Neoliberal communitarian citizenship - Current trends towards ‘earned citizenship’ in the United Kingdom, France, and the Netherlands

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Published in International Sociology 26 (3): 408-432

Abstract:

As Western European nation-states adapt to the challenges posed to the nation-state by globalization and immigration, adjusting citizenship criteria for immigrants has been one of the responses to these developments. In this article, we compare the current changes in citizenship policies of three Western European states: the United Kingdom, France, and the Netherlands. Our main concern is to shed light on the emerging development of a form of neoliberal communitarian citizenship that involves an increased emphasis the need to earn one’s citizenship. While many have signaled a shift towards neoliberal citizenship, we assess to what extent such a shift is characterized by a contractual view that sees citizenship no longer primarily as a prima facie right but as a prized possession that is to be earned and can be lost if not properly cultivated. At the same time, we analyze the content of citizenship criteria to see how the nation-state in these three countries is sacralized by an emphasis on the national community. We conceptualize these two trends of earned citizenship as neoliberal communitarianism.

1. Introduction

For some decades now, citizenship has been of renewed interest both in scholarly discussions and in political debates (cf. Kymlicka and Norman 1994; Van Gunsteren 1998; Shafir 1998; Isin and Wood 1999). Scholars have argued that both internal and external pressures on nation-states have led to the development of adaptation mechanisms, wherein citizenship occupies an important place. Internal pressures such as the issues of ageing populations, changing family structures, unemployment, criminality, immigrant integration, and social cohesion, have constituted a predicament for nation-states and incited a critique of the strategy of “welfarism” (Rose and Miller 1992). Roche (2002) analyzed these adaptation mechanisms among which citizenship occupies an important place and called them new “social contractualist” politics. He further argued that as nation-states face similar internal challenges, their responses resemble each other, which in turn leads to policy convergence. Still, divergence in policies partly remained which has been explained by politico-cultural and institutional path-dependency (Roche 2002).

As to the adaptation by nation-states to external pressures, the process of globalization, often referred to as “time-space-compression” (e.g., Harvey 1990; compare Schinkel 2009), is often seen as a phenomenon that has raised the popularity of the notion of citizenship (cf. Brubaker 1989; Van Gunsteren 1998; Hall 2002). Globalization and migration has brought about challenges to the nation-state which led for instance to the adjustment of citizenship criteria (Jacobson 1996; Yuval Davis 1999; Benhabib 2004; Sassen 2006; Bloemraad, Korteweg and Yurkadul 2008; Schinkel 2009). Analyzing the national mechanisms of adaptation, some scholars argue the decline of distinct national models of inclusion and exclusion, pointing at the convergence of policies (e.g. Joppke 2007a, 2007b),
while others, pointing at politico-cultural or institutional path-dependency, suggest that this claim is overstated (Jacobs and Rea 2007).

In this article, we compare the current developments in citizenship regimes of three Western European states: the United Kingdom (UK), France, and the Netherlands. We build on the recent debates on the transformation of for example citizenship policies in Europe, which have sought to analyze the shift towards assimilationism (cf. Balibar 1991; Modood and Webnner 1997; Zolberg and Woon 1999; Brubaker 2001; Wieviorka 2005; Grillo 2007; Joppke 2007a; Schinkel 2008). Our theoretical contribution to this debate consists of the application of the later work of Michel Foucault. An interesting way of ‘taking Foucault into the field’ of migration and citizenship is to analyze civic integration courses as manifestations of power (Löwenheim and Gazit 2009). Another way of adopting Foucault’s governmentality perspective is by incorporating the insights of scholars working in ‘governmentality studies’ (e.g., Burchell et al. 1991; O’Malley 1992; Dean 1999; Rose 1999; Miller and Rose 2008; Donzelot and Gordon 2008) and using the conceptual triangle Foucault introduced to differentiate between his archeological and genealogical approach.

From a governmentality perspective citizenship can be regarded as a technique of “governing a global population of thousands of millions by dividing it into the smaller subpopulations of particular states” (Hindess 2000: 1487). Citizenship is thus seen as a “dividing practice” (Dean 1999: 133) or a “marker of identification” (Hindess 2000: 1487). By governmentality Foucault denoted, among other things, “the ensemble formed by the institutions, procedures, analyses and reflections, the calculations and tactics that allow the exercise of this very specific albeit complex form of power, which has as its target population, as its principal form of knowledge political economy, and as its essential technical means apparatuses of security” (Foucault 1991: 102). Foucault introduced his governmentality and genealogical approach providing us with some conceptual tools while at the same time distinguishing it from his earlier archeological approach (cf. Foucault 1966). Like Foucault we are concerned with the triad of the techniques of power, the political programs and guiding strategies, which have been taken up by Donzelot (1979; cf. O’Malley 1992). These three elements, strategies, political programs, and techniques, vary according to the level of abstractness (see also O’Malley 1992; Rose, O’Malley and Valverde 2006). Strategies are the more abstract theories or formulae of government dealing, for example, with relationships between state, market, society, and citizens (e.g. “welfarism”: Rose and Miller 1991: 22). Political programs are the generators of action using “problematization” (Burchell 1993) and ‘ends’ or ‘objectives’, as such delineating a field of problems and practical objects for intervention enabling the more concrete techniques of intervention. Techniques are the concrete ways of intervention aimed at the management of the population (e.g. the panopticon as technique of disciplinary power: O’Malley 1992: 258).

The main issue is thus how is citizenship used as a technique of population management in the political programs of different countries concerning immigration and integration? In other words, which criteria of acquisition of citizenship are used by states and by which strategies are they guided? In answering these questions we first describe the main strategies of population management in Western-European states: neoliberalism and communitarianism. Subsequently, we describe the political programs of citizenship with regard to the issues of immigration and integration in three countries namely the UK, France, and the Netherlands. Using the governmentality perspective on migration, integration, and citizenship policies, we highlight three intertwined processes as deduced from the political programs of citizenship in these three countries: 1) (re)formulations of social contracts between (potential) citizens, civil society, the state, and the markets; 2) a renewed sacralization of the nation, and 3) a form of citizenship that involves an
increased emphasis the need to earn one’s citizenship. We call the strategy arising out of these new techniques used by the three states neoliberal communitarianism. We argue that neoliberal communitarianism leads to convergence in policies of citizenship in these countries whilst allowing space for divergence based on politico-cultural and institutional path-dependency.

2. Neoliberalism and Communitarianism as Strategies of Population Management

In line with Foucault’s ‘methodological nominalism’ (Foucault 2008: 2-3), we assume that the specific content of citizenship in time and space depends on the political programs and strategies. The dominant strategies at a particular time and context is manifested in the layers added to citizenship (Marshall 1963), the role citizenship plays as mechanism of division (Dean 1999: 133), and the moral images of good and active citizens vis-à-vis risky or inactive citizens which are constructed in the political programs (e.g., Lockwood 1996; Dean 2007). The main twentieth century strategies of population management in Western Europe were communism, liberalism, fascism (Italian and national-socialistic fascism), and welfarism. The main contemporary strategies (or ‘formulae of government’) in Western Europe are neoliberalism and communitarianism (e.g., Mulhall and Swift 1996). From a governmentality perspective, both neoliberalism and communitarianism are considered to be ‘actually existing’ formulae of the government of selves, others, and the state as manifested within specific political programs and techniques of intervention. Although analytically helpful, it must be recognized that the concepts of strategy, political programs and techniques are empirically fuzzy. There is no clear top down movement as if some actor is developing a strategy, while based on this another actor develops a political program and yet another actor uses this to implement some techniques. Rather, new manners of governing are invented in an ad hoc way (cf. Rose 1999: 27). Like a rhizome this triad emerges, linking different actors, ideas and documents. In contrast to perspectives in political philosophy, we are not concerned with moral issues of a ‘fair and just society’ or ‘the right relation between the state and citizens’. Instead, from a governmentality perspective we consider these normative standpoints as fundamental points of departure for strategies of population management. Focusing on the practices of neoliberalism and communitarianism makes it possible to incorporate ‘path dependency’ in our analysis (cf. Brenner and Theodore 2002). However, we first need to describe neoliberalism and communitarianism as strategies of population management. We do so by providing a ‘sensitizing description’ rather than giving a reifying ‘definition’ (Blumer 1954).

Neoliberalism is a strategy of population management often regarded to have arisen as a reaction to the paternalist and coercive strategy of welfarism (leftist critique) and a critique of the expanding welfare state (conservative critique) (e.g., Roche 2002, Foucault 2008). The underlying moral image of individual is one of the autonomous, free, rational, and self-regulating citizen who disciplines her/his nature under the influence of the civilization processes s/he underwent (Dean 1999). From a neoliberal strategy citizens need to become active parties entering contracts between the state, society, markets, and citizens (Rose 1999: 165). Citizens are called to assume responsibility in regulating themselves, their children, and their neighbourhoods (cf. Dean 1999: 166-171). Such ‘responsibility’ is a crucial concept in a neoliberal strategy. An important question then becomes: ‘Do we see an influence of a neoliberal strategies on political programs on citizenship in relation to integration and immigration?’. In other words, ‘Is there a neoliberalization (in the form of a contractualization) of citizenship?’
Communitarianism, on the other hand, is a strategy of population management developed partly as a critique of (neo)liberalism in the 1980’s (Mulhall and Swift 1996: XII). Delanty (2002) distinguishes a communitarian strategy from both a neoliberal strategy and a socialist strategy. Communitarianism can be distinguished from (neo)liberalism since it focuses on the community instead of the individual and contracts between them. Communitarianism can also be distinguished from a socialist strategy as it focuses on culture more than on material strategies. The key issues are thus the community, common values, and the commitment of individuals to endorse and defend these values (Etzioni 2007: 359). As Rose (1999: 176) argues, one way to understand communitarianism is as a strategy which seeks to “govern through community”. An important question then becomes, ‘Do we see the emergence of a communitarian strategy in the political programs of citizenship in relation to integration and immigration?’ or ‘Is there a communitarianization of citizenship?’.

In the following sections we look into the recent trends of the political programs of citizenship in the United Kingdom, France, and the Netherlands. Whilst analyzing the specific conceptualizations of citizenship in these three countries, we primarily concentrate on the criteria for obtaining citizenship. Our main focus lies in analyzing the dominant representations of citizenship in the latest legislative texts and policy documents. While assessing these developments, we also refer to the historical traditions of citizenship in order to interpret the current trends in their national contexts. We first discuss developments in the direction of a contractualization of citizenship. Then, in the fourth section, we discuss a parallel process of sacramization. In the fifth section we outline the emerging idea of earned citizenship in the countries we study and the sixth and concluding section outline neoliberal communitarianism as an emerging political strategy.

3. Contractualization of Citizenship

The striking characteristic of the new citizenship regimes in Western Europe is that citizenship is presented and wrapped up as a form of contract between the prospective citizen and the state. According to this contract, the applicant accepts the responsibilities that need to be undertaken in order to acquire the citizenship in question. Only when the responsibilities are fulfilled is the individual entitled to the status of citizenship together with all the benefits that come with it. Using of the technique of a contract is often recognized as part of a neoliberal strategy, all the more in cases where the state also involves the (local) community or private parties in terms of sharing the responsibility in this citizenship process (cf. Rose 1999: 165, Yeatman 1998). Though this neoliberalization is a common trend in the three countries we study, there are variations in the extent to which the contract between the state and the prospective citizen is viewed as consisting of mutual responsibilities. This is where national elements of communitarianism enter the equation.

United Kingdom – A New Deal for Citizenship

Historically, the focus of British conception of citizenship has not been contractualist. Instead of rights (and responsibilities), British citizenship is based on privileges which may also be extended to non-citizens (Everson 2003: 78). The new citizenship system, however, presents a sort of contract, a “deal for citizenship” in its own terminology, which matches the rights and benefits of citizenship with the responsibilities and the “right contribution” of

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1 Our analysis excludes asylum seekers and refugees since they still enjoy a special status and are exempt from most of the requirements that economic migrants and family members are expected to fulfill.
the individual which will lead to full citizenship (meaning the whole package of rights and benefits). The journey to British citizenship consists of three stages: temporary residence, probationary citizenship, and British citizenship/permanent residence. Temporary residence is the initial settlement period of the migrant during which the requirement to progress consists of economic contribution and/or self-sufficiency. The most interesting category is the provisional stage of “probationary citizenship” when individuals are expected to “integrate fully into British society” and to “demonstrate they have earned their right to British citizenship.” Concretely, the requirements are listed as:

- proficiency in the English language and knowledge of life in the UK
- paying taxes, economical self-sufficiency, demonstrating genuine relationships
- obeying the law
- joining in with the British way of life (active citizenship).

The deal consists therefore of responsibilities on the part of the individual until s/he completes the journey to citizenship and becomes a British citizen or permanent resident.

A defining element in British citizenship and immigration policy is labor market considerations (Geddes 2003). Within this economic conception, (to-be-)citizens are viewed as human capital turned on (post-WW2 rebuilding of the economy, to be competitive in the global world economy) or off (in times of economic crises such as oil crisis in the mid-1970s, begin 1990s, currently) at the will of the British government. The sense of economic pragmatism in British policy is demonstrated through the expression of the perceived needs of the British economy, framed as “national interests”, where immigrants are admitted and offered citizenship as contributors to the British market with their labor and taxes.

In the post-WW2 context, the economy is furthermore to be understood in the broader context, including the building, extending, and shrinking of the British welfare state since this also corresponds to the rights connected to citizenship (Delanty 1996, Roche 2002). The heyday and crisis of social rights are linked directly to the progression of the welfare state (Marshall 1963). Currently, it is essential that migrants do not constitute a burden to the welfare system. As such, they prove themselves to be self-sufficient individuals and “pay their way” into citizenship. Only when citizenship is earned does the migrant have full access to the benefits of the welfare system, such as social housing, etc. Social rights are thus clearly earmarked as rights to be earned.

At the institutional level, an interesting element with regard to the developments in the citizenship field is that integration and cohesion are primarily expected to come into life and to be shaped at the local community level (Back, Keith, Khan, Shukra and Solomos 2002: 447). The setting up of the Commission on Integration and Cohesion in 2006 can be seen as a demonstration of this trend. The Commission, a fixed term advisory body, was set up with the aim of relying on local experience and expertise in order to develop practical approaches to managing diversity in communities across the UK. Integration and cohesion

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3 ibid, p. 22.
4 idem.
5 Randall Hansen (2000) rejects this reading and argues that even the Ministry of Labour has consistently been opposed to an expansive migration policy.
6 The Path to Citizenship, op. cit., Chapter 5.
is yet another policy area where “the responsibility for progress is increasingly offloaded [from the national government] on to the individuals, communities, cities or regions” (Back et al.: 448). The largest share of the responsibility, however, falls on the shoulders of individuals who need to behave to be worthy of becoming citizens or of being good/active citizens.

France – An Obligatory Contract for Newcomers

In France, the path to citizenship also goes through an integration process which is guided by the Contract of Reception and Integration (Contrat d’accueil et d’intégration or CAI). Introduced in 2003, CAI consists of a three-module integration package (including the sub-modules French language, civic formation, and living in France). Despite the fact that it is called a contract, the signing of this contract and fulfilling its requirements are not voluntary and have been officially made obligatory in 2006. Furthermore, the renewal of residence permits is linked to the completion of the courses. As such, these contracts demonstrate a clear shift from the concept of denizenship/citizenship as a right deriving from residing on French soil to a prize or a virtue to be earned by showing the possession/knowledge of the ‘right’ skills and values.

To begin with, the title of this document resonates well with the French concept of nationhood originating in the idea of the daily plebiscite to belong to the nation (Renan 1882) and the social contract idea of Rousseau. That is why the French Haut Conseil d’Intégration initially embraced the idea of these contracts since a contract would imply a voluntary agreement that the state and newcomer sign mutually (Joppke 2007a: 12). A mutual voluntary commitment would thus lay a good foundation for citizenship. By signing the contract, the French state and the newcomer agree on their mutual integration duties. The state finances and organizes the integration track of the immigrant. The OFII is responsible for the first contact with the newcomer where the content of the contract is explained, for determining the needs of the newcomer, for organizing the courses the immigrant needs to take, and for monitoring the progress of the individual. The newcomer is responsible for attending the language and civic knowledge courses and taking an elementary French language test (if s/he was obliged to take French courses in the first place). The fact that the French government pays for the courses and checks on their attendance gives a clear sign of their commitment to integration. As long as the government continues to limit the monitoring of integration to the objective requirement of participation, the duties of the immigrant are clear cut. Only the conscious unwillingness to respect the contract (non-respect manifesté par une volonté caractérisée) may have implications for the renewal of the residence permit. Yet, given the French legislation in this domain has been changing at a growing

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9 High Council of Integration.
10 The OFII official also determines at this point whether the person needs to take a French language course and has the discretion to dismiss those who have a satisfactory level of French. In the Netherlands, the government official can only dismiss an individual if s/he can prove her/his level of Dutch with an official certificate or diploma.
11 The language requirement is interesting in the French case since most immigrants to France can already speak the French language due to the French colonial legacy. This is also demonstrated by the fact that 69.3% of the signers of CAI were already competent in French. See ANAEM, Direction des statistiques, des études et de la documentation, 20 novembre 2006, Juillet 2003-Novembre 2006: 200 000 Contrats d’accueil et d’intégration signés p. 11. Language does not constitute a high hobble in France whereas it is a big issue in Germany and the Netherlands where most immigrants do not speak the language and have to follow intensive language courses to be able to reach a basic level that enables them to participate in the labor market (Joppke 2007a: 9-10).
speed and becoming stricter in the last few years, it remains to be seen if further proofs will be asked to earn French citizenship.

An emphasis on the duties (next to the rights) attached to citizenship is not a novelty in terms of the French republican citizenship. The novelty lies more in the duties attached to obtaining citizenship (and permanent residence), whereby the newcomer has to now prove that s/he has earned the right to stay and reside in France. These duties are laid out in the CAI which signals to the newcomers that they have a responsibility to integrate in that they are expected to “find their place in French society”.12

The Netherlands – A New Social Contract & civic integration contracts

As several scholars have noted, in the Netherlands a shift occurred from pluralist (1980’s) to universalist (1990’s) to assimilationist (2000 onwards) policy/discourse (Joppke 2004; Schinkel 2007; Spijkerboer 2007; Vermeulen 2007; Scholten 2008). Focusing on the genesis of the ‘civic integration contracts’, it can be said that they were born in the 1990’s. In this period ‘citizenship’ became the leading principle of the current ‘integration policy’.13 This meant a break with the pluralist period before, where “group wise emancipation in the socio-economic domain” was combined with a “government-felt responsibility” to achieve this goal (e.g., Driouichi 2007). With citizenship as the leading principle, the central government expressed its claim that immigrants had to take responsibility for integration themselves, but it also articulated the responsibility of local governments.14 This shift occurred due to situational factors such as high unemployment among the immigrant-Dutch (e.g., Joppke 2007b: 5-6) and cultural-political factors (e.g. changing government coalition) (cf. Brubaker 1992: 159-164). In 1994 the Dutch government formulated the need for ‘civic integration contracts’ and its new policy path towards decentralization, “responsibilization” (cf. Burchell 1993) and “individualization”.15 In this context the ‘technique’ of the contract, came up and regulated the rights and duties of the contracting parties.

From 1996-2004 local governments were obliged to offer civic integration courses to newcomers.16 Initially the civic integration contracts were accepted voluntarily by newcomers.17 However, since the Civic Integration Newcomers Act (CINA) (Wet Inburgering Nieuwkomers) has come into force in September 1998, newcomers are obliged to follow the civic integration courses.18 With CINA a newcomer whom arrived in the Netherlands has to report immediately to the local government. The local government has to investigate the background of the newcomer, the newcomer’s cognitive skills such as her/his mastering of Dutch language, and it has to estimate the risk of the newcomer taking a socially disadvantaged position that can potentially lead to claiming state assistance.19 Based on this individualized inventory a civic integration program is set up. In the 1990’s the courses focused on learning cognitive skills such as the Dutch language in order to enhance the

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12 Contrat d’accueil et d’intégration (emphasis added).
14 ibid., p. 28
19 Ibid., art. 4.
potential to sustain oneself independently in Dutch society and obtain a place in Dutch socio-economic sphere (e.g. the labour market) (cf. Joppke 2007b; Fermin 2009). If a newcomer does not comply with this requirement, a financial sanction is applied which is determined by the local authority.

It can be argued that the ‘civic integration contract’ was born as a technique regulating the changing relations (rights, duties and ideal types) between states, local governments, the market, citizens, and potential citizens. In addition to this, two further observations must be made. Firstly, it can be argued that the universalistic path taken in the 1990’s meant both an individualizing and responsibilizing way of managing (ethnic- or sub-) populations. It was therefore a mutation in policy and political programs. This was based on a neoliberal strategy, which continued in 2004 when the civic integration courses were released to the invisible hand of the free market. Since 2004 market parties are the new partners in the civic integration contract based on the twofold assumption of free choice of the immigrant to choose his own course and the optimalization of the price-quality relation. However, next to this discontinuity in the 1990’s also some continuity remained: In the 1990’s the focus was on socio-economic integration. As we will describe below, both the content and the focus will change in the late 1990’s under influence of the process of ‘sacralization’ and the increasing need to earn one’s citizenship.

Secondly, the technique of the contract has wider applicability in the Netherlands. For example, the “New Social Contract” formulated by the Dutch government deals with the need to change this relationship in terms of the reciprocal rights and duties of the state and its citizens and to accommodate this relationship to the 21st century (cf. Ossewaarde 2007). The Dutch Cabinet formulated a new perspective on governance in its 2003 “Cabinet’s perspective Different Government” (Kabinetsvisie ‘Andere Overheid’), that was followed by the 2005 action program “Exploring Citizenship and Different Government” (Verkenning Burgerschap en Andere Overheid). Both documents deal specifically with a new social contract that is “meant figuratively, as used by J.J. Rousseau in ‘Du contrat social’”. In these documents it is argued that the government, in its strive for the common good, needs active citizens and good citizenship: “when government and citizens need each other to guarantee the common good, active citizenship is expected of citizens. Good citizenship is indispensable for society.”

The good citizen is defined as the citizen who “is able to cope for him/herself, has reached the age of majority, who is committed, which expresses itself not in the first place with claims, demands and appeals against the government, but in societal self-organization and initiatives.” This explicitly applies to the new generation of citizens, namely the youth and newcomers. It is argued that civic integration and ‘citizenship building’ cannot be achieved without obligatory requirements and the duty of taking responsibility for oneself.

In the following paragraphs we will describe how this

20 Ibid., art. 5.
21 Ibid., art. 18.
25 ibid, p. 5.
26 Dutch Cabinet, 2003, p. 5.
27 Dutch Cabinet, 2005, p. 13
28 ibid, pp. 13, 16.
perspective combines with the specific and changing content of the contract according to new problematizations and political programs under the headings of ‘sacralization’ and the need to ‘earn’ citizenship.

4. Sacralization of Citizenship

The technique of sacralization means to separate the sacred from the profane by commanding respect for the sacred object due to its privileged status (Brubaker 1992: 147). The sacralization of citizenship is closely linked to the contractualization of citizenship but refers to the criteria of citizenship that need to be fulfilled which are specifically related to the membership of the nation-state in terms of cultural and moral criteria. Furthermore, these cultural criteria are often presented as a precursor to an autonomous functioning individual in society. In this sense, the convergence consists of the increased value attached to the national identity and to national values in demonstrating one’s progress towards citizenship. The cultural components serve multiple purposes: for testing knowledge of the country, for showing loyalty to the dominant values, and finally for creating an ideal image of the citizen and the contributions s/he is expected to make to the national community. These emphases in turn point to the communitarian underpinnings of earned citizenship. How these requirements are translated into citizenship practices is highly colored by what is considered to be representative for the nation-state in question. This becomes also visible in the content of citizenship courses and/or tests. National symbols and citizenship ceremonies are also to be seen within this framework and are also on the rise.

United Kingdom — Active Citizenship as a British Value

Language is presented as a precursor to integration into British economic and community life.29 Only when an individual speaks English30 can s/he be self-sufficient in the daily public activities. Language proficiency is also seen as a prerequisite to contacts in the community of residence. To foster the use of English, the British government not only encourages local communities to provide for English lessons, which need to be financed by the participants themselves, but it also invites them to limit the translation of documents (which would also help them to reduce their translation costs).31

The knowledge of life in the UK that an aspiring citizen is expected to possess includes basic knowledge on British history and institutions (political, economic, social, and legal).32 This type of information is partly practical and necessary for surviving in the new country of residence. Besides, this is the sort of information that is seen as crucial in facilitating meaningful civic (political and civil society) participation. The value attached to this knowledge is confirmed by the fact that this knowledge has to be proven by passing the ‘Life in the UK Test’ for those who wish to become British citizens (since 2005) and permanent residents (since 2007).

Though formal proficiency tests can be seen as formalistic requirements that may be considered as standardized prices to pay for citizenship, economic self-sufficiency, law

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29 The Path to Citizenship, op. cit., Chapter 2.
30 Alternatively Scottish or Welsh.
31 Commission on Integration and Cohesion, 2007, Our Shared Future, p. 73.
obedience, and active citizenship constitute rather prescriptive requirements that require potential permanent residents and citizens to (only) positively contribute to British life. In their journey to citizenship, the UK monitors individuals in terms of their positive and negative contributions to the community. Whereas committing a crime can lead to a halt or stop in the journey (i.e. deportation in case of serious crimes), voluntary community work adds up positive points and fastens progress towards citizenship.

Especially in the last stage towards citizenship, the period of “probationary citizenship”, the aspect of positive contribution becomes the most important. This is when active citizenship comes forth as the ideal form of citizenship. Interestingly, joining the British way of life is almost equated with active citizenship. As such, playing an active role in one’s community, for instance through voluntary work, is expected from all citizens. As a citizenship criterion, it is not obligatory but highly appreciated. In practice, this means that a candidate citizen can earn points with it and will thus accelerate her/his progress towards citizenship.

By fulfilling the formal requirements and passing the necessary tests, the prospective citizen has thus to prove s/he has earned citizenship. As to the symbolic aspect of acquiring citizenship, the UK has been requiring an oath of allegiance for new citizens that has been introduced with the Nationality, Immigration and Asylum Act of 2002, but since 2004 this has been transformed from a private act privately in the presence of a person with the power to witness oaths to a public ceremony organized by the local government so as to celebrate this significant event and to mark the official welcoming into the local community together with others in the area who are becoming British citizens.

France – Revalorizing the Republican Values

Historically, France has a tradition of making citizens out of immigrants (or peasants: Weber 1976) through assimilation into French republican values (Brubaker 1992; Favell 2001). As such, integration has been defined in France as an ability to “become ‘French’” (Givens 2007). A prospective citizen is thus expected to integrate into French society by endorsing the values of equality, liberty, and fraternity. The new republican integration package introduced in 2003 may be seen in this light, especially the sections on the civic formation (formation civique) and living in France (Vivre en France).

Yet, the integration package may also be viewed as a manifestation of the larger effort of revaluing citizenship. The sacred character of citizenship has occupied a place in the French political debates on citizenship since at least the late 18th-early 19th centuries (Brubaker 1992: 88-90). More recently, a “sacralization debate” was put on the agenda in the 1980s (ibid: 138). The terms of this debate not only openly referred to becoming French as something to be deserved (echoing the Front Nationale slogan ‘Être Français, cela se mérite’), but also something that has to be done from the heart (Français de cœur), not only on paper (Français de papier) (Brubaker 1992; Geddes 2003; Hansen and Koehler 2005).

French citizenship has always presupposed a moral component of what it means to be French (Favell 2001: 66). By the virtue of defining the contours of this citoyenneté, nationality laws have occupied a central space in discussions over immigration and integration and have been closely linked to the concepts of nation and national identity (ibid:

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33 The Path to Citizenship, op. cit., Chapter 4.
63) which is also manifested in the current national debate on the French national identity.\footnote{See the website of the national debate for the activities connected with this debate: www.debatidentitenationale.fr.} Becoming French has assumed having internalized the core values of the French Republic, diligently echoed in “nationalité réussite” with reference to immigrants who have fulfilled the moral and legal criteria for integration (ibid: 159). In this sense, one can speak of continuity in the development of the French concept of earned citizenship. What is significant, however, is that the ‘earning’ is not taken for granted anymore, but that the process of earning is codified and monitored through the coupling of residence and citizenship entitlements to the contract of integration. The integration package actually admits that the assimilating power of the French state is not taken for granted anymore and needs to be exerted by means of obligatory requirements. Once individuals do achieve the status of French citizens, this achievement is celebrated with a ceremony (cérémonie d’accueil dans la citoyenneté Française)\footnote{Article 21-28, Loi n°2006-911 du 24 juillet 2006 - art. 85 JORF 25 juillet 2006, Loi n°2006-911 du 24 juillet 2006 - art. 86 JORF 25 juillet 2006.} organized by the local authority since 2006. Citizenship is thus also sacralized and ritualized in France.

\textit{The Netherlands – Dutch Citizenship as a Moral Value}

The Netherlands is a frontrunner when it comes to the moralization and culturalization of citizenship in relation to the sacralization of community (Schinkel 2007; Van Houdt and Schinkel 2009). Since the late 1990’s Dutch discourse on integration has increasingly centered on notions of ‘culture’, ‘norms and values’ and proper definitions of ‘Dutchness’ and of ‘Dutch society’ but also on the defense of social identity and loyalty and commitment to the community and its values (Schinkel 2007). This resulted in (the search for) a ‘Dutch Historical Canon’ (ratified by parliament in 2008) and a Dutch National History Museum where these elements will be displayed. In addition to this, civic education became part of the obliged Dutch school curricula. Moreover, there is currently a debate on drafting a preamble to the Dutch Constitution where the fundamental national values are to figure. In effect this means a moralization or culturalization of citizenship, which is also visible in the content of the ‘civic integration contracts’ and the socio-psychological demands placed upon immigrants.

Since the late 1990’s double nationality became a problematized issue in politics but now also in the media (Fermin 2009). Therefore, in 2003, the 1985 Bill on Dutch Citizenship was amended to include more restrictive and culturalized terms. As a consequence of this, a more extensive naturalization/civic integration test together with the requirement to renounce the original nationality have been introduced. It has been argued that failing to give up the original nationality shows a lack of commitment to the Dutch society which is thought to block integration in Dutch society (Vermeulen 2007). The new civic test consists of an oral and written examination of language skills, knowledge of the ‘Dutch society’ and Dutch political institutions.\footnote{http://www.ind.nl/nl/inbedrijf/niederlnderworden/naturalisatieceremonie.asp accessed on 11 May 2009.} In addition to this, since 2006 naturalization ceremonies are obligatory if one is to receive Dutch nationality, for “becoming Dutch is a special occasion”.\footnote{idem.} In this ceremony, the potential citizen has to pledge his commitment to the Dutch nation/state. In the context of the sacralization of citizenship, citizenship becomes ritualized (Verkaaik 2009).
With regard to integration, the 2002 Integration in Perspective of Immigration Act (Integratie in het Perspectief van Immigratie) emphasized Dutch norms and values as well as responsibility and autonomy that have to be assumed by aspiring citizens. This continued to be the spirit of the influential 2004 policy document ‘Framework Civic Integration’ (Contourennota Herziening Wet Inburgering) formulated by a central-right coalition. It repeats a strong focus on norms and values and national identity. While in the former system it was believed that a strong formal citizenship status was necessary for acquiring good or moral citizenship, in recent years this has been turned around: nowadays moral citizenship comes first and afterwards a formal status can be obtained after demonstrating good citizenship, e.g. by making the effort of following, paying for, and passing civic integration tests (requiring a sufficient level of knowledge of Dutch language, society, norms and values)\(^39\) and pledging commitment to Dutch society by attending citizenship ceremonies (Schinkel 2007; cf. Vermeulen 2007; Spijkerboer 2007).

\section*{5. Earned Citizenship}

The convergence in the trend toward citizenship is to be seen in the three countries under study in the body of citizenship criteria which have increasingly transformed citizenship from a status to be obtained as a result of residence in a particular country to a process of manifesting that the potential citizen is worthy of the citizenship and all the rights and benefits that come with it. As such, the process of earning the citizenship is one in which the newcomer or applicant bares the responsibilities of citizenship and can only look forward to enjoying the full rights and benefits of citizenship when s/he succeeds in fulfilling the economic and cultural conditions of membership. Earned citizenship has thus both neoliberal and communitarian underpinnings. Whereas there is convergence at the conceptual level, i.e. the understanding of citizenship as something to be earned, there are variations as to how each state fills this package of responsibilities of the potential citizen. In what follows, we analyze the different manifestations of earned citizenship in the UK, France, and the Netherlands.

\textit{United Kingdom - Earned Citizenship as an Official Concept}

Historically, the policy fields of citizenship and immigration have been marked by continuity and incremental change in the UK. The recent reforms, however, have transformed the whole system considerably which the Green Paper of 2008, \textit{The Path to Citizenship} that has launched the legislative changes has described as “the most sweeping changes to the immigration system for over 30 years” and “revolutionizing”.\(^40\) The changes to the British nationality law, which have been officially introduced by the Borders, Citizenship and Immigration Act 2009, have come into force in January 2010. As the title informs, the new law has now combined the aspects of border control, immigration, and citizenship in one act. These areas which have in practice always been related are thus legislatively bundled with the official aim of simplifying and clarifying the rules regarding immigration and citizenship. Symbolically, this legislative move has petrified the fact that citizenship is no longer a matter of fact status of membership of the nation-state, but that it is something to be contained, controlled, and secured. Combining it with border security and immigration control securitizes the issue of citizenship. Remarkably, this new conceptualization is also reflected


in the institutional reform of the management of citizenship and immigration which now falls under the UK Border Agency of the Home Office. Set up in April 2008, the centralization of policy at the Border Agency forms part of the plans to streamline the control of who enters and leaves Britain.

What the new British system also makes clear is how this new model of citizenship is to be seen. Citizenship is no longer to be obtained automatically. Introducing the proposed changes, the Border and Immigration Minister Phil Woolas said, “Being British is a privilege - these proposals break the link between coming to work here temporarily and being given the right to citizenship.”

The prospective citizen thus needs to go through the “journey/path to citizenship”. Citizenship is thus transformed from an “automatic right” to membership by the virtue of residence to a status to be deserved as a result of fulfilling a series of criteria. This understanding and system of citizenship is also explicitly termed as “earned citizenship”, making the British approach exemplary for the new conceptualization of citizenship.

The British government links citizenship requirements to a points system which translates the earning of citizenship into concrete steps, actions, and points. Especially with regard to economic migrants, there are strict selection criteria, involving the introduction of a points based system (inspired by the Australian model) identifying highly-skilled immigrants and skilled workers with a job offer as welcome migrants who will positively contribute to the British economy. The control and selection aspects can be partly seen as elements of continuity and incremental change since they strengthen the already dominant focus on border security and economic benefits. The rather revolutionary part is the new concept of citizenship which requires the newcomer to show on the one hand that s/he is worthy of British citizenship and on the other hand that s/he is willing to put energy into this permanent residence/citizenship journey thereby actively demonstrating her/his commitment to the British society. In the British conception, citizenship is “a certain quality of communal social life, of civilised behaviour” (Favell 2001: 100). According to this conception, citizenship is at its strongest when it refers to “full, participative social membership in social society.” (ibid: 113). As such, the focus on active citizenship is not in and of itself new. The novelty lies more in the codification of expectations and requirements linked to becoming a British citizen.

France – Deserving instead of Obtaining Citizenship

The most recent waves of change in the citizenship domain in France are rather associated with the person of Nicholas Sarkozy. Sarkozy has initiated significant legislative changes, codified in the Sarkozy Laws 2003 and 2006 and the Horthfeux Law 2007. The reforms introduced to the French citizenship regime resemble the developments in the neighboring EU states. An institutional creation of Sarkozy has been a whole ministry designed to coordinate all immigration-related activities, the Ministry of Immigration, Integration, National Identity, and Solidary Development (Ministère de l’immigration, de l’intégration, de l’identité nationale et du développement solidaire). This mirrors the centralization drive we observe in the

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UK. The French add an extra dimension, though, and make national identity a central piece, which is an issue we have discussed above in the section on sacralization.

Sarkozy Law 2006 marks France’s move to a new regime explicitly favoring high-skilled immigration with the introduction of a new temporary residence card (carte de séjour compétences et talents). Sarkozy called this move a shift from ‘unwanted’ to ‘chosen’ immigration (Joppke 2007a: 11). The economic earning of citizenship constitutes a considerable step in the land of fraternité. In line with the developments in other European countries, France has also introduced a new system according to which high-skilled migration is encouraged by individuals susceptible to contribute to the economical development and the standing (rayonnement) of France or their country of origin.

With the Hortefeux Law 2007, family reunification also needs to satisfy economic conditions on the part of the receiving family member. The receiving family member has to earn at least the minimum income and live in an accommodation considered to be normal for a family living in that region. The immigrating family member, on the other hand, has to demonstrate sufficient knowledge of the French language and the Republican values. If the immigrant does not possess the required knowledge, then s/he has to attend a course organized by the French authorities for a maximum duration of two months. This practically means that the immigrant nowadays has to also earn the right to join her/his family. In the French context, the move towards the selection of immigrants shows a move away from the inclusive conception of French citizenship. As such, French citizenship is also transformed from a right into a status to be earned.

The Netherlands – The Rising Price of Citizenship

In the context of the contractualization and sacralization of citizenship in the Netherlands, the requirements and obligations for old- and newcomers and second or third generation migrants have been broadened (Schinkel 2007; cf. Entzinger and Dourleijn 2008). Dutch citizenship has increasingly become something to be earned while the criteria to earn Dutch citizenship have been extended. Whereas we can see the changes introduced in 1994 as the beginning of a thin conceptualization of earned citizenship with its focus on the economic responsibilities, the changes introduced in the late 1990’s represent a move towards a thick conceptualization of earned citizenship with the addition of moral and cultural requirements. This becomes apparent if one wants to gain a permit to enter Dutch soil, if one wants to reunify her/his family, and if one wants to naturalize to become Dutch citizen.

In 2004, a new article was added to the Alien Act 2000 (Wet Inburgering Buitenland). The new conditions require immigrants to pass a civic integration test in their own country to obtain an initial residence permit for the Netherlands. If a person passes these tests, obligatory civic integration continues upon arrival in the Netherlands (Driouichi 2007: 82-83). Within three years a new exam has to be passed. Failing to do so means a fine or a limitation of the duration of legal stay. Immigrants initially have to pay and search for the civic integration courses themselves (Driouichi 2007: 52-53). The idealized image is that of

47 This new measure also resembles the Dutch pre-integration module including an introduction film with homosexuals and topless women. In the French case, it is the ‘Republican values’ of equality between men and women and secularism (laïcité) that are emphasized frequently and explicitly in the French policy documents.
the good citizen as a working ("participating") citizen (Spijkerboer 2007: 46). The failure of immigrants to properly participate (economically) is explained culturally. This is presented as an individual responsibility and failure (Schinkel 2008; Spijkerboer 2007). Therefore, non-Western immigrants have to 'close the cultural gap'. Furthermore, specific emphasis is put on immigrant mothers and imams in their role respectively as child bearers and educators of youth. They are specifically targeted as in need of (urged or forced) integration (cf. Spijkerboer 2007: 46). In addition to this, a special regime will be implemented for high-educated or high potential immigrants. It is argued that, under current restrictive regime, an exception must be made for those who will contribute to Dutch economy. The high potential migrant is allowed to enter Dutch soil and to search for a job or to start an innovative enterprise. In this period s/he is allowed to make use of Dutch welfare arrangements. After one year the successful migrant can opt for a more permanent stay as “knowledge migrant (kennismigrant)”. How hard one needs to work in order to earn Dutch citizenship thus depends on where s/he stands on the citizenship ladder.

In 2007 a new Civic Integration Act (Wet Inburgering) was activated, replacing the 1998 Civic Integration Newcomers Act. What remained the same is the individualized and responsibilized approach considering it the responsibility of an immigrant to take care of her/his own integration. However, while in 1998 newcomers were only obliged to be present at a ‘civic integration course’, nowadays there is an obligation to actually pass the exams. The content of the courses has also changed: One has to earn Dutch citizenship by showing knowledge of Dutch norms and values and political institutions. Here a ‘deindividualizing’ way kicks in under influence of a strong focus on national community. It can be argued that two registers are operating in the formulation of the new social contract in the Netherlands: firstly, an economic register, embedded in the transformation of the welfare state and international competition and secondly, a social order or cultural register embedded in concerns of social cohesion concerned with Dutch norms and values. In the context of integration and naturalization this means an emphasis on earning citizenship in two complementary ways: 1) potential citizens are responsible for their own economic integration, as well as 2) their own cultural integration (assimilation), for some newcomers starting even before entering the Dutch soil and for those who are already residents, starting on Dutch soil.

As a consequence of the new path taken, earning citizenship in relation to contractualization and sacralization in the Netherlands means that more demands are placed on immigrants in the Netherlands (e.g. the demand to discard one’s original nationality), immigrants are made responsible for their own integration, more and severe (financial) penalties are made possible, there is a strong emphasis on culture and the reach in the sense of geography became broader. However, it needs to be seen whether the current Dutch system with its heavy emphasis on the need of earning citizenship of the sacred Dutch community by fulfilling the obligations of the civic integration contracts will hold in the future. For example, the new system introduced income requirements for family reunification whereby the partner living in the Netherlands is required to earn 120% above

49http://www.ind.nl/nl/inbedrijf/actueel/Met_ingang_van_1_januari_2009_toelatingsregeling_voor_hoogopgemeende.asp consulted on 9 June 2009
50idem.
the minimum income line. This requirement has been judged as incompatible with EU law by the European Court of Justice.52

6. Conclusion: Neoliberal Communitarian Citizenship

As the foregoing sections suggest, the conceptualization of citizenship has recently underwent significant changes in the UK, France, and the Netherlands. As Western European nation-states are adapting to internal and external pressures, citizenship, because of its pivotal position between the individual and the collective level, emerges as one of the crucial elements of population management. We consider citizenship to be a crucial technique in the national and international management of populations as formulated in the political programs of nation-states. The political programs of citizenship in relation to immigration and integration in the UK, France, and the Netherlands manifest on the one hand a “neoliberalization” of citizenship that involves an increased emphasis on the need to earn one’s citizenship and on the other hand an increased “communitarianization” (Etzioni 2007) or in the words of Brubaker (1992) a “sacralization” of the nation in response to immigration. Both elements are encapsulated within newly formulated “social contracts” describing and prescribing the duties, responsibilities, and moral capacities of potential citizens, citizens, the state, community, and the market.

In the three countries we discuss, individual responsibility has emerged not only as a rhetoric of activation, but also as a judicially codified element of recent reforms of national citizenship regimes. In the UK, this explicitly takes the form of a notion of “earned citizenship”. It is the responsibility of the individual to earn his or her rights, obligations, and the appending benefits. In France, a similar process has taken place, albeit less accentuated. Nonetheless, since 2003 a package of demands is placed upon the immigrant who, in living up to these demands, has to illustrate her/his virtuous citizenship. This is even more pronounced in the Netherlands, where immigrants are obliged to arrange their own civic integration course. Here, as in the UK, the demand for individual responsibility entails the individual’s responsibility to learn individual responsibility (which is characteristic of the citizen). Becoming a citizen is conceptualized as a prize one is to attain individually.

In all three countries, the simultaneous appearance of a neoliberal rhetoric is visible. The UK conceptualizes civic integration as an ‘earned citizenship’ that is part of a ‘deal’ with the state. France employs the notion of ‘contract’, as does the Netherlands. This has been accompanied by a more strict immigration regime. The exclusive character of citizenship in these countries also emerges in the form of a more culturally exclusive focus. These three processes, 1) the newly formulated social contracts, 2) the sacralization of the nation, and 3) ‘earned citizenship’ with a focus on individual responsibility, are manifestations of a new strategy or formulae of government which we call ‘neoliberal communitarianism’.

Neoliberal communitarianism is a paradoxical strategy of population management using both neoliberal techniques and rhetoric (e.g., an emphasis on activation and contractualist notions) as well as communitarian notions and techniques (strong emphasis on national community e.g., supporting its core of shared values as guiding principles). It is a form of governing through both community and individual responsibility. Under a neoliberal communitarian regime, it becomes one’s responsibility, expressed in the form of ‘earning’ one’s citizenship to convert to a nation that is sacralized as a bounded community of values.

Neoliberal communitarianism thus combines two at first sight contradictory strategies (cf. Foucault’s logic of strategy: Foucault 2008: 42). It combines an individualizing focus on earned citizenship with a de-individualizing focus on the nation. This combination might be surprising, but on a closer look both neoliberalism and communitarianism are based on the same diagnosis of society and its internal and external threats (Mulhall and Swift 1996; Dean 1999). As such, the fact that neoliberalism accompanies a cultural assimilationism or exclusiveness is not paradoxical per se. Thus, a neoliberalization of citizenship can be cross-nationally observed in the development of either ‘Britishness’, ‘Frenchness’, or ‘Dutchness’. Often, after citizenship is granted to the new citizen, s/he still has to manifest her/his commitment, knowledge, responsibility, and morality. This ‘virtualization of citizenship’ (Schinkel 2010) is a crucial technique in the neoliberal communitarian strategy which makes it possible to identify, differentiate, monitor, and intervene in populations and individuals based on deviation from cultural grounded values and individual responsibility.

Whereas neoliberal communitarianism can be regarded as the guiding strategy of political programs of citizenship in differing countries such as the UK, France and the Netherlands, some distinctive national features still remain. This is possible because neoliberal communitarianism itself is a flexible strategy whereby the neoliberal or communitarian elements can be emphasized differently according to place (country) and time. In other words, politico-cultural (Brubaker 1989) and institutional path-dependency (Jacobs and Rea 2007) still play a role in the specific conceptualization of citizenship and community (e.g., Etzioni 2007: 360-1).
Therefore, while different states develop along different trajectories, their strategies of in- and exclusion through citizenship show some striking similarities. While the nation is in a sense resacralized, it is at the same time a partner in a new contractualism. We argue that it is precisely this sacralization of the nation that lends weight to the idea of ‘earning’ one’s citizenship. If citizenship is a contract with a sacralized collective, one’s contractual requirements and obligations – often in the form of a cultural conversion to the sacredness of the nation – becomes scrutinized to the extent that there is a continuous need to prove one’s worthiness as a citizen. The renewed articulation of symbolic weight given to the nation thus at the same time raises the stakes for individual citizens. These stakes become apparent in the twofold requirement of 1) cultural adjustment to the nation, and 2) individual responsibility in ensuring such adjustment. Debates over citizenship thereby become charged as a highly contested issue. Indirectly, it is the symbolic status of the nation that is at stake. Earning one’s citizenship then amounts to a thoroughly individualized cultural conversion to the communitarian ideal of a nation defined by a bounded set of values. Abiding by the new social contract then at the same time comes down to exhibiting an active commitment to the nation-state to which one has migrated.

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