

# The Anatomy of Civic Integration

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Recent legislation on migration and citizenship in Europe and the EU framework on integration require migrants to meet integration requirements in order to enter, reside, reunite with their families and naturalise in the host country. Mandatory language course attendance and examination tests are viewed as means of enhancing integration, which is now framed as a 'two way' process or a contractual agreement between migrants and the host society. Despite the deployment of the notion of a contract, integration is, in reality, a one way process aimed at procuring conformity, discipline and migration control. Civic integration rests on an artificial homogenisation and displays the same elements of paternalism and ethnocentricity that characterised past initiatives. The civic integration paradigm is a crucial feature of a renewed, albeit old-fashioned, nationpolitics used by political elites to provide answers to a wide range of issues and to elicit support for a controlling state in the first decade of the 21<sup>st</sup> century.

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Whereas pluralism and respect for diversity were often cited themes in politics and everyday life in the 1980s and most of the 1990s, the rejuvenation of nations and the maintenance of cohesive societies via integration programmes and tests have become prominent policy objectives in Western Europe in the new millennium. The multicultural paradigm was first displaced in the Netherlands following the entry into force of the Newcomer Integration Act 1998 which required newcomers to attend language and 'social orientation' courses. Following the Dutch initiative and New Labour's Nationality, Immigration and Asylum Act 2002, which tightened naturalisation requirements by introducing a test on 'sufficient knowledge about life in the United Kingdom' in addition to language proficiency, the 'civic integration paradigm' has taken root in Europe over the last six years. All 'old migration countries',<sup>1</sup> with the exception of Belgium and France, require applicants for naturalisation to take civic orientation tests and pre-existing language requirements have been tightened and reinforced. Migrants are also required to attend language and civic orientation courses and, in most cases, to sit integration tests, in order to enter and/or obtain permanent residence in the Netherlands, Austria, Denmark, France, Germany, Luxembourg and the UK. Non-attendance of integration courses affects their access to social benefits in Germany, the Netherlands, Belgium, Sweden, Finland, Denmark, France and the UK. More controversially, since 2006, integration requirements and tests have 'migrated' abroad, that is, to (non-European) states of origin, thereby serving as switches for the family migration journey. At present, the Netherlands, France

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1 The term is borrowed from the IDEA project which is co-ordinated by Professor Marek Okolski, VI European Commission Framework Programme.

and Germany have conditioned family reunification on the successful completion of integration programmes abroad. Denmark allows spouses to enter and to take the test there, while the UK has announced its intention to introduce pre-departure integration measures in the near future. If the applicants' knowledge proves to be deficient, they will be denied a visa or, according to French legislation, must undergo additional training. Finally, in Austria, France, Denmark and Luxembourg integration requirements are contained in integration contracts which migrants have to sign in order to obtain a secure residence status.<sup>2</sup> In 2007 France extended the application of the integration contract to migrants' families (*Contrat d'accueil et d'intégration pour la famille*), thereby requiring the attendance of a good parenthood course by the parents and compulsory school attendance by the children.<sup>3</sup> Finally, certain integration tests are not confined to examining applicants' knowledge and understanding of the host society and its language and way of life, but seek to unravel peoples' attitudes, political beliefs and moral sensibilities. In this respect, what people think about nudism, same sex partnerships, religious conversion and so on seems to be crucial in determining who is to be included and excluded.<sup>4</sup>

The aim of this article is neither to provide an overview of these developments nor to embark upon a comparative assessment of migration and naturalisation laws in Western European countries. Recent (and forthcoming) studies, anthologies and country reports have done this successfully.<sup>5</sup> Scholars will also continue to map the restrictive trend in migration and naturalisation laws comprehensively and with sophistication.<sup>6</sup> Instead, my aim is to zoom in and interrogate the con-

2 In France it is called *Contrat d'accueil et d'intégration*; *Loi relative à l'immigration et à l'intégration*, No 2006-911 of 24 July 2006.

3 Law 2007-1631.

4 Compare, for instance, the Baden-Württemberg 2005 citizenship test which required naturalisation officials to examine whether an applicant's declaration of loyalty to the Constitution reflected his/her actual beliefs in matters such as same-sex relations, religion and so on. The test applied only to nationals of member states of the Islamic League: Interior Ministry of Baden-Württemberg, Gesprächsleitfaden für die Einbürgerungsbehörden (AZ.: 5-1012.4/12, September 2005). For a discussion and critique see C. Joppke, 'How Liberal are citizenship tests?' (2010) at <http://eudo-citizenship.eu/citizenship-forum/255?start=10> (last visited 13 August 2010) and the debate it sparked among Ines Michalowski, Kees Groenendijk, Ricky van Oers, Amanda Klekowski von Koppenfels, Joseph Carens, Dora Kostakopoulou, Liav Orgad, Randall Hansen, Sergio Carrera, Elspeth Guild and Sarah Wallace Goodman. See also D. Kochenov, 'Mevrouw de Jong Gaat Eten: EU Citizenship, Naturalisations and Mythical Cultural Exceptionalism in Europe Today' paper presented at the UACES Conference on Communicating European Citizenship, Lancaster House, London, 22 March 2010.

5 See C. Joppke, 'Beyond National Models: Civic Integration Policies for Immigrants in Western Europe' (2007) 30(1) *Western European Politics* 1; A. Etzioni, 'Citizenship Tests: A Comparative Communitarian Perspective' (2007) 78(3) *The Political Quarterly* 353; E. Guild, K. Groenendijk and S. Carrera (eds), *Illiberal Liberal States: Immigration, Citizenship and Integration in the EU* (Ashgate: Hampshire, 2009); A. Blackledge, 'As a Country we Expect': The Further Extension of Language Testing Regimes in the United Kingdom' (2009) 6(1) *Language Assessment Quarterly* 6; G. Hogan-Brun, C. Mar-Molinero and P. Stevenson (eds), *Discourses on Language and Integration: Critical Perspectives on Language Testing Regimes in Europe* (Amsterdam: John Benjamins, 2009); R. van Oers, E. Erbolli and D. Kostakopoulou (eds), *A Redefinition of Belonging? Language and Integration Tests in Europe* (Leiden: Brill/Martinus Nijhoff, 2010). See also the debate on integration tests at <http://eudo-citizenship.eu> (last visited 13 August 2010).

6 See 'Citizenship Tests in a Post-National Era' Special Issue (2008) 10(1) *International Journal on Multicultural Societies* edited by S. Wright, and the Special Issue of the *Journal of Ethnic and Migration Studies* edited by M. Vink and R. de Groot (2010, forthcoming).

ceptual frame underpinning the contemporary civic integration discourse and policy in an attempt to understand its origins, evolution and structuring effects on citizenship and migration legislation, identities and community relations. This focus owes much to the fact that ideas, assumptions and frames, that is, more abstract reasoning templates and organising articulations, tend to influence judgement and behaviour and to shape law making and policy output. In addition, conceptual frames more often than not determine what questions should be raised and which considerations should be relevant rather arbitrarily, thereby giving the impression that laws and policies are self-evident, necessary, and often singular, responses to structured realities. My main argument is that there is no historical necessity or inevitability about the adoption of the civic integration paradigm. The latter is a crucial feature of a renewed, albeit old-fashioned, nationpolitics that has been used by political elites in order to provide answers to a wide range of issues and to elicit support for a controlling state<sup>7</sup> in the first decade of the 21<sup>st</sup> century. In what follows, I examine the 'anatomy' of civic integration and suggest an alternative way of viewing migrant incorporation and thinking about juridico-political reform.

A different way of thinking about migrant incorporation is needed not only because, as I argue below, contemporary discourses, laws and policies on civic integration and social cohesion are anachronistic and could well be counterproductive. Western European governments require that migrants make an effort to learn the language of the host state, its values, traditions, history and ways of life, attend courses and pay for them, take part in official examinations and engage in voluntary work in order to obtain secure residence status and naturalisation. Citizenship, allegedly, must be 'earned' and if migrants are willing to work hard and 'integrate', they will succeed. But we all know that constant and unilaterally imposed demands, coupled with negative comments on individuals' behaviour, intelligence and personality, do not build relationships – they destroy them.

Political elites argue that mandatory language and civic orientation requirements promote integration and enhance social cohesion. Yet both integration and social cohesion are unclear concepts: they are difficult to define and to measure. From a conceptual point of view, integration presupposes a unified, complete and undifferentiated unit into which something or someone has to be integrated. But does this mean that we need to turn a blind eye to class, sex, ethnicity and race differentials and the homeless people in our midst? And does it make sense to require migrants to meet integration requirements abroad before the migration journey commences? Why has integration policy been coalescent with the seemingly unconnected aim of migration control in the 21<sup>st</sup> century? And finally, why is ethnic or religious difference now construed as a threat to social cohesion, the national culture or the 'specialness' of national citizenship?<sup>8</sup> Such questions highlight the need for subjecting civic integration to analytical scrutiny, and by tracking down the ideas and assumptions underpinning civic

7 Compare Deleuze's typology of sovereign societies, disciplinary societies and societies of control;

G. Deleuze, 'Postscript on the Societies of Control' (1992) 50 *October* 3.

8 D. Goodhart, 'Too Diverse?' (2004) 95 *Prospect* 30.

integration initiatives and extracting the multilayered scripts that sustain them, the subsequent discussion seeks to make a contribution to the literature.

The discussion is structured as follows. In the first section I set out the rationale of, and the scene for, the discussion by mapping civic integration legal initiatives and discourses in European states as well as the European Union. In the second section I dissect the conceptual framework of civic integration by focusing on its historical and theoretical context, while section three interrogates the basic terms of the new integration paradigm. In section four, I defend the merits of the alternative, pluralistic frame of reference which has been pushed into the background in official discourses and policies in the first decade of the 21<sup>st</sup> century. I conclude the discussion by arguing for an alternative approach to migrant incorporation and for political reasonableness.

## CIVIC INTEGRATION IN THE NEW MILLENNIUM

### The internal dimension

The civic integration paradigm started superseding multiculturalism towards the turn of the 20th century.<sup>9</sup> Its ascendancy owed much to conservative reactions against the increasing heterogeneity of communities<sup>10</sup> and the politics of diversity as well as to the security politics prevailing after 9/11. Critics, mainly, but not exclusively, on the right of the political spectrum, argued that multiculturalism is premised on essentialist conceptions of culture and fosters the creation of bounded enclaves within society.<sup>11</sup> Not only were European polities, allegedly, 'sleepwalking to segregation',<sup>12</sup> but national cultures had weakened, personal loyalties had lost their intensity and social capital had decreased amidst endless debates about the appropriate aims of policies, different interpretations of countries' histories and values and divergent conceptions of national identities.<sup>13</sup> Internal criticism about foreign policy and minority anxiety about the way Islam was portrayed in public life, on the other hand, were often construed as evidence that Muslim citizens and residents lack firm and binding commitments and espouse beliefs that undermine social and political norms. In the search for policy solutions nationalist and disciplinary approaches prevailed; states sought to renew and strengthen the nations they represented by favouring an official monoculturalism and the discourse of national values and social cohesion. Accordingly,

9 In Sweden a partial retreat from multiculturalism occurred in 1986, but it did not take root; C.-U. Schierup, P. Hansen and S. Castles, *Migration, Citizenship and the European Welfare State* (Oxford: Oxford University Press, 2006) 222; A. Triandafyllidou, T. Modood and R. Zapata-Barrero (eds), *Multiculturalism, Muslims and Citizenship: A European Approach* (New York: Routledge, 2006).

10 R. Bauböck, E. Ersbøll, K. Groenendijk and H. Waldrauch (eds), *Acquisition and Loss of Nationality*, Volumes I and II (IMISCOE Research, Amsterdam University Press, 2006); R. Bauböck, B. Perchinig and W. Sievers (eds), *Citizenship Policies in the New Europe* (IMISCOE Research, Amsterdam University Press, 2007).

11 S. Vertovec, 'Multiculturalism, Culturalism and Public Incorporation' (1995) 19 *Ethnic and Racial Studies* 49.

12 This phrase is borrowed from Trevor Philips; 'After 7/7: Sleepwalking Our Way to Segregation' 2005 at <http://www.cre.gov.uk> (last visited 2 November 2005).

13 See Goodhart, n 8 above; B. Barry, *Culture and Equality* (Cambridge: Polity Press, 2001).

questions of identity were reframed within a disciplinary context that required migrants to show commitment by attending classes and taking exams and to meet increasingly restrictive conditions in order to be part of the host society and the citizenry. Not only has responsibility shifted from the system or the country of settlement to the individual, who must now 'make an effort to integrate',<sup>14</sup> but also speaking the national language and being familiar with the history, values and ways of life of the host society have become mandatory rules to live by, often followed by significant sanctions, and filters for the selection of migrants – instead of being goals to strive towards.<sup>15</sup> Integration conditions, that is, language and social orientation courses and tests, have thus been attached to both residence and citizenship. The Netherlands was the first country to introduce the former in 1999 via the adoption of the Newcomer Integration Act 1998, whereas the UK initiated citizenship tests via New Labour's Nationality, Immigration and Asylum Act 2002.<sup>16</sup> Shortly afterwards integration requirements proliferated in national arenas and an integration framework has taken root at the European Union level. Language and civic education tuition are now required for long-term residence acquisition in the Netherlands, France, Germany, Denmark, Luxembourg and the UK. All six countries have adopted a test-based approach to integration which is mandatory.<sup>17</sup> In addition, in all those countries, with the exception of Luxembourg which introduced integration requirements in 2009, one discerns an incremental tightening of the requirements over a five year period by increasing either the level of attainment or the target group or the hours of course attendance or the content of integration tests. Unsuccessful test performance results in non-renewal or refusal of a permanent residence permit and may also be accompanied by fines (in the Netherlands) and a reduction in social benefits. In Austria, acquisition of a permanent residence permit depends on the fulfillment of an integration agreement which entails attendance of language courses<sup>18</sup> and in Greece migrants have to pass an integration test, assessing one's knowledge of the Greek language and culture, in order to be eligible to apply for a long-term residence permit. Integration tests as naturalisation requirements have also been introduced in the UK, the Netherlands, Germany, Denmark, Austria and Luxembourg. In the UK such a reform was, allegedly, needed in order to end the current 'mail order' approach to the acquisition of British nationality and to enhance the integration of migrants,<sup>19</sup> whereas in Austria it was a means of restricting naturalisation. In

14 Compare Tony Blair's speech on 'the duty to integrate'; 'The Duty to Integrate: Shared British Values' Speech on Multiculturalism and Integration delivered at 10 Downing Street on 8 December 2006, for the Our Nation's Future Lecture available at <http://www.number-10.gov.uk/output/Page10563.asp> (last visited 13 August 2010).

15 D. Kostakopoulou, 'Introduction' in van Oers, Erbol and Kostakopoulou (eds), n 5 above.

16 A Life in the UK test and the strengthening and extension of language requirements, which had been introduced by the British Nationality Act 1981, to applicants for naturalisation on the basis of marriage.

17 For a detailed discussion on comparative integration requirements, see Van Oers, Erbol, and Kostakopoulou, n 5 above.

18 For a detailed discussion see Perchinig's contribution to R. Van Oers, E. Erbol, and D. Kostakopoulou, *ibid*.

19 D. Kostakopoulou, 'Thick, Thin and Thinner Patriotisms: Is This All There Is?' (2006) 26(1) OJLS 73, 89.

Germany applicants must have a good understanding of the German statal and juridical order and the living conditions there, whereas the UK has recently introduced the concept of ‘probationary citizenship’.<sup>20</sup> Following the publication of a Green Paper, entitled ‘The Path to Citizenship: next steps in reforming the immigration system’ on 20 February 2008, the Borders, Citizenship and Immigration Bill was introduced to the House of Lords on 14 January 2009.<sup>21</sup> Its basic premise has been that newcomers must ‘earn’ their residence and other rights in the UK. ‘Earned’ residence and, subsequently, citizenship can in turn be demonstrated by meeting qualifying conditions during different stages associated with longer qualification periods. In this respect, individuals’ settlement is broken into three distinct phases, temporary leave, probationary citizenship and citizenship or permanent residence, and progression at each stage depends on fulfilling integration requirements and the absence of a criminal record. Full access to social benefits and social housing are privileges accompanying the third stage of citizenship and permanent residence. Additionally, the qualifying period for naturalisation has been extended from 5 to 8 years for newcomers and from 3 to 5 years for the family members of British citizens and permanent residents. Participation in ‘active citizenship’ activities, such as volunteering, fundraising for charities and schools, serving on community bodies and so on, would bring as a ‘reward’ a two-year reduction in the qualifying period for naturalisation. On 4 August 2009 the Government announced proposals for the introduction of a points-based system for granting probationary citizenship and citizenship based on migrants’ linguistic ability, qualifications obtained in the UK, economic contribution, skill-shortages in Britain, good behaviour and artistic, scientific or literary merit.<sup>22</sup> A new naturalisation test on the history of Britain and its place in the international system is also envisaged.<sup>23</sup>

Although the diffusion of integration tests and the idea of ‘earned’ residence and rights could be seen as a manifestation of a discursive isomorphism leading to convergence in policies and practices,<sup>24</sup> it is true that the integration frame has been adapted to suit particular historical conjunctures, local environments and party political expediencies in European countries. As policy emulation is accompanied by processes of ‘translation’ and institutional variation in domestic contexts,<sup>25</sup> it comes as no surprise that the European Union has sought to promote greater coordination and coherence in national policies and their integration

20 Home Office, Border and Immigration Agency, *The Path to Citizenship: Next Steps in Reforming the Immigration System* 2008. See also Home Office, UK Border Agency, *The Path to Citizenship: Next Steps in Reforming the Immigration System – Government Response to Consultation* 2008.

21 Borders, Citizenship and Immigration Bill [HL] Bill 15-EN 2008-09. It received Royal Assent on 21 July 2009.

22 Home Office, *Tough New Points System for Earning Citizenship* 4 August 2009 at <http://www.direct.gov.uk/en/N11/Newsroom/DG.179562> (last visited 22 August 2010).

23 *The Guardian*, ‘Passport Scheme “Citizen Woolas”’ 4 August 2009; ‘Canvass for a political party to win points for a British passport, says immigration minister’ 4 August 2009; *The Independent*, ‘Labour unveils points system for immigrants’ 4 August 2009.

24 Joppke, n 5 above.

25 A. Watson, *Legal Transplants: An approach to Comparative Law* (Edinburgh: Scottish Academic Press, 1974); S. Choudhry, *The Migration of Constitutional Ideas* (Cambridge: Cambridge University Press, 2006).

requirements. More specifically, following the adoption of the Directives on family reunification (proposed in 1999) and on the status of long-term resident third country nationals (proposed in 2001), which entail provisions on integration 'conditions' and 'measures',<sup>26</sup> and the establishment of National Contact Points on Integration (NCPs) in 2003,<sup>27</sup> the MS have played a leading role in shaping the EU framework on migrant integration policy in ways that accommodate their own migration rules and policy priorities.

At the heart of the EU Framework lies the Hague Programme, which entailed the policy objectives for the Area of Freedom, Security and Justice for the period 2005–2010, and the Common Basic Principles on Integration (CBP) which were adopted by the JHA Council on 19 November 2004.<sup>28</sup> These refer to integration as a 'two-way process of mutual accommodation by all immigrants and residents of MS' (CBP 1), emphasise migrants' responsibilities to respect the basic values of the EU (CBP 2), to learn the language, history and institutions of the host society (CBP 4.1) and to be active societal participants (CBP 5) and mention the possibility of conflict involving cultural and religious practices with European rights or national law (CBP 8.2). Through three annual reports and communications,<sup>29</sup> the Commission has grafted flesh on the common basic principles and has built an institutional infrastructure, consisting of the Integration Forum (2008), the European Integration Fund (2007) and the Integration web site (2008).<sup>30</sup> But it has failed to call into question the conceptual coherence, effectiveness and, ultimately, the legitimacy of mandatory integration in Europe. Accordingly, the draft European Pact on Migration and Asylum, which was proposed by the French Presidency in summer 2008,<sup>31</sup> included the controversial clause that all migrants would

<sup>26</sup> See Articles 4 and 7 of Council Directive 2003/86 on the right to family reunification (OJ L 251/12, 3.10.2003) and Articles 5 and 15 of Council Directive 2003/109 on the status of third-country nationals who are long-term residents (OJ L 16/44, 23.1.2004).

<sup>27</sup> Council Meeting 2455, Luxembourg, 14–15 October 2002. The NCPs contributed to the compilation of the first edition of the *Handbook on Integration for Policy-Makers and Practitioners*. The second edition (2007) focused on the issues derived from the Common Basic Principles and a third edition is forthcoming.

<sup>28</sup> Justice and Home Affairs Council Meeting 2618, 14615/04, 19 November 2004.

<sup>29</sup> First Annual Report on Migration and Integration, COM(2004) 508 Brussels, 16 July 2004; Second Annual Report on Migration and Integration, COM(2006) 892, Brussels, 30 June 2006; Third Annual Report on Migration and Integration, COM(2007) 512, Brussels, 11 September 2007; Communication on a Common Agenda for Integration, COM(2005) 389 final, Brussels, 1 September 2005; Communication on the Global Approach to Migration one year on, COM(2006) 735 final, Brussels, 30 November 2005; Communication on Towards a Common Immigration Policy, COM(2007) 780 Final, SEC(2007) 1632, Brussels, 5 December 2007; Communication on A Common Immigration Policy in Europe: Principles, Actions and Tools, COM(2008) 359 final, SEC(2008) 2026, SEC(2008) 2027, 17 June 2008.

<sup>30</sup> On the European Integration Fund, see Council Decision 2007/435/EC, 27 June 2007. The Integration Forum met for the first time in October 2008 and the Integration web site was launched two months later. For a comprehensive discussion of EU developments in this field, see S. Carrera, *In Search of the Perfect Citizen? The Intersection between Integration, Immigration and Nationality in the EU* (Leiden: Martinus Nijhoff, 2009); S. Carrera, *Benchmarking Integration in the EU: Analysing the Debate on Integration Indicators and Moving it Forward* (Berlin: Bertelsmann Foundation, 2008); D. Kostakopoulou, S. Carrera and M. Jesse, 'Doing and Deserving: Competing Frames of Integration in the EU' in Guild, Groenendijk and Carrera (eds), n 5 above.

<sup>31</sup> Version II of the European Pact on Immigration and Asylum, 4 July 2008 available at [www.libertysecurity.org](http://www.libertysecurity.org) (last visited 5 October 2008).

have to sign compulsory integration contracts which would require them to conform to the national identity of the Member State (MS) in order to obtain permission to settle in the EU. Although this clause did not feature in the final text adopted by the European Council on 16 October 2008, the European Pact confirmed the Member States' preference for a top-down, control-based and sanctions-oriented approach to integration matters. Entry, residence and membership continue to depend on an affirmation of, and respect for, national identities and the EU and the cultural and political discipline associated with the recent rebranding of the nation.

## The external dimension

Integration has recently acquired an external dimension; spouses seeking family reunification must fulfil integration requirements in their countries of origin in order to be admitted in the Netherlands (since 2006), France (since 2007) and Germany (since 2007).<sup>32</sup> In Denmark (2007) applicants will be granted a temporary visa in order to take the integration test there in 2010 and the UK has announced plans for the introduction of a pre-entry English requirement for spouses.<sup>33</sup> Reflecting the close association of the new integration paradigm with migration, pre-visa integration, that is, the meeting of integration requirements before the migration journey begins, has become an integral part of this scheme and a means of migration control. Spouses' adequate knowledge of the language of the host society and its values is ascertained by oral tests abroad according to Dutch, German and French legislation. Whereas the Netherlands and Germany make successful performance a condition for the grant of a visa for family reunification, France has adopted a process-based approach premised on course attendance, the evaluation of the applicant's knowledge of French and Republican values, and the provision of additional tuition, if necessary.

At the European level, too, one notices two contradictory approaches to family reunification, namely, a human rights-based approach, applying to Community nationals and their family members, which affirms the importance of respect for family life and elevates it to a general principle of EC law, and a utilitarian one addressed to third country nationals which subjugates family reunification to political expedience, migration control and to national conceptions of integration and nationhood.<sup>34</sup> As regards the former, since the early days of European integration, family unification was deemed to be an important aid to intra-Community

32 *Wet inburgering in het buitenland* (Integration Abroad Act) 2006 (The Netherlands); Loi no 2007-1631 of 20 November 2007 (France); *Gesetz zur Umsetzung aufenthalts- und asylrechtlicher Richtlinien der Europäischen BGBl. I*, 1970 (Germany, 2007).

33 See Lov no 379 of 25 April 2007 which entered into force in 2010 in Denmark and Home Office, *Marriage Visas: Pre-entry English Requirement for Spouses* Consultation Paper, Border and Immigration Agency, December 2007.

34 D. Kostakopoulou, S. Carrera and M. Jesse, 'Doing and Deserving: Competing Frames of Integration in the EU' in Guild, Groenendijk and Carrera (eds), n 5 above; K. Groenendijk, 'Family Reunification as a Right under Community Law' (2006) 8(2) *European Journal of Migration and Law* 215-230; E. Guild, *The Legal Elements of European Identity: EU Citizenship and Migration Law* (The Hague: Kluwer, 2004).



mobility and necessary for 'the integration of the worker and his family into the host MS without any difference in treatment in relation to nationals of that state'.<sup>35</sup> Third-country national spouses of Community nationals have avoided the regulatory realm of, often restrictive, national migration laws by deriving rights as members of workers' (in pre-Maastricht Europe) or European citizens' (in post-Maastricht Europe) families. The Citizenship Directive (2004/38) has strengthened the level of their protection.<sup>36</sup> In addition, the normative power of the EU<sup>37</sup> in this domain has been enhanced by the fact that the ECJ has not hesitated to pronounce respect for family life (Article 8 ECHR) an integral part of the general principles of Community law. In *Commission v Germany* the requirement of German law that made the issuing of residence permits to family members of Community workers conditional on the provision of appropriate accommodation for the duration of their stay in the host MS, and not only at the time of their move into a dwelling, was found to contravene Article 10(3) of Council Reg 1612/68.<sup>38</sup>

Aided by institutional architecture of the partial formal basis of the Treaty of the European Union (TEU) Article 6(2)<sup>39</sup> and the Charter of Fundamental Rights, which was proclaimed in Nice on 7 December 2000,<sup>40</sup> and being attuned to the debate about possible accession to the ECHR by the EU, in *Carpenter* the Court elevated the fundamental right of respect for family life at the expense of national migration laws. It ruled that a derivative right of residence has been implied from a Treaty article (Art 49 EC), thereby overriding restrictive national immigration rules.<sup>41</sup> The Court's attribution of normative priority to respect for family life has been reiterated in subsequent rulings, such as *MRAX*, *Baumbast*, *Commission v Spain*, *Jia*, *Eind*, culminating in *Metock and Others*,<sup>42</sup> where the ECJ outlawed national legislation making the right of residence of third country national family members of EU citizens subject to prior lawful residence in another MS. Notwithstanding the controversy associated with the latter ruling in Denmark, UK and elsewhere, the ECJ has been progressively chipping away

35 Case 249/86 *Commission v Germany* (Re Housing of Migrant Workers) [1989] ECR 1263, paras 10,11.

36 OJ 2004 L 158/77.

37 I. Manners, 'Normative Power Europe: A Contradiction in Terms?' (2002) 40(2) *Journal of Common Market Studies* 235.

38 *Commission v Germany*, n 35 above.

39 According to Article 6(2) TEU, 'The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the MS, as general principles of Community law'.

40 [2000] OJ C364/1.

41 Case C-60/00 *M. Carpenter* [2002] ECR I-6279. See G. Barret, 'Family Matters: European Community Law and Third Country Family Members' (2003) 40 *Common Market Law Review* 369–421, 406.

42 Case C-459/99 *MRAX*, Judgement of the Court of 25 July 2002; Case C-413/99 *Baumbast and R v Secretary of State for the Home Department* [2002] ECR I-7091; C-157/03 *Commission v Spain* [2005] ECR I-2911; C-1/05 *Jia v Migrationsverket* [2007] ECR I-1; Case C-291/05 *Eind* Judgement of the Court of 11 December 2007; Case C-127/08, *Metock and Others* Judgement of the Court of 25 July 2008. See also the Commission's 5<sup>th</sup> Report on Citizenship of the Union which mentions the need to interpret the right to free movement in the light of fundamental rights, including the right to respect for family life, and the principle of proportionality; COM(2008) 85 Final, 15.2.2008.

barriers to family reunification erected by restrictive national migration regimes.<sup>43</sup>

The Commission, on the other hand, has adopted an ambivalent position on the recent policy of de-territorialised, pre-departure integration. Although the Communication on Immigration, Integration and Employment<sup>44</sup> explicitly stated that 'even though the role of the family varies from one culture to the other, it generally plays a central role in the integration process as it represents a fixed point of reference for immigrants in the host country. Family reunification with the nuclear family is a key tool in this respect',<sup>45</sup> the 2005 Communication on a Common Agenda for an Integration Framework for the Integration of TCNs in the EU<sup>46</sup> referred to the strengthening of 'the integration component of admissions procedures, eg, 'through pre-departure measures such as information packages and language and civic orientation courses in the countries of origin.' According to the Communication's Annex, 'as managed migration schemes are established, and within the context of developing a European approach to the admission of labour migrants, there is scope for paying more attention to pre-departure measures which can improve the integration process on arrival. Such measures can be part of comprehensive migration and development strategies'.<sup>47</sup> The absence of serious reflection on the conceptual coherence and justifiability of 'integration abroad' and its impact on integration processes and family reunification is puzzling.<sup>48</sup>

Although pre-departure integration has been justified in national arenas on the basis that it prepares spouses for integration at a very early stage and increases their employability, the conditionality attached to it makes it unsuitable to meet these objectives. Applicants are bound to see such requirements as hurdles designed to

43 See D. Chalmers, 'The Positioning of EU Judicial Politics within the UK' (2000) 23 *West European Politics* 187. In *European Parliament v Council* the Court reiterated the Member States' obligations under Article 8 ECHR and invited national courts to activate the preliminary ruling reference procedure if they face difficulties concerning the interpretation or the validity of the family reunification directive; Case C-540/03 [2006] ECR I-5769. Unfortunately, Article 7(2) of the family reunification Directive (2003/86, OJ L251/12, 3.10.2003) which states that 'Member States may require third country nationals to comply with integration measures in accordance with national law' was not among the contested provisions.

44 COM(2003) 336 final, 3 June 2003.

45 *ibid.*, 25. This commitment echoed the 1999 Communication: '[it] is a necessary way of making a success of the integration of third country nationals residing lawfully in the MS. The presence of family members makes for greater stability and deepens the roots of these people since they are enabled to lead a normal family life' COM(99) 638 final, 3.

46 COM(2005) 389 final.

47 *ibid.*, 18.

48 Interestingly, integration abroad does not feature in the 2007 Communication on Towards a Common Immigration Policy, which states that 'integration policy should therefore be seen as a continuum, running from entry through to settlement and to social and economic inclusion' (COM(2007) 780 final, 8) and the 2008 Communication on A Common Immigration Policy in Europe: Principles, Actions and Tools (COM(2008) 359 final, 17 June 2008). The latter calls for an assessment of the implementation, and the need for modification, of Council Directive 2003/86/EC on the Right to Family Reunification. The Commission reiterates the latter in its Communication on an Area of Freedom, Security and Justice serving the citizen, which looked forward to the adoption of the new multi-annual programme, the so-called Stockholm Programme, in December 2009; COM(2009) 262/4, 10 June 2009, Brussels. The Communication called for the development of a dynamic immigration policy based on 'respect for fundamental rights and human dignity'.

delay or even to deter their entry. Indeed, if the conditionality is stressed too much and spouses find themselves unable to join their partners if they fail the integration tests, then it is quite likely that national regulations interfere with the normative structure of the right to respect for family life (Article 8 ECHR). Normative infringements which make it virtually impossible to exercise the right or impair its very substance are unlawful. If, on the other hand, integration measures, such as language and civic orientation tests, are deemed to be simply arrangements associated with the exercise of the right to family reunification, because, for example, exam failure does not preclude the grant of a temporary visa to enter the host country and to retake the tests there, then such interferences, falling within the domain of Member States' margin of appreciation, could be justified according to Article 8(2) ECHR, provided they are in accordance with the law, pursue a legitimate aim (and such aims are exhaustively listed in 8(2) ECHR), are necessary in a democratic society and meet a proportionality test. This means that the Dutch and German integration requirements, which are essentially admission requirements or conditions for entry authorisation, could well be seen to infringe Community law.

Additionally, such integration requirements might be deemed to be disproportionate. For although aiding spouses' integration at an early stage and seeking to improve their employability are legitimate social interests, thereby meeting the suitability requirement entailed by proportionality, it is doubtful whether the tests of necessity and adequacy or reasonableness (proportionality *stricto sensu*) are met. This is because the above mentioned legitimate objectives could be achieved by less restrictive means, that is, by providing opportunities for language class attendance on arrival and/or participation in targeted training programmes designed to equip spouses with the skills and knowledge required in order to exercise specific professions. After all, learning in the country of settlement is more effective as it is reinforced by the wider environment and is supported by one's embeddedness in social, familial and friendly networks. In addition, if proportionality *stricto sensu* were reviewed,<sup>49</sup> one might conclude that integration tests abroad do not bear a well-balanced and reasonable relation to the significance of the fundamental right to family unification. But how can one account for these policy choices?

## NATIONPOLITICS AND CIVIC INTEGRATION: THE OLD, NEW WORLD

Civic integration policies did not emerge in a vacuum in the new millennium. There exists a long history of 'integration' tests spanning a period of at least one

49 In the Community legal order, proportionality normally involves the necessity and suitability tests. See T. Tridimas, *The General Principles of EC Law* (Oxford: Oxford University Press, 2<sup>nd</sup> ed, 2006); P. Craig, *EU Administrative Law* (Oxford: Oxford University Press, 2006). The ECJ does not examine the adequacy or reasonableness of measures unless an applicant raises an argument related to the reasonableness inquiry; P. Craig and G. de Burca, *EU Law* (Oxford: Oxford University Press, 4th ed, 2007) 545; D. Chalmers and A. Tomkins, *European Union Public Law* (Cambridge: Cambridge University Press, 2007) 450–451.

hundred and fifty years. In addition, the underlying conceptual frames of integration and assimilation have been crystallised and institutionalised within certain historical and socio-political contexts. In what follows, I wish to travel backwards in time and to examine integration tests from the standpoints of history and theory. By tracing continuities as well as discontinuities between the present integration paradigm and past civic integration initiatives and uncovering the complex, and often coercive, nationpolitics surrounding the institutional development of national citizenship and collective identities, we are better equipped to ask critical questions and, hopefully, to avoid semantic traps and institutional mistakes.

### Conceptual frames in the twentieth century: from the melting pot to ordopolitics<sup>50</sup>

The concepts of assimilation and integration hardly featured in sociological and political studies on ethnic relations and migrant incorporation in the 19<sup>th</sup> century. In the early 20<sup>th</sup> century, migration flows from Eastern and Southern Europe to the US were accompanied by strong nativist reactions and demands for conformity to Anglo-American cultural and social patterns. Popular anxieties about the integrity of the single national culture in the face of new migration contributed to the creation of the Americanisation movement in the 1920s. Sociologists associated with the Chicago School deployed the concept of assimilation for the first time in order to study migrant adaptation to the host culture.<sup>51</sup> In their textbook, entitled *Introduction to the Science of Sociology* (1921), Robert Park and Ernest Burgess defined assimilation as ‘a process of interpenetration and fusion in which persons and groups acquire the memories, sentiments, and attitudes of other persons and groups and, by sharing their experience and history, are incorporated with them in a common cultural life’.<sup>52</sup> By putting emphasis on the process in which differences would be transformed into similarities, and foreign, and allegedly inferior, traits would be melted down and be moulded into a new, and superior, American subject, assimilation, as both a paradigm and state-sponsored programme, appeared to fit the dominant nationalist ideology and political realities at that time. According to Rumbaut,<sup>53</sup> the appeal of assimilation continued in the 1950s and the early 1960s,<sup>54</sup> as it captured the need for national unity and consensus in the post-Second World War era.

But in the late 1960s social movements called into question the idea of assimilation given the existence of internal differentiation in societies, the resilience of ethnic differences and the persistence of structural inequalities. The rebellion

50 Ordopolitics refers to a politics that makes the maintenance of order its priority.

51 R. Alba and V. Nee, ‘Rethinking Assimilation Theory for a New Era of Immigration’ in C. Hirschman, P. Kasinitz and J. DeWind (eds), *The Handbook of International Migration* (New York: Russell Sage Foundation, 1999) 136.

52 *ibid* 137.

53 R. Rumbaut, ‘Assimilation and Its Discontents: Ironies and Paradoxes’ in C. Hirschman, P. Kasinitz and J. DeWind (eds), *ibid* 173–174.

54 It is noteworthy that Milton Gordon’s book entitled *Assimilation in American Life* appeared in 1964; *Assimilation in American Life: The Role of Race, Religion and National Origins* (New York: Oxford University Press, 1964).

against the demands of conformity and coerced homogenisation necessitated the development of alternative frameworks culminating in the repudiation of assimilation and, eventually, in the embrace of the multiculturalist paradigm. One such alternative framework, integration, appeared to be free of the explicit ethnocentric pretensions of assimilation and more respectful of cultural differences at that time. For whereas assimilation is closely linked to the idea of acculturation, that is the process of shedding off old cultural ways, sentiments and behaviour and acquiring those of the mainstream society,<sup>55</sup> integration appears to be less demanding in so far as it requires acceptance of public norms and values of the host society, thereby allowing space for the retention of cultural differences in the private domain.

It is quite likely that the origins of integration lie in the post-World War II era and, in particular, in American sociologists' preoccupation with identifying the necessary ingredients that guarantee the stability of a social system. In the 1950s Talcott Parsons highlighted the contribution of value orientations instilled in culture to a social system's survival and persistence. By blending Durkheimian and Freudian insights, he argued that through either socialisation or social control processes, such as interpersonal sanctions and institutionalisation, individuals internalise these value orientations and are thus made to fit into the social system. If those mechanisms fail to deliver, then social control mechanisms relying on coercion would have to be activated with a view to maintaining system stability. In his famous AGIL schema, which maps the conditions for social order or system equilibrium, the social integration of members into a coherent unit, 'a solidary collectivity', becomes a functional imperative.<sup>56</sup> Integration thus facilitates coordination, control and, ultimately, prevents disruptions in the system.<sup>57</sup>

The transfer of the concept of integration from the domain of ordered social systems into the field of ethnic relations led to the transposition of its homeostatic assumptions. Two of them deserve special mention here. First, the assumption that the integration of migrants is necessary for societies' survival. This assumption reflects the rationale of integration ('why integration?'). The second assumption is that a stable society is a coherent, unified and homogenous ensemble. This addresses the question 'integration into what?' These assumptions not only expose the implicit nationalist narrative of unified and culturally homogeneous communities underpinning integration, but they also shape the meaning and importance of integration itself. Integration appears to be a natural choice for political actors

55 This is not a linear process. On straight line assimilation see H. Gans, 'Introduction' in N. Sandberg, *Ethnic Identity and Assimilation: The Polish Community* (Praeger: New York, 1973). On bumpy-line assimilation see H. Gans, 'Comment: Ethnic Invention and Acculturation: A Bumpy-line Approach' (1992) 11(1) *Journal of American Ethnic History* 42–52. On segmented assimilation see M. Zhou, 'Segmented Assimilation: Issues, Controversies, and Recent Research on the New Second Generation' in Hirschman et al (eds), n 51 above, 196–212.

56 The other three functional imperatives are adaptation, goal-attainment and latency; T. Parsons, R. F. Bales and E. A. Shils (eds), *Working Papers in the Theory of Action* (New York: The Free Press, 1953) 64; T. Parsons and N. Smelser, *Economy and Society* (London: Routledge and Kegan Paul, 1956).

57 The tendency of the Parsonian model to prioritise order and control and to treat change as a pathology has been pinpointed by many scholars. For a well thought out critique, see W. Buckley, *Sociology and Modern Systems Theory* (Englewood Cliffs, NJ: Prentice-Hall, 1967).

interested in maintaining national unity and system stability. In other words, integration becomes a preservationist political project.

It is note-worthy here that the implicit frame of nationalism is not confined to the macro-level considerations, that is the link between integration/assimilation and society or polity. It also applies to the micro-level, that is, to the manner in which newcomers are perceived by political elites and the citizenry. To a varying degree, both concepts presuppose the existence of deficit(s) on the part of migrants which must be overcome through learning to become a national (education to Anglicise or Americanise) or a national citizen (education to citizenship). Such deficits normally include speaking another language,<sup>58</sup> lacking the cultural traditions and values of the nation in question, having a foreign name, a different religion and a different cuisine or not knowing the history of the host state and its constitutional evolution.<sup>59</sup> There is the expectation that some of these deficits would be overcome through the gradual process of acculturation to middle-class patterns of life and through learning and embracing the nation's ideals and civic culture.

Owing to the link between foreignness and inferiority, assimilation has been strongly criticised for carrying many pre-theoretical ethnocentric assumptions and a good dose of paternalism.<sup>60</sup> After all, it is not difficult for those who determine the terms of integration to turn advantages into disadvantages. For instance, in contemporary civic integration programmes, multilingualism, which is a resource, is deemed to be a handicap if it does not include familiarity with the language of the host society. This alleged disadvantage can be further accentuated by speculative judgements about the alleged difficulties an individual may experience in participating in socio-economic life, despite the fact that so many public figures, including Fabio Capello, the Italian manager of the English national team who was speaking through an interpreter when he came to the UK, have shown that a 'lived language' can easily become a 'learned' one.<sup>61</sup>

The equivalences between indigenous/superior and foreign/inferior sustain the conceptions of assimilation and integration as unidirectional processes. Integration (and assimilation) is something that individuals have to do in order to become accepted. The broader social and institutional context is supposed to remain unchanging with respect to assimilation, whereas integration permits some modifications to it.<sup>62</sup> Both modes, however, leave little space for processes of exchange and change, that is, for reciprocal relations, dialogue, mutual learning, mutual adaptation and interdependence between majority and minority communities. They also underscore the facts that migrants' lives are marked by complexity, translation, adaptation and fusion and that cultures and institutions are multilayered and mutable. But 'one wayness'<sup>63</sup> is premised on the nationalist

58 In the early 20<sup>th</sup> century this was deemed to be a sign of intellectual inferiority.

59 On the superimposition of democratic inclusion on forgotten exclusions, see A. Marx, *Faith in Nation: Exclusionary Origins of Nationalism* (New York: Oxford University Press, 2003).

60 Rambaut, n 53 above.

61 The latter terms are borrowed from H. Bhabha, *The Location of Culture* (London: Routledge, 1994) x.

62 A. Favell, *Philosophies of Integration. Immigration and the Idea of Citizenship in France and Britain* (Houndmills: Palgrave, 1998).

63 Rambaut, n 53 above, 172.

narrative of unique nations that are nurtured and sustained by coherent and organic cultures.<sup>64</sup> The ideology-laden scripts underpinning integration and assimilation become more clearly visible in the subsequent section which examines the history of integration tests.

### Integration tests in history: the institutional perspective

Seeking initially to limit the privileges of citizenship, and later on to grapple with migration flows and to respond to anxieties about the preservation of national cultures, states have used literacy tests, language tests, dictation tests and knowledge of the constitution tests as migration filters and mechanisms for racial exclusion. More specifically, racist beliefs about the 'natural' intellectual inferiority of African-Americans and their alleged 'unfitness' for 'self-government' underpinned their exclusion from the American political commonwealth and provided the justification for the adoption of education tests (ie, ability to read and understand the constitution, to provide an interpretation of clauses and to write their own names) in Mississippi and other states, such as Connecticut, in the mid-19<sup>th</sup> century. These aimed at disqualifying African American voters from electoral participation. Literacy tests migrated from the fields of citizenship to migration at the end of the 19<sup>th</sup> century and were used to exclude 'undesirable races' from entry into the US. Following the imposition of restrictions on the migration of certain peoples by the Chinese Exclusion Act of 1882, the Immigration Act of 1882, the Alien Contract of Labour Laws of 1885 and 1887, and the Immigration Act of 1891, the requirement that migrants should be able to speak and write in their own language was gaining currency. This provision was entailed by the Immigration Restriction Bill of 1886 which was sponsored by the Immigration Restriction League but was vetoed by Woodrow Wilson, among others.<sup>65</sup> Naturalisation legislation in the first decade of the 20<sup>th</sup> century also required an ability to speak English.<sup>66</sup> At the turn of the century in the US, and in other countries, there was a renewed emphasis on assimilation and a resurgence of nativism and xenophobia. The grass roots 'Americanisation' movement called for the imposition of a number of obligations on migrants, such as being able to speak and understand English, to know the American history and civics and to embrace a specific conception of 'Americanness'.<sup>67</sup> The views of Ellwood Cubberley are instructive in this respect. Writing in the first decade of the 20<sup>th</sup> century against the backdrop of migration from Eastern and Southern Europe to the US, he stated:

Illiterate, docile, lacking in self-reliance and initiative, and not possessing the Anglo-Teutonic conception of law, order, and government, their coming has served

64 See D. Kostakopoulou, *The Future Governance of Citizenship* (Cambridge: Cambridge University Press, 2008) chapter 2; Y. Lapid and F. Kratochwil (eds), *The Return of Culture and Identity in IR Theory* (Boulder, Co: Lynne Rienner 1996).

65 The Immigration Restriction League was founded by Robert Decourcey Ward in Boston in 1894.

66 See the 1906 Naturalisation Act. This requirement was also present in the Nationality Act of 1940.

67 J. Perca, 'Am I an American or Not?' in N. M. J. Pickus and R. M. Smith (eds), *Immigration and Citizenship in the Twenty-First Century* (Lanham: Rowman and Littlefield, 1998) 49, 54.

to dilute our national stock, and to corrupt tremendously our civic life . . . Our task is to break up these groups or settlements, to assimilate and to amalgamate these people as part of the American race, and to implant in their children, so far as can be done, the Anglo-Saxon conception of righteousness, law and order and popular government, and to awaken in them a reverence for our democratic institutions and for those things in our national life which we as a people hold to be of abiding worth'.<sup>68</sup>

Similar beliefs were popular:

. . . the majority of the people who now come to us have little akin to our language; they have little akin to our modes of thought; they have little akin to our customs; they have little akin to our traditions . . . They must be able to realise an obligation in adopting a new country to adopt the language and the customs of that country.<sup>69</sup>

Racial exclusion and white supremacist ideas were prevalent in South Africa and Australia too, thereby facilitating the reception of literacy tests, which subsequently mutated into dictation tests in Australia. More specifically, the Australian Immigration Restriction Act of 1901, which was based on South African legislation, required the migrants to write down a short text of fifty words of scientific context dictated to them in any European language, thereby facilitating the exclusion of 'undesirable races' from entry into Australia and the pursuit of the White Australia policy.<sup>70</sup> Such techniques effectively institutionalised racial discrimination and exclusion under guise of promoting republican ideas and democratic self-government. Owing to supremacist ideas, African Americans and migrants from China, Asia, Southern and Eastern Europe were deemed to be 'unfit for self-government' because they were either allegedly accustomed to servitude and dependency or were illiterate or could not speak English.

To these justifications, the Second World War added another one; namely, state security. US legislation in the 1950s (the Subversive Activities Control Act of 1950) made the naturalisation requirement of linguistic and civic knowledge more stringent by requiring an ability to read and write in English and basic knowledge of civics and history, with the view to precluding communist infiltration. Although it is logic defying that literacy in English can make someone less likely to be a communist, it is nevertheless the case that intolerance and restrictive migration policies have been frequently masked under the veils of promoting self-government, ensuring social harmony and defending the nation.<sup>71</sup>

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68 Cited in K. A. Appiah, *The Ethics of Identity* (Princeton, NJ: Princeton University Press, 2005) 202.

69 It is cited in D. Tyack, *The One Best System: A History of American Urban Education* (Cambridge MA: Harvard University Press, 1974).

70 According to the National Archives of Australia: Documenting a Democracy, only 52 out of 1359 applicants passed the test in the period 1902–1909. After 1909 no one passed the test, which was abolished in 1958; <http://www.foundingdocs.gov.au/item.asp?dID=16> (last visited 25 August 2008). See also M. Lake, 'From Mississippi to Melbourne via Natal: The Invention of the literacy tests as a technology of racial exclusion' at <http://express.anu.edu.au/cw/mobile-devices/ch13.html> (last visited 13 September 2008).

71 P. Brimelow, *Alien Nation: Common Sense about America's Immigration Disaster* (New York: Random House, 1995).



In the light of the foregoing, it may be concluded that the conceptual frames of integration and assimilation and their institutional architecture cannot be separated from nationpolitics and ideology. Implicit in the frames are conceptions of nationality and assumptions about who should be admitted to the country, who deserves to be a citizen and who can be trusted. In this respect, even if we wished to edit, or to break from, the past and to dissociate ourselves from the discriminatory effects of past integration tests, retaining the concepts of assimilation and integration without a fundamental reshuffling of their meaning would be problematic. For, as we have seen, there exists a firm conceptual and theoretical loop between the conceptual frame and institutional design and policy implementation.

### THE 'HOW OF INTEGRATION'

The discussion thus far has shown that the new civic integration paradigm contains many of the traditional features of nationalism: the centrality of the national language, the uniqueness and primacy of the nation, the culturalisation of politics, a top-down definition of the 'good citizen' and the endemic belief that 'others', that is, non-nationals, are 'deficient' – not restless autodidacts and resourceful.<sup>72</sup> Reflecting the 'older' civic integration initiatives, it is based on the assumption that societies are more or less homogenous and unified and that diversity is somehow a threat and/or a problem. Accordingly, integration is either conducive to social cohesion and required by it or envisaged to yield effects that will promote social cohesion (the consequentialist view). Without the prior ideology-laden assumptions that host societies are unified and that (social) cohesion is normatively and empirically required, the civic integration paradigm would make little sense.

Additionally, both 'old' and 'new' integration programmes have been state-led projects. Without exception, governmental elites have played a leading role in defining and redefining political belonging, making certain articulations of nationhood hegemonic, refashioning national identity, making the state relevant and, in so doing, increasing executive power. Their discursive practices and politics of meaning aim at producing subject positions for citizens and newcomers alike. Citizenship becomes a privilege to be conferred at the discretion of state authorities on 'deserving' persons; it is no longer an entitlement stemming from prolonged residence and socio-economic participation. Fostering 'shared belonging' is seen as the by-product of obligatory language course attendance, test performance and of accumulating factual information about the history, institutions values and ways of life of the country which may well be forgotten a few months after the test – and not the result of sharing the burdens of the commonwealth, taking part in social and economic life and enhancing the welfare of

72 As Spencer and Wollman have noted, 'in nationalist discourse there is a recurring tendency to see those inside the nation as having special virtues, particular values and qualities which those outside do not and cannot share. They may (at best) have other virtues but these are always implicitly or explicitly of lesser worth or weight' *Nationalism: A Critical Introduction* (London: Sage, 2002) 63. In the civic integration paradigm the linguistic resources of non-nationals are deemed to be 'of little or no value in society', see Blackledge, n 5 above, 14.

society.<sup>73</sup> In determining who would be worthy to be a citizen as well as a long-term resident, weight has been placed on the traditional markers of national identity: linguistic assimilation, knowledge of the history, the civics and ways of life.<sup>74</sup> These are deemed to carry an implicit guarantee of loyalty; namely, that newcomers have the 'right hearts and minds'.

Notwithstanding their similarities, however, civic integration programmes do not simply replicate earlier initiatives. There exist apparent and subtle differences between the present and the past. First, integration is now framed as a 'two way' process or a contractual agreement between migrants and the host society, from which a number of obligations and sanctions flow.<sup>75</sup> Migrants have an obligation to respect the values, culture and traditions of the host society which, in turn, promises to endow them with protection against arbitrary expulsion and deportation and equal treatment in the socio-economic and cultural spheres. This is not simply rhetoric; as earlier mentioned, in Austria, France, Denmark and Luxembourg migrants have to sign integration contracts in order to obtain a secure residence status. Secondly, we observe an intentional 'disconnection of the dots'<sup>76</sup> among residence, entitlements and citizenship which were created in the 1980s and 1990s. In what follows, I place the frame of the integration contract under close scrutiny in order to ascertain whether it is accompanied by unstated assumptions and coded prescriptions similar to those found in past integration tests. This will then help us assess its capacity to capture the reality of migrant-host encounters accurately and to ground credible policy initiatives in the 21<sup>st</sup> century.

### The frame: the integration contract

Contracts, be they fictive<sup>77</sup> or real, contain a set of essential characteristics which, irrespective of the precise content and broader context of a contract, demonstrate that a contractual relationship has been formed. I will focus here on five such characteristics, as follows. First, contracts ordinarily presuppose a party's freedom to enter into a contractual relationship. Their implicit presuppositional framework is the embodiment of freedom, pluralism and personal autonomy. I can establish a contractual relationship or refrain from doing so. Additionally, I can choose to establish a contractual relationship with either X or Y and my choice to contract with X reflects my autonomy, that is, it has an endogenous source in the sense that it has not been dictated by somebody else. A distinguishing characteristic of contractual relationships is thus their non-mandatory character. This element is absent

73 Interestingly, language tuition, information about the civics and even labour market training were aspects of settlement policies in Germany and Sweden in the mid-1970s.

74 Compare here F. Barth, *Ethnic Groups and Boundaries* (London: Allen and Unwin, 1969).

75 See also the 'Common Basic Principles for Immigrant Integration Policy in the European Union' Council of the European Union, 2618 Council Meeting, Justice and Home Affairs, 14615/04, 19 November 2004 and the Council Conclusions, 2807 Council Meeting, Justice and Home Affairs, Luxembourg 12–13 June 2007.

76 The phrase is borrowed from Wayne Shorter; interview with Wayne Shorter, C. Santana and W. Shorter Live at the 1998 Montreaux Jazz Festival, 2005 Montreaux Sound.

77 Fictive contracts may have important socio-political functions.

from civic integration agreements. Neither party has the freedom to abstain from the contractual agreement: migrants do not have the option of disregarding integration requirements and host authorities cannot abdicate their power to regulate migration and settlement or to turn a blind eye to the presence of migrants. It may be objected here that a migrant can decide not to enter a state by seeking entry and settlement elsewhere. Supposing that such an option existed, because, for example, a person might have relatives in two countries or is bilingual or, driven by a spirit of adventure, (s)he disregards colonial connections and wishes to create fresh links with another country, this objection does not convince since it is based on an arbitrary change of the location within which freedom can be exercised and the placing of migrants outside the jurisdiction of the state. In any case, it would not apply to residents seeking naturalisation.

Secondly, contracts do not arise in a spontaneous way among strangers. They require the existence of an intersubjective understanding among parties. This is formed following processes of communication, the mutual exchange of information, views, demands and expectations and bargaining until agreement on the terms of the contract is secured. Otherwise put, contracts acquire their meaning in relation to the bilateral relation of the parties. If no such relationship exists and the contractual terms have not been discussed, it would be difficult to ascertain the existence of a contractual relationship. Moreover, if a party has suspicions that his/her possible partner might not be able to deliver what has been promised or to display the goodwill required for yielding mutually beneficial results, then signing a contract would be very unwise.

The recognition of the right to negotiate is important because it carries an implicit mutual recognition of the equal standing of the parties. By the latter I do not mean the parties have to be equal in substantive terms or to possess equal bargaining power. After all, most contracts entail terms that essentially favour one party more than the other. The initiating party may also voluntarily make concessions in order to secure the cooperation of the other party. Rather, equal standing captures a sense of respect for, and recognition of, 'equal party status': each party respects and recognises the other as a party. This third characteristic explains why one cannot legitimately take part in a contract of enslavement or voluntarily submit to his/her perpetual disempowerment or destruction.

Yet both the recognition of the equal standing of the parties and the formation of an intersubjective understanding presuppose dialogue, an exchange of views, the sharing of experiences, negotiation and agreement. But all the above elements do not accompany civic integration contracts. The latter are imposed unilaterally by national executives and, as we have seen above, their terms reflect more the host community's fears and anxieties rather than the migrant experience. Migrants do not have the power to contest, negotiate, refuse or change their terms and non-compliance carries very heavy sanctions; namely, non-renewal of residence permits, deportation, unsuccessful naturalisation and fines. In this respect, the conditionality that accompanies integration contracts, their non-negotiable character and their extension to pre-entry processes abroad show that the 'two way process' of integration is a myth. Integration serves as a means of migration control and as a platform for the promotion of identification and conformity with the ideas, rules and values that have been selected as the markers of national

identity and 'good citizenship'.<sup>78</sup> The rigidity that accompanies the material scope of integration contracts creates the further difficulties of undermining cooperation, the development of a sense of shared belonging and signals that migrants are essentially 'other', economic burdens and unwanted. As the European Commission against Racism and Xenophobia has observed, the debate around integration and ethnic minority issues has shifted to 'to a more general debate on cultures and values of different groups and, ultimately, on the inherent moral worth and mutual compatibility of such cultures and values'.<sup>79</sup>

Fourthly, contracts are generally established between two parties. There may exist other interested parties, but these can be involved either in a subcontractual relationship or in partnership with one party. Like ordinary contracts, the integration contract is formed between migrants and state authorities. This gives rise to the paradox that migrants sign an agreement with the state (or municipal authorities), even though they do not integrate into a state. They integrate into a locality, a neighbourhood, a working environment, a social group and a community. They become enmeshed in variety of networks, affecting and, in turn, being affected by, many actors. Even if we assume that governments represent and coordinate multiple interests, the absence of wide consultation with societal actors and stakeholder groups, such as employer associations, churches, ethnic communities, neighbourhoods, non-governmental organisations and so on, about civic integration and policy implementation is puzzling. The framing of integration as a bipolar relationship thus brackets all the above considerations and excludes a number of societal actors. But it has the ideological function of presenting society as a united national community represented by the government and simultaneously placing it in opposition to another party, namely, the migrants.

The final characteristic of any contract is that, under normal circumstances, performance is something within the parties' competence and control. After all, no one promises something (s)he cannot deliver. Accordingly, integration contracts or agreements are based on the assumption that integration is something that can be delivered, measured with a view to verifying that it has been achieved and, ultimately, enforced. In this respect, two sub-frames have been deployed by European governments; namely, (i) the completeness of the integration dynamic and (ii) a multiple gateway approach. The first subframe creates the impression that integration is something that can be measured and completed within a relatively short time-frame while the second validates migrants' progress towards the desired goal of integration. The gates devised so far are pre-entry screening and integration tests abroad, temporary or permanent residence and entry into the citizenry. Entry through the first gate may or may not guarantee the opening

78 It has been pointed out that migrants are asked to master facts and historical details which native citizens might not be aware of. In mock exams and quizzes containing questions similar to those found in the Life to the UK Handbook, British participants attained lower scores than those attained by other nationalities. As Matt Rudd reported, 'Yes, we were sixth-best at being the type of British the Home Office wants us to be. The Poles were most British' *The Sunday Times*, News Review, 23 November 2008, 9.

79 European Commission Against Racism and Xenophobia, Third Report on the Netherlands, CRI (2008) 3 Strasbourg 12 February 2008, 35.

of the other gates, for different conditions and requirements may be attached to each gate.

Yet, under close scrutiny the above mentioned assumptions prove untenable. This is not only because 'integration' is a long term process which cannot be subsumed under a contract of one or two or even five years' duration. It is also due to the fact that 'integration' is not a thing-like entity that can be delivered in an all or nothing manner. Migrant incorporation is a long, complex and multifaceted process which has to be nurtured by the right institutional conditions, positive experiences and a conducive environment.<sup>80</sup> Our experience thus far also tells us that integration is bumpy and segmented;<sup>81</sup> it is closely linked to time and structural conditions – and not to migrants' capabilities or test performance. More importantly, like so many other things in life, it is reversible. Even when we believe that it has been achieved, it can be punctuated by the spread of a sense of alienation, disillusionment and by dissent. Even 'well-integrated' citizens may find themselves questioning their commitment to a country or feeling strangers in the land<sup>82</sup> and recent foreign policy decisions are examples of how easy it is for a sense of alienation, disaffection and mistrust to spread among newcomers, citizens of migrant origin and autochthonous citizens. But it would be equally unwise to equate integration with the absence of such feelings since the latter play a crucial role in the formation of reflective judgements, democratic deliberations and demands for institutional change. In this respect, it may be argued that the integration contract is predicated on the delivery of something that is beyond both parties' full control. Unless, of course, what Governments expect from civic integration programmes is not integration but conformity, discipline and the absence of dissent (for the conception of integration as ordopolitics, see the discussion above). If, on the other hand, 'integration' is taken to mean the cultivation of a positive orientation towards the country and its institutions and the creation of a sense of 'shared belonging', then experiences, arrangements, practices and even feelings have to be genuinely 'shared' ones.

In concluding this section it may be noted that in the new millennium migration issues are addressed by looking backwards rather than forward. The integration contract frame draws on nationalist ideology and replicates many of the assumptions characterising the history and theory of integration (section 3 above). Despite the deployment of the notion of a contract, integration is, in reality, a one way process aimed at procuring conformity, discipline and migration control. It rests on an artificial homogenisation and displays the same elements of paternalism and ethnocentricity that characterised integration initiatives in the past. Underpinning the integration contract is not only a commitment to one's values, language and culture and to their preservation, but also their implicit or explicit prioritisation and the stereotyping of other traditions. Accordingly, it does not capture the dynamic and restless encounters between migrants and host

80 Joseph Carens has observed that 'we cannot simply take as unproblematic the notion that we can measure the success of integration of immigrants against the standard of proportional sharing in whatever the majority has and does'; 'The Integration of Immigrants' (2005) 2:1 *Journal of Moral Philosophy* 42.

81 See n 55, above.

82 See K. A. Appiah's reflections, n 68 above, 125–127.

communities, which do not only remain incomplete, but also exceed the narrow ontics of a contract. Believing that the frame is part of the problem, as it is loaded with ideological assumptions and conflict dynamics, I wish to turn my attention now to possible alternatives. I argue below that issues concerning migrant incorporation may be better understood with reference to a different frame that affirms pluralism, reflects the process-like nature of adaptation and settlement and prioritises interaction, mutual learning and practices of cooperation among citizens, residents and newcomers. But would not such a frame lead us beyond integration?

## THE PLURALISTIC FRAME

In contrast to the contractual frame underpinning contemporary integration law and policy, pluralism is premised on a realist political and institutional substratum. It affirms the unavoidable diversity of polities and cities in the 21<sup>st</sup> century, frees itself from the constraints of nationalist ideology and puts emphasis on political processes of people-making and collective identity formation, practices of cooperation, negotiation and projects of institutional design. Instead of invoking notions of organic national communities rooted in the motherland, countries' integrative capacities, essential national identities and lists of official national values, it recognises that there exist as many conceptions of community as conceptions of happiness. And in the same way that it would be unwise to reduce happiness to the singularity of one perfect day by the seaside, it would also be imprudent to reduce political community to one interpretative notion of community: an undifferentiated community of destiny, a community of shared values, a community of common laws, a community of class inequalities, a community of divisions and conflicts, a community of discrimination and suppression, a community of surveillance and deception and so on. For, like the facets of a crystal, a political community can be all those communities at once. Because the irreducible complexity of community is preserved, the constructed and processual nature of personal as well as collective identity formation is acknowledged and pluralism is affirmed not merely as an empirical fact, but also as a value that foils coercive manoeuvres and strategies of domination on the part of the state, the social and political inclusion of newcomers is not seen to threaten the alleged unity and cultural homogeneity of the community. Political demoi are heterogeneous and differentiated<sup>83</sup> and the inclusion of all those who become enmeshed into networks of cooperative interaction, work for the well-being of the

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83 I. M. Young, *Justice and the Politics of Difference* (Princeton: Princeton University Press, 1990); W. Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford: Oxford University Press, 1995); W. Connolly, 'Pluralism, Multiculturalism and the Nation-State: Rethinking the Connections' (1996) 1 *Journal of Political Ideologies* 53; D. Kostakopoulou, 'Towards a theory of Constructive Citizenship in Europe' (1996) 4(4) *Journal of Political Philosophy* 337; A. Honneth, 'Democracy as Reflexive Cooperation: John Dewey and the Theory of Democracy Today' (1998) 26(6) *Political Theory* 763; B. Parekh, *Rethinking Multiculturalism: Cultural Diversity and Political Theory* (London: Palgrave, 2000); F. Dallmayr, 'Conversation Across Boundaries: Political Theory and Global Diversity' (2001) 30(2) *Millennium* 331; B. Honig, *Democracy and the Foreigner* (Princeton: Princeton University Press, 2001); S. Benhabib, *The Rights of Others* (Cambridge: Cambridge University Press, 2004).

commonwealth and share its burdens is needed in order to maintain their democratic quality.<sup>84</sup> 'Co-presence' and collaboration – and not a uniformity of customs, beliefs and viewpoints – foster common concerns and co-citizenship. Accordingly, the incorporation of newcomers does not have to be conditioned on mandatory 're-education', that is, the obligatory unlearning of 'the old' and learning of 'the new' in order to be admitted into the country and into citizenship. After all, 're-education' has always been a coercive and disciplinary political project and the setting out of (strict) conditions for engagement, communication and interpersonal relations is an unmistakable manifestation of power. Instead of coercion, a better understanding of newcomers' adaptation processes would draw on the fact that learning about the new environment, new institutions and new practices takes place as a matter of fact as newcomers become entangled into the various spheres of socio-economic life. Governments can facilitate this process by either providing free language courses or by funding the provision of such courses by local government, non-governmental organisations and community groups. Similarly, information about the history of the country, its political system and ways of life could be included in information packs or on CD ROMs, which would then be made available to newcomers at airports or local post offices.

At this point it may be noted that the pluralist frame does not intend to shift power away from the state and/or the host community to the migrant, for the power differentials that characterise admission and settlement processes remain in place. Nor does it seek to abolish migration and citizenship laws and policies. Rather, it is linked to qualitatively different migration and citizenship policies. It epitomises a common sense approach to migrant entry, residence and citizenship acquisition designed to maximise migrants' positive contributions, promote democratic practices and to create bonds of fellowship. Fellowship, which entails seeing the Other as joint partaker of the polity, a co-worker, a co-resident and eventually a co-citizen, is promoted by institutional involvement in non-racialised environments, the cultivation of a political culture that values diversity and inclusive citizenship practices. A positive context of reception, equal treatment and equal participation in practices of socio-political cooperation are thus enough to generate affiliation with, and a sense of shared belonging to, the polity.

I take 'shared belonging' to mean a sense of appreciating one's co-existence with certain others in a given place and a generalised awareness of being in a common predicament. It also seems to me that an appreciation of anything that is shared as well as the sharing of anything presuppose contact, the flow of ideas and thoughts back and forth and reciprocal input. 'Shared belonging' cannot be defined unilaterally. Nor can it be imposed in a top down fashion: I can only engage with you, if you learn my language first; I can only communicate with you, if you embrace my values and way of life; and I can only relate to you, if you are prepared to accept my own terms and conditions. Rather, shared belonging is something that emerges following interpersonal communication, cooperation and inclusion. It

84 R. Rubio-Marín, *Immigration as a Democratic Challenge* (Cambridge: Cambridge University Press, 2008); D. Kostakopoulou, *Citizenship, Immigration and Identity in the EU: Between Past and Future* (Manchester: Manchester University Press, 2001) 204–207; *The Future Governance of Citizenship*, n 64 above.

presupposes an attitude of openness toward the other and a willingness to engage with him/her as an equal. It would be impossible for me to have a sense of shared belonging, for example, if my neighbours, colleagues, acquaintances and co-residents did not see me as their equal and rightful participant in common projects, social life and the commonwealth. The same would apply, if I were recognised as an equal, but my voice was never heard or was systematically ignored. All this shows that fostering 'a shared belonging' is a complex process; it cannot be reduced to speaking the language of the host society and learning about its history, institutions and ways of life. Nor can it be procured by denying people the right to belong, by subjugating them, controlling them, restricting their life chances, imposing restrictions and expenses on them and hindering reunification with their loved ones.<sup>85</sup>

By affirming equal human dignity and diversity, a pluralist approach lays the foundations for inclusionary communities that welcome migrants and treat them fairly because they recognise that migrant incorporation is a long-term and multifaceted process that takes place 'while people are getting on with their lives and are doing things', that is as they become enmeshed in social life and form interdependent relations.<sup>86</sup> In this respect, neither family reunification nor entry and residence need to be conditioned on meeting integration requirements. In addition, addressing inequalities in the socio-economic and educational fields and facilitating access to full citizenship are deemed to be the necessary ingredients for successful settlement. Citizenship could be made flexible if it were aligned with domicile, thereby affirming the democratic right of all members of the commonwealth, who are residents and burden-sharers, to take part in the decision-making process that generates policies that affect them.<sup>87</sup> In short, pluralism opens up space for cooperative interactions, partnerships and for civic renewal. Unlike nationalistic perspectives, it does not seek to impose an artificial unity in society or an ideal homogeneity in beliefs, values or, indeed, language. Nor does it rely on performative acts, such as attendance of integration courses, exams and naturalisation oaths in citizenship ceremonies. Instead, it entails a vision of relaxed and non-ethnocentric communities in which human capital is valued, diversity is seen as a resource and not as a handicap, and language, culture and religion are viewed as *raison d'être*s for communication, dialogue and cooperative interaction – and not as barriers to communication and integration and, more importantly, as markers of hierarchical structures and lines of division.

85 Lord Goldsmith's Report states on page 86 that 'on balance, the strong feeling on being British that many respondents expressed seems to have arisen as a result of living here and participating in and contributing to British life. Some said they felt more British after acquiring citizenship, but most of the emotional attachment to Britain coincided with making decisions about a future life in Britain'. But it is noted on page 90 that 'the role of government is to provide a framework for belonging; we need to create a shared narrative about citizenship'; *Citizenship: Our Common Bond*. A Report to Rt Hon Gordon Brown MP (2007) at <http://www.justice.gov.uk/reviews/citizenship.htm> (last visited 13 August 2010).

86 D. Kostakopoulou, 'Matters of Control: Integration Tests, Naturalisation Reform and Probationary Citizenship in the United Kingdom' (2010, forthcoming) *Journal of Ethnic and Migration Studies*.

87 Kostakopoulou (2008), n 64 above; R. Baubock, 'Global Justice, Freedom of Movement and Democratic Citizenship' (2009) 50(1) *European Journal of Sociology* 1.



## REJECTING NEO-NATIONALISM, DEFENDING REASONABLENESS

Notwithstanding references to mutual obligations, reciprocity and preparing people for citizenship, civic integration is not an innocent policy frame. Nor has it been the result of a historical throw of the dice. The excursus to the history and theory surrounding civic integration tests has revealed the crucial role of nation-politics and counsels caution and vigilance in using a language and an approach that imitates or inadvertently mirrors past policies of coerced, unidirectional assimilation. By examining the ideas, assumptions and scripts that sustain the integration contract, the foregoing discussion has laid bare the underlying premises of civic integration: a built-in bias towards 'otherness', a great deal of anxiety about national identity; a partial and top-down definition of belonging, a shift from addressing structures of inequality and discrimination to individuals' responsibilities and creeping state authoritarianism. The language of participation and the institutional format of the 'integration contract' cannot conceal the unidirectional, disciplinary and exclusionary character of the contemporary civic integration paradigm. Pressuring people to follow designated curricula, sit integration tests, learn about national values and ways of life and, in some cases, to change their minds is likely to produce precisely the opposite of the desired effect: it will make them more estranged, apprehensive, fixated and resistant. After all, how we think about the 'other' influences how we see, what we find and, ultimately, who we are. Identities, be they personal or collective, are formed on the basis of the choices we make and the interpersonal relations we build. But this is not all there is. The pluralist frame of incorporation remains a credible alternative since it puts emphasis on what really matters; namely, on developing partnerships, cultivating mutual respect, fostering interactions and dynamic learning in action among autochthonous, settled and migrant communities. Such an approach draws attention to the importance of an institutional framework for migrant incorporation that prioritises equality and non-discrimination and a context of reception which safeguards the dignity of human beings and gives them the opportunity to thrive.

The present policy is firmly embedded within a narrow present that brackets the past as well as considerations about future societal needs and prospects. Driven by the illusory ideal of 'social cohesion',<sup>88</sup> political elites have put people under an immense pressure to prove their 'capacity to integrate' in order to enter a country, settle, reunite with their families and obtain citizenship. 'Integration', we are told, is to be achieved by coercing, testing, penalising and, ultimately, excluding

88 Compare D. Coole, 'Repairing Civil Society and Experimenting with Power: A Genealogy of Social Capital' (2009) 57 *Political Studies* 374. If creating a 'shared' citizenship narrative is part of 'a wider ideological manoeuvre by states to manage their populations amidst profound structural transformations in the 21<sup>st</sup> century' (Coole, *ibid.*, 376), then a thorough examination of the role of the state and the changing nature of state power is needed. Scholars may also need to probe deeper into civic integration's correlation with the wider neo-liberal project of deflecting attention away from the weaknesses of governmental policies and from structural conditions by apportioning responsibility, and blame, onto individuals, be they the 'undeserving' poor, the unemployed, adolescents, single parents or migrants. Unfortunately, these issues fall outside the scope of my discussion.

applicants. But such an approach is more likely to lead to disintegration by fostering intolerance, divisions and fragmentation within society.<sup>89</sup> It is also quite reductive; it disregards the fact that peoples' lives get interwoven not only by sharing the same language<sup>90</sup> and information, but also by inhabiting common spaces, having common interests and aspirations, being regulated by common institutions and laws and by coming to terms with our common vulnerability and the fragility of the world around us.

In this respect, it seems to me that reasonableness and an alternative approach are needed. But these are unlikely to materialise if migrants are expected to play no other part apart from complying with integration requirements. As Bader has observed in another context, 'at least some inclusion of the losers' and outsiders' perspectives is morally required: if equality is unachievable, fairness and sensitivity are crucial. Any other attitude is completely at odds with the spirit and prospect of a multiethnic and multinational society'.<sup>91</sup> The inclusion of an 'other' perspective on civic integration has been the main rationale of this paper.

89 Politicians can deploy what Smith has termed positive constitutive stories: 'positive accounts of their peopledhood that support just, perhaps, even generous policies toward fellow citizens and even outsiders'; R. Smith, 'Citizenship and the Politics of People-Building' (2001) 5 *Citizenship Studies* 73 at 92–93.

90 Shohamy has argued that language tests often have a negative impact on learning; E. Shohamy, 'Why Language? Why Tests? Why Citizenship?' in Hogan-Brun, Mar-Molinero and Stevenson (eds), n 5 above, 51.

91 V. Bader, 'The Cultural conditions of Transnational Citizenship: On the Interpenetration of Political and Ethnic Cultures' (1997) 25(6) *Political Theory* 771–813 at 796.