or social status (based on heritage, gender, wealth, skin color, and so on) should never determine one's' social relationships.[358] And yet much remains unclear. Social equality theorists provide no specific criteria to assess if 'a community of equals' has been realized, or when people are 'treated as equals' or 'feel and interact as equals' in the appropriate way.

This is *prima facie* a severe limitation. Even if we are willing to agree that it is most likely that certain forms of structural social inequalities (e.g. racism, sexism, homophobia) are detrimental for a society to operate justly, we clearly need a more profound theoretical analysis. For example, citizens are *physically* never equal, nor are their opinions, talents and relationships. As a result, certain social hierarchies will always exist, for instance when persons receive recognition for intellectual achievements,

353   Note that this resonates with other well-known notions in political philosophy as particularly in the liberal tradition concerns related to social equality and minorities have been expressed. For example, John Stuart Mill observed that informal sanctions of public opinion can impose expectations on minorities to behave in ways preferred by majorities and might result in a 'social tyranny. (Mill 1859,13.) and Alexis De Tocqueville wrote about 'informal tyrannies of the majority' See De Tocqueville, 1838, 252. Additionally, also the well-known literature on *recognition* and justice clearly covers this issue. For example, Axel Honneth writes about 'unjustified relations of recognition' (Fraser & Honneth 2003, 114) and Nancy Fraser concludes that: 'although not everyone has a right to equal social esteem in the positive sense, everyone has a right not to be *disesteemed* on the basis of institutionalized group classifications that undermine her of his standing as a full partner in social interaction'. Fraser 2001, 39.

354   Fourie *et al* 2015, introduction.

355   Scheffler 2003, 21.

356   Anderson 1999, 289.

357   Walzer 1983, 252.

358   Kymlicka 2006, 25. Arguably, in most countries such barriers of class still exist between women and men, people of color and whites, old people and younger people, children of working class parents and children of middle class people, and so on. See e.g. Young 2001.

sports competitions or beauty pageants. Are these social inequalities relevant to matters of justice? Is it still allowed to (collectively) praise or scorn people, by virtue of hierarchical frameworks? To my knowledge, social equality theorists assure that, in principle, this is the case.[359] But this does beg the question: what (stratified) social inequalities, institutional routines and undesirable class relations then *do* fall within the scope of justice, and how should we understand the role and responsibilities of the state if these occur? Nevertheless, in reply to this question, the social equality literature broadly responds, in the words of David Miller: 'It is possible to elucidate the ideal of social equality in various ways, but difficult to give a sharp definition... [I]t is a matter of how people regard one another, and how they conduct their social relations'.[360] How then to operationalize and implement a (claimed fundamental) prerequisite of justice without being able to pin it down? A potent and convincing theory of social equality must make transparent *when* relationships are equal *in the relevant sense* in order to uphold a community of equals, and when social inequalities between individuals 'are neutral comparisons of amounts of variables between entities that are irrelevant for justice'.[361]

As a way forward, Jonathan Wolff proposes a 'negative' methodology while researching social equality. He observes that, although social egalitarians indeed lack *positive* definitions of 'equal relations' or 'being equal', they tend to do have forceful ideas on the types of unequal relationships they *reject* and consider illegitimate. In this context, he refers to the research approach proposed by Amartya Sen in his book *The Idea of Justice.* Wolff observes that Sen argues 'that the task for political philosophers is to identify *manifest injustice* and to work out how those injustices can be overcome'.[362] To some, this may sound as analytical backpedaling. Instead of addressing the theoretical deficit that a positive account of 'social equality' is needed, the escape route is chosen to focus on 'social *in*equalities'. However, if we follow Sen and Wolff, this is not a strategic move, in lieu of an alternative. Quite the opposite, according their view, this method is the only correct interpretation of the task political theorists should engage in: to point out evident injustices and propose remedies for them.[363] For this reason, having no full positive account of 'social equality' is not a theoretical dead end. All a theory of social equality needs is a clear vision of which arrangements of asymmetric social relations

359   See e.g. Fourie 2015.

360   Miller 1997, 233.

361   Young 2001, 2.

362   Wolff 2015, 215.

363   In a similar vein, Iris Marion Young wrote that careful reflections on democratic practice provide us with normative insights, as political theorists should be 'looking for possibilities glimmering in it which we nevertheless feel lacking.' Young 2011, 10.

should evidently be *avoided*.[364] In this train of thought, the predominant task of political theorists is then to point out a number of societal *ills* and find ways to circumvent them.

2.   Migration, Equal Citizenship and Social Inequalities

It is worthwhile, I would argue, to think through the merits of this approach for the case of migration and equal citizenship. As mentioned, theories of social equality never explicitly reflect on the effects of migration, nor on the fact that in modern liberal-democracies not all individuals who reside in society are in fact equal citizens. Indeed, we live in a world in which borders are 'porous'[365] and in which no state bestows full citizenship automatically upon all those who enter its territory. For most, this is just a part of life and politics, as there simply is a great deal of movement across borders. Not all foreigners within the territory should be entitled to citizenship. Moreover, not all immigrants are interested in citizenship. Nevertheless, the reality of migration does pose important normative problems for countries that aim to uphold a community of equals. More specifically, it creates the challenge how to regulate and neutralize the possible side-effects of the unequal treatment of citizens and non-citizens residing within the territory, considering the ambition to uphold a 'one-class-society', in which there are no problematic relationships of 'superior' and 'inferior' members based on, for example, lines of heritage, nationality or cultural backgrounds. On that account, if a community of equals admits immigrants, reflections are needed, for example, on the conditions under which access to equal rights is provided to newcomers.

It could be argued that we stumble upon a deep-rooted problem here, as there is an inherent difference between so-called 'native' citizens who gained their equal citizenship 'effortlessly' at birth, and citizens with migrant backgrounds who belong to groups of persons who had to 'gain' citizenship at a certain point. For native citizens, their citizenship is thus an *unearned* status and an entitlement, while citizens with migration backgrounds had to *obtain* it. Is true social equality between all citizens hence ever possible at all, since different groups differ in 'where they are originally from'?

However, as described by the liberal nationalists referred to in Chapter 3, liberal-democratic states are, in principle, built on the assumption that this (potential) hurdle can be overcome as they are founded on the belief that citizens with all sorts of backgrounds can view each other

364   This implies that a variety of communities can achieve a condition of 'social equality', while only having in common that they *lack* problematic unequal societal hierarchies. Wolff refers as examples to Quaker Society, a Kibbutz and a 1960's Californian Hippy community as possible small-scale societies of equals, yet very different from each other. Wolff 2015, 221.

365   Benhabib 2004, 88.

as 'one of us'. In fact, what distinguishes liberal democracies from illiberal states is that they do not ground their national identities in things such as a common ethnic descent or cultural-historic backgrounds, rather promoting a 'thin' version of national identity that advocates that profoundly diverse citizens can belong (or can develop to belong) as equal citizens to one 'ethical community'.[366] Liberal-democratic countries therefore have no in-built reasons to object to the inclusion of newcomers into their political communities and democratic activities. On the contrary, according to the tenets of their political regimes, it is even perfectly possible that immigrants, also those with different cultural or religious backgrounds, become included into their 'community of equals'.

Empirically, nonetheless, this liberal aspiration might be hampered by various reasons. For example, as Tariq Ramadan wrote, 'each nation has a history, a tradition, a collective psychology and naturally imposes a specific cultural shading to the given nation's public sphere'.[367] This implies that immigrants always, to a certain degree, have to culturally and ideologically adjust themselves, in order to participate successfully in their new country with particular (political) history and customs. Moreover, since newcomers are often confronted with language barriers, discrimination and a relatively weak socio-economic status, this regularly puts them in a disadvantageous position in various spheres of society such as employment and education. Crucially, however, all these *empirical* considerations leave the *normative* challenge for liberal-democratic states untouched, as they must *strive* to adopt an inclusive self-perception and public policies that enable both 'native citizens' and 'citizens with immigrant origin' to see themselves and each other as full and equal members of the community. So, even though degrees of social equality are *factually* never fully in the hands of the state, social equality theory suggests that the liberal-democratic state only legitimately governs 'a people' and a territory if it takes up the *normative* duty to promote the value that all citizens should treat each other as equals.

As I see it, if communities of equals indeed must strive to avoid stratified social inequalities between members of the community, they should, in face of immigration, address (at least) two challenges. The first pertains to the responsibility to encourage naturalization and the second to make sure that the public policies that regulate immigration, integration and the obtaining of citizenship support social equality norms instead of compromising them. In the following, I will briefly discuss both concerns.

Importance of Naturalization

In line with the argument on naturalization as developed in the ethics of migration (see p. 70-72), social equality theories indicate that liberal-democratic states must strive to abolish formal inequalities between

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366   Kymlicka 2002, 267; Miller 1995, 23.
367   Ramadan 2008, 267.

members of society as much as possible. Therefore, states should favor easy access to citizenship for immigrants. To recall, this argument does not apply to short-term visitors (such as e.g. tourists), but to settled immigrants that became *de facto* members of society, for which a reasonable time threshold should be established. I will only review this argument briefly as it has broadly already been covered in Chapter 2. Nonetheless, social equality theory does emphasize a particular aspect of this argument, which is the interest of those who already possess citizenship to include long-term immigrants in their midst as equal citizens in their political community. From the perspective of social equality, members of a community of equals cannot justify *to themselves* to perpetually grant members of society unequal packages of rights. On this ground, Ypi and De Schutter for example defend their case for mandatory citizenship for immigrants by (also) stressing the importance of social equality:

> *If we accept laws that should not discriminate on grounds of race, gender or social class, we should be prepared to accept that introducing different standards for citizens and immigrants corrupts the democratic ethos of host societies. It implicitly legitimizes laws that do not treat everyone as equal and threatens to absolve the apartheid-like condition of those who are not offered an equal say in the making of laws to which they are subjected.*[368]

To be sure, arguments in favor of mandatory citizenship remain controversial, as they remove the option for immigrants to opt out of citizenship. However, I do not think that the claim that naturalization is important for social equality stands or falls on whether it should be mandatory. The crux is that the social equality arguments in favor of (easily accessible or mandatory) naturalization do not depend (only) on that it would be beneficial for *excluded* immigrants to have full citizenship. Rather, they depend on the insight that citizens who are already *included* have an interest in protecting their community of equals, which is jeopardized by (endured formal) differential treatment. To illustrate the difference, De Schutter and Ypi make an analogy with slavery. Slavery is wrong, they explain, as it conflicts with the interest of the slave *but also* because it is an unjust and unequal institution. For this reason, the immorality of slavery and the reasons for forbidding it cannot be fully contingent on the interests of those who are enslaved (or their personal opinion of being enslaved), as it is in the interests of a just state — considering its self-imposed principles — as well to uphold a society in which there are no slaves. Based on the same reasoning, Owen Fiss writes that models of bounded solidarity which apply exclusively to citizens but not to immigrants on the territory are problematic as 'we ought not to subjugate immigrants, [...] to preserve our community of equals.'[369]

368   De Schutter & Ypi 2015, 10.
369   Fiss 1999, 16.

For this reason, a social equality perspective suggests that states must actively promote the importance of naturalization. Accordingly, integration requirements that delay the moment that newcomers naturalize or de-motivate them to apply for it are undesirable. In European countries, however, this will require a shift in mentality towards how important it is that immigrants obtain full citizenship. For example, Perchining and Bauböck observed, after scrutinizing the nationality laws in 15 Member States, that it is 'astonishing to see how little effort they put into encouraging their potential citizens to naturalize and informing them how to do so'.[370] In this context, from a stringent social equality viewpoint, also internal EU immigrants pose a threat to the minimum standards of a society of equals because they lack equal political rights. Nonetheless, it could be argued that the possession of a shared EU citizenship — that enables all EU citizens to vote during elections for the European parliament — secures acceptable social equality standards in EU states (even though internal EU immigrants have no voting rights during national elections outside of the state in which they hold citizenship).

In any event, in times of migration, the first normative guiding principle that the social equality literature provides in relation to migration is that it should evidently be *avoided* that in a community of equals, members of the community perpetually possess unequal rights. Structural unequal treatment of members of society namely does not reinforce a social ethos characterized by the value of equality. Receiving liberal-democracies should aim that the percentage of residing immigrants that acquires full citizenship is as high as possible.[371]

Stigmatizing (Those Who Become) Citizens

Another consequence of the fact that theories of social equality tacitly operate through an assumption of pre-established bounded societies, is that they do not provide reflections on the processes by which people join and become members of the community of equals. However, the ambition to uphold a 'community of equals' is clearly not the same as the ambition to uphold a 'globe of equals' based on (something like) the equal worth of persons. For this reason, the second challenge for social equality theory is to explore the possible links between processes of residential and civic inclusion and the realization of a community of equals.

From this point forward, I maintain that the angle of social equality enhances more distributive notions of justice, in relation to migration and integration. It illuminates that justice requires considerably more than only the equal distribution of legal rights to residing immigrants after a certain number of years of residency. Rather, based on the princi-

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370   Perchining & Bauböck, 2006, 16. (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom).

371   I return to this normative guiding principle in Chapter 5, p. 149.

ples of liberal democracy, we have seen, social equality demands that the state should also be concerned with how all citizens (new and old) fare on a more general note, as a community of equals. This entails that it should be committed to facilitating that public and social institutions enable all citizens to participate on equal footing with others and can belong to society in equal degrees. This implies that the state should, *inter alia*, to the best of its ability facilitate equal opportunity for all citizens in various spheres (employment, education, and so on); stimulate the emancipation of those who are in a position of disadvantage; and monitor how well different citizen groups do according to various indications of well-being in social and political life.[372]

On that account, liberal-democratic states should constantly promote equal citizenship directly and explicitly. For instance, the state and the government can take up the role of emancipator through statements of political leaders, forms of civic education and integration courses, public policies that stimulate emancipation, having public memorial days to treasure an inclusive national identity and/or funding certain initiatives in civil society that promote equal citizenship.[373] In addition, liberal-democratic states must be perpetually vigilant not to, intentionally or unintentionally, contribute to problematic social hierarchies between citizens, by carrying out public schemes, policies or statements that happen to have the (side-)effect of furthering societal stigmas, social exclusion and forms of discrimination that jeopardize the ideal of equal citizenship. This might, at times, be a complicated task as (oppressing) societal dynamics often spring from nuanced and complex sets of relationships between public assumptions, expectations, stereotypes, institutional policies, individual actions and the collective outcomes of all these together.[374] However, for liberal-democratic states, a pragmatic normative guideline should be that as soon as it becomes apparent that public policies, deliberately or accidentally, instigate or bolster social hierarchies in terms of first-class and second-class citizens, principles of justice would demand that such policies are either replaced or improved.[375]

372   Miller, 2008, 375.

373   Gutmann 1995; Brettschneider 2012.

374   Young 2001, 10.

375   Elizabeth Anderson and Jonathan Wolff's well-known criticisms of distributive accounts of justice essentially amount to this form of normative reasoning. Both Anderson and Wolff hold that distributive forms of liberal egalitarianism focus on deserved and undeserved inequalities between people (by taking into account things as 'the lack of natural talents' or 'an underprivileged childhood upbringing'), in order to reach just distributions. However, this practice of the state — although it might be fair on an abstract level — promotes a skewed ethos in society, as it views disadvantaged citizens as 'potential cheaters' that must engage in 'shameful revelation' to prove that they are indeed in a disadvantaged position (Wolff), or leads to disrespectful pity to the 'deserving' poor and paternalistic menacing of the 'undeserving' poor (Anderson). In other words, both Anderson and Wolff envision that if strict rules of distribution are implemented in this way, the result will be that bonds of solidarity, respect and mutual concern will (unintentionally) erode between citizens. In other terms, strict equality in a formal sense demands a process that undermines the relationships between people that make them care for justice and each other's well-being in the first place. See Wolff 1998; Anderson 1999.

If we apply this line of reasoning to the integration requirements for TCNs in Europe (for family migration, permanent residency and naturalization) I think these policies, given their direct links to the admittance and incorporation of immigrants, deserve special attention from the perspective of social equality as they possess strong symbolic potential. On that account, if EU states decide to install integration requirements as a condition for obtaining increased rights, they should carefully assess which political messages and public perceptions these integration requirements might communicate, and whether they might instill social inequalities between *citizens,* especially regarding their *status as equal citizens*. Consequently, the second challenge that the social equality literature reveals in relation to immigration and integration is that the state should strive to *avoid* that policies regulating the incorporation of newcomers stigmatize citizens with immigrant backgrounds. Most likely, this stigmatization might affect immigrant citizens even after they are naturalized and citizens with the same ethnic, cultural, national or religious background as newcomers who are obliged to integrate. In the following section, I will scrutinize the integration requirements in multiple European countries more closely based on this conclusion.

3.   Integration Requirements: To Deserve to Be One of 'Us'

The recent changes of integration and citizenship laws in multiple European states are too diverse to draw a single conclusion in relation to their outcomes for social equality. We have seen, first, that (only) five Member States have adopted an integration requirement for incoming family migrants that are still abroad (see p. 29). Second, although a majority of Member States has now enacted at least one integration requirement for obtaining permanent residency, the requirements differ per country and are frequently adjusted. Lastly, naturalization is not a matter of European law, and the exact requirements for it also differ between Member States.

However, overall, I observe two trends within the general increase of integration requirements for TCNs in Europe that deserve normative scrutiny from a social equality stance. The first concerns integration policies that communicate that the arrival and naturalization of certain immigrants is plainly unwanted. The second concerns integration requirements that nurture the public perception that persons with non-EU and non-Western backgrounds have to *deserve* their citizenship (and to belong). This leads to a social hierarchy between, on the one side, citizens without immigrant backgrounds who are unconditional citizens of the political community and, on the other side, citizens with (non-EU, non-Western) immigrant backgrounds who are perceived as, at best, obtaining a *conditional* form of citizenship. I will discuss both social inequalities respectively.

Unwanted Citizens

Examples of the first trend involve integration policies that convey that certain immigrants or forms of diversity are altogether undesirable. A prime example is the statement of the FPÖ politician Peter Westenhaler who introduced a more restrictive integration and citizenship scheme with the words: 'With this law we can make one thing clear: Austria is not an immigrant country and it will never be one. We will make sure of that!'[376]. Another example is how certain European countries implemented their 'integration requirements abroad'. The exclusionary purposes behind these 'integration conditions abroad' are not nearly as unambiguous as the statement by Westenhaler, since these policies were often also defended as furthering integration and inclusion.[377] However, in France, former interior minister Nicolas Sarkozy explained that the government purposely inconvenienced the path of 'low-skilled family migrants' to bend the influx of immigrants to Europe from 'unwanted' to 'chosen'.[378] And in the Netherlands, we have seen, the purpose of the integration requirements abroad, has been explained as restricting the immigration of 'non-integratable' migrants from particularly 'non-Western countries' (see p. 56). For this reason, in the Netherlands, after it turned out that the initial exam implemented in 2006 was passed by almost 90 percent of those who had to take it, the government decided to raise the level and length of the test with the explicit goal to reduce the average passing rate (and, with that, the number of family migrants).[379]

Such statements and policies affect the relationships between included citizens in several ways. If integration requirements are made stricter or are installed solely to further forms of exclusion — also if the exclusionary effects remain largely symbolic — this leads to a state-backed social hierarchy between 'wanted citizens' and 'unwanted citizens'. In part, this analysis resonates with the normative approach of Michael Blake on racist immigration criteria. He reflects, for example, on the 'White Australia' immigration policies that operated from 1901 until 1957 and barred entry of immigrants of Asian origin. He concludes that these policies were impermissible because they (also) discriminated against *insiders.* 'Seeking to eliminate the presence of a given group from your society by selective immigration,' Blake writes, 'is insulting to that group already present.'[380] In other words, if a country tries to exclude immigrants based on specific origins or characteristics, this is an affront to all citizens with the same origins or characteristics who are thereby treated

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376   Permoser 2012, 185.

377   The INTECT project, Strik *et al* 2010, 41.

378   Joppke 2007, 11. Family migrants are not 'chosen' according to Sarkozy, because they are not selected by France based on merit but included based on humanitarian laws.

379   Groenendijk 2011, 13.

380   Blake 2003, 232-3.

as unwelcome and, with that, second-class citizens.[381]

The legal details of the integration requirements discussed in this study are certainly different from the immigration policies that Blake discusses, as they are formally not immigration criteria, but rather chiefly imposed on TCNs that already obtained (humanitarian) residency permits. Nevertheless, statements as made by the FPÖ also stigmatize 'insiders' by describing immigrant citizens as unappreciated citizens. After all, by stating that 'Austria will never be an immigration country', the message was sent out that immigrant citizens already present and prospective immigrant citizens are not, and can never become, a true part of the national identity. To be more precise, obviously, the 'we' in this statement that 'makes sure of that' does not include citizens with immigrant backgrounds into the political community that protects itself. Citizens without immigrant backgrounds are therefore publicly endorsed as having more 'entitlement' to the state and its identity.

If we focus on the family reunification policies, we see, first, that immigrant citizens with the same national or cultural background as the prospective family migrants who are described as 'unwanted' or 'unintegratable' receive the affront that Blake warns for. Secondly, the 'immigrant spouse' that joins his or her partner will obtain territorial inclusion together with the message that they are unwelcome. In addition, the citizens of the receiving country will receive the state-endorsed message that there is no need to give family migrants a warm reception upon arrival. Rather, it is publically legitimized to perceive them as an unwanted influx of newcomers that managed to slip through a restrictive path to entry. The desirability of the presence of these new immigrant members and the citizens with the same immigrant backgrounds can hence be openly questioned.

That being so, Member States evidently contribute to impermissible social inequalities in society if they suggest there is a distinction between 'wanted' and 'unwanted' citizens and/or suggest that certain groups of citizens do not (and never will) truly be part of the national identity.

Conditional Belonging

The second trend deserving attention strengthens the aforementioned public perception and societal standard that the entitlement to citizenship of persons with (non-Western and non-EU) immigrant backgrounds is contingent on certain competences, characteristics and efforts. In the literature, Sune Lægaard coined this phenomenon as the 'desert paradigm of naturalization' that symbolically makes citizenship a *right* for some and a *reward* for others.[382] Drawing from this research, I will henceforth refer

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381   Note that the argumentation of Blake also applies to the executive order of President Trump in January 2017 to bar citizens of seven Muslim-majority countries from entering the US for a period of 90 days.

382   Lægaard 2012. In his analysis, Lægaard only focuses on demands for naturalization, but I think he would agree that requirements for family migration and permanent residency can contribute to this reward paradigm as well.

to this as the 'reward paradigm'. As elaborated on in Chapter 1, I identify this as a prominent trend in Europe, which manifests itself in several forms, but at its core lies the individualized conception of integration: (non-EU, non-Western) TCNs, immigrant citizens and their descendants need to demonstrate that they deserve secure residency and equal citizenship by being 'personally integrated' (see p. 43-47). As a result, citizens with immigrant backgrounds are not principally regarded as being entitled to their equal citizenship *irrespective* of their behavior and orientations, while nonimmigrant citizens are.

If we look at integration requirements from this perspective, the first question to be addressed is whether not *all* integration requirements (language courses, citizenship tests, oaths, etc.) as conditions of increased residency rights and citizenship for TCNs feed the public perception that the possession of citizenship is an earned right for only integrated immigrants. To be clear, this question does not concern whether states may enact integration strategies *as such*. Even if we accept that receiving states have legitimate interests to enact integration strategies to monitor and stimulate the integration of newcomers, we can still call into question if they should have the discretion to *connect* these integration strategies to controlling when TCNs can 'earn' more secure and equal rights. I will return to this line of reasoning in Chapter 5. There, I argue that if integration strategies are fully *decoupled* from laws that regulate the access to increased legal statuses or citizenship of refugees and family migrants, this will indeed help to diminish the symbolic difference between the social status attributed to the citizenship of those with and without immigrant backgrounds.

However, a less rigorous approach would start by highlighting those integration requirements that have been explicitly defended with the argument that obtaining residency rights and citizenship should not be a *right* for TCNs but a *privilege* based on certain efforts or attitudes. Illustrations of such requirements have been discussed over the previous chapters, for instance when examples were given of Dutch and Danish politicians in power who argued that legal security and citizenship is something special to be earned (see p. 40). In addition, in Belgium naturalization is only attainable for those with 'exceptional merits' since 2012, to be appointed by the Chamber of Representatives and is explicitly described as a 'gesture, not a right'.[383] Another well-known example is that the UK proposed to create 'probationary citizenship' in 2009. The idea behind this policy proposal was that immigrants had to prove to be deserving of their conditional citizenship status by, amongst other things, demonstrating 'active citizenship' and additional efforts such as 'civic activities' (e.g. volunteer work). At the last moment, the UK Government

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383   EUDO Citizenship Observatory, Wautelet 2013. For people without exceptional merits direct naturalization is not possible. However, there are legal routes to obtain a 'nationality certificate', which is more or less equivalent to naturalization. This certificate is contingent based on years of residence (five or ten years) and degrees of integration (demonstrated through tests, diplomas or participation in the labor market).

abandoned most of the specifics of this plan, as it would be too much of a bureaucratic burden. Nevertheless, it did retain the decision to increasingly work with models of 'earned citizenship'.[384]

However, in Italy a form of probationary citizenship has actually been implemented. There, part of the 'integration contract' that the state has with TCNs involves a point-based system in which 30 credits or more should be obtained over two years. Once the agreement has been signed, the temporary residency permit of the TCN is made contingent on the number of credits gained or lost and 'losing all credits results in the withdrawal of the permit of stay and in the expulsion of the foreigner'.[385] Upon the signature of the agreement, every TCN is awarded 16 credits. 'Credits can be reduced if the TCN commits a crime, an administrative or fiscal offence or is detained. Credits can be gained by attending school, university or professional training courses, by obtaining degrees, by being granted awards of civil merit, by carrying out certain professional or voluntary work activities, by choosing a family doctor, by buying and renting a flat, by learning Italian and acquiring cultural knowledge'.[386] In other words, for TCNs in Italy, *impeccable* citizenship became the condition for obtaining permanent residency and citizenship.

To be sure, from a social equality perspective, the problem with such integration requirements is *not* that they generally encourage active citizenship or a commitment to liberal democratic values. On the contrary, social equality theorists emphasize that all liberal democracies rely on active and committed citizens, and instruments to encourage this are welcome. However, the problem is that virtuous behavior, talents, personal outlooks and deeds are for non-Western and non-EU immigrants made into *mandatory prerequisites* for deserving legal citizenship. This stands in sharp contrast with the tacit understanding of the citizenship of people without immigrant backgrounds. They are, of course, expected, supported and encouraged to be familiar with the law, to abide by the law or demonstrate certain behavior or deeds. But they are never demanded to engage in civic activities, to have exceptional merits or asked to sign to agree with liberal-democratic values *to become or remain entitled to their national citizenship.* Indeed, the citizenship of nonimmigrant citizens remains intrinsically and fundamentally unquestioned, *even if* they were to adopt illiberal and undemocratic ideologies and never engage in community service. On that ground, Christian Joppke described integration requirements creating forms of probationary citizenship statuses as 'the most drastic invasion of democracy (to choose a friendly term) into the citizenship domain' [387] as idealized standards of behavior and characteristics start to affect matters of citizenship.

Put differently, from a social equality perspective, it is unacceptable if integration measures that in a narrow legal sense require of TCNs to

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384   Byrne 2016, 6.
385   Cuttitta 2016, 292.
386   Cuttita 2016, 294.
387   Joppke 2010a, 58.

be integrated and 'ready'[388] to earn secure legal residence or citizenship, also nurture and exacerbate *broader societal hierarchies* towards citizens with non-EU, non-Western backgrounds, implying that they should (perpetually) demonstrate their personal integration to 'deserve' to belong. Instead, the liberal-democratic state should consistently promote equal citizenship and be vigilant not to convey the message that immigrant citizens must do well in various societal spheres before they may be deemed as *true co-citizens.* Otherwise, the state contributes to the establishment of an evidently problematically ranked society in which there is a hierarchy of citizens. More particularly, it contributes to a social ethos in which immigrant citizens who are personally successful are deemed as *deserving* their citizenship, while this is not the case for nonimmigrant citizens. And in turn, if nonimmigrant and immigrant citizens turn out less successful, this only has a negative impact on the position in the fabric of belonging to the national community for the immigrant citizen. For example, in the situations that immigrant citizens are unemployed or criminals, they are looked upon as undeserving of their citizenship, and condemned for unjustifiably burdening 'our' national welfare state. It is suggested that they could better 'return to their own country'. However, citizens without immigrant backgrounds who are unemployed or engage in criminal behavior may be regarded as a nuisance, unlucky, malignant or lazy — but, crucially, *never* as less of a *citizen* for being so.

4.   Universal Values and Equal Citizenship

At this point, I believe it is valuable to concentrate on one salient version of this pervasive idea of citizenship that one can 'deserve' that is so central to the reward paradigm of naturalization, by focusing on the peculiar roles of the notions of 'culture' and 'universal values' in European debates on integration policies and equal citizenship. The implementation of integration requirements is namely often not only defended as stimulating increased language levels and participation, but also as *securing* the 'universal values' that underpin the cultures of receiving European states.

      In the academic literature, some commentators argue that the risk of creating social hierarchies is only applicable when the integration requirements are tied to specific national identities, heritages and require mastery of national culture, but not to integration requirements that only focus on 'nationally anonymous' universal values such as human rights, gender equality, non-discrimination and freedom of speech, democracy, freedom, the rule of law, toleration, and so forth. [389] However, I will argue that, in fact, the actual discourses of 'universal values' in Member States are highly often framed in exclusionary ways, that is, as part of a culture that immigrants do not (yet) belong to. As a result, the importance of universal

388   Byrne 2016, 12.

389   Joppke 2008b, 538, 237. See also e.g. Orgad 2009.

values is often invoked in such manners that it inculcates a social inequal-
ity that undermines the possibility of true equal deliberation between all
citizens, a core component of the political regime of liberal-democracy.

To explain, if integration and equal citizenship are discussed in
Member States, the image is increasingly created that the universal values
that characterize European liberal democracies are *directly* and *fully* in-
tertwined with the specific culture and history of the state. This happens,
for instance, when politicians emphasize that it is time to 'stand firm' on
'our values' if immigrants arrive. In its most extreme form, this amounts
to what Triadafilos Triadafilopoulos has coined as 'Schmittian liberalism'
which calls for the full exclusion of (putatively) illiberal and dangerous
immigrants as the protection of universal values requires, paradoxical-
ly, levels of cultural homogeneity.[390] However, in more moderate forms,
within such statements, universal values are presented and described as
so intertwined with the national culture that (predominately non-West-
ern) immigrants first have to personally embody the nation's culture, be-
fore they are perceived as equal citizens.[391] In other words, it is suggested
that to be taken seriously in the political realm and democratic debates, it
requires *being* Dutch, French or Belgian (etc.) in a *cultural* sense.[392]

In the terminology I used in Chapter 1, this can be described as one
particular manifestation of the broader European shift towards individu-
alized integration, in which it is expected one-sidedly from immigrants —
before they can belong to 'the real society' — that they demonstrate *their*
personal integration through *cultural* participation by adhering to certain
national mores, values, practices and traditions. However, in contempo-
rary sociological literature, this development has also been described as
the 'culturalization of citizenship'. For example, Evelien Tonkens *et al*
studied moments in which 'essentialist' views on culture play a central
role in debates on citizenship.[393] In these studies, the culturalization of
citizenship involves that instead of presenting the national cultures of Eu-
ropean receiving states as inclusive and fluid, they are portrayed as fixed
unities — and as something that *they,* immigrants, have to learn, embody
and accept.[394] Along these lines, Mouritsen, for example, observes that
in Denmark the national culture is described as being connected to 'uni-
versal civic values', while immigrants — above all Muslim immigrants —
are perceived as the embodiment of inherently 'un-civic' cultures.[395] In
this way, Mouritsen describes, Denmark would (allegedly) have a form of
'particular universalism' tied to a *non-negotiable Danishness*. And in this
particular Danish version of universalism, Christianity, and more specif-
ically Lutheranism, is important (even though in the country religiosity
is generally declining), which is defended as giving children the foundations

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390   Triadafilopoulos 2011, 867.

391   Rostbøll 2010, 406.

392   E.g. Mepschen & Duyvendak 2012.

393   Tonkens *et al,* 2008.

394   Zoetbrood 2017, 16.

395   Mouritsen 2006, 83.

for personal autonomy and responsibility in a democratic society.[396] Moreover, it is suggested that there would be a relationship between the 'Danish identity' and the values of democracy, liberal tolerance and redistribution. To illustrate this, Mouritsen quotes the party manifesto of the Danish social-democratic party that states: 'People develop their personality through upbringing and in the meeting with other people in society. As Danes we have Danish culture in common.'[397] In addition, Mouritsen and Olsen observe that the 'civicness' of the Danes is not only expressed in the adherence to democracy and freedom, but also in the 'smallness, cultural homogeneity and tight-knit "cosiness" of Danish society'.[398]

Similar developments are visible in other European countries, in which politicians of different ideological backgrounds referred to the relationship between universal values and the particular (Judeo-)Christian identities and cultures of their countries or their specific *Leitkultur*.[399] If we look, for example, at Italy, we see that the preamble of their Charter of Values for immigrants states 'Christianity [...] together with Judaism, has paved the way to modernity and acquiring the principles of freedom and justice'.[400] To explicate the necessity of the Charter with this preamble, the Italian Minister Amato also declared that it was particularly inspired by the awareness that there are 'specific problems with Muslims' and that 'the question of women is the most crucial issue when we are confronted with the entry of communities arriving from backward countries.'[401] Moreover, the chair of the committee that drafted the Charter spoke of 'cultures or religions that have not experienced the Western evolution', which are therefore 'antithetical' to the Italian culture.[402]

In Germany, new naturalization policies have been defended by the Minister of the Interior Jörg Schönbohm by pointing out that 'those who come here have to adopt the German *Leitkultur*. Our history has developed over a thousand years. We cannot allow that this basis of our community will be destroyed by foreigners'.[403] Moreover, the law states that naturalization should only be possible for spouses of German citizens if 'it is ensured that they will conform to the German way of life'.[404] On that account, Liav Orgad writes that Germany has modified its immigration and integration laws by asking every immigrant 'to conform culturally to its way of life before being able to be German' because 'immigrants — notably

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396   Mouritsen & Olsen 2013, 703.

397   Mouritsen 2006, 81.

398   Mouritsen & Olsen 2013, 97.

399   See e.g. Joppke 2008b.

400   Cuttitta 2014, 297.

401   Camera dei Deputati, 2006, Risposta del ministro Giuliano Amato all'interrogazione dell'onorevole Luca Volonte (Iniziative volte all'immediata redazione di una Carta dei Valori). Rome: Camera dei Deputati. See also Cuttitta 2016, 295.

402   Cardia, C., 2008, Carta dei valori e multiculturalità alla prova della Costituzione. Stato, chiese e pluralismo confessionale, 2. See also Cuttitta 2016, 295.

403   Orgad 2009, 726.

404   Orgad 2009, 726.

from Turkish origin — have not always been culturally "Germanized"'.[405]

Furthermore, in their research on the Dutch integration trajectory De Leeuw and Van Wichelen analyzed the visual representation of the Netherlands in the short film 'Naar Nederland' ('To the Netherlands') which is part of the integration exam abroad. They concluded that, in the film, the dominant culture of the Netherlands was exemplified by four cultural characteristics ('tropes'): gender equality, sexual freedom, freedom of speech and individualism.[406] And according to De Leeuw and Van Wichelen, it was suggested that immigrants only can become Dutch citizens by *adopting* these cultural characteristics.[407] Here, too, we see that universal values are increasingly fully conflated with Dutch cultural norms and values.

Lastly, in the UK, Bridget Byrne observes that the need for citizenship tests has been framed explicitly in terms of a lack to a commitment to 'British values' or 'British culture' and implemented to assess TCNs' 'fitness to be citizens'.[408] For this reason, she observes, based on surveys with people who had to take the test to obtain citizenship, that for newcomers they 'undermine the idea that they can become citizens "like any other" once naturalized'.[409]

For the purposes of this chapter, this last remark by Byrne hits the nail on the head. It is namely problematic for standards of social equality if integration and citizenship policies insinuate and contribute to the public perception that a binary opposition exists between a fully integrated society (the native 'Us') and immigrants ('They'), of which the previous group has *cultural and historical access* to the (supposedly) correct interpretation of universal norms that underpin the state, which is a privilege persons with immigrant backgrounds (supposedly) lack. In other words, it is problematic if state policies suggest that minority groups in society, due to their foreign, cultural or religious identity, must continuously prove that they embody what it culturally requires 'to be like Us' to be accepted as competent equal partners in interpreting universal values, in democratic deliberations and as co-authors of the law.

Of course, this binary opposition distorts a far more complex reality. On the one hand, it is surely the case that the realization and protection of universal values in specific liberal-democratic countries is a precious and praiseworthy achievement. Such values are also always historically situated and contingent — and at present, in European countries such as the Netherlands, Italy and Denmark, these values are indeed relatively well secured. These countries, therefore, have legitimate interests to defend their basic principles: they have every right to deem it as invaluable and important to educate them to both (native born) citizens

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405   Orgad 2009, 726-727.
406   De Leeuw & Van Wichelen, 2012.
407   De Leeuw & Van Wichelen, 2012, 195.
408   Bryne 2016, 1.
409   Byrne 2016, 12-13.

and newcomers. On the other hand, it must be emphasized as well that these universal values are not the property of any nation, and are also recognized in many other countries (e.g. Canada, Tunisia, Ukraine). After all, if one truly believes in the validity of *universal* rights, the fact that a particular country or culture manages to protect them does not prove that it is impossible for people from other countries or cultures to equally adopt them. Quite the contrary, even: if one truly believes that certain values are universal, one *must* defend that one can come to understand and accept these values via different cultural and historical paths. (Or the other way around, if universal values cannot be separated from specific cultures or cultural backgrounds, the claim to universalism must be abandoned.)

Furthermore, it must be emphasized that in states that promote and protect these values, unfortunately, not all (native) citizens personally endorse them. Nonetheless, these dissenting citizens remain *equal* citizens because disagreement about universal values is allowed based on the value of freedom of conscience — as long, of course, as one abides by the law. In the same vein, liberal-democratic receiving states should not conceal that (some of) their currently celebrated universal values have only fairly recently started to truly characterize their countries. In fact, the history of virtually all liberal-democratic countries has not been particularly liberal or democratic at all. Just to name two recent examples, in the Netherlands, same-sex marriage became legal in 2001[410] and the Italian penal code recognized so-called honor killings until 1981.[411] This is relevant, as it corrects the perception that 'Western' cultures are *intrinsically* superior to other cultures (which is increasingly often emphasized by European politicians), and moreover have a long track record of this supposed superiority. By the same token, also today, *all* European liberal-democratic states are, ever so often, criticized by constitutional and international courts, Ombudsmen, NGOs and international organizations such as the Council of Europe for policies and practices that violate human rights, democracy and the rule of law. Universal values and human rights are therefore not *necessarily* culturally fixed in, for instance, Dutch or Italian culture, nor are these values naturally culturally embodied by native Dutch or Italian citizens.

In addition, in debates on immigrant integration and universal values, it often goes unmentioned that universal values at times clash with each other, that particular societies and their judiciaries can respond differently to those clashes and, moreover, that these responses can change over time. For example, liberal-democratic countries throughout the world decide differently about the issue of euthanasia (and also change their stance on it through time). However, this does not imply that some of these countries ignore universal values while others do not: instead, the universal values of, on the one side, 'individual autonomy' and, on the

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410   And in 1996 the liberal party VVD still voted against it.

411   See Cuttitta 2014, 295: 'If a woman was caught by her husband, brother or father with a man other than her legitimate spouse, her husband, brother or father could kill the woman and/or the man, and he would be given only a milder sentence (from 3 to 7 years prison).'

other side, 'respect for life' are given different priority. In a similar vein, within debates on immigrant integration and universal values in Member States, some universal values are emphasized more strongly than others. This is, for example, the case for the freedom of speech.[412] Often, this value is then presented towards immigrants as a core aspect of the national culture and as entirely static. Nonetheless, in truth the *exact* meaning of this value (and other values) is topic of long-standing democratic disagreement and debate. For instance, in all European countries, laws on slander or blasphemy are in force, limiting the right to freedom of speech to a certain degree. And periodically, there are (heated) political discussions on the boundaries and desirability of such laws. But within debates on immigration, integration and citizenship in Europe, the universal value of freedom is speech is often invoked as one of *the* national values that nonimmigrant citizens (given their culture) always agree upon (and carefully secure), while immigrant citizens (given their cultures) supposedly do not know how to handle it and threaten it.

For this reason, in sum, the only correct way to understand and discuss universal values — in the context of immigrant integration and beyond — is, first, that it is essential that states promote them and politicians emphasize their importance, because their protection in a particular liberal-democratic society is never 'finished' and requires ongoing debate and commitment. Second, the state should invite all citizens to participate in democratic deliberations on the interpretation of the universal values, as these values themselves push states to give all citizens of the political community — irrespective of their backgrounds, ethnicity, gender, religions, etc. — equal respect and political voice. For this reason, all citizens should be able to speak freely in political discussions with the aim to solve collective problems and promote justice. Moreover, citizens have the right to co-author the laws they are subjected to.

Third, liberal democracies must accept that the meaning of universal rights is not set in stone, but rather constantly subject to democratic debate. More particularly, liberal democratic states rest on the conviction that it is always possible that if citizens carefully listen to the perspectives of other citizens, they will acquire a better understanding of what universal values require than before. For this reason, the state should nurture a form of 'reasonableness' in the political arena, defined by Iris Marion Young as, at least, a willingness to listen to others, even if those others think your ideas are incorrect or outright inappropriate. [413] Surely, this reasonableness will not ensure that citizens will always be able to convince each other. Instead, political disagreement will (probably) never disappear. But any political community that genuinely adheres to universal values also adheres to, as Christian F. Rostbøll puts it, 'moral fallibilism'. This is *not* a form of cultural relativism (as it is clearly not relativist in defending that certain values are universally applicable), even though it depends on the idea 'that every belief about the validity of

412   See e.g. Rostbøll 2010, 405.
413   Young 2002, 25.

norms and principles could, in principle, be mistaken and should hence be seen as revisable in light of further learning.'[414] In the same vein, Martha Nussbaum duly writes that, if it comes to the protection of universal values and human rights, all countries are and will always remain developing countries.[415] This implies, amongst other things, that no one ever culturally *owns* universal values.[416] In addition, in countries that uphold universal values, this commitment, on the side of all citizens (so both 'native' and immigrant citizens), is not stable. This commitment can always intensify and, crucially, also diminish (again).

That being the case, countries that successfully support universal values should be applauded and are legitimized to engage in all sorts of public strategies to protect their community of equals. However, if the state suggests that citizens with (non-Western) immigrant backgrounds should separate themselves from their history and culture in order to absorb the culture of the nonimmigrant majority being able to discuss what is right and wrong in light of universal values, it misunderstands its own core values and fails to protect social equality. This suggestion namely indeed 'essentializes' cultures (in relation to its values), both on the side of the native citizens *with* access to discuss universal values and on the side of the immigrant cultures *without* such access. In a community of equals, citizens do not represent their alleged culture and its alleged fixed opinions about certain issues, but are individually politically included on equal terms and in political debates and, in principle, can speak for themselves. Or phrased otherwise, in democratic debate it is not important who citizens are (in terms of cultural background), but what they express and how they actually act. Moreover, this suggestion implies that native citizens, due to their culture (can) never have opinions that are at odds with universal values, which is factually simply untrue. Particularly in contemporary Europe, there is, for example, a growth of populist movements with political ideas that manifestly conflict with the universal values of the liberal-democratic state and the rule of law, especially in relation to the freedom of religion of Muslim citizens.[417]

Lastly, if a state invokes universal values not as being part of the national culture but *as* the culture of the nonimmigrant majority, it fuels a societal hierarchy in which (non-Western) immigrant citizens are marginalized in their status of equal citizens. This signals that when it comes to the interpretation of the core values and the principles of the state, citizens without immigrant backgrounds are *hosts* and citizens with immigrant backgrounds are *guests,* in which the guests are required to behave according to pre-established cultural local rules.[418] However, in a true community of equals, such an evidently unequal relationship between citizens should be avoided. All citizens are equally entitled to participate

414   Rostbøll 2010, 408.
415   Nussbaum 2011, preface.
416   Lefort 2017, Chapter 19.
417   See e.g. Vieten & Poynting 2016.
418   Beauchamps 2015, 5.

as interpreters of the universal values that underpin the state and may equally point out where they believe their implementation can be improved, irrespective of their cultural backgrounds and national origins.[419]

5.   The Other Side of the Coin: Denaturalization

Before drawing things to a close, I want to briefly address a possible counterargument that critics might raise in response to the line of reasoning presented in this chapter. The gist of this critique, I presume, would entail that the concern that integration requirements as conditions of residency rights and citizenship would affect relations between citizens is unjustified. Such integration requirements, it could be argued, only affect immigrants on the 'path-to-citizenship' while everyone knows that as soon as naturalization takes place, in a liberal democracy, strict equal treatment applies to all. Seen this way, there is no reason to fear that integration requirements might reinforce social hierarchies in society. This reassurance is however unwarranted, for two reasons.

     Firstly, I believe that in the context of present-day Europe, this analysis is unsustainable in light of the growing prevalence of the individualized conception of integration as described in Chapter 1. This conception, I illustrated, does not only affect how the position of non-citizens and their path to citizenship is understood, but also has the effect that immigrant citizens are constantly framed as deserving their citizenship based on their personal integration (see p. 43-47) And if this analysis is correct, integration requirements reproduce social hierarchies between native-born and naturalized citizens, treating the latter's membership as conditional and suspect. Of course, as noted in the previous chapter, constitutionalism sets limits on how this hierarchy is expressed, since equal rights are guaranteed to all citizens as a basic constitutional principles. Yet as we've seen, the social equality approach emphasizes that social hierarchies can exist even when legal rights are formally protected.

     However, secondly and more importantly, there is evidence that this social hierarchy is in fact eroding the constitutional commitment to equal rights in growing trends to contemplate the denaturalization of immigrant citizens (i.e. the revoking of citizenship). [420] It would go beyond the scope of this research to fully flesh out the implications of these laws — often prompted by terrorism — and to demonstrate their prominence in

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419   Moreover, if receiving countries frame their 'universal' values not as a shared seedbed of peaceful co-existence, but as culturalized and nativist concepts to which nonimmigrants do not (unconditionally) have access, this is also counterproductive for nourishing equal belonging. I will return to this argument in the next chapter (p. 150).

420   To be sure, the expected number of actual denaturalizations, for the time being, is expected to remain low. For this reason, I believe that these policies legally, too, will rarely affect the rights of immigrant citizens, but do contribute to the *social* marginalization of immigrant citizens in their status of equal citizens.

the politics of citizenship.[421] Nonetheless, I hope that presenting this list of examples already makes clear that European States indeed, and through a variety of political acts and public policies, increasingly damage the principle of equal citizenship and reinforce the reward paradigm of citizenship. More and more, a societal atmosphere is nurtured in which it is found acceptable that there are two forms of national citizenship: an irrevocable one for native-born nationals and a revocable one for immigrant citizens.

In France, Marie Beauchamp observes, denaturalization laws increasingly correspond with a 'differentiated approach to nationality' as the policies and rhetoric concerning denaturalization do not apply to each citizen in the same way.[422] To demonstrate this, she quotes president Sarkozy who in 2010 announced his intention to revise the French law on denaturalization with the words:

> *It should be possible to withdraw the French nationality of any person of foreign origin who has deliberately attempted to take the life of a police officer or a member of the military police, or any other representative of a public authority. French nationality must be earned, and one must demonstrate one's self to be worthy of it. When one shoots at a public authority agent, one is no longer worthy of being French.* [423]

Differently put, Sarkozy contends that the acquisition of citizenship should not be seen as in principle non-reversible for citizens with 'foreign origins'. For this reason, Beauchamp analyses on the ramifications of denaturalization policies resonate with mine on the integration requirements for TCNs as conditions for attaining increased rights. She writes that behind the formal narrative of equality before the law, denaturalization policies are an 'Orwellian concept' that imply that 'all people are equal, but some are more equal than others'.[424] Considering Sarkozy's speech (and the denaturalization laws that were enacted afterwards), she concludes that the formal citizenship of naturalized citizens is in France viewed as 'a reward from the state to individuals: it is granted on the basis of a distinctive apprehension of an individual's behavior and follows a pre-determined set of performances'.[425]

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421   But see e.g. Mantu 2015.

422   Beauchamps 2015, 4. See also Beauchamp 2016.

423   Speech then-President Nicolas Sarkozy 'Discours sur la theme de la tutte contre l'insécurité', 30 July 2010, 16'50. See also Beauchamps 2015, 4.

424   Beauchamps 2015, 7.

425   Beauchamps 2015, 5.
       In 2016, president Hollande proposed a law that also would have made it possible to denaturalize citizens with immigrant backgrounds that were born on French soil. However, after heated political debates, he decided to withdraw his proposal. Kim Willsher, 2016 30 March, Hollande drops plan to revoke citizenship of dual-national terrorists, *The Guardian*. Retrieved from: https://www.theguardian.com/world/2016/mar/30/francois-hollande-drops-plan-to-revoke-citizenship-of-dual-national-terrorists [Accessed on 31 May 2017]

In the Netherlands, an irrevocable conviction for certain terroristic acts became a ground for withdrawing someone's nationality since 2010, which only applies to Dutch citizens with dual or multiple nationalities (who are *de facto* always citizens with immigrant backgrounds). [426] Moreover, in 2013, a bill was submitted to *automatically* withdraw the Dutch nationality for people with dual or multiple nationalities, but later the Dutch government abandoned this idea. However, interesting enough, in the explanatory memorandum accompanying the Bill, the reason for reconsidering denaturalization conditions was said to be 'changing social opinions', yet it was not explained what these were.[427] However, as I see it, these changing social opinions entailed the shift towards individualized integration: increasingly, immigrant citizens are perceived as potentially not worthy of their citizenship.[428] And indeed, the Dutch Minister of Justice became legally authorized in 2017 to revoke the citizenship of immigrant citizens with double or multiple passports who are *suspected* of being member of terroristic organizations such as IS (by e.g. travelling to Syria), without a full criminal conviction.[429] In a similar fashion, Germany now also looks into possibilities to revoke the citizenship of German jihadists who participated in training camps of terrorist groups abroad.[430]

Lastly, it is informative to return to the Belgian package of laws discussed in the previous chapter, which makes it easier to expel permanent residents, even though strictly seen this does not involve a denaturalization policy (see p. 103). To recall, these laws gave the Belgian Aliens Department the discretion to revoke residency rights of TCNs that are deemed as a threat of public order, without the ruling of a court. Considering the purposes of this chapter, it is worth to mention that these laws apply as well to persons who are born in Belgium or moved to the country before they were 12 years old. In other words, Belgium sends people 'back' to countries where they have potentially never been. Hence, this policy thus also clearly conveys that those with immigrant backgrounds should behave or leave.

Altogether, I think it is clear these denaturalization policies nurture the same forms of social inequality between citizens as the integration

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426   In the Netherlands, denaturalization may not result in statelessness (as it signed and ratified the Convention on the Reduction of Statelessness).

427   De Hart & Terlouw 2015, 305.

428   In the Netherlands, 76% of the people agree with revoking the citizenship of non-Western immigrant citizen if they commit a crime *Het Parool*, 2014 22 April, Peiling De Hond: 43 procent wil minder Marokkanen. Retrieved from: http://www.parool.nl/binnenland/peiling-de-hond-43-procent-wil-minder-marokkanen~a3639253/ [Accessed on 31 May 2017].

429   *NOS*, 2017 7 February, Ook Eerste Kamer achter afpakken Nederlanderschap jihadisten. [Also Senate Behind Revoking Citizenship of jihadists] Retrieved from: http://nos.nl/artikel /2156975 -ook-eerste-kamer-achter-afpakken-nederlanderschap-jihadisten.html [Accessed on 31 May 2017].

430   *NOS,* 2016 11 August, Duitsland wil jihadisten nationaliteit afpakken[Germany wants to revoke nationality of jihadists] Retrieved from: http://nos.nl/artikel/2124752-duitsland-wil-jihadisten-duitse-nationaliteit-afpakken.html [Accessed on 31 May 2017].

requirements discussed in this chapter. On that account, in the legal scholarship, these denaturalization policies are described as part of the 'unmaking' of citizenship which involves that for dual nationals the significance of their citizenship is eroded and that they are seen as potential 'enemy citizens'.[431] Less drastically formulated, these requirements have the effect that nonimmigrant citizens (who are accused of), for example, participating in terroristic activities will always remain national terrorists, whereas immigrant citizens with double passports are also denounced as enemy *outsiders*.

For this reason, both integration and denaturalization policies increasingly indicate that second-class immigrant citizens will never obtain the version of unconditional citizenship that first-class nonimmigrant citizens have, as that they will never be fully released from the burden of proof that they deserve their national citizenship.

6. Conclusion

In this chapter, I evaluated the increase and formation of integration requirements in several EU Member States through the lens of social equality. I raised the question: Under which conditions do integration requirements jeopardize the ambition of liberal-democratic states to uphold 'a community of equals', that is, a political community in which no social divisions exist in *superiority* and *inferiority* between citizens? With my answer I aimed, on the one side, to further our normative understanding of these integration policies. On the other side, my aim was to contribute to the social equality literature by explaining what the ideals of social equality concretely imply for political practices related to integration and equal citizenship.

My normative starting point was that immigration triggers a variety of challenges for receiving liberal democratic states from the perspective of social equality, especially in relation to their ambition to uphold a community of equals that cherishes the value of equal citizenship, not only in a formalistic but also in a substantive sense. Receiving states that offer immigrants a path to citizenship should combat the growth of structural inequalities between nonimmigrant citizens and immigrant citizens and, where possible, enable a social ethos in which no superior and inferior citizens exist.

However, at the same time, I observed that the quality and shape of the social ethos of a liberal-democratic country is never entirely in the power of the state. Numerous factors — historically grown societal patterns, psychological dispositions, global developments, unexpected current events, etc. — contribute to the formation of social hierarchies between citizens and the extent to which these promote or diminish the ambitions of liberal democracy. Nonetheless, the liberal state does have an impact on these attitudes and it falls short if it, on top of all these dynamics,

431   See e.g. Nyers 2006. See also De Hart & Terlouw 2015, 327.

entrenches symbolic double standards that deprive members of certain minority groups of opportunities for equal participation while privileging others, thus reinforcing status hierarchies between citizens with and without immigrant backgrounds.

From this angle, I drew attention to two types of integration requirement introduced in European states today, which I contend are objectionable. First, I discerned the type of integration requirements that convey the symbolic message that (certain) immigrants and forms of diversity are unwelcome and unsuited for territorial or civic inclusion. This leads to state endorsed social divisions between citizens that are preferred and 'wanted', and citizens with (certain) immigrant backgrounds who are dis-preferred and 'unwanted'.

The second type of integration requirement I highlighted involves the message that persons with immigrant backgrounds have to *earn* their national citizenship. This cultivates public perceptions and societal standards in which immigrant citizens have to demonstrate their entitlement to their equal citizenship. This mechanism has multiple manifestations. On the whole, however, through certain integration and citizenship programs, Member States unjustly contribute to a structural social class division between citizens that formally share equal citizenship. More specifically, they fuel a social inequality between first-class native citizens who *are* citizens irrespective of their behavior and second-class and immigrant citizens who only *have* citizenship but can lose this entitlement. As a result, citizens that are perceived as native automatically belong, while immigrant citizens are perceived as conditionally deserving belonging. In this context, I gave extra attention to state-backed discourses of integration that emphasized the historical and cultural embedment of universal values in the 'native' culture of the receiving state. This inculcates that immigrant citizens are not naturally regarded as equal political members but must culturally adapt before they may be recognized as equals in democratic deliberations and equal co-authors of the laws.

Moreover, I showed that the social hierarchy between superior and inferior is also increasingly promoted through denaturalization policies in a number of Member States. Also in this context, European states send the symbolic message that the citizenship of citizens with immigrant backgrounds remains revocable, while that of nonimmigrant citizens is irrevocable.

Finally, I believe the analysis in this chapter forms a contribution to the normative social equality literature. Based on its methodology of highlighting social inequalities that communities of equals should *avoid*, this case study of immigration, integration and naturalization made apparent an additional source of illegitimate social inequalities. For standards of social equality, a class division between those who are perceived as unconditional members of a group and those who, at best, can only conditionally earn membership of it, is troublesome. Further research on this social inequality may include investigating its examples of (state-backed) forms of 'natural belonging' versus 'conditional belonging'.