

The Multicultural States We're In¹

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Introduction

This chapter directly follows on from the last by applying the theoretical formulations proposed in Chapter 2 to explore the possible ways citizenship conventions concerned with membership, entitlements and social expectations are incorporating minority identities within five north-western European countries and two southern European countries. What emerges from our discussion is that clusters of policy developments in each national context display some similarity but rarely any symmetry, thus suggesting that national models remain an important means of conceptualising developments in political orientations toward migration-related diversity.

3.1 France: embracing anti-discrimination

Within north-western Europe, France is a good illustration of – though not necessarily the closest fit to – a political orientation geared toward national cohesion as set out in Table 2.6 in the previous chapter. It is so because of its assertion of civic nationhood and the placing of social cohesion as a goal above the recognition of group ‘difference’. Nationality and citizenship in France remain formally inseparable in a manner that precludes non-French nationals from political and civic participation. This is because the acquisition of French citizenship remains synonymous with a relatively prescriptive political and territorial national identity underlying the state’s expectations that migration-related minorities must integrate into an established social and political order. For example, the national school curriculum refuses to incorporate, acknowledge or ‘recognise’ migration-related experiences, for fear of detracting from the inculcation of a primary republican national and citizenship identity, even while this perpetuates an ethnocentric and exclusive account of French identity.

Alongside a mono-cultural school curriculum is of course the 2004 ban on ostentatious religious dress in state schools, which dramatically illustrated the steadfast capacity of the French republican model to resist the recognition of migration-related ethno-religious diversity. As Table 3.1 illustrates, France places a high emphasis upon national identity that bears little incorporation of minority 'difference', which is privatised with rights squarely restricted to the individual in a concomitant vertical relationship with the state.

This tendency continues to owe much to the defeat of the *ancien régime* during the Revolution of 1789. Before the Revolution, during the monarchy, birth and the belonging to a specific 'group' allocated status within a hierarchy, the social position of a citizen in the subsequent Republic would, theoretically at least, reflect a non-hereditary standing. This established and perpetuated the public policy that various incarnations of the Republic should not recognise among its citizens any form of group belonging on the basis of birth or 'origin'. This is evident in the Constitution of the Fifth Republic (1958), whereby it was reasserted that France 'shall ensure the equality of all citizens before the law without distinction of origin, race or religion'. Formally, therefore, a recurring feature of French citizenship is its non-distinction among citizens. As such France is simultaneously illustrative of Modood's (1997) characterisation of a republic, Parekh's (2000) description of a (civic) nationalist state and Hartmann and Gerteis's (2005) outline of an assimilationism forged by the promotion of substantive moral bonds as a basis for cohesion according to an individual basis for association. It also confirms France's response to migration-related diversity in the 'civic-monist' corner of Koopmans et al.'s (2005) grid; the authors also noted some tendencies towards cultural pluralism (though to a differing degree and from a different starting point in their citizenship regimes) that are present in our analysis.

One implication of the formally linear relationship between citizenship, nationality and integration is that France presently boasts a relatively porous rate of naturalisation that allows for a rather sizeable admission of non-nationals. Interestingly, France, like the UK but unlike Germany, Denmark and Belgium, has not made civic integration measures (such as language proficiency) a precondition for the naturalisation of non-EU citizens seeking national citizenship. One should ask, then, what the significance is of consultation bodies which coopt non-citizens into the political processes of decision-making that France has created? The practice of political

consultations at the local level – illustrated by the creation of a Parisian consultation body for third country nationals (TCNs) is an example. This undoubtedly suggests that there is some regional innovation exemplified by how the city council of Paris allows for group-based claims, though these remain confined to a consultation body that affords little power to those taking part in it. Upon further inspection, the creation of consultation bodies potentially entrenches a double standard in that non-EU migrants' interests are expected to be channelled through these kinds of relatively powerless institutions. Such institutions continue to marginalise or neutralise the potency of their minority group claims. The creation of the *Conseil Français du Culte Musulman* at the highest level of the state is perhaps another illustration of limited movement, for while the creation of this Muslim council has been symbolic, its success has been piecemeal because of internal division and external obstacles.

Perhaps most significant is that over the last decade matters of ethnic and racial discrimination in public policy have received greater attention, with connections being made between an educational system that disproportionately channels ethnic minority children into the least prestigious education, and a job market that discriminates against them. The lack of ethnic monitoring does not allow for precise data and analysis, which exemplifies one of the ways in which national models still matter because different national models generate different data or non-data (cf. Joppke 2007). Indices of parental nationality (which of course ignore third or more generations) along a range of indicators establish a pattern of systemic discrimination against people of North African descent (Meurs et al. 2006).

Consistent with a national cohesion framework that is substantively concerned with formally enabling citizenship, France appears to be taking active steps to encourage equal treatment – effectively to implement the republican promise – and the role of the EU is proving to be crucial in this regard. For example, in 2004 the HALDE (High Authority to Fight Against Discrimination and for Equality) was created to comply with EU directives. Inspired in part by its Belgian counterpart, the HALDE constitutes a significant institutional development in France's approach to anti-discrimination, for it wields extended powers of an almost judicial form and is capable of issuing recommendations that although do not have legally binding powers do have some influence over the public

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and private sectors and materially support litigation in challenging discrimination.

A related development to anti-discrimination is that in the private sector major French companies have now implemented a wide variety of diversity training programmes which are often accompanied by the establishment of a specific diversity post in their human resources unit. The diversity unit as a whole often brings together various grounds of discrimination such as disability, age, gender, sexual orientation and 'diversity of origins'. The tensions therein between diversity and anti-discrimination are exemplified by the name of the diversity unit in one of the leading employment agencies: 'Combat Discrimination'. This unit seeks to eschew the complex issue of diversity and only addresses the issue of discrimination. In other companies, however, diversity is conceived as a positive means of talking about anti-discrimination (in a manner that is proactive and does not seek to apportion blame), so for some non-governmental organisations (NGOs) with diversity consulting remits, diversity goes further than anti-discrimination or the guarantee of equal treatment. What is crucial to note is how such approaches have been criticised by HALDE, which maintains that they have no legal basis and that in the promotion of diversity, human resources managers and diversity consultants are going beyond what the law requires.

What this suggests is that while HALDE and its development is a cornerstone of the institutional anti-discrimination landscape in France, it is still very much embedded in the principle of a colour-blind egalitarianism. As a result, HALDE has no interest in measures such as ethnic monitoring or the promotion of positive action that are more discernibly orientated towards multicultural citizenship. The prospect of such measures was, in fact, rejected upon the creation of HALDE in favour instead of a Republican National Cohesion framework in which operative notions of ethnic or racial/ethno-cultural/ethno-religious minorities are minimised and specific policies for such minorities remain absent (reflected in Table 3.1).

As such the present French response contains little that resembles either liberal neutrality or multicultural citizenship, even though there appears to be some 'multiculture' in conceiving contemporary colour consciousness as a vehicle for anti-discrimination, but one that is overwhelmingly orientated towards a national cohesion political response.

3.2 *The UK: developing civicness and intersectionality*

In contrast to France, the present political orientation of the UK is closer to multicultural citizenship than national cohesion, even while matters of national unity assume a greater prominence than they have previously, and where a discernable securitisation of ethnic relations has emerged over fears of Muslim extremism. At the same time categories of ethnic, racial and religious minorities are being employed and further entrenched by the state. Minorities are allowed to maintain and develop their cultural specificities, with host institutions sensitive to this cultural diversity and – to the extent that this is feasible – encouraged to modify their procedures and practices accordingly. This means that the UK continues to bear some resemblance to Modood's (1997) and the Commission on the Future of Multi-Ethnic Britain's (CMEB) (2000) 'plural state', and rests somewhere in the ethnic-diversity quadrant of Koopmans et al.'s (2005) grid – though perhaps more towards a liberal universalism.

This does not mean that it lacks an impetus for national cohesion since the emphasis on a national identity is presently high, though moderated by the rise of countervailing sub-nationalisms within the UK. This represents something like Hartmann and Gerteis's (2005) 'interactive pluralism' in that, like France, the UK has recently been promoting substantive moral bonds as the basis of cohesion but, unlike France, conceives the basis for cohesion as both individual and group-orientated. Hence, ethnic minority groups are stimulated to organise themselves on an ethnic basis – amongst other things for interest in representation. More specifically, migrant communities and post-migrant British-born generations have been recognised as ethnic and racial minorities requiring state support and differential treatment. This includes how, under the remit of several Race Relations Acts, the state has sought to integrate minorities into the labour market and other key arenas of British society through an approach that promotes equal access as an example of equality of opportunity.

Indeed, it is over thirty-five years since the introduction of a third Race Relations Act (1976) cemented a state sponsorship of race equality by consolidating earlier, weaker legislative instruments (RRA 1965 and 1968). Alongside its broad remit spanning public and private institutions, recognition of indirect discrimination and the 2000 and 2003 imposition of statutory public duties to promote good 'race relations', it also created the Commission for Racial Equality (CRE) to assist individual complainants and monitor the

implementation of the Act (see Dhami et al. 2006: 19–25). This approach is an example, according to Joppke (1999: 642), of a citizenship that has amounted to a ‘precarious balance between citizenship universalism and racial group particularism [that] stops short of giving special group rights to immigrants’.²

The original legal approach to anti-discrimination was the statutory tort of unlawful discrimination created by the Sex Discrimination Act 1975 and the Race Relations Act 1976. This technique grafted an important collective value of non-discrimination on the grounds of sex and race onto the existing private law structure. Although private law and individual rights were chosen as the preferred paradigm, there was also recognition that a discrimination law serves important collective interests. This means that British anti-discrimination frameworks have tried to address the rights of distinct groups as well as their modes of interaction, and thus are not merely concerned with the rights of individuals.

Subsequent developments, especially European developments, have meant that this ‘public function’ of discrimination law has become more explicit. Most importantly, UK discrimination law has to accommodate the provisions of the Equality and Human Rights Commission (EHRC), for example the equality provision in Article 14 or the right to privacy in Article 8. This requirement has created a body of constitutional discrimination law which is now incorporated into domestic law through the Human Rights Act (HRA) (1998).

These developments have led to what is sometimes described as the ‘constitutionalising’ of discrimination law (Malik 2008). In other words, the incorporation of the EHRC through the HRA has proven to be a catalyst in shaping recent changes to anti-discrimination measures. This is perhaps most evident in the decision to name the new commission entrusted with the task of monitoring the implementation and practice of all previous anti-discrimination legislation, as well as the two EU directives, the Equality and Human Rights Commission, which is further seen in the introduction of the Single Equality Act (see Meer 2010).

Therefore, we currently have a new focus upon both ‘inter-sectionality’, or multiple discrimination, and a commitment to mainstreaming a variety of non-discrimination ‘strands’ to simultaneously address gender and racial discrimination, or disability and age-based discrimination. To this end, the government consultation document *Towards Equality and Diversity* (2002) stated that a single statutory equality commission would offer integrated guidance and support to

individuals and businesses and help ensure a coherent approach to equality issues across the board. It insisted, moreover, that a single point of contact for individuals would provide information, advice and guidance across the full breadth of their equality rights, reflecting their real-life experience. It also insisted that this commission would act as a single point of advice to employers and service providers covering all grounds for discrimination and discrimination on multiple grounds, as well as support partnerships with other organisations providing advice.

This recognition of complex discrimination is, like France, but unlike Denmark, Germany and Belgium, coupled to a new emphasis on a 'journey' into citizenship in which the acquisition of citizenship marks neither the beginning nor the end of the processes of integration. A good illustration is *Secure Borders, Safe Haven: Integration with Diversity in Modern Britain* (2002), which sought the transformation of processes of naturalisation into 'an act of commitment to Britain [as] an important step in the process of achieving integration into our society' (p. 32). Hence, it promoted the acquisition of English language competencies and knowledge of life in the UK as a means of successful integration for new migrants. It also characterised civic engagement as a means of 'active citizenship' in a way that was horizontally tied to measures such as citizenship education and other civic integrationist matters. These in turn have formed the points-based managed migration system introduced in the *Controlling Our Borders* White Paper of 2005, and the earned citizenship proposals made in the *Paths to Citizenship* Green Paper in February 2008. Despite some interpretations of these developments (Joppke 2004), the concern with unity through community cohesion, citizenship, common values and Britishness cannot at present accurately be called a 'retreat' from multiculturalism. For indeed, it was none other than the 'communitarian' CMEB (2000) that advocated the promotion of a renewed British identity through a 'rethinking' of the national story (as the commission's title implies). Rather, the emergent multiculturalism of the 1990s that was attempting to accommodate Muslim communities has been simultaneously subjected to a variety of critiques of which the concern with unity is but one.

3.3 *Germany: from ius sanguinis to integration*

Muslims indeed feature prominently in the two further cases of Germany and Denmark, both of which register a political

Table 3.1 Five countries in north-western Europe

National Contexts → Political Orientation ↓	France	Germany	UK	Belgium	Denmark
1. Promotion of Equality of Opportunity	Medium	Low	High	Medium	Low
2. Emphasis on National Identity	High	Medium (federalism)	Medium (multi-nationalism)	Low (multinational federalism)	High
3. Recognition of Difference	Low	Low	High	Medium (North/South differences)	Low
4. Seeking Neutrality	No	No	No	No	No
5. Bearer of Rights	Individual	Individual	Individual & Group	Individual & Group	Individual
6. Relationship to the State	Vertical	Horizontal & Vertical	Horizontal & Vertical	Horizontal & Vertical	Horizontal & Vertical
7. Emphasis on Minority Nation Identity	Low	Low	Medium	Strong	-
8. Emphasis on Interaction between Groups	Medium	Medium	High	High	High

orientation much closer to national cohesion than either the UK or France.

Following decades of pursuing an ethno-national citizenship,³ Germany has since the late 1990s undergone significant changes in the management of immigration, integration and its concept of citizenship. This comprises some movement diagonally downwards and across in Koopmans et al.'s (2005) model (see Table 2.3 in Chapter 2), from the ethnic-diversity and segregationist quadrant, toward the monist column; though it is unclear how much is civic or ethnic in orientation. Federal policies had previously focused almost entirely on the control and return of migrants (Schönwälder 2001), until the Red-Green coalition government recast Germany as a country of 'immigration' and amended the Citizenship Law (2000) to introduce the principle of *ius soli*. This led to a slew of new legislation such as the Immigration Law (2005), which is geared toward integration strategies, and the invitation to migrants and civil society actors to take part in a National Integration Summit (2006). Each of these is said to comprise 'milestones' in that they speak with migrant minorities and not solely about them. This is evident in the Federal Commissioner for Integration Maria Böhmer's (CDU) statement in which she corrected earlier accounts by saying, 'Germany is not an immigration country, but an integration country'.

To this end formal citizenship can be acquired through a process of naturalisation after eight years of legal residence, provided the applicant has sufficient German language skills and other civic competencies. The amendment to the Citizenship Law (2000) means that the children of 'foreigners' now automatically acquire German citizenship if one parent has been legally residing in Germany for at least eight years with a 'right to abode' permit. These children can retain dual nationality until the age of twenty-three, after which they have to choose between German citizenship and the citizenship of their parents.

One outcome of this policy is that when thousands of Turkish migrants applied for the reissuing of their Turkish passports in 2001 after having been naturalised, German authorities responded by withdrawing their German nationality and residence permits. The fact that the right to vote on the municipal level is only valid for EU nationals and that there is no parliamentary will to afford the franchise to TCNs disproportionately affects German Turkish nationals.

So while the German developments have marked important shifts, they have not overcome the issue of dual nationality nor entirely

decoupled citizenship from an ethnic project. There is little neutrality in a liberal political orientation towards migration-related diversity in Modood (1997) or Parekh's (2000) models for, in Hartmann and Gerteis's (2005) terms, the basis of cohesion amounts to substantive moral bonds while the location of rights remains with the individual. This is not to say that strict assimilation strategies are followed but rather that the accommodation of cultural, lingual and religious diversity is minimised in a way that is reminiscent of republican approaches. This is visible in the education system and the National Integration Plan, which both insist on a 'mono-lingual habitus' (Gogolin et al. 2003). A suspicion this raises is that in the present climate, 'integration' means the de facto prioritisation of German language and dominant culture. This view is shared by Gerdes and Faist (2006), who outline two simultaneous versions of republicanism in German public debates. These comprise a liberal equal rights perspective and a communitarian conception of citizenship. The latter, however, is not so much plural since it contains a resurgent ethno-national sentiment. An illustration of this could be when Jürgen Rüttgers, a very senior figure in the Christian Democratic Union (CDU), promoted the slogan *Kinder statt Inder* ('Children instead of Indians') in response to the planned recruitment of specialised skilled labour. The slogan and sentiment occurred in a context of the emergence of the idea of a German *Leitkultur* (leading or core culture) conceived as the context for integration (Manz 2004). Further symbolic progress, which may be indicative of diversity-friendly political orientations, was witnessed in July 2006 when German Chancellor Angela Merkel (of the CDU) invited migrant organisations, as well as representatives of other relevant social groups, to take part in the first National Integration Summit (NIS). This was the first governmental initiative in German immigration history that explicitly acknowledged the reality of immigration and conceived post-migrant minorities as social partners. After the second Summit, in July 2007, the results of the working groups were presented to the federal *Länder* and local authorities, associations of migrants and numerous other non-government actors, with the government adopting more than 400 measures and voluntary commitments relating to integration. Again in November 2008, Chancellor Merkel presented the progress of the implementation of the NIS. In the run-up to the second National Integration Summit in July 2007, the legislature passed an amendment to the Immigration Law which included the requirement for new immigrants of non-EU countries to have basic German lan-

guage skills as well as the introduction of a minimum age of eighteen for immigrating family members. These restrictions mainly affect migrants from Turkey and indeed were implicitly characterised as a means of reducing forced marriages for young women from Turkey. As with the securitisation in other countries, the impact of terrorism has featured prominently in the German discourse and several stipulations in the citizenship law and citizenship test reflect an associated anxiety toward Muslims in general, including an emphasis on the desirability of a 'deeper' integration in general.

As the Federal Minister of the Interior insisted, the 'observing of [legal] rules alone does not lead to successful integration . . . if we want to feel belonging to a community [*Gemeinwesen*] then there must be something which interconnects us on a more profound human level'.⁴ Such sentiments have perhaps most infamously been illustrated by the citizenship test of Baden-Wuerttemberg, especially in its first version created in January 2006. The citizenship test quite explicitly suspected Muslim applicants of not sharing the norms and values of German society through questions such as: 'Do you think that it is adequate to keep one's daughter at home, in order to avoid her breaking the rules of honour?' or 'Imagine your son declares he is homosexual and wants to live with another man – how would you react?' The notion of Islam as a threat to the core values of German society is therefore a recurring theme within German integration debates.

The previous chapter identified anti-discrimination legislation as an important vector of varying political orientations and we have already traced development in this area in France and the UK. German civil society, however, seems to contain less in the way of the promotion of anti-discrimination measures or its institutional or structural implications in particular. For instance, positive action of the kind envisaged by the EHRC, and to a lesser extent HALDE, to be proactive in preventing discrimination is presently being resisted. The *Antidiskriminierungsstelle des Bundes* (Federal Anti-Discrimination Authority) does, however, argue that there is a business case for diversity management, in a manner not dissimilar to the French. So there are in fact some forms of recognition of migration-related cultural diversity, even if this recognition is fairly limited. For instance, the NIS includes commitments by the state and federal states to 'inter-culturally open up' by increasing the number of employees with a migration-related background. Education policies are in particular trying to respond to migration and cultural

diversity challenges. Hence, since its recommendations from 1996, the Conference of the Ministers of Education and Cultural Affairs of the *Länder* has formulated relatively significant intercultural and multilingual principles, although the structural features of discrimination were only minimally considered. This means that, on the one hand, the *Länder* Ministries of Education and Cultural Affairs along with several individual schools are working on school reforms with new curricula and teaching methods for either principled or often pragmatic reasons. But on the other hand, a general and systematic implementation of intercultural principles and equal opportunities is far from being achieved. At this stage, therefore, recent German developments appear tentative in their move away from *ius sanguis* towards a national cohesion political orientation that has the hallmarks of an ethnically inscribed republicanism. It seems to be distant from both liberal neutrality and multicultural citizenship; in this manner Germany shares something with Denmark.

3.4 Denmark: a restrictive civicness

While Denmark is regarded as performing better than some European Union countries in terms of its acceptance of refugees and emphasis on equal rights, reported discrimination and the incidence of racist violence, the content and 'tone' of popular discourse, particularly around cultural diversity and Islam, arguably sets Denmark apart (Meer and Mouritsen 2009). The country's traditional lack of any legal, institutional or policy-level accommodations towards cultural diversity is matched by official and widespread popular hostility to any hint of a political orientation towards multicultural citizenship. Moreover, Denmark very clearly conceives citizenship as a prize and not, as in the UK or France, as a means of fostering integration. Citizenship has become an extension of the politics of immigration management in a manner that appears to be inscribed with nationalism, identity and anti-Muslim sentiment.

Generally speaking, most of the components of the politics of integration in Denmark display scepticism of cultural diversity that is linked to a nation-building project premised upon a high degree of cultural homogeneity. Arguably, therefore, Danish political culture has always reflected a tendency toward uniformity (Østergård 1992). Two controversies that have been especially pertinent concern the policies of the language teaching provision, including the dismantling

of mother tongue teaching and the increased regulation of the faith schooling provision. The first case demonstrates a particularity of the national education system, which is tailored to recognise one form of diversity in mainstream state schools. Although religious and ethnic diversity are politicised as problems, immigrant children are institutionally categorised as bilingual. Yet bilingualism is treated as an interim state, as a means of acquiring a 'normal' standard of Danish language proficiency along with cultural norms and knowledge, in order to facilitate educational success and market functionality. That is to say that being bilingual is never either a social asset or a legitimate aspect of a multicultural identity. The second controversy surrounds Muslim faith schools, which have been criticised for poor academic performance (in a few instances justifiably), but also for two further elements. The first is that schools did not promote appropriate liberal values, and were believed to encourage fundamentalism or even terrorism. As a result these schools saw a significant tightening of controls and changes in their statutory framework. The second element concerns the way such schools are characterised as a form of cultural separatism. Even though research indicates that students in these schools perform well, and certainly better than students of equally de facto segregated state schools in minority neighbourhoods, it appears that this type of diversity breaches the limits of what is regarded as legitimate pluralism in Danish education institutions (despite the autonomy of schools being a hallmark of the Danish educational system).

The Danish take on anti-discrimination testifies in a different way to the hold of Danish egalitarianism that is conceived as cultural sameness. At the most general level, Denmark stands in marked contrast to a Belgian, British or emerging German tradition of acknowledging migration-related diversity. In Denmark such recognition has been more recent, and the initial political response to it has seen an emphasis on integration, and even assimilation. This has been true in particular of visible religious diversities (headscarves, prayer practices, and so on) such that support for anti-discrimination on these matters has been conspicuous by its absence. Aligned to this is a deep-seated public conviction that Danish egalitarianism and universalism by definition renders discrimination a marginal phenomenon. Thus treating individuals equally by treating them uniformly has blinkered public policy makers to the extent that in the debate over implementation of the EU directives, it was generally assumed that compliance in a minimal way was necessary to honour treaty

obligations, but that the relevant components in the directive were already covered. What this suggests is that the legal basis of anti-discrimination is relatively recent and, in some areas, very weak. A general law against labour market discrimination was not introduced until 1996 – before then this area had been delegated to civil society actors and social partners who largely ignored it. The law emphasises violations against the formal equality of persons but puts no emphasis on equality of opportunity and has weak concepts of direct and indirect discrimination. As a result, it has been difficult to prove in order for complainants to secure redress. Anti-discrimination therefore remains a grey area, where most minority members are unaware of their rights and of complaints procedures and supporting institutions; thus, the vast majority of violations appear to go unreported. These developments, or non-developments, occur in a context in which Danish citizenship culture has become increasingly identity-related in ways that make it appropriate to speak of a culturalised civic nationalism (Mouritsen 2006; 2009). While traditional cultural assimilationistic nationalism is increasingly relegated to a right-wing fringe, national identity has not gone away. On the contrary, Danish politics and public life has become strongly characterised by no less chauvinistic ideas of a national liberal democratic superiority, in the sense that universal values are more realised in Denmark than elsewhere (that the Danish version and institutionalisation of such values is superior), or even that acquiring such citizenship qualities is a function of a long historical heritage (which excludes those born off the Northern shores of democracy). One also finds in Denmark a type of liberal communitarianism (Walzer 1994: 99ff.) where the majority culture is assumed to have a right to dominate the national public space and institutions such as state schools. Here, strong social equality does not translate into a cultural or religious equality captured by political orientations of multicultural citizenship, and so instead Denmark leans more toward the political orientations of national cohesion.

3.5 Belgium: permanent tensions and pragmatic solutions

In contrast to the four north-western European countries surveyed thus far, Belgium is a complex multinational and federal country characterised by deep and far-reaching linguistic community divisions. In order to grasp its recent evolution in the face of migration-related challenges, it is important to be familiar with the fact there have long

been at least two divergent approaches within the same country; two sub-state nationalisms characterised by political–linguistic cleavages (Bousetta and Jacobs 2006). These comprise the Dutch speakers, mostly Flemish, and the French speakers, mostly Walloons (plus a small group of German-speakers). Belgium's two largest regions are the Dutch-speaking Flanders in the north and the French-speaking southern region of Wallonia. Countervailing pressures assume a profound role in Belgian political orientations to citizenship, not least the mainstream presence of an organised political racism in the form of the *Vlaams Belang* (a party which boasts a quarter of the popular vote) (Jacobs 2004). The pressure this places in terms of its impact on actual policy is ambiguous. For example, in some instances a crude assimilationist approach that goes well beyond political orientations towards national cohesion might be pursued, while on other occasions ethnic diversity is accommodated in an orientation towards multicultural citizenship. Migration-related differences can therefore be both ignored and accommodated depending on the issues at stake and the actors involved. That is to say that on the ground, policy may be de facto multicultural in nature while all involved will deny it has anything to do with the idea of multiculturalism. Or, conversely, while a strict assimilationist policy scheme may be announced it may not in the end be implemented on the ground.

While Belgium has long been an immigration country, with historians charting migration to before the creation of the Belgian State in 1830 (Morelli 1992), political discourses on contemporary migration-related diversity began to evolve from 1974 onwards with the Belgian authorities' decision to cap the entrance of new migrants. Thereafter, the 'returnist' approach was overcome when it became accepted that migrants would settle permanently and that family reunification would ensue. The first notion of integration that emerged therein and proved durable was promoted by the *Commissariat Royal à la Politique des Immigrés* (CRPI) which itself was created after the 1988 elections and the breakthrough of the extreme right in Antwerp. At this stage integration was conceived as supporting migrant participation in mainstream Belgian society and promoted in opposition circles to either a purely assimilationist or multiculturalist orientation. It was therefore an earlier incarnation of more contemporary integrationist measures in that it insisted upon 'fitting in' with the principles that supported the culture of the host country (embracing values of 'modernity', 'emancipation' and 'true pluralism'). This was allied to an unambiguous respect for cultural

diversity as a means of providing mutual enrichment. Following the constitutional reforms that enforced institutional changes, the different linguistic communities took responsibility for integration politics. As a result, the Flemish and French-speaking governments have distinctively emphasised one dimension or another of this definition, such that their approaches to dealing with integration issues are consequently quite different. Jacobs (2008: 30) has argued that one of the reasons for this is that 'through structural homology, the Flemish elite no longer wished to impose on their ethnic minorities what they themselves endured as a former minority group'. More precisely, the Flemish community framework is based on the recognition of ethno-cultural minority groups and supports active participation through self-organisation of migrants. It adopted a model of integration that is more in line with a political orientation of multicultural citizenship. For example, the Flemish government, inspired by an earlier Dutch approach, has had a clear preference for supporting the organisations of migrants which are willing to cooperate in federations and be coordinated by quasi-autonomous non-governmental organisations. It has financially supported local initiatives aimed at urban renewal and adopted an overarching policy framework clearly based on the recognition of ethno-cultural groups of (settled and legal) migrants, refugees and travelling communities. Yet running parallel to this approach, it has equally developed policy measures that are said to be aimed at the assimilation of newcomers (Jacobs 2004). Since the end of the 1990s, the Flemish have been preparing and experimenting with civic integrationist measures (*inburgeringstrajecten*) which stress the requirement of Dutch language competencies and a familiarity with the norms of Flemish/Belgian society, with the overall aim of actively promoting a certain degree of language and cultural assimilation. This scheme, once again appropriated from the Netherlands, has become compulsory for most non-EU newcomers in Flanders from April 2004 onwards and is optional in Brussels.

On the French-speaking side, ethnic minorities are defined as immigrants or as people of foreign origin who, in a manner more orientated towards national cohesion, comprise individuals to be inserted into Belgian society, rather than members of groups. For example, the Francophone and Flemish governments have not been willing to recognise the participation of immigrants in society as specific ethno-cultural groups. In practice, however, the dominant policy category used is 'people of foreign origin', which is often primarily directed towards ethnic groups. Other policy initiatives may target

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immigrants primarily but may not be termed immigrant policies. The same can be said of several measures taken by the Brussels-capital region. The large numbers of foreign residents and the de facto residential concentration of ethnic minorities have nevertheless forced officials in Brussels to recognise the fact of migration-related diversity. Yet in contrast to the Flemish situation, the proactive measures for newcomers on the Francophone side are quite limited and mainly focused on learning the French language.

The linguistic cleavage has therefore cultivated diverging approaches to the settlement and integration of immigrants in the different parts of the country (Bousetta 2000). What has nevertheless emerged as a profound development across the divide is the public significance of Muslims and Islam. In this respect, 1998 constituted a turning point when Muslims in Belgium were canvassed to elect key spokespersons capable of representing collective interests to the state. Nonetheless, the institutional recognition of Islam remains in many aspects a long way off, which is unfortunate, given that one of the consequences of 9/11 is that multiculturalism and the position of Islam within Belgian society have become central issues in public debate (Bousetta and Jacobs 2006).

One means through which this public debate has taken place was the Intercultural Dialogue Commission. Set up by the federal government, it issued in 2005 a report marking a transition in the federal level emphasis from integration to cultural diversity. It did so by identifying several historical tendencies, concerning (1) a political pluralism that facilitated working-class emancipation and wider political consultation; (2) philosophical pluralism that incrementally led to the official recognition of various public religions (Catholic, Protestant, Jewish, Islamic and Anglican) and non-religion; and (3) community pluralism as stemming from Flemish and Walloon movements that created the current Federal State of Belgium. Importantly, the Commissioners underscored a further form of pluralism as the next step: (4) cultural pluralism. More precisely they insisted that integration issues should take into account relevant cultural dimensions and that it no longer made sense to qualify the descendants of migrants as '*migrant*' (migrant in French) or '*allochtone*' (immigrant in Flemish); instead 'cultural minorities' would be a much more relevant definition. The report, on the whole, focused its conclusions on the lack of cultural recognition in a manner that invited the criticism that the Commission had been highly influenced by communitarian theories instead of 'trying to develop civic respon-

sibility and common citizenship rather than thinking about an increasing space for cultural communities' (*La Libre* 6 June 2005). What this example and wider discussion reveals is that the Belgian case is mixed in its simultaneous political orientation to national cohesion and multicultural citizenship, though with important caveats including a horizontal relationship to the state, particularly for autonomous regions.

3.6 *Southern Europe*

Our two cases from southern Europe remain at an early stage compared to the level of orientation toward multicultural citizenship surveyed in Chapter 2 and found in the Belgian case above. This early stage is primarily due to the resilience of *ius sanguine* conceptions of nationhood. While the prioritisation of national identity in southern Europe goes unquestioned, the recognition of minority difference remains low and the location of minority identity remains restricted to the private sphere (with the exception of historically established minorities or autonomous regions). Thus, Greece maintains a strongly ethnic understanding of the core of the nation as 'the Greeks of Greece', allowing only for the partial integration of 'other' Greeks, notably co-ethnic returnees from the various places where Greek diasporas were established in earlier centuries (although there has been movement in this regard, as discussed below). This is paralleled by keeping immigrants of non-Greek descent strictly outside the polity but inside the economy, and the underground economy in particular (Triandafyllidou and Veikou 2002). So while difference is perceived as part of Greek society, it is external to conceptions of the nation. Spanish national identity, meanwhile, is promoted in the design and implementation of policy according to the twin vectors of a majority religion and language. This favours Spanish-speaking migrants over others and resurrects the Franquist prescription '*habla cristiano*' (speak Christian), serving as a clear illustration of how previous regimes have embedded the interaction between language and religion into the notion that Spain is 'without diversity'. This locates our cases from southern Europe squarely in the national cohesion political orientation set out in Table 2.6 (see Chapter 2) though with important caveats. First, an often horizontal relationship to the state is noted, particularly for autonomous regions, and second, developments in 'interculturalism'⁵ are noted particularly with respect to matters of education.

3.7 Greece: developing agendas

The first thing to note about Greece is that it has undoubtedly developed as a host society. Debates on the accommodation of cultural and religious differences are slowly evolving even while the challenge of migration-related diversity is yet to be fully addressed. The following four issues are integral to conceptualising contemporary political orientations:

1. The EU's symbolic characterisation of Greece's belonging to 'core' Europe has overcome to a certain extent the idea of an ethno-religiously defined unitary national identity that is closed to difference. The Greek government has introduced a new law on naturalisation that has begun to alter the landscape for children of migrants. They can now naturalise at birth upon a 'declaration' from their parents, provided they have been legally present in the country for at least five years. Children who came to Greece before the age of eighteen and who have completed six years in Greek schools can also naturalise. Simultaneously, migrants can apply for citizenship after seven years of legal residence, and provided they have already obtained long-term resident status at the EU level (which is conferred after five years of legal residence).
2. EU enlargement policy towards Turkey and the Balkans has opened yet another question of identity and geopolitics.
3. The large number of immigrants that currently account for approximately 10 per cent of the total resident population have slowly required state institutions and public opinion to recognise that Greece has become *de facto* 'multicultural'.
4. Regional legal and institutional frameworks that have promoted the recognition and protection of minorities across Europe are influencing the debates and policies on the position and rights of minorities in Greece.

The main policies enacted by the Greek state to respond to this increasing diversity are orientated towards the special language and educational needs of non-Greek mother tongue students. These include a tiny set of so-called intercultural schools (twenty-six in total, accounting for less than 1 per cent of the total schools in Greece). They also include programmes that train teachers in the promotion of special activities for cultural dialogue and integration within schools and reaching out to local communities. Finally, they

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comprise reception classes for up to two years for newly arriving children with limited or no knowledge of the Greek language. These policies have had some success but also have shortcomings, including the failure to transpose a notion of intercultural or multicultural education onto the mainstream educational system. In particular, cultural diversity has been seen as a problem of 'foreign pupils' rather than a broader challenge. The policy and discourse adopted so far with regard to the integration of non-Greek mother tongue pupils has therefore been one of implicit assimilation which is often termed 'integration' but which does not recognise the reciprocal nature of the integration process. Present interpretations are therefore some way from Gagnon and Iacovino's (2007) characterisation of interculturalism as comprising a public space and identity that is created and shared through participation, interaction, debate and common endeavour. While not culture-less, this would not merely be the 'majority culture', so that all could participate in its synthesis and evolution. So even while it has an inescapable historical character, this public culture is always being reworked and ought to include new groups in its next incarnation.

The conception of non-discrimination is also at an early stage, surrounded by widespread confusion among policy actors, civil society bodies and the migrant workers themselves as to what constitutes exploitation and discrimination in the labour market. That is to say, while immigrants face widespread inequality in terms of their employment and conditions of employment, it remains unclear whether such inequality is the result of opportunistic discrimination or simply a question of unscrupulous employers who know that it is unlikely that they will be monitored, and so take advantage of minority socio-economic vulnerability. For example, employers may take advantage of the weak position of the migrant because they are either undocumented or have a short-stay permit which requires welfare contributions to prove they are employed as a prerequisite to permit renewal. Thus, the employer pays less money to the migrant and/or may not pay full welfare contributions or overtime. This is a dilemma which also arises in the discussion of Spain (Zapata-Barrero 2008) and other southern European countries. It is a dilemma because they have formally fully transposed the EU directives discussed in the previous chapter yet experience a significant gap in the manner in which they are implemented (reflecting a lack of awareness among policy and civil society actors as to the rights and duties in the field of equality and anti-discrimination). Given the pervasive understand-

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Table 3.2 Two countries in southern Europe

National Contexts → Political Orientation ↓	Greece	Spain
1. Promotion of Equality of Opportunity	<i>Low</i>	<i>Low</i>
2. Emphasis on National Identity	<i>High</i>	<i>High</i> <i>(multi-nationalism)</i>
3. Recognition of Difference	<i>Low (for new minorities) & High (for old minorities)</i>	<i>Low (for new minorities) & High (for old minorities)</i>
4. Seeking Neutrality	<i>No</i>	<i>No</i>
5. Bearer of Rights	<i>Individual (for new minorities) & Group (for old minorities)</i>	<i>Individual (for new minorities) & Group (for old minorities)</i>
6. Relationship to the State	<i>Vertical & Horizontal</i>	<i>Vertical & Horizontal</i>
7. Emphasis on Minority Nation Identity	<i>Low-Medium</i>	<i>High</i>
8. Emphasis on Interaction between Groups	<i>Medium</i>	<i>Medium</i>

ing of national identity as the 'cultural property' of the Greek people, defined on the basis of their ethnic descent rather than their civic and socio-economic participation in the community, discrimination is implicitly considered legitimate. 'Greece belongs to the Greeks' is a widespread sentiment and much of the immigration debate echoes this view.

Greece has a history of reactive and delayed responses in the field of migration policy. This can be explained in part by the fact that it is a more recent immigration country with migrants only relatively recently being acknowledged as a permanent reality in Greek society and labour markets. These attitudes prevalent in public administration, among civil servants, and wider public opinion and employers, have yet to catch up with the reality of immigration to Greece. The obligation and responsibility to apply equally non-discriminatory principles to third country nationals in the workplace has only

recently started to become a common practice. There is also the traditional weakness of Greek civil society, which has not yet been able to raise awareness on anti-discrimination issues, nor to pressurise the various public and private authorities to respect, implement and adhere to the new legislative framework.

3.8 Spain: selective treatment

Greece is by no means unique in southern Europe regarding its attitude and policies towards immigrants, for in Spain the words 'multiculturalism' and 'inter-culturality' were absent from public policy discourse until 2004. What instead occupied such discourse was the level of immigration to historically autonomous regions, particularly Catalonia, where immigration is perceived as a potential challenge to Catalan culture and identity, especially with regard to the future of the Catalan language. As a consequence, an immersion in Catalan language is a core integration objective. These levels of autonomy over citizenship-making processes far exceed some multinational settlements in north-western Europe, such as devolution in the UK, but are not radically dissimilar to the kinds of federalism found in Belgium or Canada in relation to Quebec. Indeed, there is some invocation here of Gagnon and Iacovino's (2007) characterisation of interculturalism as demanding that a region (in their case Quebec), and not merely the federal state, is a public space and thus an object immigrants need to identify with and integrate into (in order to maintain it as a nation and not just a federal province). In the case of Spain, in those autonomous regions where a second official language is promoted (such as Catalonia, the Basque country and Galicia), immigration is deemed to present a particular challenge of how to manage bilingualism and now multilingualism in schools. In each region, linguistic departments have been established to enforce laws that give the regional language an equal status to Spanish, not least in compulsory education. So there is a kind of Federation of Communities and Separatism for established minorities, with mediating groups as the basis for cohesion that are bound by exclusive substantive moral bonds of a prescriptive language and religion. This is why a condition for the acquisition of voting rights for immigrants is the completion of naturalisation courses and citizenship exams. The Spanish example is opposite of the French and British examples given previously, but interestingly consistent with the Danish and Walloonian approaches – to incorporate integration

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into the receiving society. For Spain, an alleged crisis of integration in north-western Europe illustrates that naturalisation rights will not guarantee immigrant integration. In this regard, the legal framework plays an important role in the management of diversity, mainly because of the 'Foreigner's Law' (*Ley de Extranjeria*) in the Spanish Constitution (1978). This law created a legal framework of democratic principles and made equal treatment and non-discrimination (alongside liberty, justice and political pluralism) basic pillars of the non-confessional state. It simultaneously, however, precluded non-nationals from voting and from being elected except in those cases where it is established by treaty or when the law attends to the principle of reciprocity. With the 'Foreigner's Law' the Constitution has therefore created a framework of institutional discrimination or ethnicisation since preferential nationalities are granted full political rights. As such, in the public sector EU citizens and third country nationals are discriminated against in their access to employment considered to be the object of state and public security. The nationality law in Spain in this context also results in indirect discrimination. Since for certain national groups, it is far easier to obtain Spanish nationality than for others (typically migrants bearing historical ties from a select group of countries are favoured, such as from Latin American countries and Equatorial Guinea).

The case remains that there is a clear ethnic selection and nationality preferences procedure. For example, Article 22.1 of the Spanish Civil Code establishes that while legal residence in Spain of ten years is required to be granted citizenship, two years is sufficient for those nationals coming from Ibero-American countries (Andorra, the Philippines, Equatorial Guinea, Portugal), or those who are of Sephardic origin. This clearly repeats the tradition of the *Hispanidad* of selection by origin (Zapata-Barrero 2004: 55). In other words, the Spanish Civil Code establishes a framework of institutional discrimination (ibid.), which has a direct impact upon political rights whereby preferential nationalities have more rights than other nationalities.

There are parallels with Greece also, in that while the Spanish approach to education is based on human rights beyond other legal considerations, it is also concerned with intercultural education. Policy makers in Spain too have different views about the meaning of this approach, viewing it as located somewhere between assimilation and multiculturalism.

Broadly speaking, intercultural education in Spain is conceived as

an approach to inculcating values such as tolerance and respect, in order to *vivir en convivencia* (coexist peacefully). Since immigrants are considered to be *homo economicus* it is difficult to enter into a more nuanced discussion in which immigrants are integrated not only into the labour market but also into social, cultural and political spheres. Thus the discrimination of immigrant workers primarily refers to those working in the underground economy, facing harsh working conditions without basic rights and protection. The fragmentary anti-discrimination legislation and lack of civil society awareness confines the legal fight against discrimination to combating the exploitation of irregular workers. The ethnicisation of the Civil Code (or the discrimination by origin in relation to naturalisation) is illustrative of a context that restrains proactive policies. This is because Spain is immersed in a history and a structure that impedes innovation and change, and reacts against the accommodation of migration-related diversity in its conceptions of nationhood.

Conclusions

This chapter has detailed permutations in movement, to differing degrees and from different starting points, in conceptions of nationhood as *ius soli*, the valorisation of national identities and the enactment of anti-discrimination legislation, amongst other criteria, across north-western and southern Europe. Following the theoretical developments set out in Chapter 2, the present chapter has shown that while France provides a good illustration of a political orientation geared towards national cohesion, specifically in the assertion of civic nationhood and the placing of social cohesion as a goal above the recognition of group 'difference', Denmark is presently moving along this trajectory in a much more restrictive manner, a manner that contains a negative tone of popular discourse surrounding cultural diversity in general and Islam in particular. Indeed, both Denmark and Germany display national identities long out of kilter with the diversity of their respective citizenry. This is not to detract from the progress Germany has made, for after decades of pursuing an ethno-national citizenship, there have been significant changes in the management of immigration, integration and its very conception of citizenship with the introduction of *ius soli*. This has been followed by further amendments geared towards integration strategies, as well as the invitation to migrants and civil society actors to take part in National Integration Summits. In other countries the developments are different again. The UK is closer to multicultural citizenship than national cohe-

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sion, even while matters of national unity assume a greater prominence than they have previously, and where a securitisation of ethnic relations has emerged over fears of Muslim extremism. The situation of our two cases from southern Europe, meanwhile, is related to the resilience of ethnic conceptions of nationhood, which means that the recognition of minority difference remains low and the location of minority identity remains restricted to the private sphere, with the exception of historically established minorities or autonomous regions.

Notes

1. This chapter draws upon the culmination of working papers authored by the EMILIE consortium and so reflects input from team members Laure-Anne Bernes, Hassan Bousetta, Nynke de Witte, Angéline Escafré-Dublet, Ruby Gropas, Eléonore Lépinard, Sine Lex, Lasse Lindekilde, Nasar Meer, Frauke Miera, Tariq Modood, Per Mouritsen, Valerie Sala Pala, Patrick Simon, Anna Tryandafyllidou, Jason Zaragoza Cristiani and Ricard Zapata-Barrero. Full national reports are available at <http://emilie.eliamep.gr/>
2. The *Reichs- und Staatsangehörigkeitsgesetz*, implemented in 1913, defines citizenship exclusively upon descent (*ius sanguinis*).
3. Schäuble, Wolfgang: 'Einwanderung und Integration. Muslime in Deutschland', *Frankfurter Allgemeine Zeitung*, 27 September 2006. Available at www.faz.net/s/RubC4DEC11C008142959199A04A6FD8EC44/Doc~E268337CD8D8940F19D87988EB8071591~ATpl~Ecommon~Scontent.html, accessed on 20 November 2010.
4. We use the term 'interculturalism' as it is locally understood, not as it is understood in our taxonomy in Chapter 2, which refers primarily to a political idea developed in Quebec and not to an educational policy.

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