

2. Conceptions of Citizenship in France, Germany and the Netherlands

2.1 Introduction

‘Nous sommes tous enfants de la République’, we are all children of the Republic, the young man said in a discussion on the problems of youth in the French suburbs. The young man, who was born in France from Moroccan immigrant parents and grew up in one of the suburbs of Paris, thus perfectly echoed the common description of the French model. The *republican* or *universalist* model that provides immigrants individual equality and leaves little room for particularistic identities in the public sphere in line with the view that the nation is ‘*une et indivisible*’. Though several authors have pointed out that this is a stereotype and that in reality French policies have been characterised by internal pluralism and left-right oppositions (Favell 2001; Maussen 2009; Ireland 1994; Hagedorn 2001a), these and other authors have pointed to continuities in policy developments as well (Favell 2001; Maussen 2009; Ireland 1994; Brubaker 1992).

In this chapter the policy developments in France, Germany and the Netherlands on both dimensions of conceptions of citizenship will be described. On the individual equality dimension these are policies that regulate access to citizenship, citizenship rights for foreign nationals and anti-discrimination regulations. The accommodation of diversity dimension consists of the cultural requirements for residence and naturalisation, the allowance of Islamic religious practices outside of public institutions, cultural rights in public institutions, political representation rights and affirmative action regulations. I will start with a visualisation of the policy developments in each of the three countries from 1980 to 2008 based on the 2008 edition of the policy indicators of Koopmans *et al.*⁸ This visualisation illustrates that, despite changes over time, French, German and Dutch policies best fit a universalist, assimilationist and multicultural conception of citizenship. The chapter will proceed with a more detailed description of the developments in each of the three countries. Attention is paid to both changes and continuities. The description of each country starts with a short history of immigration. The chapter ends with a comparison of the developments in France, Germany and the Netherlands and a reflection on the degree of change within countries.

2.2 Visualising policy trends

A visualisation of policies based on a systematic comparison is a helpful tool in understanding the size of policy changes over time and the differences between countries. Koopmans *et al.* (2005) have developed a methodology that enables such a visualisation.

⁸ ‘Comparative indicators of citizenship rights for immigrant minorities’ WZB, MIT department. Ruud Koopmans, Ines Michalowski, and Stine Waibel with the assistance of Francisca Gromme and Madelene Narbrink. Valuable input was also provided by the members of the EURISLAM research project.

For the 2008 edition, they have compiled a list of 42 policy indicators that reflect the two dimensions of their model (see appendix A for the complete list of indicators) and subsequently scored the policies of ten countries (Austria, Belgium, Denmark, France, Germany, Norway, the Netherlands, the United Kingdom, Sweden and Switzerland). This project is an extension of the list of policy indicators and countries used in the 2005 book of Koopmans *et al.* Based on the range of variation on an indicator, all countries receive scores between -1 for the ethnic end of the individual equality dimension and the monistic end of the cultural difference dimension, and +1 for the civic end of the individual equality dimension and the pluralist end of the cultural difference dimension. For each year and each country the average of the scores on each sub-dimension (e.g. cultural requirements for access to rights, political representation rights) is calculated. The average of all sub-dimensions forms the total score on that dimension. On the individual equality dimension, the sub-dimension of 'nationality acquisition' is weighted double. This is because if immigrants can easily become citizens, citizenship rights for foreign nationals become less relevant.⁹ The positions of France, Germany and the Netherlands on the individual equality and accommodation of diversity dimension in 1980, 1990, 2002 and 2008 are presented in figure 2.1. The scores per indicator and sub-dimension are listed in appendix B.

Figure 2.1 shows that though there have been developments in the policies of particularly the Netherlands and Germany, over the entire 1980-2008 period, the three countries occupy consistently different positions in the field of conceptions of citizenship. Notwithstanding a decrease in the level of pluralism from 2002 to 2008, Dutch policies still provide the highest degree of accommodation of diversity. Figure 2.1 also clearly visualises the move to more individual equality in Germany that took place with the new Citizenship Act in 2000. To put some flesh on the bones of this comparison, I will continue with a broad description of the policy debates and developments in France, Germany and the Netherlands.

⁹ Another possibility is to calculate the average of all individual indicators on a dimension. This leads to only marginally different outcomes than using sub-dimensions. France, Germany and the Netherlands, still most approach a universalist, assimilationist and multicultural conception of citizenship.

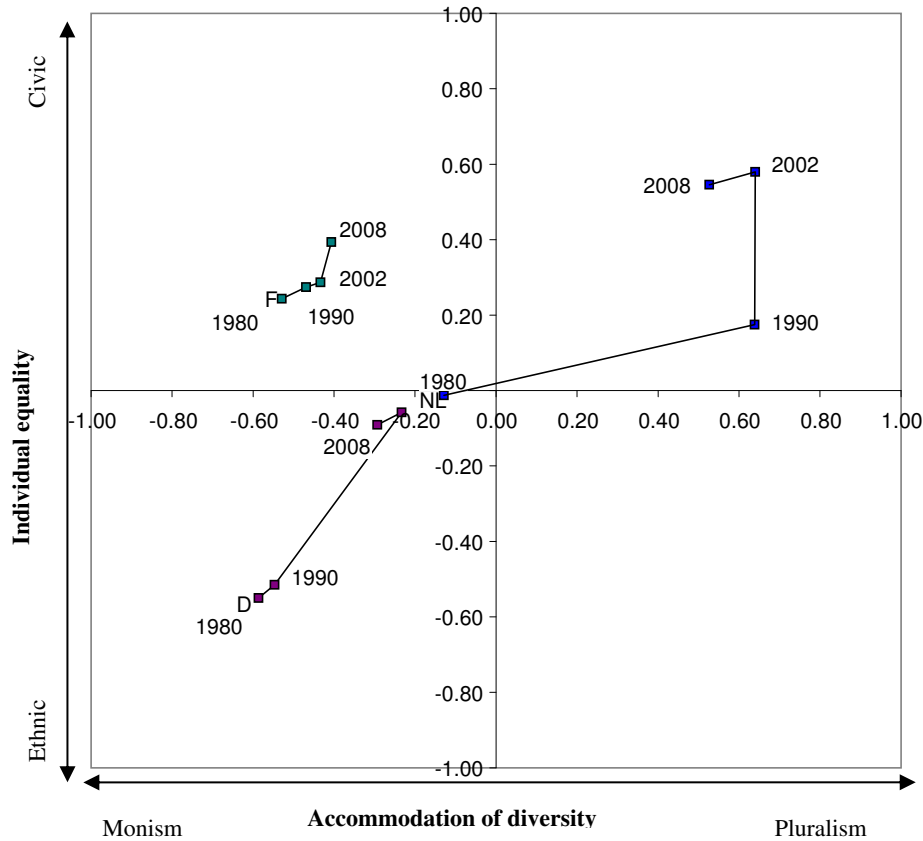


Figure 2.1 Policy developments in France, Germany and the Netherlands 1980-2008.

Source: Comparative indicators of citizenship rights for immigrant minorities, WZB, MIT department. Ruud Koopmans, Ines Michalowski, and Stine Waibel.

2.3 France

France has been struggling with a low birth rate for centuries (Brubaker 1992; Noiriel 1988). This created a need for immigrants as settlers, tax payers and soldiers. In the 19th century the majority of immigrants came from neighbouring countries, in particular from Belgium and Italy (Weil 2004; Maussen 2009). After the Second World War the government formulated a framework for immigration. Contrary to other European countries, France not only wanted to recruit temporary labour migrants but also settlement migration. Because the government believed some nationalities could easily assimilate into French society whereas others were unable to do so, it wanted to set up a quota system based on ethnic origin similar to the migration system in the United States (Weil 2004). Preference was to be given to immigrants from North-Western Europe and Canada, second in line were immigrants from Mediterranean countries and third from Slavic countries. Immigration from other countries was to be limited (Weil 2004: 72). The *Conseil d'État* however adjusted the text of the immigration law and took out the ethnic preference system.

The *Office National de l'Immigration* (ONI) was set up to direct migrant recruitment and reception. Nevertheless many immigrants entered illegally and were later legalised by the ONI. In 1947 Algerians received citizenship rights which allowed them to freely travel to the mother country. Though the French government tried to limit the inflow of Algerians, the migration continued after Algeria's independence in 1962. In 1963 France signed labour recruitment agreements with its other former colonies Morocco and Tunisia and in 1965 also with Yugoslavia and Turkey. Preference was however given to the regularisation of the Portuguese immigrants who had fled their country and come to France (Weil 2004). The deteriorating economy led to the end of guest-worker recruitment in 1974. By that time there were 3.5 million foreigners in France. The largest groups were the Portuguese with 750,000 people and Algerians with roughly the same number, followed by Spaniards with 500,000, then Italians with 460,000 and Moroccans with 260,000 people (Weil 2004). In 1974 President Giscard d'Estaing tried to halt family immigration. He was however overruled by the supreme administrative court (Ireland 1994). From the late 1970s to the early 1980s both left- and right-wing governments have attempted to stimulate return migration, especially of Algerians (Weil 2004). In 1977 return premiums were introduced. Applications were made for the return of 93,000 people. This possibility was used mostly by Portuguese and Spanish immigrants who already wanted to return (Weil 2004; Muus *et al.* 1983). In 1981 the left-wing Mitterrand government announced a regularisation of the many irregular immigrants that lived in France. A total of 132,000 people received a residence permit, including 8,600 Turkish immigrants.

Despite the fact that France, contrary to other European countries, for sometime had explicitly tried to attract settlement migration, the share of foreign born in the population is not very high. In 2005 8.1 per cent of the French population was foreign born (OECD). The largest immigrant groups are respectively Algerians, Moroccans, Portuguese, Italians, Spaniards, Turks and Tunisians (INSEE, 2005). There are also significant populations from former colonies of France in sub-Saharan Africa (e.g. Senegal, Mali) and Indochina (Cambodia, Vietnam and Laos).

Individual equality dimension

France has a long history of open citizenship (Noiriel 1988; Brubaker 1992; Weil 2004). Since 1889 third generation immigrants become French at birth (*ius soli* citizenship acquisition) and the second generation when they reach majority. In 1927 the residence requirement for naturalisation was lowered from ten to three years (Weil 2004). In 1945 it was set at five years (Weil and Spire 2006). France has always allowed dual nationality, even in times when loyalty of citizens had been at stake. During the First World War several French-German dual nationals fought on the side of the German army. Though the French nationality was taken from these people, dual nationality remained possible. When in 1922 the German nationals who had stayed in Alsace-Lorraine demanded French nationality, they were allowed to keep their German nationality (Weil 2003).

Naturalisation in France is discretionary. Dependence on welfare is not a sufficient ground for rejection of a naturalisation application, but, it can negatively influence the success of the application. A *circulaire* from 2000 states that a lack of labour market participation can be compensated by 'a good integration in social life'.¹⁰ In the 1980s the inflow of large numbers of immigrants from former colonies in the Maghreb led to discussions about the open nature of French citizenship. Some felt that the automatic granting of citizenship to the second generation, led to French citizens who did not sufficiently identify with the French nation. The right-wing Chirac government that came to power in 1986 planned to reform the citizenship law and installed a *Commission de la Nationalité*. The commission concluded that bonding through citizenship was essential for French national identity (Long *et al.* 1988). However for integration to occur, people must also have a political self-identification as citizens. It therefore recommended that the second generation should explicitly declare its wish to become French. This recommendation was implemented in 1993 by Minister Pasqua. Members of the second generation now had to declare their will to become French between the ages of 16 and 21. This declaration had to be registered by a judge, mayor or local police officer (Weil and Spire 2006), but was not more than a formality (Hagedorn 2001b). The subsequent left-wing government asked the scholar Patrick Weil to investigate the effects of the new law. Weil estimated that 10-15 per cent of the second generation 'restent étrangers sans le vouloir' (Ribert 2006). This led the government to remove the declaration requirement. Since 1998 French-born children of immigrants can again attain French nationality from the age of 13 and automatically receive it by the age of majority. The attribution of French nationality can be refused up to 6 months after reaching the age of majority. In 2002, 110 people declined French nationality compared to 15,245 eighteen-year olds who did receive French nationality and 30,262 youngsters who requested French nationality before reaching the age of majority (Weil 2004).

Other than during the mid 1980s citizenship access has not been a contested issue. When in the 1970s guest-workers were still seen as temporary residents, their French-born children nevertheless received full French citizenship. During the debates in the mid 1980s it was only the automatic acquisition for the second generation that was under attack and not the unconditional allowance of dual nationality that has led to many heated debates in the other two countries in this study. Since the second half of the 1980s republican citizenship is seen as the most important instrument for integration (Favell 2001; Bertossi 2009).

Despite the low residence requirements and a tradition of incorporating immigrants through naturalisation, naturalisation figures in France do not exceed the European average. In 1990 the naturalisation rate was as low as 1.7 per cent, though by 2006 it was 4.2 per cent (see Table 2.1). Naturalisation among Turkish immigrants was

¹⁰ <http://www.sante.gouv.fr/adm/dagpb/bo/2000/00-27/a0271947.htm> Last accessed 16 June 2009.

below the French average until the 1990s. Since then it has been above average (see Table 2.1). One of the reasons behind the low naturalisation rate is that it does not take into account the second generation members who become French at the age of majority. In 2002 this was over ten per cent of all those who acquired French nationality. Factors that negatively affect the naturalisation propensity of immigrants in France are the long and complicated naturalisation procedures and the assimilation requirement that will be discussed in the next paragraph (Hagedorn 2001b; Hagedorn 1998). Lastly, France has never actively stimulated immigrants to become citizens, because it is believed that naturalisation should be an individual's personal decision (Weil 2004).

	All foreigners				Turks			
	1990	1995	2000	2005	1990	1995	2000	2005
France	1.7 ¹	-	4.6	4.2 ²	0.6 ¹	-	5.9	5.1 ²
Germany	0.4	1.0	2.5	1.7	0.1	1.6	4.0	1.9
The Netherlands	2.0	9.4	7.7	4.1	1.0	18.2	4.7	3.5

¹ Data for 1991

² Data for 2006

Source: Own calculations based on SOPEMI 2000 and 2008 (OECD). Rates for Germany exclude the naturalisation of ethnic Germans

Table 2.1 Naturalisation rates for all foreigners and Turks in 1990, 2000 and 2005 by country

Immigrants who do not become citizens cannot easily be expelled. Welfare dependence is not a ground for the denial of a new residence permit. Criminal conviction can lead to expulsion, but, for immigrants who have resided in France for over ten years expulsion is only possible if they are sentenced to at least five years of prison (Davy 2001). In several other areas the rights of foreign residents in France are relatively limited. Until 1981 foreigners needed a special authorisation to set up an organisation and were not allowed to occupy a position in a labour union (Weil 2004). One of the 1981 election promises of Mitterrand was to give immigrants who had legally resided in France for at least five years the franchise for local elections. This plan was quickly abandoned, mainly because of the negative public opinion (Weil 2004). Since then no new attempts have been made to introduce voting rights for foreign nationals.

Foreign nationals are excluded from a large section of the labour market. In 2001, there were 7 million jobs in France, 5.2 million of which in the public sector, that foreign nationals from non-EU member states cannot occupy (Weil 2004). The exclusion is not only for the relatively large civil service sector (police, army, courts, fire service, some hospital functions, teachers in primary and secondary school) but also for parts of the public service (postal service, chamber of commerce), free professions (notaries, lawyers, and architects) and several jobs in the financial sector such as insurance agents (Weil 2004).

All immigrants and their descendents are however relatively well protected by France's anti-discrimination legislation no matter their citizenship status. Anti-discrimination is both included in criminal law and since 1982 in the Labour Code. In 2001 the Labour Code was amended. In addition to origin, ethnic, national or racial belonging, surname was added as an impermissible ground for discrimination. In 1999 a Study Group on Discrimination (GELD) was set up within the Departmental Commission for Access to Citizenship. It could receive complaints but had no investigative powers. In 2004 the High Authority for the fight against discrimination and for equality (HALDE) was set up. The 2006 Law on Equal Opportunities expanded HALDE's powers. HALDE can support victims of discrimination by collecting the information necessary to proceed in their complaint. It can also file individual and collective investigations on its own and can initiate a criminal prosecution, in place of the public prosecutor, before the criminal court.

Accommodation of diversity dimension

Though access to French citizenship is open in light of the low residence requirement, the automatic attribution of citizenship to the second generation at the age of majority and the unconditional allowance of dual nationality, it is restricted in the light of the assimilation requirement which is part of French nationality law since 1945. Articles 21-24 of the Civil Code state that 'assimilation into the French community, primarily by sufficient knowledge of the French language' is a requirement for naturalisation. In the 1950s sufficient assimilation mainly meant sufficient language knowledge. When in the 1970s the number of non-European applicants for naturalisation increased, accepting French values became a more important criterion for sufficient assimilation. Assimilation is assessed in a personal interview at the *prefecture*. In this interview the civil servant does not only test the applicant's language proficiency but also his or her participation in French society by inquiring about contacts with native French and knowledge of French culture and values (Hagedorn 1998; Zoka 2002). Practicing polygamy or wearing a headscarf were sometimes judged to be a sign of insufficient assimilation (Weil and Spire 2006; Hagedorn 1998). According to Weil and Spire (2006) 40 per cent of rejected citizenship applications are turned down on grounds of insufficient assimilation or language proficiency. In 2003 knowledge of the rights and duties of citizenship was added to the criteria for assimilation into the French community.

Only recently has France introduced cultural requirements for residence permits. Since 2007 new immigrants have to sign a '*contrat d'accueil et d'intégration*' that requires them to take citizenship training and - if necessary - language courses. There is no formal test but non-compliance with the terms of the contract can lead to the refusal of a permanent residence permit (Michalowski 2007).

France has accommodated immigrant cultures only to a limited extent. After the end of immigrant recruitment in 1974 the government followed a two-tier strategy of facilitating integration for those who stayed and accommodating the retention of the ethnic

culture for those who would return (Weil 2004; Ireland 1994). In the 1970s a programme of mother tongue classes was set-up (*Enseignement de langues et cultures d'origine*, ELCO). These classes were available in public schools and during school hours, but they were organized and paid for by foreign governments (Boyzon-Fradet 1992). In the school year 1981/1982 4,382 Turkish pupils in public elementary schools attended mother tongue classes, which rose to 8,104 in 1988/1989 (ibid.)

In 1981, for the first time in decades, a socialist government came to power. Its Minister of Culture, Jack Lang, emphasized the right to be different (*droit à la différence*). Though meant as a means of institutional autonomy for the French regions, it was soon applied to immigrant integration issues (Favell 2001; Weil 2004). This application was however mostly rhetorical. Foreigners did receive the right to association and therewith became eligible for subsidies, but no other accommodative policies were introduced. While immigrant associations used *droit à la différence* as a slogan against assimilation pressures, Le Pen's extreme-right Front National hijacked the term and used it as proof that Muslim migrants did not want to become French (Favell 2001). With the right back in power and the reinvention of republican citizenship in the second half of the 1980s, the *droit à la différence* disappeared from the political stage and republican citizenship became the key frame in French integration debates (Favell 2001).

The public realm is seen as universal and free from cultural differences. This idea of France as '*une et indivisible*' has meant that no origin group based distinctions are made in policies and statistics. Once a person is eligible for citizenship either by birth in France and education in the French system, or by a minimum of residence and proof of assimilation s/he is officially regarded as French. A study published by Tribalat (1995) that included French citizens of immigrant descent as immigrants caused a lot of commotion, because it went against the ideology of a unified French nation (Doomernik 1998). These same ideas about unity were the reason that France in June of 1999 refused to sign the EU Charter on Regional Minority Languages since the term 'minority' was used in the document (Body-Gendrot 2005). Policies for disadvantaged populations are directed at areas (e.g. *Zone d'Education Prioritaire*, ZEP; *Zone Urbaine Sensible*, ZUS) and not at specific (ethnic) groups (see e.g. Costa-Lascoux 2006; Maurin 2004). After the suburban riots in 2005 then minister of interior Sarkozy suggested to implement a policy of affirmative action to help disadvantaged migrant youngsters. The preamble of the constitution forbids the distinction of French citizens on an ethnic basis, which renders affirmative action measures impossible. A committee has been asked to reformulate the preamble so that collecting data on ethnic background becomes possible. Though the idea of collecting data based on country of birth of parents is receiving more support, the general attitude is still that ethnic registration is dangerous and can cause cleavages and lead to discrimination (Figaro 8/12/2008). In June of 2009 president Sarkozy himself stated that no policy of affirmation action should be implemented in France because this 'contradicts our fundamental principles' (Libération 22/6/2009).

France has had an ambiguous attitude toward the incorporation of Islam (Maussen 2009; Kastoryano 2002a; Bowen 2007). The ambiguity is a consequence of the different traditions of State-Church relations that France possesses (Maussen 2009; Bowen 2007). France has a history of both religious cooptation and (strict) separation between State and Church. The first tradition is traced back to the Gallican Church from the thirteenth century when the French King introduced a church independent from Rome. In line with this tradition, Napoleon in 1801 introduced a concordat with the Catholic Church, to which Protestantism and Judaism were later added (Bowen 2007). The struggle against the influence of the Church eventually led to the 1905 law on the separation of Church and State that is now known as *laïcité*. The 1905 law did not put an end to all forms of religious cooptation. The French state finances the maintenance of religious buildings that were erected before 1905, and a 1919 law allows private religious-backed schools to apply for state funding. This is however on the condition that they provide only limited religious instruction and admit students of all confessions (Bowen 2007). So far there are three Islamic schools in France (Aubervilliers, Lille and Lyon) but none of them has a contract with the state about funding. What the exact reasons for this are, remains a topic for further study.

The position of Islam in France has both been influenced by the tradition of *laïcité* and by the tradition of religious cooptation (Maussen 2009; Bowen 2007). The policies and debates on outward expressions of Islam such as the headscarf have mainly been framed along the lines of *laïcité*. In 1989 there was a discussion regarding three girls who were expelled from public secondary school for wearing a headscarf. This incident became known as the *affaire du foulard*. There was political agreement that public schools should be free from religious symbols, however the left and right initially differed on whether the headscarf should be explicitly forbidden (Lettinga and Saharso 2009). At first the left believed that the socialising powers of the school would persuade girls to take off their headscarves. In the following years the resistance against headscarves in public schools grew (ibid.). Following the advice of the Stasi committee, the wearing of all ostentatious religious signs at public secondary schools has been forbidden since 2004. There has not been any debate on the wearing of headscarves by teachers. This is because this topic is beyond debate; different as the interpretations of *laïcité* may be, it is clear that a representative of the state wearing a religious symbol does not fit *laïcité*.

Following the tradition of cooptation, the left-wing Interior Minister, Pierre Joxe, created a Council to Consider the Place of Islam in France (CORIF) in 1990. In 1999 the government initiated a consultation on the development of a representative body for Islam in France (Maussen 2009). Finally, in 2003 the *Conseil Français du Culte Musulman* was installed as a representative negotiating partner of the government. The council is elected by the members of local mosque organisations. A further incorporation of Islam in France is the appointment of imams in the military and penal system in 2005.

2.4 Germany

More than in the Netherlands and France, the history of Germany is one of emigration instead of immigration. Massive flows of German emigrants went to Central and Eastern Europe and North-America. However, starting in the late 19th century many Polish workers travelled to Germany – or what was then the other end of the Prussian empire (Lucassen 2005). Soon after the Second World War, West-Germany was in need of foreign labourers. In 1955 the first recruitment agreement was signed with Italy, followed five years later by Greece and Spain. In 1960 the *Deutsche Verbindungsstelle* was established in Istanbul and in 1961 West-Germany was the first European country to sign a recruitment agreement with Turkey. Already in the 1950s there was some small scale Turkish migration of graduates from technical high schools who came to upgrade their education (Penninx 1982). In 1973 the economic crisis led Germany to end recruitment. By then the foreign population totalled four million people and Turks had become the largest group followed by Yugoslavians, Italians, Greeks and Spaniards.

During and after the guest-worker era, Germany applied strict rules regarding family reunification. Since the end of 1981 family reunification was limited to children under the age of 16 and only if both parents lived in Germany (Muus *et al.* 1983). In 1983 Germany introduced a law giving returning migrants a premium and early retirement funds. The law was in effect less than a year. Hönekopp (1987) has shown that, like in France, the law had but a modest impact on the number of returnees. He estimates that only 45,000 additional migrants returned. Böcker and Groenendijk also suggest that for Turkish migrants the law mainly affected the timing of departure and not so much the decision to return (2006).

In addition to guest-worker immigrants, Germany has received a large number of ethnic German immigrants, so-called *Aussiedler* and *Spätaussiedler*.¹¹ The Basic Law guaranteed all people of ethnic German descent, in the German Democratic Republic but also other Central and Eastern European countries, access to the (West-)German territory and citizenship. The Iron Curtain limited the flow of *Aussiedler* to Germany, but after the fall of the Iron Curtain *Aussiedler* came to Germany in large numbers. Between 1988 and 2005 a total of three million (*Spät*)*aussiedler* arrived. After implementation of a quota system in 1993 and the obligation to prove fluency in German in 1997 the inflow decreased.

Next to guest-workers and ethnic Germans, Germany has also received a high number of asylum-seekers. With almost 15 million people, the share of foreign-born in the German population was nearly thirteen per cent in 2005 (Mikrozensus 2005). Turks form the largest immigrant group, followed by people from the Russian Federation, former Yugoslavia, Poland and Italy. Much longer than the Netherlands, Germany however argued that it was not a country of immigration. Only in 2000, when the Süßmuth commission was

¹¹ Ethnic Germans who arrived after 1993 are called *Spätaussiedler*

installed to investigate the future of immigration to Germany, was this myth finally abandoned.

Individual equality dimension

Whereas France is often described as the European country with the most open access to naturalisation, Germany has often been juxtaposed as having rigidly closed legislation (Brubaker 1992). According to Brubaker, both mass emigration and the problematic assimilation of the large Polish immigrant population in the 19th century resulted in an ethnic self-conception of the German nation. The division of Germany following the Second World War left it a 'nation with out a state' again, which enforced the ethnic conception of citizenship (ibid.). The ethnic aspect of German citizenship law was reflected both in the relatively high barriers to naturalisation and in the strong *ius sanguinis* (blood right citizenship). Until 1993 people of German descent born outside of Germany (*Aussiedler*) could enter Germany without restrictions and were instantly eligible for citizenship. Other immigrants had to live in Germany for ten years before they could apply for naturalisation. The restricted access to citizenship for other groups of immigrants was seen as a logical consequence of not being an immigration country. The naturalisation guidelines that were in effect until 2000 read 'The Federal Republic of Germany is not a country of immigration; it does not strive to increase the number of German citizens by way of naturalisation. [...] The granting of German citizenship can only be considered if a public interest in the naturalisation exists' (cited in Hailbronner and Renner 1998: 864-866; my translation from the German). This stands in stark contrast to the French legislation and attitude towards naturalisation.

After the fall of the Iron Curtain and the reunification of Germany in 1990, the citizenship rights for ethnic Germans were restricted while the rights for other immigrants were extended. In 1991 immigrants who had lived in Germany for at least 15 years or who were aged 16-23 and had lived in Germany for at least eight years became eligible for naturalisation. In 1993 this was turned into a right to German nationality, as long as the applicant did not have criminal antecedents (Thranhardt 1995). The Citizenship Law that came into effect in 2000 provides a further liberalisation of access to citizenship. The law is a political compromise. Especially the Christian-Democratic CDU/CSU was not in favour of facilitating access to citizenship, especially in the form of *ius soli*. In 1997 CDU/CSU Party Leader Schäuble argued against *ius soli* because 'free admission to German citizenship has no value and represents no incentive for integration' (quoted in Green 2005, p. 935). This argument resembles the argument of Le Pen in France, with the important difference that Schäuble is not the leader of an extreme-right party, but of a mainstream party that is a frequent member of the government coalition (see also, Green 2005). Nevertheless the 2000 Citizenship Law introduced *ius soli* for the German born children of immigrant parents. Children of foreigners of whom at least one of the parents has legally resided in Germany for at least eight years and holds a permanent residence permit are

granted German nationality at birth. Though in a sense the acquisition of citizenship at birth makes the German law more liberal than the French law that grants citizenship at the age of majority, the limitations on the residence status of the parents meant *ius soli* applied to only 40 per cent of births to non-national parents in the 2000-2002 period (Green 2005). The 2000 law also lowered the residence requirements for the naturalisation of the foreign born to eight years. Contrary to the Netherlands, Germany does not allow welfare recipients to naturalise, unless they 'cannot be held personally responsible' for this situation (Koopmans *et al.* 2005).

The second generation that qualifies for *ius soli* German citizenship is allowed to hold dual nationality, but before they turn 23 they have to renounce their other citizenship or they will lose the German one. Dual nationality has led to intense debates in the German Parliament. Again it is the CDU/CSU that is most fiercely against the introduction of dual nationality, stating that dual citizenship conflicts with loyalty to Germany which they believe should be a prerequisite for naturalisation (Green 2005). In 1999 the CDU/CSU organised a successful public campaign against the inclusion of dual nationality in the new citizenship law. The 2000 citizenship law does however, include more grounds for exemption from the renunciation requirement. Between 1987 and 1999 dual nationality was tolerated in 23.4 per cent of all naturalisations (170,000 cases). Since the 2000 citizenship law this average rate has increased to 40 per cent (290,000 cases). Most of this rise is due to the automatic granting of dual citizenship to refugees. The *Länder* have some leeway in granting exemptions and the rate of toleration of dual nationality in 2005 varied between *Länder* from 20 to 50 per cent (Green 2005). For Turks dual citizenship was tolerated in 28.9 per cent of all naturalisations in 2000 (Böcker and Thränhardt 2006) but only in 15.9 per cent in 2006 (Statistisches Bundesamt 2007).

Because of the difficult access to citizenship the German naturalisation rate has historically been low. During the 1980s the naturalisation rate was about 0.3 per cent (Green 2005; Koopmans *et al.* 2005). The changes in citizenship legislation caused an increase in naturalisations, rising to 1.5 per cent in 1998 and peaking at 2.5 per cent in 2000 (see Table 2.1). This is however still well below the European average. In 2005 the naturalisation rate had again dropped to 1.7 per cent. Several authors have suggested that the long processing time of citizenship applications deters people from applying (Green 2005; Koopmans *et al.* 2005), others point to the requirement to renounce previous citizenship (Thränhardt 2008). Since 1993 the naturalisation rate of Turks has exceeded that of the total foreign population (Green 2003). Over the course of the 1990s the naturalisation rate for Turks increased slowly to a peak of 5.1 per cent in 1999. By 2005 the rate was down to 1.9 per cent again. The factors behind this movement in the naturalisation rate for Turks are discussed in Chapter 6.

Not only did Germany long have a difficult access to citizenship, it also provides non-nationals with limited protection against expulsion. Dependence on welfare is grounds for non-renewal of a residence permit or even for expulsion. Until 1991, long-term

residents could be expelled after being sentenced to prison for two years or more or a sentence of any length in the case of drug trafficking. This also holds for German-born foreigners. In 1991 the minimum prison sentence was raised to three years.

Like in France, foreigners in Germany are not allowed to vote in local or national elections. At the end of the 1980s three German *Bundesländer* introduced local voting rights for long-term immigrants. This was however declared unconstitutional by the Federal Constitutional Court. The local voting rights for foreigners from other EU member states were however not seen as unconstitutional. As a rule, foreigners cannot work in the civil service if the position falls under the civil service statute, the *Beamtentum*. Since 1993 EU citizens can be *verbeamtet*. In case of an urgent official need ('dringliches dienstliches Verhältnis') also non-EU foreigners can work in the civil service. This exception has been used by several *Bundesländer* to allow foreigners to work in the police force.

German legislation has provided a relatively moderate protection against discrimination. Germany did sign the International Convention on the Elimination of All Forms of Racial Discrimination but discrimination is not part of criminal law. In 2006 Germany reluctantly followed the EU Racial Equality Directive and Employment Framework Directive by implementing the General Law on Equal Treatment (*Allgemeines Gleichbehandlungsgesetz*, AGG). The AGG covers discrimination in both public and private sector based on among others race, ethnicity, and religion. Discrimination based on nationality is however not included in the law. Since 2006 Germany also has an *Antidiskriminierungsstelle* (ADS) that helps victims of discrimination. It can however not investigate or launch claims on its own account.

Accommodation of diversity dimension

Germany has taken an ambiguous stance towards immigrant cultures. On the one hand policies existed that accommodated the preservation of ethnic culture. These policies were both based on the assumption that these migrants would return to their countries of origin and on the view that ethnic belonging (*Volkstum*) was a vital part of the individual integrity of an immigrant (Schönwälder 2006). Thränhardt (2002) argues that this emphasis on the relation between immigrants and their culture fits with the ethnic tradition of the German nation state. On the other hand immigrants have been asked to give up their culture as a requirement to improve their residence status and to acquire German citizenship. Granting of citizenship was conditional on 'the voluntary and permanent commitment to Germany [...] judged from [the applicant's] fundamental attitude with regard to the German cultural realm [*deutscher Kulturkreis*]. A permanent commitment is principally not to be assumed when the applicant is active in a political emigrant organisation' (naturalisation guidelines, as cited in Hailbronner and Renner 1998: 866). The citizenship law that came into effect in 2000 abolished the requirement of identification with the German culture. At the same time, language criteria were formalised and a declaration of loyalty to the German constitution was introduced (Koopmans *et al.* 2005; Groenendijk *et al.* 2000).

The granting of a permanent residence permit is also dependent on German language proficiency. The 1991 Aliens Law stipulated that the applicant should be able to make him/herself understood in a simple, verbal manner (*sich auf einfache Art in deutscher Sprache mündlich verständigen*). Since 2005 all new immigrants from non-EU member states have to participate in a civic integration course. This course consists of 600 hours of language training and 30 hours of societal orientation (Michalowski 2007). In 2008 this was raised to a maximum of 900 hours and 45 hours respectively. The granting of a permanent residence permit is contingent on the successful completion of the civic integration course (ibid.).

The differentialist side of German policies is reflected in the organisation of social service provision according to origin group and the instruction in languages and cultures of origin (Brubaker 2001). The guest-worker groups were assigned to the three large organisations that are responsible for most of the welfare and social work along religious lines. The Catholic organisation was assigned the Catholic Italians and Croatians, the Evangelical organisation the orthodox Greeks and the Social-Democratic organisation the Muslim Turks. Though both the Netherlands and France also for some time believed that the stay of guest-workers was temporary and facilities should be available to preserve migrant culture, Germany went furthest in the application of this principle. In several German *Bundesländer* children of Turkish immigrants were educated in parallel classes that were completely in Turkish. In Bavaria this policy continued longest; well into the 1990s (Böcker 2004).

Germany has not been very forthcoming in the allowance of Islamic practices. The separation of Church and State in Germany has taken a different form than in France (Saharso 2007; Joppke 2007b). Christian denominations and the Jewish religion are officially recognised as corporations under public law (*Körperschaften des öffentlichen Rechts*). This means that the government levies church taxes for these religious communities, which provide their main source of income, and that they have the right to organise religious education in state-funded schools. Until now, Islamic groups have experienced difficulties to obtain these same rights (Mannitz 2004; Laurence 2006). Mannitz contends that Christianity is seen as vital trait of German culture (2004). Especially Christian-Democratic politicians have argued that Germany has a Christian tradition that should not be banned from public life. Contrary to France, Germany thus exhibits a particularistic or 'thick' self-conception. The differential treatment of Islam is also exemplified by the laws that have been accepted in five German States that ban teachers from wearing the headscarf but make an exception for 'Christian-Occidental' clothes and symbols such as the nun's habit (Saharso 2007; Joppke 2007b; Henkes and Kneip 2009). In a case against Baden-Württemberg, the Federal Administrative Court in 2004 ruled that a teacher can be barred for wearing the headscarf, but only if all religions are treated equal (Henkes and Kneip 2009). So far this ruling has not led to a change in the laws of the five states concerned. The idea that it is sometimes legitimate to make

distinctions is also reflected in the slow progress of anti-discrimination legislation (see above). On the other hand, no attempts have been made so far to introduce affirmative action legislation for ethnic minorities in Germany.

Though Germany does allow for the public funding of denominational schools, thus far only two Islamic schools receive (partial) public funding. Islamic religious instruction in public schools was first introduced in Berlin in 2002. Currently there are a handful of pilot projects of Islamic religious classes in elementary schools in several other *Bundesländer*. In 2005 the Federal Minister of the Interior, Wolfgang Schäuble (CDU/CSU) initiated a Conference on Islam (*Islamkonferenz*). Already in 2000 special Muslim councils existed in seven of the *Bundesländer*, but this was the first national attempt to consult Muslims. Conference members are not only representatives of Muslim organisations in Germany but also individuals who were invited to join on their own behalf such as Islam critic Necla Kelek. So far the Conference has had few results. In 2008 the *Islamkonferenz* made plans to look into the implementation of Islamic religious education in public schools, but it is not clear whether this will be implemented in all *Bundesländer*.

The *Islamkonferenz* is not the first structure of immigrant representation. Special foreigner councils (*Ausländerbeiräte*) represent foreigners at the local level. About four-hundred municipalities with a sufficiently large number of immigrants have such a council. The councils' role is limited to consultation on issues that concern foreigners (Koopmans *et al.* 2005).

2.5 The Netherlands

Because of its relative prosperity and tolerance the Netherlands have had a significant inflow of immigrants for several centuries. The Dutch colonial empire began to fall when Indonesia claimed its independence in 1945. This led to the immigration of Dutch-Indonesian repatriates, Eurasians, ethnic Indonesians who had worked for the Dutch government and came to settle in the Netherlands, and Moluccans who had fought on the side of the Dutch army and wanted to stay in the Netherlands only until the Moluccan republic could be founded. Later also many immigrants from the other (former) colonies Suriname and the Dutch Antilles arrived.

After the Second World War the government initially stimulated emigration to prevent the country from becoming overpopulated. Nevertheless, like in Germany and France the growing economy led to the recruitment of guest-workers. The Netherlands signed guest-worker recruitment contracts with Italy (1960), Spain (1961), Portugal (1963), Turkey (1964) and Morocco (1969). Recruitment was ended in 1974. In 1975 the left-wing Den Uyl government implemented a regularisation of irregular foreign workers. 18,000 people filed a request and most of them received a permit (Tinnemans 1994) including 5,640 Turkish immigrants (Dagevos *et al.* 2006). In 1975 Surinamese were the largest immigrant group, followed by the Turks, Germans, Moroccans, and Spaniards.

During the 1990s large numbers of asylum seekers started to arrive. In 2005 the share of foreign-born residents was little over 10 per cent (OECD). In 2007 the largest immigrant groups were respectively Turks, Surinamese, Moroccans, Indonesians, Germans and Antilleans (CBS, 2007).

Individual equality dimension

The 'fiction of impermanence' (Lucassen and Penninx 1997) that surrounded the guest-worker migrants was ended by a 1979 report of the Scientific Council for Government Policy (WRR, 1979). The council stated immigrants were likely to stay and that a policy should be implemented to help their integration. In 1983 the government responded to the report with the Minorities memorandum (*minderhedennota*). This memorandum outlined a policy of establishing equality before the law and improving socio-economic conditions. As part of a policy to create legal equality for immigrants, access to citizenship was facilitated in 1985 (Heijs 1995; Vink 2007; Entzinger 2003; van Oers *et al.* 2006). Since 1985 the second generation can opt-in to Dutch nationality between the ages of 18 and 25. Already since 1953 the third generation automatically obtains Dutch citizenship at birth. In 2000 the age-limit to opt-in to Dutch nationality for the second generation was removed, but the option right was made conditional on the outcome of a public order investigation (van Oers *et al.* 2006).

In 1990, debates started on further facilitating access to citizenship to improve the legal position of immigrants, by removing the requirement to renounce previous citizenship (Heijs 1995). In 1992, the renunciation requirement was removed. Dual nationality was however highly contested and by the end of 1997 the renunciation requirement was reinstated (van Oers *et al.* 2006). People who acquire citizenship through option (e.g. members of the second generation) are still allowed to retain their previous citizenship. In practice, since 1997 most people have been granted exemption from the renunciation requirement. In 2006, 62.7 per cent of all applicants kept their original citizenship (van Oers *et al.* 2006). The numbers of dual nationals has continued to rise from 600,000 in 1998 to over one million in 2006 (Nicolaas 2006).

After the removal of the renunciation requirement the naturalisation rate increased from 2.0 per cent in 1990 to a peak of 11.4 per cent in 1996. The naturalisation rate for Turks also rose and peaked at as high as 19.9 per cent in 1996. After the introduction of a formalised test of Dutch language proficiency and societal knowledge in 2003 (see below), the naturalisation rate has decreased to 4.1 per cent in 2005 (see Table 2.1). This is however still higher than the rate from the 1980s and about average for European standards. The naturalisation rate of Turkish immigrants in 2005 was 3.5 per cent.

The Netherlands provides non-citizens with a fairly good protection against expulsion. As in France, welfare dependence is not a ground for expulsion. For long-term residents the weight of a prison sentence is balanced against the period of residence. An instruction from 1990 suggests a minimum sentence of two years of prison for people

residing in the Netherlands for five years, and a minimum sentence of five years after ten years of residence (Groenendijk *et al.* 2000). In 2006 this instruction was adapted. After more than ten years of residence a sentence of at least three years is required for expulsion. Second generation immigrants cannot be expelled at all, nor can immigrants who reside in the Netherlands for more than twenty years (Groenendijk *et al.* 2000).

As part of the policy to improve the legal position of immigrants, not only access to citizenship was facilitated but also citizenship rights for foreign nationals. The Netherlands provides foreigners with more rights than Germany and France do. In 1985 non-citizens acquired the right to vote in local elections after five years of legal residence. Foreigners can also work in the civil service, except in the police force and the army.

The Netherlands has a relatively extensive anti-discrimination policy. Discrimination is included in criminal law and since 1994, with the law on Equal Treatment, also in civil law. This Equal Treatment law also covers discrimination based on nationality. Together with the law on Equal Treatment a Committee for Equal Treatment has been set up (*Commissie Gelijke Behandeling*, CGB). The CGB has no judicial power, but is nevertheless regarded as highly influential. This committee has continued to promote an expansive interpretation of discrimination on religious grounds and has in recent years several times ruled in favour of Muslim plaintiffs who demanded the right to wear headscarves or refused to shake hands with members of the opposite sex at the workplace.

Accommodation of diversity dimension

In none of the countries in this study the shift in policy discourse seems as strong as in the Netherlands. The centre-right cabinets of 2002-2007 that followed the Fortuyn-revolt (see Chapter 1, note 5) and especially the statements of minister of Integration 'Iron' Rita Verdonk are often seen as the final breach with the multiculturalist Dutch past. The cultural requirements for naturalisation and the acquisition of a permanent residence permit have been much raised. The 1985 citizenship act stipulated a reasonable knowledge of the Dutch language and being accepted in Dutch society as requirements for naturalisation (van Oers *et al.* 2006). In practice a modest informal language assessment generally sufficed. Between 1983 and 2003 not more than two per cent of applications were turned down on grounds of insufficient integration (*ibid.*), a much lower share than in France, especially in light of the higher naturalisation rate in the Netherlands. Following long debates on the language demands for naturalisation, a new naturalisation act came into force in 2003. The act introduced a naturalisation exam consisting of an oral and written language test at a much higher level than before as well as questions on Dutch politics and society. People who qualify for Dutch nationality through option (elderly, Dutch born, and spouses of Dutch citizens) do not have to fulfil an integration requirement.

The new naturalisation test builds on the requirement of the civic integration programme that was introduced in 1998. Because of high unemployment and labour disability claims, the Dutch social security system was reaching its limits in the 1990s. A

large-scale reform was set up that focused more on citizens' duties instead of their rights. The unemployed were no longer only seen as victims of bad economic tides but as citizens who should be encouraged to actively look for new employment. New laws obliged the unemployed to regularly apply for jobs or participate in job-training programmes. For immigrants, labour market problems were seen as largely due to insufficient language capabilities (Michalowski 2007). In 1998 the civic integration law *Wet Inburgering Nieuwkomers* was implemented. It mandated newly arrived immigrants to take part in up to 600 hours of language instruction and supplementary societal integration classes.¹² Immigrants who did not show up for the courses could be fined. Since 2007 new immigrants no longer have an obligation to attend a civic integration course; instead they must now pass a civic integration exam to be eligible for a permanent residence permit. Immigrants who want to come to the Netherlands for family reunification since 2007 have to pass a special civic integration exam in their country of residence before an entry permit can be granted.¹³ This exam tests oral Dutch proficiency and basic knowledge of Dutch society.

These developments and the accompanying discussions on the 'failure' of multiculturalism in the Netherlands have led to a reevaluation of the Dutch policy model. There is debate on whether accommodation of diversity is still widespread (Koopmans 2009) or whether multiculturalism has been on the decline already since the late 1980s (Duyvendak and Scholten 2009; Vink 2007). The 1983 minority memorandum (*minderhedennota*) is generally regarded as the start of Dutch multiculturalism. The memorandum suggested a policy that left room for the development of immigrants' own culture (Entzinger 2003; Vink 2007). Stimulating immigrant culture was not so much seen as a goal in itself but as a means towards emancipation. The government encouraged the founding of ethnic organisations, because it wanted to include these organisations as interlocutors in advisory boards (Duyvendak and Scholten 2009). The policy became known as '*integratie met behoud van eigen identiteit*' (integration with the preservation of migrants' own identity). Not all immigrant groups were entitled to this funding and consultation, but only those groups who were seen as at risk of marginalisation or groups towards which the government felt a 'special responsibility' such as the guest-workers, Surinamese and Antilleans (Entzinger 2003). Other groups, such as Chinese and Indonesians were initially not eligible. In this sense Dutch multiculturalism differs from for instance Canadian multiculturalism that is aimed at all immigrants.

Already in the early 1990s the Minorities Policy came under attack. Ongoing concern about high unemployment and poor school performance resulted in a stronger focus on the improvement of the socio-economic position of immigrants and their

¹² Citizens from the European Union, the European Economic Space, Switzerland and the United States were exempted from the obligation to participate.

¹³ Again citizens of European Union member states, the European Economic Space, Switzerland and the United States are exempted.

descendants. Critical debates started on the compatibility of immigrant – particular Muslim – and Dutch culture, that eventually turned into the ‘new realism’ discourse (Prins 2004) and fed the Fortuyn revolt (Vink 2007). Multiculturalism as explicit ideology ended with a 1994 government memorandum (Vink 2007; Duyvendak and Scholten 2009). Preservation of immigrant cultures was no longer seen as a terrain for government interference (Entzinger 2003). Nevertheless accommodation of immigrant culture remained part of the political discourse and actual policy practices. Roggeband and Vliegthart have shown that the multiculturalism frame stayed relevant in parliamentary debates between 1995 and 2005, though a restrictionist frame gradually gained ground (2007). In 1996, the Minister responsible for Minority Policies, right-wing liberal Dijkstal, noted ‘We all agree that minorities should be given the perspective of full participation in society and that pluriformity, mutual respect and maintenance of cultural identity, solidarity, tolerance and integration should be the core concepts of our policy’ (TK 1995-1996, 24401, no. 15: 7, quoted in Roggeband and Vliegthart 2007).

During the 1990s and especially since 2000 the role attributed to culture has changed. From being regarded as a means to emancipation, culture has more and more come to be regarded as (part of) the cause of many of immigrants’ problems. However the change in discourse has not led to comparable changes in policies. The post-1994 evolution of cultural and religious accommodation policies in the Netherlands can be seen as the result of a process of path-dependency. Historically the Netherlands had dealt with its internal pluralism by means of a system of “pillarisation” (Lijphart 1968). Each societal group (Protestants, Catholics, liberals and social-democrats) had its own societal “pillar”, with its own (state-funded) schools, hospitals, broadcasting organisations, and a range of other separate institutions. The Netherlands has rapidly secularised since the Second World War. This led to a decrease in parallel organisations, but many institutional structures still bear the marks of pillarisation. These structures have had an important impact on the integration of immigrants. Immigrant groups have been able to claim similar separate institutions and rights as those that have been historically claimed by Dutch religious groups. As a consequence, the Netherlands has a larger number of state-funded Muslim (and also a few Hindu) schools than any other European immigration country, currently about 40. In the media there is a broad spectrum of (partly foreign-language) programmes catering specifically to minority groups, some of which are produced by separate Muslim and Hindu broadcasting organisations. Although several scholars argue that minorities policy never aimed to form an Islamic pillar (Maussen 2009; Vink 2007; Duyvendak and Scholten 2009), the institutional arrangements from the time of pillarisation have provided ethnic groups with opportunities to set up their own institutions. Subsidies for religion based broadcasting corporations and schools still exist and, though sometimes disputed, there seems to be neither a majority to change the constitutional right to state funding for denominational schools nor for an overhaul of the broadcasting system. Another factor limiting policy change is the vested interests that actors have in the prolongation of certain

policies (Poppelaars and Scholten 2008). Mother tongue classes were initially set up to facilitate return to the country of origin. Contrary to Germany and France, these classes were paid for by the Dutch government and taught during regular school hours. As part of the changing focus on socio-economic integration, mother tongue teaching hours were reduced and made extra curricular in the second half of the 1990s, but it was not until 2006 that the classes were finally abolished. The structure of ethnic consultative bodies has also remained intact. In 1997 a new platform for the consultation for minorities on the national level (*Landelijk overleg minderheden*, LOM) replaced the organisation from 1985. Contrary to the German *Ausländerbeiräte* that represent all groups of foreigners in one advisory council, the LOM is made up of separate consultation bodies of each major immigrant group. In 2004 the LOM was extended with a new body of Chinese immigrants.¹⁴ Some of the local consultative bodies have been reformed into intercultural (i.e. representative of all groups in the municipality) bodies instead of along ethnic lines. In 2004, the Contact Council Muslims and Government (*Contactorgaan Moslims en Overheid*, CMO) became the official advisory council of Muslims in the Netherlands. The CMO is made up of representatives of the largest Sunnite mosque associations. In 2005, the Contactgroup Islam (*Contactgroep Islam*, CGI) that represents minorities such as the Ahmadiyya and Alevi, also became an official Muslim advisory council for the government.

Contrary to France and Germany, the Netherlands has introduced affirmative action programmes. In 1987 a programme was set up to stimulate the hiring of people from immigrant groups in the civil service. In 2004 the affirmative action law for the private sector (*SAMEN*) was withdrawn but replaced by an agency that helps companies diversify themselves. For the public administration and universities affirmative action programmes are still in place including a programme that awards special PhD scholarships to talented students of immigrant background.¹⁵

2.6 Conclusions

All three countries had assumed that the guest-workers would return and initially encouraged them to retain their culture and language. Return migration was however lower than anticipated and programmes to promote the return migration of guest-workers were largely unsuccessful. Instead, family reunification led to the growth of the guest-worker populations. The Netherlands and France soon acknowledged that at least part of the guest-worker population would stay. Germany on the other hand long denied the permanent

¹⁴ The current member organizations of the LOM are the Chinese consultative body, the Turkish consultative body, the consultative body for South-European communities, the consultative body of Caribbean Dutch (Antilleans), the Surinamese consultative body, the confederation of Moroccan Dutch, and the Refugee organizations Netherlands. Source: <http://www.minderheden.org/> Last accessed: 23 July 2009

¹⁵ Students from EU-member states, the United States, Canada, Australia, New Zealand, and Japan are not eligible for these scholarships. [http://www.nwo.nl/files.nsf/pages/NWOP_65XJTP/\\$file/Mozaiek%202009%20NL.pdf](http://www.nwo.nl/files.nsf/pages/NWOP_65XJTP/$file/Mozaiek%202009%20NL.pdf) Last accessed: 23 July 2009

presence of a large immigrant community, though at the local level some pragmatic integration programmes such as languages courses were set-up (see e.g. von Oswald *et al.* 2003).

The policy developments on the dimensions of individual equality and accommodation of diversity show change and continuity in all three countries. Though some debates bare resemblances across countries - e.g. the accommodation of diversity, the allowance of dual citizenship - important differences can be discerned. In part, these differences flow from distinctive nation-building histories and are perpetuated by mechanisms of path-dependency that limit the possibilities for policy change. Not all changes in debates are translated into policies, and even when this translation does take place it is sometimes frustrated at the implementation level (Poppelaars and Scholten 2008).

As Marcel Maussen remarks, immigrant integration discourse in France has been marked by 'rhetorical consistency' since the mid 1980s (Maussen 2009: 256). French policies centre on the republican citizenship and a unitary public sphere. Though citizenship access led to heated debates in the 1980s and 1990s, these debates were limited to whether the second generation should receive French citizenship automatically or after signing a formal declaration. The latter would result in an opt-in model (like the Dutch model) instead of an opt-out model. Over the course of the past two decades, France has strengthened its anti-discrimination legislation, which, at least in theory, further improves the equality of people from immigrant backgrounds. To be a citizen means to break with a particular culture and self-understanding before entering the public realm that is defined by values that are considered universal. The flirt with *droit à la différence* in the 1980s barely materialised in policy changes. A 2004 law forbids secondary school students from wearing a headscarf and in other areas France has also shown little accommodation of immigrant culture and religion. Despite an emphasis on *laïcité*, the French state has attempted to cooptate Islam (Bowen 2007). The institution of a Muslim Council in 2003 is not so much a break with a *laïc* past as a continuation of the tradition of state cooptation of religion (Maussen 2009).

Since reunification, German policies have moved away from an ethnic conception of citizenship, though with an eight year minimum residence requirement and limited acceptance of dual citizenship, barriers to naturalisation are still higher than in France and the Netherlands. One of the reasons why the 2000 Citizenship Law has not led to a surge in naturalisations is the implementation of the law at the local level. Where some federal states use the new legislation to stimulate citizenship acquisition, others try to limit it by assigning few civil servants to the naturalisation department which increases processing times, and by being as rigid as possible in allowing dual citizenship (Thränhardt 2008). In the development of anti-discrimination laws Germany still falls (far) behind on the other two countries. Citizenship rights for foreign nationals, in particular protection from expulsion, are significantly more limited than in the Netherlands.

Germany has an ambiguous stance toward immigrant cultures and religion. While French policies go beyond not accommodating cultural difference in the sense that they often consist of a denial of difference, German policies might not extensively accommodate differences but there is certainly no denial of their existence. Though in some aspects, such as mosque construction and burial practices, Islam is more accommodated in Germany than in France, an important difference is the differential treatment of Islam and Christian denominations and Judaism. Islam does not possess the same privileges as the denominations that are state-recognized. In anti-veiling laws, several federal states have attempted to privilege Christianity.

Compared to France and Germany, policies in the Netherlands express the highest degree of individual equality. Until 2003 it had both easily accessible citizenship and local voting rights and access to civil service jobs for non-citizens. Even though policies have since 2002 moved toward monism, the degree of accommodation of ethnic and religious diversity in the Netherlands is still much higher than in Germany and France. This is in part because several accommodative measures, most notably ethnic and religious broadcasting corporations and publicly funded denominational schools, are grounded in the long political and legal tradition of pillarisation. In the 1980s immigrants' right to live out their cultural heritage was discussed both in France and in the Netherlands. However the Dutch political and legal tradition of pillarisation made it easier to translate these debates into concrete policy measures than the France history of state-building based on forging a unitary public sphere. The legal and political heritage from the time of pillarisation and the vested interests of policy partners make it hard for the Netherlands to move completely away from pluralism. The same path-dependent mechanism operates in the upholding and expansion of immigrant and Muslim consultative bodies. In current political debates, cultural diversity is still seen as an important factor in immigrant integration, though this factor is now increasingly seen in a negative light.¹⁶

In the following chapters the extent to which different policy mixes in France, Germany and the Netherlands have indeed led to different degrees of host culture adoption and ethnic retention in the three countries will be investigated.

¹⁶ Jan Rath (1991) asserts that already in the 1980s cultural difference, or cultural non-conformity, was seen as a cause of socio-economic disadvantage. However at that time many policy-makers and politicians believed that immigrants could improve their position by means of separate institutions (1991: 16).