The Muslim Question in Europe

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No single question is more likely to test the capacity of European nations to address the issue of multiple “belongings,” exclusive or incompatible “loyalties,” the growing uncertainty of boundaries between “insiders” and “outsiders” (or, rather, the increasing number of “citizens” who are neither simply inside nor simply outside), than the status and the importance of Islam within the European space.

—Etienne Balibar, European Anti-discrimination and the Politics of Citizenship

It is hard to think of an issue that has shifted more decidedly from low to high politics than citizenship for immigrants. “No issue,” writes Marc Howard (2006: 450) in his comparative survey, “has been more sensitive, explosive, or politically effective than immigration and citizenship.” Benhabib (2004: 150) describes them as “time bombs . . . ready to explode at very short notice.” While the issue figured prominently in European politics in the second quarter of the twentieth century through the creation of stateless peoples or what amounted to the denaturalization (including disenfranchisement, expropriation, sequestration, and elimination) of Jews and other “undesirables” in fascist regimes as well as mistreatment of “former fascists” by vengeful anti-fascist states following victory in World War II (Arendt 1966), during the third quarter the issue faded from center stage as most Europeans came to take for granted the idea that each person should be a citizen of one country in the traditional sense of possessing a single passport (the express goal actually of the 1930 Hague Convention that “every person should have a nationality and should have one nationality only” as well as the Council of Europe’s 1963 Convention on the Reduction of Cases of Multiple Nationality). Because most economically burgeoning West European states recruited foreign workers to alleviate labor shortages in the 1950s and 1960s, there existed a growing number of migrants, but their naturalization—easier in some places and harder in others—garnered very little political attention.

This low profile for immigration began to alter in the 1970s when in response to persistent recession West European governments halted the
recruitment of foreign laborers. The cessation spawned a profound unintended consequence. Fearing that by leaving they could never return to jobs more lucrative than ones available in their homelands, the migrants remained (some legally, some illegally). Moreover, with a long-term stay now anticipated, the mostly young men brought their families to their side (some legally, some illegally). These family unifications drastically expanded both the number and diversity of the migrant population in West Europe, creating permanent immigrant communities with the full range of demographic complexity and accompanying needs from infancy to old age. Already in 1971, the Swiss author Max Frisch (1983: 416) had characterized the extraordinary transformation with his terse observation that “we called for workers and human beings showed up.”

With the steadily growing number and permanent settlement of immigrant families and entire transnational communities, the questions of how many of these alien residents to naturalize and under what conditions have gained since the 1980s ever greater political salience. Virtually every national government has revisited and revamped its immigration and naturalization laws—some toward greater exclusivity (such as France’s Loi Pasqua-Méhaignerie of 1993 or Loi Besson/Guéant of 2011), others toward greater inclusivity (such as Germany’s Nationality Law of 2000). In fact, most governments have moved in both directions, as will become clear below. Furthermore, significant change is also transpiring at the international, supranational, and subnational levels as well. Benhabib (2005: 676) discerns “epochal change” stemming from the “disaggregation of citizenship and the disaggregation of sovereignty.” Indeed, it no longer makes sense to employ the concept of citizenship without a modifying adjective such as “ancillary” (Goodman 2014: 66), “plastic” (Konsta and Lazaridis 2010), “flexible” (Ong 1999), “incipient” (Isin and Nyers 2014: 9), “post-territorial” (Ragazzi 2014: 490), “multi-layered” (Yuval-Davis 1999: 120), or “multilevel” (Maas 2013b). The fact is that in all countries of Europe we now find many different, coexisting kinds or degrees of citizenship. This “graduated sovereignty” (Ong 1999: 21) ranges from plural citizenship (multiple passports) to conventional citizenship (single passport), to various permanent and temporary visas for resident aliens (that often entail considerable civil, social, and political rights of conventional citizenship), to accepted and pending refugees, to the undocumented (Ataç and Rosenberger 2013; Maas 2013b; Sainsbury 2012; Boswell and Geddes 2011, Joppke 2010; Bohman 2007; Schierup, Hansen, and Castles 2006).

The current chapter explores how normative discord contributes to the “deep policy contradictions” observable in European immigration and naturalization policies (Triandafyllidou 2010d: 2). From the liberal tradition come contentions that rampant immigration and other forces of unbuttoned globalization have ushered in a peerless postnational era in which international
Cosmopolitan norms should apply for all persons and in all nation-states (Carens 2013; Tonkiss 2013; Delanty 2009; Beck and Grande 2007; Benhabib 2004; Habermas 2003; Rubio-Marin 2000; Held 1995; Soysal 1994). Defenders of the nation-state retort that a national state governing a homogeneous nation remains the most influential, effectual, and ethical way of organizing citizens within a polity (Villiers 2006; Huntington 2004; Thaa 2001; Schnabel 1999; Schnapper 1998; Jacobson 1996; Miller 1995; Börkenförde 1995). The postmodern perspective discerns such thoroughgoing alterity and hybridity that living according to commonly observed norms, whether international, national, or local, becomes neither possible nor desirable (Isin and Nyers 2014; Cohen 2009; Ang 2001; Nancy 2000; Hall 1992; Kristeva 1991). As Will Kymlicka and Wayne Norman (2000: 41) conclude, no perspective has managed to gain normative supremacy when it comes to citizenship (see also Bertossi 2012: 262). Once we appreciate the high degree of fragmentation and mutual fragilization in this discordant normative atmosphere, the “bewildering complexity of rules and regulation” (Bauböck et al. 2006: 20), “contradictory trends” (Sainsbury 2012: 282), “paradoxical picture” (Hansen and Hager 2010: 11), and “messy and muddling practices” (Bertossi and Duyvendak 2012: 238) become less surprising, if not necessarily less unsettling.

**Liberal Cosmopolitanism**

Hope springs eternal that Europe will one day acknowledge and embrace itself as a continent of and for immigrants. To do so, European states must work to realize the cosmopolitan norm that all (long-term) residents should enjoy full rights of citizenship regardless of their race, ethnicity, nationality, language, culture, and religion. In the first place, European states are signatories to several international declarations, including the UN Universal Declaration of Human Rights (1948), the European Convention for the Protection of Human Rights (1950), the UN Convention on the Elimination of all Forms of Racial Discrimination (1965), the UN Declaration on the Elimination of all Forms of Intolerance and Discrimination Based on Religion and Belief (1981), the UN Convention on the Protection of the Rights of Migrant Workers (1990), and the UN Declaration of the Rights of Persons Belonging to Minorities (1992). All declare some version of the lofty liberal ideal that rights should be attached to personhood alone. Article 2 of the Universal Declaration of Human Rights stipulates:

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
To the extent that European states honor such international norms, they establish what Hollifield (1992: 26–28) termed “embedded liberalism.”

The European Union (EU) has pressed its burgeoning political clout into the service of cosmopolitanism. Since its founding in 1951 (as the European Coal and Steel Community), the EU has placed itself on a steady, if slow, course of realizing equal civil, political, and social rights for citizens of member states regardless of where they reside within the EU (Boswell and Geddes 2011: 177–78; Joppke 2010: 161–72; Maas 2007). As far as migrants from nonmember states, so-called “third-country nationals” (TCNs), were concerned, however, appeals to cosmopolitan openness remained largely symbolic until 1999 (Besson and Etzinger 2007: 574). Article 13 of the Amsterdam Treaty of that year bestowed on the EU the prerogative to pass binding legislation to counter discrimination. The Tampere European Council of 1999 swiftly demonstrated that it would not shy away from the enhanced power. The council proclaimed that “a more vigorous integration policy” should work toward securing for TCNs “rights and obligations comparable to those of EU citizens.” In 2000, the council issued the Racial Equality Directive dedicated to “Implementing the Principle of Equal Treatment between Persons Irrespective of Racial or Ethnic Origin” (Council of the EU 2000a). Among other things, the directive mandated the establishment of an anti-discrimination agency in each member country, such as the United Kingdom’s Commission for Equality and Human Rights (2004), France’s Haute Autorité de Lutte contre la Discriminations et pour l’Égalité (2005, renamed Défenseur des Droits in 2011), or Germany’s Antidiskriminierungsstelle des Bundes (2006). The directive was followed up in 2000 with the council’s highly detailed six-year Community Action Programme to Combat Discrimination (Council of the EU 2000b). Realizing it had its hands full, the commission announced that successful implementation of the new initiative would “require strong political leadership to help shape public opinion” and to “avoid language which could incite racism or aggravate tensions between communities” (Commission of the European Communities 2000: 22). These efforts led to adoption of the Common Basic Principles for Immigration and Integration Policy in the European Union in the Hague Program of 2004. The principles, meant to guide immigration policy in all member states, include the following:

Access for immigrants to institutions, as well as to public and private goods and services, on a basis equal to national citizens and in a non-discriminatory way, is a critical foundation for better integration.

The participation of immigrants in the democratic process and in the formulation of integration policies and measures, especially at
Citizenship

the local level, supports their integration. (Council of the EU, Justice and Home Affairs 2004: 19–24)

In 2011, the EU issued the Single Permit Directive, aiming to harmonize and simplify residency and work visas into one process that accords holders of the permits equal rights to EU nationals in work and education. The EU also established in 1997 the European Monitoring Centre for Racism and Xenophobia (in 2007 renamed the EU Agency for Fundamental Rights) and charged it with documenting and denouncing racism throughout the EU. Andrew Geddes (2000) rightly draws attention to a “thin Europeanisation” of rights for TCNs in that they are guaranteed at the EU level irrespective of whether or not the individual country in which they reside grants those rights in its domestic laws. Joppke (2011: 226) discerns decided movement toward “a kind of quasi-European citizenship for immigrants, without the need for acquiring a member state nationality first.” What seems obvious is that “any consideration of state-level trends must first draw the EU framework that constrains, triggers or gives shape to state-level trends” (Joppke 2011: 225; see also Faist and Ette 2007).

Furthermore, nation-states face a constantly accumulating corpus of international jurisprudence generated by benches such as the European Court of Human Rights (ECHR) and the European Court of Justice (ECJ) that enforce these laws “beyond the state” (Slaughter 2004; see also Besson and Etzinger 2007). As far back as 1985, for instance, the ECHR ruled in Abdellaziz, Cabales and Balkandali vs. UK that Britain’s practice of barring foreign husbands from joining their immigrant wives in the United Kingdom violated Articles 8 and 14 of the European Convention on Human Rights. In 2008 in the groundbreaking Metock case, the ECJ ruled that every EU citizen has the unconditional right to bring his or her spouse to any member country in the EU even if the spouse is not an EU citizen or even a legal resident of a member state. Such rulings and the cosmopolitan conventions and treaties that they interpret and enforce have been gradually establishing a “postnational” form of citizenship that “confers upon every person the right and duty of participation in the authority structures and public life of a polity, regardless of their historical or cultural ties to that community” (Soysal 1994: 3). States that violate this international regime of human rights increasingly find themselves as losing defendants hauled before international tribunals by nonstate individuals and organizations (Benhabib 2007: 33). In order to avoid the same fate, many other states have preemptively altered practices and amended statutes to bring them into conformity with international law (Boswell and Geddes 2011: 228). Though, for reasons detailed below, it seems an exaggeration to maintain that the nation-state “is in the process of becoming a territorial administrative unit of a supranational legal
and political order based on human rights” (Jacobson 1996: 133), there can be no gainsaying the liberalizing impact of international law on citizenship in Europe (Sassen 1996).

Many European governments needed little or no nudging on behalf of cosmopolitanism. Well before the EU Race Directive of 2000, for instance, Sweden (1986), Belgium (1993), the Netherlands (1994), and Denmark (1994) each instituted anti-discrimination laws and/or commissions. Similarly, well before the Tampere Council of 1999, many European states made citizenship automatic or easy for nonnatives. As early as 1947, France conferred full French citizenship on Arab men from Algeria, a status those born before independence in 1962 retained thereafter. In the British Nationality Act of 1948, the United Kingdom guaranteed fully equal rights of citizenship to all members of the Commonwealth. Home Secretary James Ede defended the bill by saying it would “give the coloured races of the Empire the idea that . . . they are the equals of the people in this country” (quoted in Schain 2008: 164). The Netherlands emulated the British example in 1954 for the inhabitants of Surinam and the Dutch Antilles.

Furthermore, many governments granted aliens partial if not full rights of citizenship. For example, Sweden, the Netherlands, Belgium, Denmark, Norway, Finland, Ireland, Spain, Portugal, the United Kingdom, and the Swiss cantons of Neuchatel and Jura permit all or some TCNs to vote in at least local elections. Of course, all European Community (EC) citizens may (according to Article 17 of the Maastricht Treaty of 1992) cast ballots in local elections as well as elections for the European Parliament. Moreover, since Tampere the EU has urged member states to fully enfranchise both EC citizens and TCNs. Local voting rights for TCNs have been introduced in some cities in France, Austria, Italy, and Germany but have been either rescinded or ruled unconstitutional. As early as 1975, France’s secretary of state for immigration, Paul Dijoud, enunciated his “government’s dedication to assuring the equality of social rights between foreign and French workers” (quoted in Schain 2008: 51). Three years later the Conseil d’État issued a decision endorsing the position (Schain 2008: 110). Likewise, Italy’s Turco-Napolitano Law of 1998 gave long-term resident aliens equal access to the Italian welfare state, though some aspects of the law were effectively repealed by the subsequent Bossi-Fini Law of 2002 (Schierup, Hansen, and Castles 2006: 189–91). Across Europe, legal (and in some cases illegal) aliens have gained broad if not fully equal access to the welfare state (Sainsbury 2012; Boswell and Geddes 2011: 173, 178; Ferrera 2005: 144; Ireland 2004; Bommes and Geddes 2000; Bauböck 1994; Hollifield 1992: 222–23). Indeed, the extent and speed with which immigrants have acquired social rights in Europe led Guiraudon (2000) incisively to contend that, as far as aliens are concerned, social rights tend to be granted before rather than after political
rights, as was famously theorized in T. H. Marshall’s *Citizenship and Social Class* of 1950. As far as civil liberties are concerned, most European constitutions can be and have been interpreted by courts to guarantee them to all persons rather than exclusively to citizens. To cite but one example, in 1973 when the German government still obstinately insisted that “Germany is not a land of immigration” (*kein Einwanderungsland*), the Federal Constitutional Court ruled that the “free development of one’s personality” guaranteed in Article 2 of the Basic Law applied to both citizens and aliens (O’Brien 1996: 54). Freedom from extradition, needless to say, represents a gravely consequential exception to protected civil rights (Joppke 2010: 84), although even here the courts have often blocked deportations (for example in keeping with the *non-refoulement* clause in Article 33 of the 1951 UN Convention Relating to the Status of Refugees) or governments have proven unwilling or unable to deport (Hollifield 2014: 181; Hampshire 2013: 49–50; Rosenberger and Winkler 2013; Freedman 2011; Boswell and Geddes 2011: 171–72; Ellermann 2008). Generally speaking, courts have tended to defend immigrants’ rights when legislative and executive branches have tried to curtail or transgress them (Hollifield 2014: 180–81; Kneip 2008; Joppke 2001; Guiraudon 1998). Aliens enjoy so many, if not all, the rights of citizens that it is not outlandish to posit the seemingly contradictory notion of “alien citizenship” (Bosniak 2006). Call it “alien” or “postnational” citizenship or “citizenship light” (Joppke 2010: 145) or even “self-limited sovereignty” (Hampshire 2013: 47), Europe has taken significant strides in the direction of the universal hospitality and world citizenship envisaged by Kant in *Towards Perpetual Peace*.

Though traditionally associated with “classic lands of immigration” such as the United States, Canada, and Australia, the principle of *jus soli* (citizenship for all born in country) is hardly foreign to Europe. France enacted it into law in 1889. Britain formally codified jus soli in 1914 (Janoski 2010: 69–71). Denmark adopted jus soli in the 1983 Aliens Law but rescinded it in 2004 for children born of non-Nordic parents (Vink and de Groot 2010: 719). Belgium not only adopted jus soli in the Code of Belgian Nationality of 1984 but also considerably reduced naturalization requirements for those born outside Belgium in the so-called “quickly Belgian law” of 2000 (Foblets and Loones 2006: 71). In defending the latter the Belgian Justice Ministry contended “a foreigner wishing to acquire Belgian nationality is seen as a citizen of the world, with a positive attitude to a variety of cultures and ready to co-invest in the future of the multicultural society” (quoted in Foblets and Loones 2006: 78). Article 2 of Ireland’s Constitution was amended in 1998 to read: “It is the entitlement and birthright of every person born in the island of Ireland . . . to be part of the Irish nation.” Double *jus soli* (citizenship for those born in the country with at least one parent
also born there) was adopted by the Netherlands in 1953 and by Spain in 1982. Although Germany did not adopt conditional jus soli (for children of aliens resident eight or more years) until 2000 under the government of Social Democratic chancellor Gerhard Schröder, Helmut Kohl’s conservative regime had introduced a right of naturalization for second-generation immigrants born in Germany in the Aliens Law of 1990 and had significantly restricted *jus sanguinis* (citizenship based on ethnic ancestry) in 1992 for ethnic Germans from the former Soviet Union (O’Brien 1996: 89–95, 113). Schröder captured the general cosmopolitan spirit in 1998:

> For far too long those who have come to work here, who pay their taxes and abide by our laws have been told they are just “guests.” But in truth they have for years been part of German society. . . . We will reach out a hand to those who live and work here and pay their taxes so they may be encouraged to participate fully in the life of our democracy. This is responding positively to the realities of Europe. (Quoted in Howard 2009: 133)

Indeed, a host of countries—Sweden (2001), Finland (2003), Portugal (2006), Luxembourg (2009), Czech Republic (2012)—have recently adopted some form of jus soli such as facilitated naturalization for aliens born in the settlement country or double jus soli (Vink and de Groot 2010: 718–19; Joppke 2010: 43–50; Howard 2009: 73–93). Italy’s Prodi government introduced jus soli legislation in 2006 but could not push it through parliament before Berlusconi’s coalition (including the xenophobic Lega Nord) replaced it, and in 2013 Greece’s high court overturned the jus soli law of 2010. In sum, nineteen European governments (Honohan 2010: 9) have long ago or more recently moved their citizenship laws closer to the normative ideal that persons who spend all or most of their lives in a country ought to be citizens of that country regardless of their parents’ nationality. Though it seems overstated to announce a “convergence toward more liberal citizenship laws and policies in Europe” (Joppke 2010: 50), “within the EU-15 as a whole, recent liberalization of citizenship policies is undeniable” (Howard 2009: 30; see also Koopmans, Michalowski, and Waibel 2012: 1233).

I would be remiss, of course, not to add that despite these trends toward greater equality, Muslim immigrants in particular tend to experience higher levels of exclusivist discrimination when applying for citizenship or visas (Hainmueller and Hangartner 2013; Weil 2004: 377–87; Hagedorn 2007). Furthermore, Muslims in the aggregate tend to register rates of unemployment, poverty, high-school dropout, incarceration, and other undesirable social indicators twice that of non-Muslim natives across Europe (Alba and Holdaway 2013; Sainsbury 2012: 113–34; Algan and Aleksynska
To take one dramatic example of persistent underprivilege, 18 percent of all people in France, compared to 50 percent of North African and 36 percent of Turkish immigrants, reside in squalid HLM projects (habitations à loyer modéré or cités) of the kind that garnered so much attention in the notorious riots of 2005 and 2007 in Paris’s banlieues (Bowen 2010: 19).

The struggle for full equality for Europe’s immigrants will doubtless persist, for they have numerous political advocates. What Benhabib (2007: 33) calls an “interlocking network of local and global activists” working for nongovernmental organizations (NGOs), such as Amnesty International, Human Rights Watch, the European Network against Racism, France Plus, Proasyl (Germany), the German Institute for Human Rights, the Human Rights League in Belgium, the Catholic charity Caritas, the UK Forum against Islamophobia and Racism (FAIR), No One Is Illegal (U.K.), Sin-Papeles (Spain), Zivilcourage und Anti-Rassismus-Arbeit (ZARA) in Austria, tirelessly keeps highly focused pressure on governments to improve migrants’ rights. Let us take as typical of such political strivings the 2010 report of the Open Society Institute, with offices in London, Budapest, and New York. After laying out its empirical findings of widespread discrimination against Muslims, Muslims in Europe: A Report on 11 EU Cities recommends the ethnic and religious integration of boroughs; the elimination of housing discrimination against Muslims; the enhanced integration of Muslim and ethnic organizations in schools, workplaces, and other public associations; the development of municipal campaigns that “promote a common and integrative identity of the city in order effectively to strengthen unity and solidarity”; the liberalization of naturalization requirements for TCNs; the allowance of dual citizenship; and the right to vote for resident aliens at all levels, not just municipal (Open Society Institute 2010). Through repeated web posts, pamphlets, demonstrations, editorials, and sponsored events they channel into the public arena a steady stream of cosmopolitan slogans (what I call “philosophical fragments”), such as “same ground, same right, same voice” (from Mouvement contre le racism et l’amitie des peoples) or “fairness and equality for all” (from the U.K.’s Antiracist Alliance). Even the Fédération Internationale de Football Association sponsors its annual FIFA Day against Discrimination, which features prominent soccer stars condemning ethnic and racial prejudice. Moreover, soccer fans around the world could read the slogan “Say No to Racism” during World Cup 2014 games in Brazil.

It is the undeniably far-reaching normative sway of such liberal universalism that in part moves governments at various levels regularly to issue conspicuous public service announcements propagating cosmopolitanism...
(Berg and Sigona 2013: 352). To cite but three examples, the German government’s Du bist Deutschland (You are Germany), Oslo’s OXLO (Oslo Extra Large), or media blitzes like London’s campaign to win the Summer Olympics deliberately spotlighted persons of easily recognizable ethnic, racial, and religious difference from the majority culture to celebrate multiculturalism as a plus for the city and country. In 1998, Jacques Chirac awarded the multicultural (so-called Black-Blanc-Beur) French World Cup champion team (with its Algerian French captain Zinedine Zidane) the Legion d’honneur. Tony Blair captured the essence of the Europe-wide movement to eliminate discrimination with his much quoted phrase “racists are the only minority” (quoted in Koopmans et al. 2005: 243). With equally effective pith, Angela Merkel, while defending her government’s policy of hosting increasing numbers of refugees in 2015, retorted: “If we had not shown a friendly face, that’s not my country” (Guardian 15 September 2015).

Many scholars interpret the increasing legalization or toleration of dual citizenship as an important dimension of the broader liberalization of citizenship laws (Joppke 2010: 47–49; Howard 2009: 24–26). A large and expanding number of European states, including the United Kingdom, France, Belgium, Ireland, Sweden, Finland, Luxembourg, Greece, Bulgaria, Germany, Denmark, and Hungary, have legalized dual citizenship for immigrants. In its European Convention on Nationality of 1997, the Council of Europe ended its strict prohibition (from 1963) of dual nationality. Furthermore, states that have resisted formal legalization of dual nationality, such as Spain, the Netherlands, and Austria, increasingly tolerate it (Sainsbury 2012: 109; Vink and de Groot 2010: 721–25; Faist 2009: 184–85; Kezjar 2009: 137–38; Hansen 2003: 95; Joppke and Morawska 2003: 18–19; Freeman and Ögelman 1998: 777). For example, four-fifths of the naturalizations in the Netherlands make exceptions for dual nationality on grounds (in accordance with Article 16 of the European Nationality Convention) that renunciation of the original nationality would produce undue hardship for the applicant (MiGAZIN 25 April 2012; Faist and Ette 2007: 927; see also Dumbrava 2014: 37; Joppke 2010: 47–50). In that both de jure and de facto acceptance of dual nationality make easier the naturalization of immigrants, the practices serve the cosmopolitan ideal of facilitating the acquisition of full rights of citizenship wherever one resides.

**Communitarianism**

But dual nationality also serves the normative ideal of nationalism, particularly its communitarian variant. Dual nationality can be interpreted as Herderian egalitarian nationalism adapted to fit the age of migration.
The German philosopher theorized a people (Volk or Kulturnation) whose cultural homogeneity justified its acquisition of a sovereign state. In the age of migration, the integrity of nations that possess nation-states is threatened by the myriad push and pull factors that motivate or compel many members of the nation to reside outside the territorial boundaries of their nation’s state. Dual nationality facilitates the maintenance of a variety of integral ties to the nation (as well as nation-state) even though millions of its members have been dispersed into distant diasporas. It aids the nation in transnationally cohering as a Kulturnation across borders by promoting the notion that one can “take the migrant out of his homeland but not the homeland out of the migrant.” In Herderian language, dual nationality helps to defend the “soul” of a people against the fissiparous forces of a relentlessly globalizing world.

In this light, it should come as no surprise that origin states turn out to be among the most assiduous proponents of dual nationality and other communitarian privileges for “their” emigrants. In the first place, there is a long tradition stretching back to colonial times of European powers insisting on the creation and preservation of ethnic enclaves replete with separate churches, schools, hospitals, neighborhoods, and so on for their expatriates. Most of these enclaves survived colonialism and continue to thrive in some form for expatriate communities around the world. Indeed, in what Joppke (2010: 63) terms “re-ethnicizing citizenship,” increasing numbers of European states—twenty, including seven of the EU-15 and all of the later succession states in Eastern Europe (Boswell and Geddes 2011: 197)—offer automatic or privileged access to citizenship for their emigrants and their progeny (jus sanguinis).

But our focus is Muslim migrants. Their homeland states have lobbied long and hard for dual nationality as well as other communitarian rights. Governments like Algeria, Morocco, Tunisia, Turkey, Pakistan, and Bangladesh exert formidable diplomatic pressure to facilitate all manner of links—familial, recreational, burial, commercial, financial, political, and cultural—between their respective countries and their emigrant diasporas in Europe. In visits to Germany in 2008 and 2010, for instance, Turkish prime minister Recep Tayyip Erdoğan came under sharp criticism, including from his German counterpart, for allegedly undermining the goal of integration when he urged Turkish emigrants to preserve their Turkish identity by founding and sending their children to Turkish schools. In a very public example of what I theorize as “fragilization” (acknowledging the partial validity of one’s opponent’s view), Merkel was moved to soften her criticism when Erdoğan stole her thunder with a remonstrating communitarian fragment: “If we have German high schools in Turkey why shouldn’t there be Turkish high schools in Germany?” (quoted in Migration und Bevölkerung April 2010). In another
fine example of fragilization, Morocco’s minister for the Moroccan diaspora in France sought to juggle the ideals of liberal integration and nationalist communitarianism: “Integration is an objective, but it must not constitute a rupture with the mother country” (quoted in Laurence 2012: 219).

Sending-country governments have many compelling reasons for preventing rupture, not all of which are normative. Remittances, valued in the billions of dollars annually, typically constitute the second or third largest single contributor to GDP in sending countries, amounting to 2–3 percent of GDP in Algeria and Turkey and 8–10 percent in Morocco (Laurence 2012: 33; Ahmed 2012; Sassen 2003; Freeman and Ögelman 1998). Furthermore, for the economies of these countries their emigrants in Europe, often numbering in the millions, represent sizable, lucrative markets for products peculiar to and produced in the sending countries (travel packages, entertainment and news in the native language, specialty foods, Islamic services and accessories, etc.). Arabic, for instance, is the second most transmitted language in the world after English (Allievi and Nielsen 2003; Faist 2000).

Officials believe, rightly or wrongly, that this steady economic filip from Europe contributes to regime durability (Ahmed 2012). Relatedly, sending governments endeavor to monitor and mold the political opinions and activities of their expatriates. Ruling and opposition parties endeavor to sway the votes (and donations) of the many absentee voters that can in tight elections make the difference. For instance, it seems unlikely that Turkey’s Welfare (Refah) Party, the predecessor to the currently ruling Justice and Development (Adelet ve Kalkınma) Party, would have risen to electoral victory in 1995 without the votes and funds raised in Germany by its leader, Necmettin Erbakan, himself an erstwhile migrant to Germany (Kaya 2012: 53). Dual citizenship keeps this critical political support accessible even when émigrés naturalize in receiving countries.

It is important to underscore, however, that, despite their rhetoric and measures promoting integration, the governments of destination countries have for decades encouraged communitarian separatism. Moreover, this holds true for all major destination lands in Europe, not exclusively for those with official policies of “multiculturalism” such as Sweden, Belgium, the Netherlands, and the United Kingdom. Policies promoting physical and cultural separatism were common in receiving countries from the start of postwar immigration in the 1950s and 1960s. Most recruiting countries officially declared that the laborers were temporary workers summoned to fill labor shortages, who would “rotate” back to their homelands within a few years. The foreign workers were typically employed in national or ethnic teams at the workplace, boarded in segregated housing units, and generally encouraged to remain among themselves. After all, they were supposed to return home (Fredette 2014: 128–30; Duyvendek

When their families started arriving in the 1970s, the segregation tended to persist in the form of ethnic neighborhoods (ghettos). Various officials in the destination countries who had to deal with migrants—social workers, healthcare providers, educators, police—faced the dilemma of how to serve clients whose language and cultural ways they did not know (well). The officials typically turned to the embassies of the sending countries that, for reasons suggested above, eagerly provided materials, programs, and personnel. Eventually, governments at various levels, particularly municipal ones facing dense concentrations of migrants, also commissioned and funded ethnic and religious organizations independent of the embassies to provide mother-tongue classes, non-Christian and non-Jewish religious services, and other ethnically specific programs and activities. Whether through embassies or NGOs, the point to stress is that European governments have played a significant role in encouraging transnational connections and identities among separate immigrant communities (O’Brien 2013a: 75–77; Laurence 2012: 30–104; Kaya 2012: 40–44, 63–67, 103–4, 120–29; Schain 2010: 140–41; Gest 2010: 87–92; Mohr 2006: 268; Fadil 2006: 57).

In 1977, the European Community issued a directive that member states should offer to migrant pupils mother-tongue classes sponsored by sending governments (Laurence 2012: 39). Already in 1969, a report commissioned for the Economic and Social Council in France had recommended “repatriation” for “inassimilable islands” of migrants (quoted in Schain 2008: 92). The French adopted a two-pronged policy of “adaptation [to France] or return” and negotiated agreements with Maghrebi embassies to administer the second prong to the étrangers, as migrants were labeled (Laurence 2012: 39). In 1981, the Mitterand government abolished a wartime law that prohibited equal funding for French and non-French associations. Francs from the Social Action Funds (Fonds d’Action Sociale) were channeled to ethnically distinct cultural and religious organizations whose number proliferated to 4,000 by the end of the decade (Withol de Wenden 1992; see also Schain 2008: 107–9; Guiraudon 2006: 137–40). As Jocelyn Cesari (1994: 250–51) observed, this communitarian pattern of funding that targeted ethnically specific associations actually discouraged efforts to organize interethnic and interreligious associations and programs. The 2005 Loi Sarkozy also encouraged return migration (Castles and Miller 2009: 257). Until the Minorities Law of 1983, the Dutch stressed reintegration alone, but thereafter adopted a “dual policy” (tweesporenbeleid) that sought to “simultaneously create opportunities for a successful reintegration of immigrants who decided to return, and to equip those who decided to stay
with a strong and positive sense of identity” (Maussen 2009: 127; see also Kaya 2012: 129–33; Vink 2007: 340, 345). Likewise in Germany, where immigrants were tellingly referred to as “guestworkers” (Gastarbeiter), the federal government published its first report calling for integration in 1972 and appointed a commissioner for integration in 1978 (O’Brien 1996: 53–57). But these liberal measures added to rather than replaced preexisting communitarian policies such as the “Bavarian Model” of segregating pupils according to ethnicity into mother-tongue classes (Joppke 1996: 469; Radtke 1997). “Reintegration” became the officially recognized goal of the federal government (again alongside rather than in place of integration) in 1983 with passage of the Law to Promote the Willingness of Foreigners to Return Home, which earmarked millions of marks to subsidize programs helping foreigners maintain their homeland culture in Germany (O’Brien 1996: 81, 99–101). The British adapted their customary policy of “indirect rule” in the empire to deal with the immigrants streaming into the British Isles from the former colonies. Prominent elders were identified for distinct ethnic groups and then given the discretion and resources to care for their co-ethnics in exchange for promoting their docility (Bowen 2012b: 159; Gest 2010: 87–92; Rex 1996: 58; Joppke 1996: 480).

Whether official or “de facto multiculturalism” (Joppke and Morawska 2003: 19), communitarian policies have persisted. Indeed, its welcoming, cosmopolitan rhetoric notwithstanding, the European Commission (2000: 8, 10) has breathed new life into the communitarian dimension of dual nationality by calling for a “reintegration framework” “to assist returning migrants to re-settle in their countries of origin.” Lest we consign them to some bygone era before Europe “woke up” to the permanent nature of postwar immigration, research at Queens University (“Multiculturalism Policy Index” 2012) found that multiculturalist policies increased not only from 1980 to 2000 but also from 2000 to 2010 across Europe and “more than offset” the high-profile rescinding of such policies in places such as the Netherlands since 9/11. Indeed, numerous studies spanning several decades and countries have repeatedly demonstrated (and typically derided) the separatist and segregationist impact of government-sponsored policies of multiculturalism (Ranstorp and Dos Santos 2009; Ateş 2008; Sniderman and Hagendoorn 2007; Rogstad 2007; Koopmans et al. 2005; Bundesamt für Verfassungsschutz 2005; Brenner 2002; Cantle Report 2001; Spinner-Halev 1999; Haut Conseil à l’Intégration 1997; 1995; Wetenschappelijke Raad 1989; also see Wright and Bloemraad 2012 for counter-argument). The complex or messy truth is that in most European countries multicultural policies co-exist intertangled with exclusionary and assimilative policies (Banting and Kymlicka 2013).
Postmodern Citizenship

From the postmodern perspective, dual nationality represents but one of multiple alternatives to single citizenship. The same holds for the binary distinction between citizen and noncitizen stressed by both liberalism and nationalism. The latter seeks to preserve the distinction in ways that privilege citizens. Liberalism ultimately aims to abolish noncitizenship by making all persons citizens of the world in some fundamentally equal sense. Postmodernism, by contrast, reads citizenship as a constructed legal and political status that is protean, plural, and contested (Maas 2013a; Sassen 2002).

De Jure and De Facto Citizenship

Once one begins to analyze citizenship as numerous legal political statuses that confer rights and entitlements on some and deny them to others, the many differing degrees of what amounts to one’s de facto citizenship in Europe become readily apparent. As intimated in the introductory section, the variety and gradation of statuses are vast and appear to be expanding rather than contracting. We can distinguish four categories, noting considerable variety within each: (1) conventional citizen, (2) legal resident alien, (3) “illegal” resident, and (4) denied or deported nonresident.

Conventional citizens are citizens in the sense of possessing a passport. We must immediately add the qualification, however, that many citizens have multiple passports. Possession of multiple passports typically brings with it considerable advantages (for example, in entering or residing in the countries that issued the passports) but can in countries that forbid multiple citizenship force the abandonment of all but one passport (Heisler 1998: 577–78). However, not all citizens are equal. For example, when seeking to live together as a family unit, citizens with family members who are nonnationals often face greater obstacles (for instance, maximum age requirements for children or proof of authentic marriage for spouses) and obligations (such as assuming financial responsibility for dependents denied access to the welfare state) (Ruffer 2011; Howard 2009: 152). Some stigmatized groups, especially Muslims, even after naturalizing suffer informal discrimination in many walks of life to such an extent that they experience citizenship differently from unstigmatized “co-citizens” (Chebel d’Apollonia 2015: 43–44; Midtbøen 2014; Fredette 2014: 42–46; Bertossi 2014; Organisation for Economic Cooperation and Development 2013: 191–230; Cesari 2013: 80–138; Antidiskriminierungsstelle des Bundes 2013; Amnesty International 2012; Ansari and Hafez 2012; Zick, Küpper, and Hövermann 2011; Open Society Institute 2010; 2002; European Union Agency for Fundamental Rights 2009;
There also exists an undeniable hierarchy of passports, at least as far as Europe is concerned. Those holding passports from other EU countries may enter, reside, and work anywhere in the EU without a visa. Passports from favored countries such as the United States, Canada, Australia, and Japan generally entitle holders to visa-free entry into Europe but only as a tourist for a short period (typically ninety days). Holders of passports from most other (less affluent) countries require a visa to enter Europe. Moreover, long-term work and residence visas are typically much harder to come by for persons from these nations than for those from the favored countries (Hampshire 2013: 66; Castles 2012: 69–70).

The mention of visas brings us to the category of legal resident alien, which is enormously complex and ranges from the highly privileged to the highly precarious. We have already noted the privileged status of resident aliens from EU member states. Persons possessing certain high skills deemed in great demand (in, say, information technology or engineering) or plentiful funds for investment typically receive expedited visa processing through various “blue” (EU since 2009) or “green” card schemes (Germany since 2000) or “investor visas” (in Austria, the United Kingdom, Switzerland, and Germany) designed to attract the best, brightest, and richest (Dzankic 2012). Though they may have waited long and paid much to acquire permanent visas, those who hold them typically have very secure statuses that can be revoked only as a result of being convicted of a crime. They can, however, have less equal access to the welfare state than citizens enjoy and in most places have neither full voting rights nor freedom from extradition (Sainsbury 2012: 113–31; Joppke 2010: 89–91). Furthermore, some visas permit gainful employment while others forbid it (Sainsbury 2012: 281; Sgona 2012; Wilpert and Laacher 1999: 53). Temporary visas can range from several years (for instance, in the process of applying for the permanent visa) or several weeks (in the case of seasonal workers). Temporary visas too can come with severe restrictions. Spouses allowed entry are often denied work permits either permanently or temporarily during a period of probation (Afonso 2013: 30–32; Staver 2013: 61–79; Ruffer 2011). Student visas usually prohibit working in paid jobs and expire upon completion or termination of study (frequently with a brief grace period). Seasonal and other short-term workers’ visas are often limited to a specific branch of industry (for example, health services, tourism, agriculture) and sometimes even to a specific employer (for instance, with au pairs). Refugees typically not only have restricted access to social welfare but are usually forbidden to work or else permitted to seek employment only in narrowly stipulated types of work. Furthermore, refugees are often compelled to reside in specified areas...
and thus do not enjoy freedom of movement (Sainsbury 2012: 281; Sigona 2012). Asylum seekers inhabit a veritable no-man’s land between legality and illegality. They are neither fully legal nor fully illegal pending a definitive ruling on their application. While waiting (often for years) they are typically denied the right to work and to move freely (Hampshire 2013: 69–76; Craig 2013; Sigona 2012; Hatton 2009).

The category of “illegal” alien might seem unambiguous at first thought. In fact, it too is varied and complex (Cross 2012; Triandafyllidou 2010e; Schierup, Hansen, and Castles 2006). Accurate accounts of undocumented migrants in Europe, needless to say, elude us. The European Commission (2008: 6) estimates eight million. Anna Triandafyllidou and Dita Vogel (2010: 298) estimate four million. Others claim one in ten migrants resides illegally (Bloemraad et al. 2008: 166). Despite the sensational media’s spotlight on undocumented migrants who cross the border clandestinely with or without the help of traffickers, this stereotypical illegal alien represents a small proportion of total “irregular” migration. According to Franck Düvell (2011), 80 percent of irregular migrants enter with a valid visa of some sort and only later become illegal by remaining beyond the expiration date (see also Sigona and Hughes 2012: viii; Triandafyllidou 2010d: 4–5; Engbersen 2001: 222). As Bridget Anderson (2013: 124) perceptively stresses, large numbers of illegals are actually semi-illegal because they are in semi-compliance rather than full noncompliance with the law (most commonly by residing legally but working illegally). Their statuses can and do change frequently. Consider that in 2011 the countless East Europeans of the so-called EU-8 (states that acceded in 2004) who were residing or working illegally in the EU-15 states became legal overnight. The frequent declarations of amnesty, especially common in southern Europe in Spain (1985, 1986, 1991, 1996, and 2005), Italy (1986, 1990, 1995, 1998, and 2002), Greece (1998, 2001, 2005, and 2011), and Portugal (2001, 2004, and 2005) have not only legalized “illegals” (typically only temporarily) but also unofficially encouraged irregular migrants to come or stay in the hope of one day being regularized (Gest 2010: 135; Fasani 2010; Triandafyllidou 2010c: 203–5; Castles and Miller 2009: 113). France permits sans papiers to acquire legal papers after ten years of demonstrated residence (Schain 2008: 70). Needless to say, there exists a critical difference both in quantity and consequence between undocumented residents in the custody of the state and those at large. However, not all apprehended “illegal” aliens are deported. Many remain for long periods in detention centers, while others who are notified of an impending deportation abscond before it is carried out (Anderson 2013: 131–35; Boswell and Geddes 2011: 171–72).

The overwhelming number of undocumented migrants comprise those who never set foot in Europe (Cross 2012). European governments devote
considerable resources and energy to denying would-be migrants entry to “Fortress Europe.” For example, many governments, including the Netherlands (2006), Germany (2007), France (2007), Britain (2010), Denmark (2010), and Austria (2011), have not only increased the level of language proficiency required for family reunification but have transplanted the site of taking the language classes and exams from the receiving country to sending countries (Goodman 2014: 205). Those who fail to meet the requirements are never allowed to reach the destination country, thus avoiding altogether the often unpleasant and expensive deportations. Following the example of the United Kingdom and Germany in 1987, most European states exact steep fines on private passenger carriers (for instance, airlines or cruise ships) that bring inadequately documented persons onto their national territory (Hampshire 2013: 67). The EU annually budgets over €100 million for Frontex “to reduce the number of irregular migrants entering the EU undetected” (http://frontex.europa.eu/about-frontex/mission-and-tasks/). Frontex, of course, coordinates but does not replace the member states’ own extensive border-control actions, agencies, and agents. Migrants who make it to Europe “illegally” come under the Schengen Convention. Originally signed in 1985 in Schengen, Luxembourg, by five countries (Belgium, France, the Netherlands, West Germany, and Luxembourg), the convention now has twenty-six mostly contiguous signatory countries (excluding Ireland and the United Kingdom) and stipulates that travelers denied entry into the territory of any signatory country are thereby automatically denied entry into the other twenty-five territories (the so-called “Schengen area,” spanning 4.3 million square kilometers). All too frequent tragedies, such as the shipwrecks in 2013 and 2015 between the coast of North Africa and the Italian island of Lampedusa that cost hundreds of lives, or the abandoned lorry found full of corpses outside Vienna in 2015, dreadfully remind us of the thousands of migrants who perish or suffer severe injury endeavoring to reach Europe. Of course, this is not to mention the unfathomable number of human beings who have effectively lost what Ayelet Shachar (2009) calls the “birthright lottery” by being born in countries of the impoverished global South and who wish to migrate to Europe but do not because they deem the obstacles insurmountable.

The multidimensional and polymorphous quality of de facto citizenship reveals fragilization toward and fragmentation from postmodernism. Citizenship is increasingly viewed instrumentally by migrants, citizens, and officials alike. Instrumentalization, furthermore, reflects relaxed commitment to the normative goals of solidarity, either inclusively with all humans (liberalism) or exclusively with native nationals (nationalism). Less insistence on realizing normative ideals facilitates expanding acceptance of
nonuniform and inconsistent citizenship policies that result from the vagaries of political contestation rather than from an unambiguous ethical doctrine (Isin and Nyers 2014: 8).

**Instrumental Citizenship**

Many analysts observe the instrumentalization of citizenship (Vink and de Groot 2010: 714; Joppke 2010: 157–61; Gest 2010: 175). This can mean individuals who apply for, acquire, and utilize their citizenship status(es) as a way of addressing largely pragmatic challenges of securing genial living conditions. They might neither seek nor feel a “thick” identification with or deep loyalty to the nation-state of which they are citizens. At this juncture, however, and employing the less conventional understanding of plural de facto citizenship developed above, I want to underscore instrumentalism on the part of the state. Here I have in mind the tendency on the part of officials publicly and unashamedly to describe migration and migrants as mere means for enhancing the domestic economy. George Menz (2009: 29–30) writes of the “European competition state, which perceives of migration . . . as a valuable opportunity to avail oneself of attractive human resources with desirable skill portfolios.”

Austria actually sells citizenship for $300,000 to anyone who invests more than $2.5 million in its economy. Since 2013, Germany’s Ministry of Labor and Social Affairs maintains Jobmonitor, which systematically identifies sectors sorely in need of foreign workers (Organisation for Economic Cooperation and Development 2013: 45). Justifying in 2005 his government’s “green card” program (since 2000) for certain highly skilled migrants, Schröder crassly opined “there are people we need and there are people who need us,” the implication being that Germany should attract the former and repel the latter (quoted in O’Brien 2013b: 143). A year later, Sarkozy contrasted preferred *immigration choisie* with unwanted *immigration subie* (a proposal actually first put forth by Socialists in 1998). The French introduced the Carte de Compétences et Talents for skilled foreign workers in 2006. In that same year, the Swiss enabled expedited visas for skilled TCNs. Britain has had a Highly Skilled Migrant Programme since 2002 (Corvalho 2013). It uses a “point-based system” (PBS) introduced by the Labour government to rank migrants’ skills so as to sift out those Britain wants (officially) from those it does not want (Anderson 2013: 59). The Netherlands, Denmark, and Austria subsequently introduced PBS (Hampshire 2013: 61), though Denmark abolished its program in 2012 after ten months in force (Goodman 2014: 113). In 2011, David Cameron explained that Britain seeks “good immigration, not mass immigration” (*New Statesman* 14 April 2011), while his Home Office (2011: 12) officially strives to “allow . . .
only the brightest and the best to stay permanently.” In 2008, EU Commission president José Manuel Barroso announced that “with the [newly introduced] European blue card, we send a clear signal. Highly skilled workers are welcome in the EU” (quoted in Rudolph 2010: 51). The EU’s Stockholm Programme of 2009, which set the EU’s migration agenda until 2014, called for “a flexible admission system . . . to adapt to increased mobility and the needs of national labour markets” (quoted in Boswell and Geddes 2011: 76).

Readers should keep in mind that West European governments initiated postwar immigration in the 1950s and 1960s primarily in an effort to fill labor shortages, at that time mostly in unskilled jobs (Castles and Kosack 1973). Moreover, Anthony Messina (2007) demonstrates that, all the clamor regarding unchecked immigration notwithstanding, European nation-states have continued into the twenty-first century their adept control of migration to serve perceived economic interests. This includes turning a blind eye to much illegal immigration that supplies the labor market with cheap workers desired by many industries (Anderson 2013; van den Anke and van Liempt 2012; Boswell and Geddes 2011: 135–36; Schierup, Hansen, and Castles 2006; Verstraete 2003; Engbersen 2001).

On initial consideration, instrumental use and abuse of alien workers would seem to accord with nationalism’s favoritism for nationals. However, this is only partially true, for migrants (legal and illegal) can undermine nationals’ interests. Programs designed to recruit highly skilled aliens channel them into typically well-paid, desirable jobs. The European Centre for the Development of Vocational Training estimates a need for sixteen million highly skilled workers by 2020 (http://www.cedefop.europa.eu/en/news-and-press/newsletters/cedefop-newsletter-no-14-julyaugust-2011?view=full). It is true that such positions may not be filled by TCNs if EU citizens are available. However, businesses that are keen to swiftly fill indispensable positions rarely look very far or long for nationals or EU members (Hampshire 2013: 41–44; Anderson 2013: 71). More importantly, recruitment of foreigners alleviates pressure on governments to commit the resources needed to attract nationals to and train them in the highly skilled professions where shortages abound. Similarly, both regular and especially irregular migrants often take low-paying, undesirable, so-called 3-D (dirty, difficult, dangerous) or 3-C (cooking, caring, cleaning) jobs that nationals tend to spurn. Moreover, the steady supply of cheap labor eases pressure on employers and regulators to improve the wages and conditions of such positions to levels that would attract nationals (Castles and Miller 2009: 222). Meanwhile, large numbers of nationals remain indefinitely unemployed across Europe. To quote ultranationalist Jean Marie Le Pen, “We have six million migrants in France, and six million unemployed” (quoted in Koopmans et al. 2005: 213).
Instrumentalism can contravene liberalism’s ethical ideal of equal treatment for all. Undocumented aliens in particular are vulnerable to exploitation by employers, landlords, and even family members who threaten to expose the migrants’ illegality if they protest iniquitous conditions (Mantouvalou 2014: 52–58; Anderson 2013: 159–76; Sainsbury 2012: 13–31; Schierup, Hansen, and Castles 2006: 209–10; Calavita 2005; Andall 2003; Anderson 2000; Rubery, Smith, and Fagan 1999). For fear of exposure and deportation, many irregulars forego welfare assistance to which they or their dependents are entitled (Sainsbury 2012; Triandafyllidou 2010e). Needless to say, governments denounce both “illegal” migration and the exploitation of “illegals” and announce high-profile campaigns to eliminate both repugnant phenomena (Afonso 2013: 32; Boswell and Geddes 2011: 135–36; Triandafyllidou 2010d: 11). Thus, François Hollande, while campaigning for president in 2012, pledged: “I shall lead a merciless struggle against illegal immigration and the clandestine work networks” (quoted in Daguzan 2013: 107). But both phenomena persist across Europe. Moreover, they not only persist but also flourish to such an extent that they cannot be explained as rare exceptions to an otherwise uniform and prevailing regularity (Boswell and Geddes 2011: 131–32; Koser 2008; Schierup, Hansen, and Castles 2006: 30; Düvell 2006). “The danger with tough enforcement is that it can never be tough enough. The tougher the enforcement, the bigger the ‘problem’ it uncovers” (Anderson 2013: 136).

Indeed, we can discern the regularization of irregularity, or what Agamben (1998: 7) calls “inclusive exclusion.” I have in mind official and unofficial government actions that encourage or enable the normalization of irregular migration, contributing to its emergence or persistence as an integral as opposed to aberrational feature of receiving societies. In the first place, the state creates the category of illegal alien. We most often think of the state as conferring citizenship. But it also confers illegality. Illegal migrants would neither exist without the state’s laws that illegalize them nor be as readily exploitable without the state’s threat to deport them (Hampshire 2013: 63–64; Anderson 2013: 86–90; Khosravi 2012: 62; Vivar 2012: 116; Karakayali 2008; Bauder 2006). Moreover, Europe’s economies depend on a constant pipeline of undocumented workers that the state not only creates but tolerates. Neoliberal trends have been transforming European societies into “post-Fordist” economies that function with an increasing number of precarious (“flexible”) forms of employment (especially in the expanding service industries) that provide neither living wages nor benefits for jobholders (Munck, Schierup, and Wise 2012; Schierup, Hansen, and Castles 2006; Sassen 1998; Wacquand 1996; Harvey 1989). Concurrently with the emergence of the dual labor market, “post-social” welfare states trim entitlements and increasingly foist the responsibility for one’s socioeconomic security onto
the individual (Rosanvallon 2013: 209–54; Sainsbury 2012: 113–31; Castles 2012; O’Malley 1996; Rose 1996). Both trends combine to spawn a growing minority underclass—a “precariat” (Munck, Schierup, and Wise 2012: 9) or “shadow side” (Castles and Miller 2009: 310)—that is forced permanently to endure “new social risks” or, in other words, living and working conditions systematically and significantly inferior to those of the middle-class majority (Bauman 2011; Esping-Anderson et al. 2002; Balibar and Wallerstein 1991). Migrants, legal and illegal, so disproportionately fill the ranks of this underclass of “the new poverty in the European Community” (Room, Lawson, and Laczko 1989) that some authors speak of “an incipient ethno-racial stratification” (Schierup, Hansen, and Castles 2006: 81) or even a “European apartheid” (Balibar 2004: 121). Just as lawmakers know perfectly well from demographers (Organisation for Economic Cooperation and Development 2013; 2011; Eurostat 2008; United Nations 2000) that Europe depends on immigrants to replace its aging and dwindling population with its low birthrate, they know equally well from political economists and sociologists that their economies, if they are to remain globally competitive, depend on an underclass of modern day “helots” (Cohen 2006: 152) comprising migrants with varying degrees of (il)legal status.

It is a well-established fact that southern European economies function through systematic reliance on large numbers of illegal and semi-legal migrants to fill informal but critical niches in secondary labor markets such as construction, domestic service, hotels, restaurants, agriculture, and retail trade. Because the workers are typically paid in cash and have no written contracts, employers can intimidate them into accepting salaries and conditions below legal minimums. These practices are so extensive in southern Europe that analysts argue that illegal laborers should be understood as a cause rather than effect of large-scale migration. The frequent amnesties attest to the integral and regular nature of this labor force, for they not only legalize (often only temporarily) undocumented workers, but, as already mentioned, attract additional undocumented migrants (Maroukis 2010; Fasani 2010; Gonzalez-Enriquez 2010; Sciortini 2004; Reyneri 2003; King 2000; Anthias and Lazaridis 1999; Baldwin-Edwards and Arango 1999). In 2009, Italy’s public service and innovation minister Renato Brunetta candidly admitted that the underground economy “plays an important role, especially during an economic crisis” (quoted in Fasani 2010: 183).

In what might be termed a process of the “southernization” of the North, illegal and semi-legal work is expanding in northern Europe (Anderson 2013: 159–76; Sigona and Hughes 2012; Withol de Wenden 2010; Cyrus and Kovacheva 2010; Castles and Miller 2009: 238; Schierup, Hansen, and Castles, 2006: 23; Düvell 2006; Anderson 2000; Rubery, Smith, and Fagan 1999). Lest one think, however, that illegal migration is a completely new
phenomenon in northern Europe, consider that as early as 1966 the French
Minister of Affairs, Jean Marie Jeanney, remarked that “illegal immigration
has its uses. [Without it] we would perhaps be short of labour (quoted in
Geddes 2003: 53). Though the French amnesty in response to the sans pa-
pier movement of 1997 was ostensibly designed to legalize illegal migrants,
Schain (2008: 54) insists that officials deliberately made the mandatory peri-
od of documented residency in France prohibitively long (ten years) so as to
guarantee that the vast majority of the undocumented would remain so. In
2003, the Swedish government estimated that a surprisingly high percentage
(8–9 percent) of youths between the ages of sixteen to twenty-four resided
in Sweden without proper papers and had no legal employment or course of
study (Statens-offentliga-utredningar 2003). Similarly, a British report on
irregular migration warns “of producing a generation of disenfranchised
that increasing numbers of TCNs are coming to the realization that it is
easier to migrate to the EU illegally and avoid or contest deportation than it
is to acquire legal visas. Germany has become envied and emulated across
Europe for cleverly legalizing what normally would be considered illegal
work. In the late 1990s and early 2000s, lawmakers and employers devised
highly flexible laws and practices that made it legal for German firms to pay
foreign subcontractors to supply laborers to work at sites in Germany but
under terms of employment established in the country in which the subcon-
tracting company is incorporated (Schierup, Hansen, and Castles 2006: 34,
152). In the 2000 decision to jettison its zero-immigration policy for TCNs,
the European Commission (2000: 17–18) had given the green light to such
“special arrangements” for “certain types of workers, e.g. seasonal workers,
transfrontier workers, and intra-corporate transferees” that facilitate “the
efficient management of migration flows.”

Such proclivity for flexibility reflects fragilization toward a postmodern
interpretation of citizenship, which reads citizenship as a political construct
that is mutable and plural rather than firm and unitary. Moreover, types of
citizenships are constantly being worked out by vying and allying political
actors who wield asymmetrical political power (Isin and Nyers 2014: 8–9;
Maas 2013a: 3; Neveu 2013: 205; Ataç and Rosenberger 2013; Cohen 2009:
14; Sassen 2002). This is precisely the point that many scholars seek to under-
score with their often clever but still unconventional-sounding neologisms
such as “alien citizens” (Bosniak 2006), “digital citizens” (Isin and Nyers
and Della Sala 1997), “semi-citizens” (Cohen 2009), “denizens” (Hammar
1990), or “margizens” (Castles and Davidson 2000). Such examples manifest
a willingness on the part of many officials to experiment with the plasticity
of citizenship to address pragmatically the varied political situations that
confront them. Thus, for privileged and powerful noncitizens, conditions and conveniences similar or even superior to those enjoyed by the formal citizen can be swiftly made possible without forcing the welcomed “super citizens” (Chimienti and Solomos 2012: 96) to wade through the thicket of red tape characteristic of the formal naturalization process (Organisation for Economic Cooperation and Development 2013: 48–49). By contrast, powerless and politically vulnerable migrants can be effectively made to endure miserable living and working conditions that are unacceptable or illegal for the conventional citizen. Such exploitation occurs not only indirectly through the unacknowledged toleration by officials of illegal employers, traffickers, and landlords, but directly through the denial of rights and benefits to migrants to which they are legally entitled—a practice well documented across Europe and particularly pronounced in regard to Muslims (Hebling 2013; Anderson 2013: 122–25; van den Anke and van Liempt 2012; Sainsbury 2012: 251; Alonso 2012: 485; Cyrus and Kovacheva 2010: 133; Verkaai 2010; Human Rights Watch 2008; Hagedorn 2007; Mouritsen 2006; Triandafyllidou 2006; Green 2005: 921; Klausen 2005: 21; Weil 2004: 377–87; Guiraudon 2003; Koopmans 1999: 630). Christina Boswell and Andrew Geddes (2011: 137) speak of the “deliberate malintegration” of foreigners on the part of officials. Such practices reflect an openness to tolerating or facilitating third-world conditions in Europe, including stratified statuses of legal membership that resemble those of former European colonies. We can also conceptualize these plural modes of citizenship as a kind of re-medievalization of the modern European state and society in which a quasi-legal hierarchy of ranks is allowed to erode the normative ideal of equality before the law for all citizens that is intrinsic to the Westphalian model of the unified nation-state. Countless European citizens daily interact with migrants who have precarious legal statuses. The former work with or alongside semi-legals and illegals in their places of employment. They hire irregular migrants to clean their homes or care for their children or elderly parents. They dine in restaurants or sleep in hotels staffed by persons with substantially inferior legal statuses, not to mention living conditions (Mantouvalou 2014; van den Anke and van Liempt 2012; Sassen 1998). A study of domestic workers in the U.K., for example, found that 67 percent of those surveyed in 2010 worked seven days per week and 48 percent worked no less than sixteen hours per day, 56 percent earned £50 or less per week, 60 percent were not allowed in public unaccompanied, 65 percent had their passport withheld, and 49 percent did not have their own room (Lalani 2011). Indeed, lest they lose a politically advantageous issue, the very politicians who rail against illegal immigration both enable and rely on its continuation (Maas 2013c: 14; Schierup, Hansen, and Castles 2006: 79). Just as in colonial and medieval times, inequalities and asymmetries occasion
varying degrees of political identification and loyalty among subjects (more in this regard in subsequent chapters). They also spark resistance and protest on the part of the underprivileged and their advocates of the kind already noted above. Citizenship (actually a montage of citizenships) is, thus, very much in flux in Europe (Hansen and Hager 2010).

**Contra Immigration**

Most of the same countries that have encouraged immigration and naturalization have also adopted policies to discourage them as well. All of the Western European countries that actively recruited foreign laborers in the 1950s and 1960s have ceased doing so since the recession of the 1970s, with some limited exceptions regarding seasonal and highly skilled workers (Castles and Miller 2009: 108). A number of countries with open naturalization laws tightened them. In 1962, under a Conservative government, Britain targeted “coloureds” by revoking the unconditional right to reside in Britain for citizens of the United Kingdom whose passports were issued in the colonies, including those already residing in the U.K. In 1964, a Labour-controlled Parliament targeted white settlers in the colonies by passing the Nationality Act, which gave unconditional right of entry and residence to the U.K. to those with colonial passports who had a parent or grandparent born in the U.K. (“the Natal Formula”). The Immigration Act of 1971 and the British Nationality Act of 1981 refined these legal distinctions between those with ancestral connections to the British nation (“patrials”) and those without, the overall effect being to introduce a strong jus sanguinis dimension into what had been a cosmopolitan jus soli policy for the entire Commonwealth (Schain 2008: 130–35). Likewise, in the Loi Pasqua-Méhaignerie of 1993, France shrewdly dismantled automatic jus soli for Maghrebians by devising cumbersome bureaucratic requirements for naturalization that could only be fulfilled between the ages of sixteen and twenty-one. The Debré Law of 1997 further tightened restrictions. Although some of the restrictions were rescinded in 1998 under the premiership of Socialist Lionel Jospin (Goodman 2014: 190), the 1999 census recorded roughly 500,000 eligible Maghrebians who failed to naturalize (Schain 2008: 75–78). Soon-to-be interior minister Charles Pasqua bluntly averred that “France has been an immigration country, but she wants to be one no longer” (quoted in Hollifield 2014: 171). In 2004, Denmark abolished jus soli for children born of non-Nordic parents (Vink and de Groot 2010: 719). Spain denies dual citizenship to Moroccans, whence the lion’s share of its approximately one million Muslims originate, while permitting it for naturalizing immigrants from former colonial states in Latin America (Janoski 2010: 83). As mentioned, all the Eastern European
countries adopted strict jus sanguinis naturalization regimes after abandoning the Soviet Bloc (Dumbrava 2014: 56–58; Bauböck, Perching, and Wiebke 2007; Howard 2009: 169–92), thereby emulating Austria, Switzerland, Greece, Italy, Finland, and Luxembourg in Western Europe (Howard 2009: 21). Although Germany dismantled (most of) its jus sanguinis citizenship law from 1913 with the introduction of conditional jus soli in the Nationality Law of 2000, the same law nonetheless simultaneously discouraged naturalization by making dual nationality verboten. The Bundestag further deliberately diluted jus soli in 2004 by raising residency requirements for TCN parents with children born in Germany (Vink and de Groot 2010: 719). In Ireland 80 percent of voters supported a national referendum in 2004 to deny jus soli to children born of parents who had not resided in the British Isles for at least three years. Several countries have made it more difficult for foreigners applying for citizenship after birth (that is, without jus soli entitlements) by lengthening residency requirements or raising the language proficiency bar (Italy in 1992, Greece in 1993, Denmark in 2002, France in 2003, Finland in 2003, Britain in 2009, and Belgium in 2012) (Organisation for Economic Cooperation and Development 2013: 103; Vink and de Groot 2010: 725–26; Howard 2009: 94–168). Following the lead of the Netherlands in 1998 (Civic Integration for Newcomers Act) and formally encouraged by the European Council Tampere Conclusions of October 1999, Denmark (2004), Austria (2004), Germany (2007), France (2007), the United Kingdom (2007), and Spain (2012) have introduced mandatory civics classes and exams for naturalization (Klekowski von Koppenfels 2013; Mourão Permoser 2013; Goodman 2010; Groot, Kuipers, and Weber 2009; Michalowski 2009). It should be noted, however, that in light of the exemptions made for EU citizens as well as other “Westerners” (via bilateral agreements), the courses and exams clearly target non-Westerners, in particular applicants from Muslim-majority countries (Goodman 2014: 214–20; Michalowski 2014; Cesari 2013: 88; Ersbøll, Kostakopoulou, and Van Oers 2011; Ruffer 2011: 947; Joppke 2010: 1137–42; Saharso 2007). We should also not overlook the discouraging impact of naturalization fees that can run in the hundreds and sometimes thousands of euros for applicants who typically possess limited means (Vink and de Groot 2010: 727).

Numerous countries have, especially since 9/11, made it harder for aliens to reside legally. Commonly implemented measures include lengthening the number of years of legal residency required for permanent visas or citizenship, raising language proficiency requirements, increasing the duration of marriage for spousal reunification as well as decreasing the maximum age for offspring reunification, introducing or increasing the minimum income (allegedly to prevent reliance on noncontributory welfare benefits), and

Tony Blair’s comment from 2003 is typical of this “get-tough” posture:

We have cut asylum applications by half. But we must go further. We should cut back the ludicrously complicated appeal process, derail the gravy train of legal aid, fast track those from democratic countries, and remove those who fail in their claims without further judicial interference. (Guardian 30 September 2003)

David Cameron was curter, calling refugees a “swarm” trying to enter Britain (Telegraph 15 August 2015). In response to Silvio Berlusconi’s threat to legalize and send packing northward the “human tsunami” of refugees reaching Italy’s shores as a result of the Arab Spring, the Danish government enraged the European Commission in 2011 by reinstating passport control for travelers from other Schengen lands. Germany followed suit in 2015 as tens of thousands of asylum-seekers were being “released” northward by Macedonia, Greece, Hungary, and Italy in blatant violation of the Dublin Regulation. In the same year Slovakia said it would accept Christian but not Muslim refugees. Swiss citizens went even further, voting in 2014 with
an a razor-thin majority in favor of a referendum placed on the ballot by the radical Right Swiss People’s Party to impose quotas on the number of foreigners entering the land, including EU citizens. In the face of lost votes to the surging United Kingdom Independence Party, David Cameron too has said that limiting the number of EU foreigners into Britain might be necessary (Die Zeit 15 May 2014).

Despite its rhetoric and action in favor of equal rights for TCNs alluded to above, the EU hardly qualifies as an unequivocal voice in favor of cosmopolitan openness. Until 2000, the European Commission endorsed a zero-immigration policy and thereafter open borders only for highly skilled TCNs. The European Commission (1994: 32) all but officially supported xenoskeptic concerns that migrants pose a threat when it stated: “Society’s willingness to accept the inflow of new migrant groups depends on how it perceives government to be in control of the phenomenon.” Furthermore, one has to wonder just how far the EU can go in supporting multiculturalism for TCNs when Article 6.3 of the Treaty of European Union (1992) states: “The Union shall respect the national identities of its Member states.” Small wonder, then, that the EU’s Family Directive of 2003 authorizes member states to deny family reunification to immigrants who are not well integrated (Goodman 2014: 208).

**Backlash against Multiculturalism**

Behind much anti-immigrant policy making lies a harsh critique of multiculturalism. Although we should not discount the postmodern instrumentalism that justifies exploiting migrants for no other reason than that they are vulnerable, there can be no denying the emergence of a “multicultural backlash” (Vertovec and Wessendorf 2010) or “retreat of multiculturalism” (Joppke 2004) across Europe (also Boswell and Geddes 2011: 202; Bukow et al. 2007: 13; Brubaker 2001). The strongest purveyors and greatest beneficiaries of this “backlash against diversity” (Grillo 2005: 38) have been radical Right political parties and politicians, the marked improvement in whose political fortunes arguably represents the most significant novel development in European politics over the past three decades. No European polity has remained immune from sporadic spikes in the electoral success of extreme Right parties; they represent formidable fixtures on the political spectrum in many countries where they regularly garner between 10 and 15 percent of the popular vote; they have negotiated their way into ruling coalitions in Austria, Denmark, Switzerland, Norway, the Netherlands, Italy, Estonia, Romania, Poland, and Slovakia. They shrewdly deploy xenophobic slogans that directly appeal to many voters: “Keep Sweden Swedish” (Sweden Democrats), “Give us Denmark back” (Danish People’s Party), “Shake
off the creeping tyranny of Islamization” (Dutch Party for Freedom), “Islam out of Britain” (British National Party), “Stop the Foreigners” (Austrian Freedom Party), “Rescue Hungarians” (Jobbik), “Masters in our own house” (Northern League in Italy), “Greece belongs to Greeks” (Golden Dawn). These clever rallying cries of the “politics of closure” (Hampshire 2013: 16) represent ideological fragments of Schmitt’s sophisticated friend-enemy philosophy of nationalism: “A nationally homogeneous state then appears normal; a state that lacks this homogeneity is abnormal, a threat to peace” (Schmitt 1983: 231).

Only at their peril can mainstream political parties ignore or dismiss this “resurgence of nationalist thinking” (Bukow et al. 2007: 13). Many have registered it and endorsed or adopted aspects of the Far Right’s platform, generating an unmistakable “restrictive turn” in immigration policy making (Koopmans, Michalowski, and Waibel 2012: 1234; also see Hampshire 2013: 16–35; Art 2011; Howard 2009: 11–12; Berezin 2009; Givens and Luedtke 2005; Norris 2005). For example, a study by the European Commission against Racism and Intolerance (2011: 7) bemoaned “the increasing use of xenophobic and anti-Muslim arguments by mainstream political leaders.” In a much discussed article from 2000, the prominent Labor Party member and publicist Paul Scheffer bemoaned the “ethnic underclass” in the Netherlands that does not identify with Dutch culture as irrefutable evidence of the “multicultural disaster” (NRC Handelsblad 29 January 2000). In 2004, Pope Benedict XVI denounced multiculturalism as a Western pathology born of self-loathing (Pera and Ratzinger 2004). In 2010, Angela Merkel maintained that “multiculturalism has failed, and failed utterly” (Das Bild 17 October 2010). Sarkozy echoed her in the same year, deriding multiculturalism as a “failed concept” (quoted in Kaya 2012: 216). Both Gordon Brown and David Cameron disavowed multiculturalism as an explicit goal of their respective governments. The Tory leader complained in 2011 that “under the doctrine of state multiculturalism we have encouraged different cultures to live separate lives apart from each other and the mainstream” (quoted in Mavelli 2012: 139). Governments at various levels around Europe have commissioned studies that document and denounce the desultory impact of multiculturalist policies and lifestyles. Typical of their conclusions is Britain’s Cantle Report, whose compilers were

... particularly struck by the depth of polarization of our towns and cities. . . . Separate educational arrangements, community and voluntary bodies, places of worship, language, social and cultural networks, means that many communities operate on the basis of a series of parallel lives. These lives do not seem to touch at any point,
Indeed, the notion of the “parallel society” has throughout Europe taken on the pejorative connotation of a society so thoroughly divided into separate cultural communities that it lacks the common bonds required for social cohesion (Ranstorp and Dos Santos 2009; Netherlands Ministry of the Interior 2007; Bundesamt für Verfassungsschutz 2005; Cantle Report 2001; Haut Conseil à l’Intégration 1997, 1995; Wetenschappelijke Raad 1989; but also see Wright and Bloemraad 2012 for counter-argument).

**Earned Citizenship**

One prominently prescribed remedy for the allegedly disintegrative effects of the multicultural society is the reinvigoration of citizenship. On this view, citizenship should reflect common values that bind citizens together in a profound manner. The defenders of a more robust, thicker citizenship insist that it must be earned rather than merely granted, prized rather than merely possessed. The U.K. Home Office (2008: 11), for instance, stipulates that “citizenship must be earned.” Blair and other “Third Way” Social Democrats were wont to speak of “no rights without responsibilities” (quoted in Kuisma 2013: 101). In 2006 during an interview on prime-time television, Sarkozy averred that would-be citizens must master French and “learn to respect the country [and accept] French laws, even if they don’t understand them,” because “it is up to them to adapt, not France” (quoted in Cesari 2013: 7). His presidential rival, Jean Marie Le Pen, stated simply: *Etre Français, cela se mérite* (You must deserve to be French) (quoted in Kaya 2012: 71). This same sense of deservedness is cleverly captured in the German government’s catchy slogan *Fördern und Fordern* (promote and require) to characterize its immigration and naturalization strategy (quoted in Bahn-ers 2011: 36). On this view, successful applicants for citizenship (as well as permanent residency) ought to be expected to demonstrate an earnest identifi- cation with and commitment to the host society—that they have made it their “home” as opposed to their current place of residence. They ought, that is, to have assimilated to some significant degree.

But what exactly are migrants expected to assimilate in this widespread “return of assimilation” (Brubaker 2001)? When we analyze what political actors pressing for assimilation include and propose to include as requirements for naturalization, we discover fragments of both nativist nationalism and liberal perfectionism. The resulting mixture manifests mutual fragilization between the two. Philosophically, the differing demands of
nativist nationalism and liberal perfectionism exclude one another but politically they can make quite comfortable bedfellows.

**Nativist Nationalism**

Demands for ethnonational assimilation can be heard around Europe. In a direct rebuff to Habermas’s liberal alternative to ethnonationalism, Interior Minister Wolfgang Schäuble averred that “constitutional patriotism, as a matter of reason (and not of emotion), is not sufficient. . . . If we want to feel part of a collectivity, then there must be something that connects us at a deeper level, at the level of religion and culture, values and identity” (*Frankfurter Allgemeine Zeitung* 27 September 2006). In 2006, he called on Muslims to identify with the “German value community” (*deutsche Wertgemeinschaft*) (quoted in Amir-Moazami 2009: 203). In 2014, the Christian Social Union went so far as to propose mandating that German be spoken in immigrants’ homes (*Die Tagesschau* 7 December 2014). Several prominent German politicians have used the term *Leitkultur* (leading culture) in the same assimilative vein (Green 2005: 942). Christian Democratic Union (CDU) general secretary Laurence Meyer, for example, claimed “there should be no doubt who has the rights of a house owner and who is the guest” (quoted in Leiken 2012: 248). For its part, the German government has long demanded as a requirement for naturalization a “voluntary and lasting orientation toward Germany” (quoted in Hansen 2003: 91) and was wont to deny citizenship to applicants who joined immigrant ethnic or religious associations (Koopmans 1999: 630). Though the 2000 Citizenship Law amended the language to “sufficient oral and written German language skills” (quoted in Goodman 2014: 127), Green (2005: 944–48) argues that through bureaucratic discretion and clever political stonewalling by Christian Democrats ethnonationalist bias persisted nevertheless. The civics exam required since 2007 requires extensive knowledge of German history (Klekowski von Koppenfels 2013: 149).

In Italy, successful applicants for naturalization must demonstrate not only knowledge of the “Italian language,” but also of “the essential elements of the national history and culture” (quoted in Spena 2010: 175). In order to pass Austria’s citizenship test, applicants must correctly answer culturally specific questions such as “In which Upper Austrian town are there two famous winged altars?” (quoted in Jenkins 2007: 274). In 2012, Mariano Rajoy’s government introduced a “Spanish identity” test as a requirement for naturalization, while Catalonia’s integration contract requires immigrants to prove “an adequate knowledge of Catalan civil life” (quoted in Hazán 2014: 384).
According to the national models paradigm, such ethnonationalist inflection should be expected in these countries based on their long-standing ethnonationalist traditions (Koopmans, Michalowski, and Waibel 2012; Koopmans et al. 2005; Brochmann and Hammar 1999; Favell 1998; Joppke 1996; Brubaker 1992). But similar “neo-assimilationist” (Hansen and Hager 2010: 169) pressure turns up in countries that the paradigm does not categorize as ethnonationalist. British law, for instance, requires unmistakable attributes of “Britishness” (quoted in Ryan 2009: 290–91) and “a clear primary loyalty to this Nation” (Home Office 2001: 20). Home Secretary David Blunkett explained in 2001 that “we have norms of acceptability and those who come into our home—for that is what it is—should accept those norms” (quoted in Joppke 2004: 250). In unmistakably Burkean language, Minister of Education Michel Grove said of the citizenship test in 2013: “If we can develop a better understanding of our past—how institutions have evolved and changed—then we’ll have a better understanding . . . of how institutions can give expression to our shared sense of identity” (quoted in Goodman 2014: 154). The Netherlands requires “feeling Dutch” (quoted in Van Oers 2009: 128), one reason why Integration Minister Rita Verdonk argued in 2006 that the mandatory naturalization ceremonies should celebrate “our history that has formed our identity” (quoted in Verkaaik 2010: 73). She also endorsed the idea that migrants should be required to speak Dutch in public, a suggestion that the city of Rotterdam wrote into law (Kaya 2012: 134). Similarly, Amsterdam launched a major campaign in 2006 to teach the city’s history so that immigrants could be helped to “feel themselves Amsterdammers” (quoted in Duyvendak 2011: 102). Indeed, the very Minderhedennota of 1983, which established the Netherlands’ official policy of multiculturalism, plainly stressed the dominance of Dutch culture: “It [integration] is a confrontation between unequal partners. The majority culture is after all anchored in Dutch society” (quoted in Vink 2007: 345). In neighboring Belgium, Filip Dewinter (2000: 10), leader of the nationalist Flemish movement Vlaams Belang, says immigrants should have a simple choice: “Assimilation or return.” In 2006, Sarkozy rephrased Jean Marie Le Pen’s favorite patriotic exclamation—La France, aimez-la ou quittez-la (France, Love it or leave it): “If there are people who are not comfortable in France, they should feel free to leave a country which they do not love” (quoted in Kaya 2012: 70). Showing that nationalism is not limited to the political Right, Socialist interior minister Manuel Valls claimed that “you have to be proud to be a Frenchman to be part of this nation” (Spiegelonline 29 October 2013). At least since François Mitterand introduced the campaign for “the right to be different” (droit à la différence) in 1981, prominent opponents of multiculturalism proudly dubbing themselves “national republicans,” such as Philippe de Villiers (2006), Dominique Schnapper

The French, of course, purport that their requirement of assimilation à la communauté française is based on the universal republican principles of the French Revolution and not on ethnic origins. Yet the web page of the Ministry of Justice instructs prospective applicants that they need to be “well assimilated to the French customs and manners.” As early as 1988, France’s Nationality Commission stipulated that immigrants worthy of French citizenship should manifest “clear adhesion to the essential common values of French society,” which entails “speaking the same language, sharing the same culture and patriotic values, participating in the national life like the others” (quoted in Laborde 2008: 196, 191). The current civics course underscores that “French and Frenchmen are attached to a history, a culture and fundamental values. . . . It is necessary to know them, understand them and respect them” (quoted in Michalowski 2014: 182). Small wonder, then, that in practice French officials are known automatically to deny naturalization to Muslims who observe the pious duty to pray five times daily at prescribed moments (Klausen 2005: 21) or who wear Islamic garb (Goodman 2014: 198), a practice documented elsewhere (for Denmark, see Mouriitsu 2006; for Italy, Triandafyllidou 2006). In 2011, France went so far as to prohibit Muslims from praying on the street, while permitting Catholic religious processions through the same streets (Vakulenko 2012: 22).

Even the EU has lent support to this “renationalization of citizenship” (Modood and Meer 2012: 34). Its Hague Program of 2004 claims that migrants should be expected to “acquire” the “culture of the host society,” including “basic knowledge of the host society’s language, history and institutions” (quoted in Hansen and Hager 2010: 166). Finally, we should not overlook the effect of what Michael Billig (1995) terms “banal nationalism.” He means the saturation of everyday life by myriad signs, symbols, and meanings, which taken together strongly reinforce the idea that identifying with the majority culture is “normal” while resisting such identification is “abnormal.”

Such policies and attitudes discriminate against migrants for not belonging to the nation. They are deemed undeserving of equal citizenship rights and privileges because they purportedly do not command the national language, respect the national history, or observe the national norms in the same degree as nationals. Following Schmitt’s friend-enemy logic (if only in fragmentary rather than comprehensive fashion), the differences manifested by unassimilated migrants are made to render them potential or real threats to the well-being of the citizenry. The citizenship courses, exams, and oaths, of course, ostensibly seek to encourage assimilation. However, in light of the
fact that practically everywhere they have been introduced naturalization rates have declined (Anderson 2013; MiGAZIN 25 April 2012, http://www.migazin.de/2012/04/25/amnesty-international-kritisiert-diskriminierung-von-muslimen/; Löwenheim and Gazit 2009: 160), the courses, exams, and oaths wind up functioning as exclusionary measures that deny full citizenship to far more ethnic minorities than they certify for naturalization. Whether on the actual or symbolic level, they work to accentuate and perpetuate rather than eliminate difference and differential treatment (Mourão Permoser 2013; Hampshire 2013: 127; Boswell and Geddes 2011: 120; Verkaaik 2010: 77).

**Liberal Perfectionism**

The courses, exams, and oaths also reveal what one author labels “Schmittian liberalism” (Triadafilopolous 2011: 863). On this view, the defect that disqualifies applicants for citizenship (renders them potential foes) is their alleged unfamiliarity with or even disrespect for the liberal values that purportedly undergird democracy. Consider the decision of France’s high court (Conseil d’Etat) in 2008 to uphold the denial of French citizenship to a burqa-wearing Moroccan woman married to a French national on grounds that she exhibited an “assimilation defect” (défaut d’assimilation). However, according to the court, the defect lay in her “adoption of a radical practice of her religion, incompatible with the essential values of the French community, especially the principle of the equality of the sexes” (quoted in Joppke 2010: 139). Likewise, in 2010 a Moroccan man was denied citizenship because, in the words of Immigration Minister Eric Besson, he “forced his wife to wear the full veil . . . and rejected the principles of secularism and the equality between men and women” (Guardian 2 February 2010). Both Moroccans were not denied citizenship simply for being Muslim in the sense of not being Roman Catholic like the majority of the French nation. Rather, their (admittedly Muslim) practice allegedly violated the liberal universal principle of gender equality. Some might object that they nevertheless were discriminated against based on their religion. I in no way discount the possibility that religious (or for that matter racial or gender) prejudice was covertly or even subconsciously at play in these decisions. However, it is not insignificant that the official justification is ultimately rooted in liberal universalism rather than nationalist particularism, for a strict application of the latter would rule out the idea of French Muslims altogether. France, of course, is home to millions of French citizens who practice Islam.

Yet we should not overlook the court’s particularist allusion to the “French community.” It exemplifies the fragmentation and fragilization common in political practice in contrast to pure theory. Thus, a fragment of nationalist
thinking (“the French community”) detached from the broader theory of nationalism (which would theorize that French values are unique rather than universal) becomes married with a liberal fragment (“equality of the sexes”) detached from the philosophy of liberalism (which would reject the idea that gender equality can be “French” precisely because it is a universal principle). Such practical overlaying of theoretically incompatible fragments makes good political sense because both nationalism and liberalism resonate positively with fragilized European publics for whom the philosophical inconsistency is irrelevant. Thus, when asked in 2004 to define “Britishness,” Gordon Brown replied a “passion for liberty anchored in a sense of duty and an intrinsic commitment to tolerance and fair play” (quoted in Joppke 2009: 84). Tony Blair (2006) mentioned “belief in democracy, the rule of law, tolerance, and equal treatment for all, respect for this country and its shared heritage.” Rita Verdonk said that to qualify as Dutch one must respect the “fundamental constitutional rights” of the Netherlands, especially gender equality and freedom of religion (quoted in Verkaaik 2010: 73). Retired Dutch Labor Party leader Wouter Bos (2005) averred that all Dutch citizens must “accept civil liberties—including freedom of expression, the equal treatment of men, women, heterosexuals and homosexuals, the separation of church and state, the principle of democratic government and the rule of law.” Since 2011, France requires for citizenship “adherence to the principles and essential values of the Republic” (quoted in Goodman 2014: 187).

The national models paradigm, again, predicts such statements from countries with a multicultural tradition. But listen to former Danish prime minister Anders Rasmussen: “Danish society has been built on some fundamental values, which must be accepted, if you are to live here. In Denmark, politics and religion are separated. In Denmark, there is inviolable respect for human life. In Denmark . . . women are equal to men” (quoted in Mouritsen 2006: 82). Austria’s integration contract requires knowledge of “European values and core democratic values” (quoted in Muração Permoser 2013: 165). In Germany, Bundestag president Norbet Lammert urged his fellow Christian Democrats to replace the notion of deutsche Leitkultur with a Leitkultur für Deutschland. The latter revolves around the “inviolability of human dignity, the free development of the personality, the equality of men and women, the freedom of science, art and culture, as well as the free religious expression” (Süddeutsche Zeitung 20 December 2007). With this suggestion Lammert escaped nationalist particularism but not a (slightly) wider civilizational or Eurocentric particularism, for in the same article he made the common assertion that such principles form the “Western community of values.”

Such statements purport to defend universal values but they employ a particularistic logic and strategy. Nationals (and Westerners) are
presumed to respect liberal values, while nonnationals (more precisely, non-Westerners) are presumed not to respect them and to need mandatory training to learn to internalize them. Thus, the British handbook for integration courses simply states that “the fundamental principles of British life include: democracy, the rule of law, individual liberty, tolerance of those with different faiths and beliefs, participation in community life” (Home Office 2013: 7–8). Joppke (2010: 137) labels this line of thinking “particular universalism” and “the main form in which Western states practice exclusion today.” As Per Mouritsen (2009: 29) observes, “An identitarian civic-liberalism-as-national culture is politicized and essentialized against Islam.” Or more broadly, “our” Western culture purportedly based on liberalism is juxtaposed against “their” presumably illiberal and therefore threatening Islamic culture (Cesari 2013: 142). Mouritsen, Cesari, and many others are right to stress Islam (O’Brien 2013b: 133–34; Hampshire 2013: 150–54; Kaya 2012: 211; Göle 2011: 155; Amiraux 2010: 145; Sayyid 2009: 198–99; Ewing 2008: 28; Schißauer 2006: 111; Muñoz 1994: 219). As mentioned, the courses, exams, and oaths are for all intents and purposes designed for Muslims (and some other non-Westerners). Exemptions are typically made for Westerners. No one in Europe is seriously suggesting that, say, non-Muslim Germans residing in France should be trained and tested in respect for gender equality. Likewise, no one is suggesting that, say, non-Muslim French nationals in Denmark should be compelled to prove their commitment to the freedom of religion. Rather, the courses and requirements teach and test the “correct” liberal answers to questions regarding the kind of topics, such as polygamy, gender equality, homosexuality, and apostasy, toward which Muslims are presumed to have illiberal attitudes (Michalowski 2014; Ersbøll, Kostakopoulou, and Van Oers 2011). The Dutch test goes so far as to ask test-takers how they react to scenes of kissing men and topless women shown during the exam (Jenkins 2007: 274–75).

There is, then, an unmistakable liberal perfectionist element that endeavors to mold Muslims into trustworthy liberals. Thus did Minister for Immigration Maria Böhmer defend the tests as an effective way to “shape politically mature subjects” (Süddeutsche Zeitung 9 July 2008). The liberal perfectionist goal, however, augments rather than replaces the nativist dimension. The French exam, for example, is designed as “an evaluation of language goals and the values of the Republic” (quoted in Schain 2008: 57). Likewise, the Integration Policy New Style of 2002 demands “that people speak Dutch, and that one abides to [sic] basic Dutch norms” (quoted in Duyvendak and Scholten 2012: 274). The U.K.’s Home Office (2008: 5) stipulates that “all who live here should learn our language, play by the rules, obey the law and contribute to the community.” In addition to recommending that the courses impart “basic knowledge of the host
society’s language, history and institutions,” the European Council’s 2004 Hague Programme recommendations additionally stipulate that newcomers should be made to “understand [and] respect . . . the full scope of values, rights, responsibilities, and privileges established by the EU and member state laws” (Council of the EU, Justice and Home Affairs 2004: CBP 4.2 and CBP 2). Home Secretary Charles Clark called in 2006 for a legally binding integration contract to ensure that “new immigrants live up to the values of our society” (quoted in Schain 2008: 158). In 2010, David Cameron referred to such insistence on liberal rectitude as “muscular liberalism” that is “unambiguous and hard-nosed about the defence of our liberty” (quoted in Joppke and Torpey 2013: 153).

Critics of liberal perfectionism claim the courses and requirements are too intrusive. Timothy Garton Ash (2006), for instance, anathematizes them as “enlightenment fundamentalism,” while Bauböck (2002: 176) rejects them as overbearing “liberal assimilationism” and Liav Orgad (2010: 53) as “illiberal liberalism.” Labeling the courses, exams, and oaths “repressive liberalism,” Joppke derides them as “the imposition of virtuous citizenship” and likens them to overbearing efforts at social engineering in the Soviet Bloc (Joppke 2010: 62, 141–42). Bridget Anderson (2013: 109) speaks of “super-citizenship” that holds immigrants to much higher standards than natives. Indeed, with the Borders, Citizenship and Immigration Act of 2009 the United Kingdom introduced a probationary year of citizenship in which the newly naturalized must demonstrate “active citizenship” through “civic activities” that “benefit the local community”—a kind of compulsory civic activism (Home Office 2008: 50). Imagine how many native Britons would have their citizenships revoked if held to this standard? It deserves mention that the Cameron government decided to cease implementation of the measure (Goodman 2014: 151–52). Since 2007, the French government reserves the right to withdraw welfare benefits from immigrant parents who fail to fulfill the obligation to integrate their children into French society (Sainsbury 2012: 191). The Land government of Baden-Württemberg requires its naturalization officials to employ specified interview guidelines (Gesprächsleitfaden) to test whether the applicants’ required oath to uphold the German constitution is sincere. The questions are designed to certify a genuine “inner disposition” to honor the constitution as opposed to a mere outward pledge, and this despite the fact that the Constitutional Court had ruled in 2000 that citizens are “legally not required personally to share the values of the Constitution” (quoted in Joppke 2010: 140–42).

As these examples suggest, the defense of liberalism can exclude immigrants as much or more than it includes them. Their alleged illiberalism marks them with a kind of scarlet letter that ostracizes them from partaking equally of the privileges of mainstream society. Liberal exclusion, however,
operates alongside or in combination with nativist exclusion. It is widespread normative fragilization that, in part at least, makes simultaneously appearing to defend the nation and to embrace liberal values politically prudent, even if philosophically inconsistent.

**Conclusion**

Comparative scholars of citizenship and immigration policy painstakingly search for patterns. One group of analysts seeks order in the convergence of policy across Europe, typically, though not always (Hollifield, Martin, and Orrenæus 2014b), in a more liberal, open direction (Joppke 2010: 143; Hansen and Weil 2001; Beck 1998; Jacobson 1996; Held 1995; Soysal 1994). A competing school of researchers, as mentioned, discerns distinct and persistent national styles anchored in past tradition and path dependency (Goodman 2014; Koopmans, Michalowski, and Waibel 2012; Koopmans et al. 2005; Brochmann and Hammar 1999; Favell 1998; Joppke 1996; Brubaker 1992). These otherwise laudable studies tend to exaggerate the order and coherence of citizenship and immigration policies. In reality, the latter are “contradictory and polyvalent” (Joppke 2010: 67), “fragmented” (Wiener and Della Sala 1997: 605), “multilayered and complex” (Maas 2013b: vii), with “new policies added on top of previous ones” (Garbaye 2010: 166) in a “blended approach” (Banting and Kymlicka 2013: 577) or “dizzingly” “complex assemblage” (Hampshire 2013: 132, 54) that is “incoherent” and riddled with “inconsistencies and double standards” (Fasani 2010: 178), not to mention constantly “in flux” (Boswell 2003: 1). Likewise, while some optimistic ethicists such as Habermas (1987b: 170) would like to believe that “all alternatives to a universalistic broadening of moral consciousness are being decimated,” analysis of the normative discussion of citizenship and immigration does not find imminent consensus, but rather a “multiplicity of frames” (Duyvendak and Scholten 2012: 276) and “a variety of often contradictory sets of public ideas and theories about citizenship” in a “discursive and normative field of struggles for legitimacy . . . [that] vary all the time” (Bertossi 2012: 249, 262). As Hampshire (2013: 12) incisively observes, “Few studies have sought to examine how these factors interact to produce conflicting policy outputs.”

This chapter has advanced normative fragmentation and fragilization as a partial explanation of policy incoherence or messiness. In the statements of policy makers and other political activists I have highlighted abundant normative fragments employed trying to legitimize policies and policy recommendations. These selected philosophical tidbits can be traced back to the more comprehensive public philosophies of liberalism, nationalism, and postmodernism that I outlined in the previous chapter, although political
actors exhibit little concern for philosophical consistency. Rather, like bricoleurs (Carstensen 2011: 148), they pragmatically deploy and even clump together multiple fragments from the three public philosophies (and their variants) in an effort to legitimate a broad variety of policies to a broad variety of audiences. This opportunistic political strategy makes sense or “works” due in part at least to the mutual fragilization or interpenetration among the three public philosophies. As discussed in the previous chapter, because none of the three has been able definitively to discredit its two rivals, fragments emanating from all three can and often do sound convincing to philosophical laypersons. Thus, to put it in lay terms, standing up for equal rights (liberalism), defending the integrity of the nation (nationalism), or eschewing solidarity in favor of instrumental selfish gain (postmodernism) can each seem like compelling causes in certain contexts despite their ethical incompatibility. While the resulting moral pluralism and laxity may prove unsettling to philosophers reared on monism and exactitude, they turn out to be an enabling opportunity for political actors who need not confine either their rhetoric or their policies to a normative straitjacket. Rather, fragilization and fragmentation enable political flexibility and opportunity that few politicians can afford not to exploit. The result, I have underscored, are immigration and citizenship policies that across Europe tend to lack coherence and defy neat classification.