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Chapter 5

Earning Your Keep: The Debates on Civic Integration
Introduction

The previous chapter demonstrated that in 2004 a commitment to liberal culturalism was implicit in a number of parties’ views on liberty and diversity in Dutch society. For parties such as GroenLinks and the VVD, but also the Christian Democratic CDA, diversity is welcomed especially if and in so far as it is the expression of the autonomous choice of citizens. To the extent that moral communities in Dutch society reject the individual autonomy of their members, these moral communities are themselves to be rejected. At the same time, there is a strong, if small, current of undiluted framework liberalism running through the debates, in the form of the contributions of the orthodox Protestant parties the SGP and the ChristenUnie especially.

Of the parties taking in a position between these two extremes, the SP proved to be of special interest. While the SP explicitly and forcefully rejected the freedom of education for its segregationist tendencies, it did not reject diversity in se, claiming that it is impossible to deny individuals their history and identity. The SP’s position, it was suggested, can be explained by reference to its more fundamental commitment to socio-economic emancipation and participation; the party’s paramount concern is that all members of society be able to participate as equals in that society. Equal participation is conditional upon the absence of economic domination. Domination can only be averted by acquiring a position of economic independence. Such a position can only be acquired if one has the skills necessary to do so. These skills are partly taught in school, and partly determined by society. To acquire these skills, one must therefore go to school, and interact in society. That the distinct identities of moral communities individuals belong to may suffer as a result of such participation is inconsequential in light of the higher goal of socio-economic emancipation.

As this chapter will establish, the rationale described in the previous paragraph, which gives clear precedence to socio-economic concerns above socio-cultural sensitivity, plays a marked role in most parties’ position on civic integration. In so far as parties’ view of moral communities is thus focused on the degree to which community membership hampers the economic prospects of their members, they take up an instrumental view of moral communities in the debates on civic integration, thereby tending, perhaps inadvertently, towards a liberal culturalist position with regard to the standing of such communities in Dutch society. For the most part,
however, moral communities will be shown to play a limited role in these debates. Parties’ general concern is for society and its members, who are expected to be participating members in it. Though parliamentarians hardly flesh out participation beyond the economic sphere, they will be seen to treat Dutch society as consisting of more than that sphere alone. Society is implicitly treated as a moral community, its members as subscribing to distinct norms and values going beyond the public sphere or a mere procedural morality. In that important sense, also, this chapter offers more evidence of a tendency towards liberal culturalism in Dutch Parliament, be it in principle or by default.

This chapter, then, is a continuation of the previous chapter, using the debates on the Civic integration-bills as a means to further determine Parliament’s views of the integrated society. In what follows, after a short historical introduction of civic integration policy and law, the debates on the two civic integration bills will be presented and analyzed in turn. Emphasis will be placed therein on the more substantial, and more recent, debates concerning the ‘Civic integration bill’. The parliamentary discussion of the second bill (generally referred to as ‘Civic integration abroad’), which took place a year prior to the debates on the Civic integration bill, will serve as a prolegomenon to the discussion and analysis of the Civic integration bill, introducing and structuring the arguments of the later debates.

Civic integration law and policy; a short introduction

Civic integration policy in the Netherlands dates from 1996.¹ ‘Inburgering’, the Dutch term for civic integration, was introduced as policy jargon around 1994, allegedly by the PvdA-politician, then minister for the Interior, Van Thijn.² As the term ‘inburgering’ has undertones that are absent from its translation as ‘civic integration’, a short digression is warranted.

Commenting on the Dutch preoccupation with the civic integration (‘inburgering’) of non-Western immigrants, the Belgian sociologist Jacobs remarks the following:

“‘Inburgering,’ by the way, is a term that is very difficult to translate

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¹ Civic integration policy should not to be confused with (the broader) integration policy.
² As mentioned by the PvdA in debating the Civic integration bill in the First Chamber; see HEK 2006/07, No. 9: 303. Incidentally, Van Thijn also represented the PvdA in the First Chamber during the debate on the Framework Convention for the Protection of National Minorities, discussed in chapter 3.
into French (or English, for that matter). *Burgerschap*, [which translates as] *citoyenneté* or citizenship will be familiar, but it is impossible to explain *‘inburgering’* in the scope of one sentence to even the most charitable audience. It is, then, one of those typically Dutch terms [...] that Flemish speaking Belgians can still make an effort to understand, but that seem untranslatable - or worse – unintelligible outside the Dutch language area. How would one explain *‘inburgering’* to French or English colleagues? Inevitably one would begin with the term *‘burgerschap’*.

But starting from *burgerschap*, commonly translated as ‘citizenship’, may actually serve merely to confuse matters further, for ‘citizen’ is not the only meaning of the term ‘*burger*’, from which both ‘*inburgering*’ and ‘*burgerschap*’ are derived. Historically, ‘*burger*’ referred not to the citizen of the modern nation state, for the latter did not yet exist, but to the freemen of a town or city. This explains the connotation of the term with the self-satisfied parochialism of the middle classes, in similarity to the term *bourgeois*. In the vernacular, ‘*inburgering*’ draws more heavily on the connotations of conformity and belonging inherent in the term ‘*burger*’ than on its more modern meaning of citizen. To feel *ingeburgerd* is to feel comfortably at home, to be *ingeburgerd* is to be generally regarded as belonging as a result of exhibiting the behavior and opinions of those who already belong. That the term ‘*inburgering*’ has less to do with the rights and status of citizenship and more with identity and belonging can further be gleaned from the term’s usage with regard to language, which predates that with regard to citizenship. The *inburgering* of a term or phrase denotes the process of that term’s becoming incorporated in a language community. When it is fully *ingeburgerd*, it is no longer distinguishable as having once been alien to that community.

Much discussion of the *inburgering* of non-Western immigrants in the Netherlands, then, does not primarily concern their rights of citizenship, but rather the degree to which they are identified, and have come to identify themselves, as full and secure members of Dutch society. This explains also why these debates are not a continuation of the citizenship debates that occupied the Netherlands (and many other liberal democracies) in the eighties and nineties of the twentieth century. *Inburgering* is not only

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3 Jacobs 2000: 3 (translation FMB).
or even especially about civic virtue, or the duties of the good citizen. It is also and at least as often about identity and belonging. Given this characterization of civic integration, the passing into law of the two Civic integration bills discussed in this chapter is in itself testimony to a self-understanding of the Netherlands as a distinct moral community in which one can come to belong by adaptation to the reigning mores.

As stated, civic integration policy in the Netherlands dates from 1996. The first Civic integration law entered into force two years later, in 1998. Under this law certain categories of newcomers to the Netherlands were required to follow civic integration programs. These programs were prescribed and supervised by local municipalities, while a single, centralized educational institution was tendered to organize and offer the courses. The courses’ main focus was on Dutch as a second language and on the characteristics of Dutch society and the labor market. In addition to teaching these subjects, assistance was offered in dealing with social and administrative institutions, pursuing further education, and, if possible, finding work. While the municipality had the authority to instill a fine for deliberate non-participation in civic integration courses, failing to achieve the legally required minimum levels set by the law had no legal consequences. Whereas newcomers were legally required to participate in civic integration courses, so-called ‘oldcomers’, i.e. legal resident aliens belonging to the target categories of integration policy, could participate in them on a voluntary basis.

According to the second Cabinet Government headed by CDA Prime Minister Balkenende (consisting of members of the CDA, VVD, and D66, generally referred to as ‘Balkenende II’) the Civic integration law of 1998 had failed to achieve its stated objectives. Already in its coalition agreement, well before the Committee Blok concluded that the old Civic integration law of 1998 had had little effect, the Government emphasized the necessity of the civic integration of newcomers, and hinted at new measures. These measures were presented in more detail in its memorandum on the revision of civic integration policy in April, 2004. Two of the measures announced therein will occupy us in this chapter. The first, Civic integration abroad, dates from 2004 and acquired force of

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6 See also supra, chapter 2, 76.
6 See Kamerstukken II, 30308, nr. 3: 3.
7 Kamerstukken II, 28637, nr. 19: 14. See, for the Blok-committee’s conclusions on civic integration, Kamerstukken II, 28689, nrs. 8-9: 143-144.
8 See Kamerstukken II, 29543, nr. 2.
law in 2006. ‘Civic integration abroad’ actually was an amendment of the existing Aliens Act of 2000, which amendment introduced rudimentary knowledge of Dutch and Dutch society as an entry requirement for aspiring resident aliens from certain designated countries. The second measure dates from 2005, acquired force of law in 2007, and consisted in a new and ‘more obligatory and more results-driven’ Civic integration bill to replace the 1998-law described above.9 Below, the parliamentary debates of these two bills will be presented and analyzed in turn.

The debates in the Second Chamber: Civic Integration Abroad

The proposal to amend the Dutch Aliens Act so as to make it necessary for certain categories of applicants for residency in the Netherlands to pass a civic integration exam in their country of origin as a condition for obtaining a residency permit (henceforth: Civic integration abroad) was sent to the Second Chamber by Minister Verdonk (VVD) in the fall of 2004.10 The Second Chamber discussed the bill in plenary session in March 2005. The largest member of the opposition was the PvdA (occupying 42 of 150 seats in the Second Chamber). The bill was supported in the Second Chamber by all parties accept GroenLinks and the SP, the latter of which was in favor of the bill in principle but had reservations about the legislative procedure followed.11 GroenLinks was the only party to object to Civic integration abroad on principle, as will be demonstrated below.

Much of the debate on Civic integration abroad revolved around technical issues, such as the feasibility of examining applicants’ knowledge of the Dutch language and society by way of speech recognition technology. The precise level of proficiency in Dutch desired (A1- or A1+, for example) was also much debated. Such issues will be ignored below. The focus will be on three issues with special bearing on the subject matter of this thesis, namely: (a) the justification of the bill; (b) the discussion of women

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9 From the Explanatory Memorandum (‘Memorie van Toelichting’), Kamerstukken II, 30308, nr 3: 3.
10 Kamerstukken II, 29700, nr 2.
11 For the voting record, see HTK 2004/05, No. 68: 4284-4285. The SP’s concern about the legislative procedure focused primarily on the minister’s refusal to postpone voting until after more information had been obtained concerning how the computerized examinations (which relied fully on the use of speech recognition technology) functioned in practice; see HTK 2004/05, No. 67: 4263-4264.
and emancipation; and, relatedly, (c) the substance of Dutch culture and values.

**The justification of civic integration abroad**

The Civic integration abroad-bill makes ‘knowledge on a basic level of the Dutch language and Dutch society’ a condition of entry for individuals applying for a residency permit, if and in so far as they hail from outside the EU and are not nationals of Switzerland, Norway, Iceland, the United States, Canada, Australia, New Zealand, and Japan.\(^\text{12}\) Though the bill therefore applies to a very broad range of individuals, the Government explicitly acknowledges that the bill is concerned especially with migrant brides and spouses from Turkey and Morocco.\(^\text{13}\) The Government regards family reunification and formation as a constant strain on the successful integration of Turkish and Moroccan residents, alien or otherwise, in Dutch society.\(^\text{14}\)

The Government provides a three-tier justification of Civic integration abroad. The first tier is the same as the justification of integration policies in general: Civic integration abroad is necessary for the sake of the social cohesion of Dutch society and to forestall the social and economic marginalization of specific groups.\(^\text{15}\) The second tier consists in pointing out the negative impact of newcomers on the integration of those specific groups. Because every newcomer has to begin integrating in Dutch society afresh, every newcomer is a setback to the integration of the group to which he belongs as a whole. This is all the more so because many newcomers are women, whose chief responsibility it will be to raise children. As these children grow up to have families of their own, ‘processes of marginalization’ affecting the group are passed on ‘from generation to generation.’\(^\text{16}\) The third tier consists in pointing out that many of these newcomers share individual characteristics that are not conducive to integration in Dutch society: they have little in the way of formal education beyond the elementary level, they show relatively

\(^\text{12}\) ‘kennis op basisniveau van de Nederlandse taal en de Nederlandse maatschappij’; Kamerstukken II, 29700, nr. 2: 1 (art. I).

\(^\text{13}\) Kamerstukken II, 29700, nr. 3: 4.

\(^\text{14}\) Kamerstukken II, 29700, nr. 3: 5.

\(^\text{15}\) Kamerstukken II, 29700, nr. 3: 3-4.

\(^\text{16}\) ‘processen die op den duur marginalisering van bepaalde bevolkingsgroepen tot gevolg hebben’, ‘van generatie op generatie’; Kamerstukken II, 29700, nr. 3: 4.
high levels of unemployment, if they are employed it is relatively often as unskilled workers, they have low language skills and are generally lagging in socio-cultural integration, i.e. they have little contact with autochthonous Dutch, identify primarily with their own community, and are primarily oriented towards their native language and culture. Women especially are ill equipped to integrate in Dutch society.\textsuperscript{17}

Civic integration abroad, according to the Government, is necessary to forestall the repetitive cycle of family reunification and formation and social and economic marginalization.\textsuperscript{18} It will do so by ensuring that prospective newcomers will appreciate the consequences of their migration beforehand; that they will realize that they are expected to learn Dutch and know about Dutch values and norms; and that they will have ‘actually and demonstrably’ focused on Dutch language and society before arrival.\textsuperscript{19}

Working through the three tiers outlined above from the bottom up (individual, group, society), Civic integration abroad is expected to strengthen the weakest link in the integration process by giving Turkish and Moroccan migrant spouses especially a flying start in civic integration, thereby enlarging the chances for their successful integration and that of their children, subsequently facilitating the integration of their respective communities in Dutch society, forestalling their economic marginalization, and finally improving the social cohesion of the Netherlands as a whole. These last results are not expected to follow only from Civic integration abroad’s positive effects in strengthening the skills and knowledge of newcomers, but also from its negative effects. For the Government also expects Civic integration abroad to function as a filter, barring the entry of migrants who fail to pass the entry exam.\textsuperscript{20} Selection is not the bill’s stated goal, however, but an expected side effect.\textsuperscript{21}

This side effect is reason for GroenLinks to oppose the bill. Indeed, the party maintains that contrary to the bill’s explanatory memorandum, selection is the principally intended effect of the bill. Though the party does not dispute the importance of knowledge of Dutch language and culture, it believes such knowledge is much more effectively acquired

\textsuperscript{17} Kamerstukken II, 29700, nr. 3: 4-5.
\textsuperscript{18} Kamerstukken II, 29700, nr. 3: 5.
\textsuperscript{19} ‘daadwerkelijk en aantoonbaar’; Kamerstukken II, 29700, nr. 3: 6.
\textsuperscript{20} Kamerstukken II, 29700, nr. 3: 6.
\textsuperscript{21} Kamerstukken II, 29700, nr. 3: 14-16.
in the Netherlands. The bill allegedly does not serve the purpose of civic integration, but of selection, and as the bill impedes upon the fundamental right to freely choose one's partner in life it does so at the cost of deeply intervening in the personal lives of Dutch citizens.22

The VVD, to the contrary, explicitly welcomes the bill as a means to reduce immigration, claiming that it would not consider the failure of individuals to pass the exam as a negative result.23 The other parties are for the most part less outspoken on the subject of selection, though some are worried that the bill may be struck down in court if it selects too harshly or on unjustified grounds, and/or dispute the criteria on which selection takes place. The PvdA, for instance, states that selection should be made on the grounds of literacy; applicants who cannot read and write in their native tongue should be barred from entry.24 The SP, on the other hand, wishes to select not on skills but on motivation. The proposed level, the party believes, is adequate to that end.25

Returning to the three tiers of the Government's justification outlined above, no parties dispute the first tier, i.e. that societal integration is necessary. The VVD is the only party that explicitly places the bill in the context of improving social cohesion.26 Most parties concur explicitly or implicitly with the implicit target groups of the bill, namely the Turkish and Moroccan community, thereby underwriting the Government's second and third tiers of justification, namely that marriage migration weighs down on the integration of these communities and that it does so through the combination of the role women play in these communities with the factor that they, especially, are ill-equipped to integrate.27 Again, GroenLinks stands alone, both in addressing the one-dimensional view that the Government has of marital migration and its impact on integration, and in questioning the proportionality of the Government's proposed measure.28 This does not mean that GroenLinks is not concerned about the emancipation of these women, however. This will become clear

22 HTK 2004/05, No. 60: 3895; GroenLinks is represented in this debate by Azough.
23 HTK 2004/05, No. 60: 3904-3905. The VVD is represented in this debate by Visser.
24 HTK 2004/05, No. 60: 3886-3887. The PvdA is represented in this debate by Dijselbloem.
25 HTK 2004/05, No. 60: 3901. The SP is represented in this debate by Vergeer.
26 HTK 2004/05, No. 60: 3902.
27 The CDA for instance emphasize the necessity of including Turkish women in the scope of the bill (which is problematic due to the EU-accession treaty with Turkey) (HTK 2004/05, No. 60: 3893); see further HTK 2004/05, No. 62: 4023 (PvdA); HTK 2004/05, No. 60: 3904 (VVD); HTK 2004/05, No. 60: 3899 (SGP); HTK 2004/05, No. 60: 3885 (D66).
28 HTK 2004/05, No. 60: 3895.
in the next section, in which we focus more closely on the treatment of the subject of women in the debate.

**Women and emancipation**

The civic integration of migrant women especially is a concern voiced explicitly both by the Government and by a number of parties participating in the debate. The emphasis placed by the Government on the role of especially Turkish and Moroccan women in the integration process was already mentioned above. During the debate the minister, in defending the proposal, goes a step further, claiming that the original reason underlying Civic integration abroad was ‘precisely to strengthen the emancipation of women.’

The largest coalition and opposition parties, the CDA and PvdA respectively, also regard Civic integration abroad as having special bearing on the necessary emancipation of migrant women. Of these two the CDA is the most explicit as to why emancipation is necessary and how Civic integration abroad is conducive to that aim; the PvdA merely makes positive mention of the broad consensus concerning the bill’s purpose, namely ‘a better integration and emancipation of marriage migrants.’

Civic integration abroad is necessary, according to the CDA, so that the subsequent civic integration in the Netherlands can take place faster and more efficiently. This is especially the case for ‘certain groups of migrant women in vulnerable positions.’ The CDA sees two main reasons why the integration and emancipation of these women is necessary. One is that it will strengthen the position of migrant women within their families and communities. Knowing their rights, ‘for instance concerning honor vengeance’, will strengthen that position, and having proficiency in Dutch will enable them to participate in society and will increase their chances at eventually finding a job or pursuing an education. At the same time the emancipation and integration of these women is necessary for their children’s sake. Women should be able to ‘read a school form’,

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29 *juist om de emancipatie van vrouwen te versterken*; HTK 2004/05, No. 62: 4039.
30 *een betere integratie en emancipatie van huwelijksmigranten*; HTK 2004/05, No. 62: 4023.
31 HTK 2004/05, No. 60: 3888. The CDA is represented in this debate by Sterk.
32 ‘bepaalde groepen vrouwen onder de migranten in een kwetsbare positie’; HTK 2004/05, No. 60: 3888.
33 ‘bijvoorbeeld ten aanzien van eerwraak’; HTK 2004/05, No. 60: 3893; HTK 2004/05, No. 60: 3890.
‘we want them to be able to raise their children well’, they should have some knowledge of Dutch and Dutch society before arrival because ‘there are girls who come to the Netherlands and become pregnant’ and subsequently have ‘to raise their child, while they cannot speak Dutch.’

The minister argues for the integration and emancipation of mothers in similar terms, referring explicitly to the challenges faced by Turkish and Moroccan women:

‘They come to the Netherlands, aren’t prepared for Dutch society, don’t speak the language, do not know how we behave towards each other in the Netherlands, and know nothing about Dutch values. Yet they are the mothers of children. The continuing integration process is therefore set back again and again by these new entrants. They have to start from zero.’

GroenLinks, again, strikes a different tone. Firstly the party stands alone in treating emancipation as an issue that must be addressed to men also and not just to women. Secondly, while strongly endorsing emancipation and ‘a liberal attitude towards sexuality and the equality of man and woman’ in general, the party feels that emancipation can be more effectively addressed in the Netherlands than through Civic integration abroad. Instead of reflecting such attitudes and equality, however, Civic integration abroad amounts to a ‘fencing in’, or ‘reduction’, of the Netherlands and of its ‘liberal character’, according to the party.

The referral to the liberal character of the Netherlands by GroenLinks constitutes one of the few times during the debate that an attempt is made to define the content of the Dutch culture and values that newcomers, in the words of the minister, ‘know nothing about’, though they are

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34 ‘een formulier van school’; ‘Ook willen wij dat zij hun kinderen goed kunnen opvoeden’; HTK 2004/05, No. 60: 3890; ‘dat er meiden zijn die naar Nederland komen en dan zwanger raken, uit de inburgeringcursus vallen en te maken krijgen met de opvoeding van hun kind, terwijl zij geen Nederlands spreken’; HTK 2004/05, No. 60: 3896.
36 HTK 2004/05, No. 60: 3895.
37 ‘een vrije kijk op seksualiteit en een gelijke positie van man en vrouw’; HTK 2004/05, No. 60: 3895.
38 HTK 2004/05, No. 60: 3895. The Dutch word in the original is ‘inkapselen’, which means ‘fencing in’, but also has connotations of ‘making smaller’.
crucial for their (civic) integration. This scarcity of explicit discussion of Dutch culture and values is a third notable aspect of the debate on Civic integration. It will be discussed in the following section.

**Dutch culture and values**

Though the Government and parties alike repeatedly stress that it is necessary that newcomers know of and respect Dutch cultural norms and values, these norms and values receive surprisingly little explicit attention, either in the Government’s memorandum or during the debate. According to the memorandum, the bill in part fulfills Parliament’s desire that ‘the importance of the essential Dutch values, norms, and fundamental rights’ already be brought to the attention of applicants for residency permits during the application procedure. The memorandum, however, instead of norms and values, speaks chiefly of knowledge of the ‘basic tenets of Dutch society’ or ‘knowledge, at a basic level, of Dutch society’. What that knowledge should amount to, or what those basic tenets are, is not made explicit in the memorandum, however, though it is stated that testing applicants’ knowledge of Dutch society aims to test whether they have become ‘aware of Dutch values and norms’.

The Government’s own ‘Advice committee standardization civic integration requirements’, by the way, had advised the Government to differentiate between practical knowledge and skills on the one hand and more abstract knowledge about Dutch society on the other. Practicalities are better learnt, according to the committee, in the Netherlands, while more abstract knowledge can be acquired in the countries of origin. Furthermore the committee had recommended making this abstract knowledge, consisting in facts about the Netherlands, facts about Dutch society and culture, and the preparation for the arrival in the Netherlands, available in applicants’ native language so as to increase family-migrants’ knowledge of what to expect in the Netherlands. Also, the committee had advised against examining this knowledge, because such examination in

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39 This desire had been expressed in a motion submitted in the Second Chamber by the VVD-MP Blok in 2002 (Kamerstukken II, 28600 VI, nr. 60). ‘het belang van de essentiële Nederlandse waarden, normen en grondrechten’; Kamerstukken II, 29700, nr. 3: 1.
40 ‘basisbegrippen van de Nederlandse samenleving’, ‘basiskennis van de Nederlandse samenleving’; Kamerstukken II 29700, nr. 3: 1,2. See also 3, 6.
41 ‘een voorafgaande bewustwording van de Nederlandse waarden en normen’; Kamerstukken II, 29700, nr. 3: 6.
Dutch would be too rudimentary to be of any value, whereas examination in the applicants’ native languages would be too cumbersome to be practical.\textsuperscript{43}

The Government chose to disregard the committee’s advice, however, at least with respect to the examination of applicants’ knowledge of Dutch society. It is unclear whether the Government chose to follow the differentiation between practical skills and abstract facts and to examine only the latter, though the Government’s choice, also contrary to the committee’s advice, to test this knowledge in Dutch strongly limits the possible scope and depth of that examination, as applicants’ vocabulary is not required to exceed 500 basic Dutch words.\textsuperscript{44}

The debate in the Second Chamber shows that both the content of the expected knowledge and the means of its examination are unclear to the participating parliamentarians as well. For example, during the debate, as an example of a possible exam-question the minister suggests ‘what is the color of the top stripe of the Dutch flag?’.\textsuperscript{45} This prompts D66 to express its concern, for the party had assumed that ‘testing knowledge of Dutch society concerned knowledge of Dutch society.’\textsuperscript{46} D66 had expected ‘a bit of culture, a bit of history, and a bit of customs.’\textsuperscript{47} The color of the flag is considered by the party to be a mere fact, and an irrelevant one at that.\textsuperscript{48}

As with D66, many parties seem to project their own wishes and expectations on the content of Civic integration abroad. D66 mentions culture, language, and customs.\textsuperscript{49} The CDA stresses the necessity of conveying respect for rights ‘with regard to honor vengeance’, and the right to work or pursue an education.\textsuperscript{50} The PvdA-\textsuperscript{51}MP states that Civic integration abroad is meant to foster awareness of ‘that strange Dutch society, which I personally like so much.’ It is a chance to confront

\begin{itemize}
  \item \textsuperscript{43} Kamerstukken II, 29700, nr. 3: 13.
  \item \textsuperscript{44} See Kamerstukken II, 29700, nr. 3: 13.
  \item \textsuperscript{45} ‘\textit{Een van die vragen is wat de bovenste band van de Nederlandse vlag is}’; HTK 2004/05, No. 62: 4007.
  \item \textsuperscript{46} HTK 2004/05, No. 62: 4008. D66 is represented in this debate by Lambrechts.
  \item \textsuperscript{47} ‘een stukje cultuur, een stukje geschiedenis en een stukje gewoontes’; HTK 2004/05, No. 62: 4008.
  \item \textsuperscript{48} HTK 2004/05, No. 62: 4008. The answer to the minister’s question, for what it’s worth, is ‘red’.
  \item \textsuperscript{49} HTK 2004/05, No. 60: 3883.
  \item \textsuperscript{50} ‘\textit{ten aanzien van eerwraak}’; HTK 2004/05, No. 60: 3889.
  \item \textsuperscript{51} ‘\textit{die rare Nederlandse samenleving, die ik persoonlijk zo leuk vind}’; HTK 2004/05, No. 62: 4010.
\end{itemize}

\textsuperscript{43} Kamerstukken II, 29700, nr. 3: 13.
\textsuperscript{44} See Kamerstukken II, 29700, nr. 3: 13.
\textsuperscript{45} ‘Een van die vragen is wat de bovenste band van de Nederlandse vlag is’; HTK 2004/05, No. 62: 4007.
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\textsuperscript{49} HTK 2004/05, No. 60: 3883.
\textsuperscript{50} ‘ten aanzien van eerwraak’; HTK 2004/05, No. 60: 3889.
\textsuperscript{51} ‘die rare Nederlandse samenleving, die ik persoonlijk zo leuk vind’; HTK 2004/05, No. 62: 4010.
(elsewhere, the word ‘shock’ is used)\textsuperscript{52} newcomers with some of the ‘more characteristic aspects of the Netherlands and of Western society’, such as, it can be inferred from the debate, homosexuality and topless bathing.\textsuperscript{53} The SGP expects knowledge of Dutch history and society to be instilled and examined.\textsuperscript{54} According to the SP this should be knowledge of ‘Western society’.\textsuperscript{55} The VVD hopes that Civic integration abroad, which involves imparting knowledge of what is ‘customary’ or ‘common’ in the Netherlands, be extended to include a ‘kind of declaration of loyalty’, so that ‘people not only show what they know, but also declare that they will abide by the Dutch rules and customs.’\textsuperscript{56} GroenLinks, finally, while objecting to Civic integration abroad in principle, hopes that if the Government is to project an image of the Netherlands abroad, this image will in any case include ‘a liberal view of sexuality’\textsuperscript{57}

The debate, then, shows little clarity and much assumption as to the content of at least that part of the exam dealing with general knowledge of Dutch society and culture, and with the content of the norms and values that are regarded as necessary for all. The level of generality at which the demands made of potential newcomers are discussed, at least with regard to such issues, and the failure to further address differences of opinion such as those outlined in the previous paragraph, suggest that parties’ expectations of Civic integration abroad with regard to such cultural issues are limited, so nothing is to be gained from pursuing the differences between them. Of more importance, to most parties, it seems, is language, for language facilitates participation, and participation, as demonstrated in the previous chapter, is regarded as essential to integration. At the same

\begin{itemize}
\item \textsuperscript{52} ‘Ik dacht dat het oogmerk van in ieder geval dit deel van het examen was dat de mensen van tevoren schrokken van waar zij naartoe gingen’; HTK 2004/05, No. 62: 4026.
\item \textsuperscript{53} ‘meer typische dingen van Nederland of de westerse samenleving’; HTK 2004/05, No. 62: 4010. These statements are made by the PvdA during an exchange with the minister about an informational film produced by the Government for viewing by applicants. This film can be viewed at embassies prior to the Civic integration abroad examination, but because certain scenes in the film are illegal in a few of the countries, the examination is to be taken, the Government has chosen to provide those countries with a censored version. The censored scenes (three in total) concern archive images of a music festival in 1970, a scene involving homosexuality, and a beach scene including topless women. See HTK 2004/05, No. 62: 4009.
\item \textsuperscript{54} HTK 2004/05, No. 60: 3900. The SGP is represented in this debate by Van der Staaij.
\item \textsuperscript{55} ‘de westerse samenleving’; HTK 2004/05, No. 60: 3902.
\item \textsuperscript{56} ‘de mensen voordat zij naar Nederland komen een soort loyaliteitsverklaring te laten ondertekenen. Als zij weten naar welk land zij gaan en wat daar gebruikelijk is, moeten zij als zij zich er duurzaam willen vestigen ervoor tekenen dat zij zich aan een aantal gebruiken en regels zullen houden’; HTK 2004/05, No. 60: 3905.
\item \textsuperscript{57} ‘een vrije kijk op seksualiteit’; HTK 2004/05, No. 62: 4010.
\end{itemize}
time, however, that the language requirements of Civic integration abroad will in practice only have to be met by newcomers from Turkey and Morocco, and not from newcomers from a host of other nations, who also can be reasonably be expected to lack fluency in Dutch as well, shows that Civic integration abroad is not, actually, only about language deficiencies, but also about culture, and perhaps also, as suggested by GroenLinks, about limiting immigration from Turkey and Morocco especially.

The most significant conclusions to be drawn from the debates in the Second Chamber on Civic integration abroad is that the bill is generally regarded to be necessary in that Chamber; and that nearly all parties concur with the government that the non-integration of newcomers from Turkey and Morocco especially is such a pressing issue that the bill is justified (the exception being GroenLinks). All parties agree on the abstract point that Dutch society is characterized by certain cultural norms and values, on a distinct way of ‘doing things here’, and that acquaintance therewith is necessary if one wishes to live and participate in Dutch society. To the extent that parliamentarians thus conceive of Dutch society as consisting of individuals sharing a (partial) comprehensive doctrine, they show a marked tendency towards liberal culturalism. That being said, the debate offers little clarity on precisely how things are done here, nor on the precise norms and values involved therein.

This brings the discussion of the debates on Civic integration abroad in the Second Chamber to a close. We will return to Civic integration abroad when discussing the debates on the civic integration bills in the First Chamber. First, however, in the following section, using the arguments and conclusions presented above as focal points, the parliamentary debate on the Civic integration bill of 2005 will be presented and analyzed.

**The Civic integration bill**

After having successfully completed their Civic integration abroad, newcomers to the Netherlands must pursue civic integration in the Netherlands. The means thereto and conditions thereof are laid down in the new Civic integration bill of 2007.\(^5\) Under the new civic integration regime ‘all aliens not having resided in the Netherlands for at least eight years at the compulsory school age’ are required to successfully pass a civic

\(^5\) Kamerstukken II, 30308, nr. 2.
integration exam.\textsuperscript{59} For newcomers, failure to pass the civic integration exam can result in the denial of a permanent residency permit (though not of temporary residency permits).\textsuperscript{60} Responsible municipalities can administer administrative fines for failure to pass the examination.\textsuperscript{61} Keywords of the new bill are ‘individual responsibility’ and ‘the market’; it is each individual’s own responsibility that he find a civic integration course in order to prepare for the civic integration exam.\textsuperscript{62} The development of courses is no longer in the hands of a single provider supervised by the government, but is also left to the market.\textsuperscript{63}

Originally, the bill included three categories of Dutch nationals as well, namely naturalized oldcomers receiving unemployment benefits, raising underage children, or engaging in clerical activity.\textsuperscript{64} The explanatory memorandum points out that many of these oldcomers had become Dutch nationals before 2003, the year in which a naturalization test was included in the naturalization procedure. After 2003 there was a 75\% decrease in applications for naturalization by adult aliens, ascribed in the memorandum in part to the new naturalization test, the suggestion being that many of those naturalized before 2003 were not, in fact, ‘sufficiently equipped for societal participation’ and hence not true nationals.\textsuperscript{65} In a similar, but more explicit vein, during its debate by the Second Chamber’s ‘general committee for integration policy’\textsuperscript{66} the Civic integration bill is referred to a number of times as an instance of ‘legislative repair’ made necessary by the shortcomings of the old, pre-2003 naturalization act.\textsuperscript{67} According to the Government the specific circumstances of these naturalized oldcomers make their civic integration necessary.\textsuperscript{68}

The Civic integration bill that entered into force in 2007, however, contains...

\textsuperscript{59} ‘er komt een algemene inburgeringsplicht voor in beginsel alle vreemdelingen die niet gedurende minstens acht jaar van de leerplichtige leeftijd in Nederland hebben gewoond’ (emphasis in the original); Kamerstukken II, 30308, nr. 3: 2-3, 27-28.
\textsuperscript{60} Kamerstukken II, 30308, nr. 3: 27.
\textsuperscript{61} Kamerstukken II, 30308, nr. 3: 27-28.
\textsuperscript{62} Kamerstukken II, 30308, nr. 3: 18.
\textsuperscript{63} Kamerstukken II, 30308, nr. 3: 8.
\textsuperscript{64} Kamerstukken II, 30308, nr. 3: 15-16. ‘Old-comers’ are those individuals falling within the scope of the bill, but already residing in the Netherlands at the moment that the Civic integration bill enters into force. See Kamerstukken II, 30308, nr. 3: 12.
\textsuperscript{65} ‘voldoende is toegerust voor maatschappelijke participatie’; Kamerstukken II, 30308, nr. 3: 15.
\textsuperscript{66} ‘algemene commissie voor Integratiebeleid’.
\textsuperscript{67} ‘reparatiewetgeving’; Kamerstukken II, 30308, nr. 63: 28, 30, 33; HTK 2005/06, No. 95: 5851.
\textsuperscript{68} Kamerstukken II, 30308, nr. 3: 15.
no references to naturalized oldcomers. After criticism in the Second Chamber, where the bill was discussed in June, 2006, and especially in the Council of State, the Government submitted a heavily revised bill to the First Chamber. According to the Council of State the Government's determination that certain categories of nationals are in need of civic integration is ‘arbitrary’ and therefore discriminatory. A number of parties in the Second Chamber agree (the PvdA, VVD, GroenLinks, and D66 especially). It is noteworthy, however, that even while voicing their principled concerns with regard to this aspect of the law, some of these same parties do not, in fact, reject mandatory civic integration for naturalized oldcomers, and are committed to finding other ways to secure their civic integration (the PvdA and D66 especially). More in general, it is notable that these parties are prone to voice their concern not merely as a matter of principle, but as a matter of principle which is bound to affect the bill’s standing in court. Parties otherwise harboring no principled objections to the law share the worry that its inclusion of naturalized oldcomers will cause courts to strike it down (the CDA, ChristenUnie, and SGP).

On the whole, however, the Second Chamber is in favor of the bill and is anxious to see it passed. The divisions witnessed in the previous chapter, between parties taking a liberal culturalist view and those prone to framework liberalism, are not reflected in parties’ commitment to civic integration. This is shared by all. Several suggestions are helpfully put forward by parties in the Second Chamber in order to circumvent the Council of State’s principled objections, while still extending the bill’s reach to those categories falling foul of equal treatment statutes, for example by amending welfare laws so as to include mandatory civic integration, or by extending mandatory education to the parents of children with demonstrable difficulties with the Dutch language. And after assurances

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69 The Council of State (‘Raad van State’) is in some ways reminiscent of the French Conseil constitutionnel, pre-viewing statutes, though its decisions are only advisory.
70 ‘De keus wordt dan in juridische zin “willekeurig”; Kamerstukken II, 30308, nr. 106: 3.
71 See Kamerstukken II, 30308, nr. 63: 4 (PvdA); Kamerstukken II, 30308, nr. 63: 18 (VVD); Kamerstukken II, 30308, nr. 63: 18 (GroenLinks); Kamerstukken II, 30308, nr. 63: 22 (D66).
72 See Kamerstukken II, 30308, nr. 63: 4 (PvdA) and Kamerstukken II, 30308, nr. 63: 22 (D66).
73 For though in the Netherlands courts are not allowed to exercise constitutional review, they may hold up a law against European legislation and international treaties. See especially Kamerstukken II, 30308, nr. 63: 4 (PvdA); Kamerstukken II, 30308, nr. 63: 19 (GroenLinks); Kamerstukken II, 30308, nr. 63: 22 (D66).
74 See Kamerstukken II, 30308, nr. 63: 10 (CDA), Kamerstukken II, 30308, nr. 63: 26 (ChristenUnie), and Kamerstukken II, 30308, nr. 63: 28 (SGP).
75 See especially the PvdA’s contribution (Kamerstukken II, 30308, nr. 63: 4), which
The justification of the Civic integration bill

The justification of the Civic integration bill is similar to that of Civic integration abroad. According to the explanatory memorandum, the measures proposed by the Civic integration bill

‘serve the legitimate purpose of bridging deficiencies in the integration of minorities, forestalling the emergence of new deficiencies, and improving the social cohesion of society.’

In order to achieve these aims, consensus is necessary on ‘fundamental values and prevailing norms’, as is proficiency in the Dutch language.

suggestions are supported by D66 (Kamerstukken II, 30308, nr. 63: 22). The Council of State reviewed these suggestions as well. The suggestion to use social security legislation to enforce the civic integration of designated groups was criticized as détournement de pouvoir, i.e. as the use of a law for a different end than provided for by its legal justification, and also as contrary to the equal treatment clause, as was a similar suggestion to modify existing welfare law to make civic integration mandatory for parents exercising parental authority over minors. The Council also rejected ‘broadened mandatory education’. According to the Council this initiative was ill conceived, as children only become subject to mandatory education at the age of five, by which time it is too late to improve their language skills by improving the language skills of their parents. See Kamerstukken II, 30308, nr. 106: 3-6.

76 Only Koser Kaya of D66 opposed the bill; see HTK, 2005/06, No. 98: 6084.
77 ‘dienen het legitieme doel om achterstanden bij de integratie van minderheden te overbruggen, te voorkomen dat nieuwe achterstanden ontstaan, en de sociale cohesie van de samenleving te bevorderen’; Kamerstukken II, 30308, nr. 3: 40.
78 ‘basiswaarden en de vigerende normen’; Kamerstukken II, 30308, nr. 3: 40.
Such proficiency is ‘not merely the expression of integration, but also and especially an instrument and means to integration.’

Finally, the Government emphasizes that lagging integration is a ‘serious and pressing problem’, and that

‘the continuity of society is at stake, if societal groups come to stand in opposition to each other; public services for ethnic groups are insufficiently effective, and large parts of society do not take active part in society and the economy.’

As with the Civic integration abroad-bill, the Government demonstrates its apprehension of moral communities, or at least of ‘ethnic groups’, and makes a distinction between these moral communities and society proper, in which everyone should participate, besides participating economically. Note also that the same three-tier approach is taken in the justification of the Civic integration bill as applied to the justification of Civic integration abroad. The first tier concerns the continuity of society; the second forestalling the opposition of societal groups; the third promoting individual participation in society. Going the other way, that individuals speak Dutch and endorse Dutch values increases their chances at successful participation in society, diminishes the threat of the rejection of any groups they might belong to by society or vice versa, and therefore is beneficial to the continuity of society as a whole. Foregrounding shared values as a basis of integration and social cohesion as it does, thus implicitly treating Dutch society as a moral community in itself, and marking other moral communities as possible threats to that society, the Civic integration bill shows signs of a liberal culturalist understanding of Dutch society on the part of the Government.

During the parliamentary debate, in light of the Council of State’s objections to the unequal treatment of naturalized nationals versus nationals by birth, the PvdA points out that the Government’s repeated emphasis that the effects of the bill on individuals are proportional given the societal urgency of integration misses a crucial point: the issue is not that there is no societal urgency – on that point, according to the PvdA, all parties

79 ‘niet slechts expressie van integratie, maar ook en vooral een instrument en een middel tot integratie’; Kamerstukken II, 30308, nr. 3: 40.
80 ‘ernstig en dringend probleem’; ‘de continuiteit van de samenleving in het geding is, indien bevolkingsgroepen tegenover elkaar komen te staan, maatschappelijke instellingen voor etnische groepen onvoldoende effectief zijn en grote delen van de bevolking niet actief deelnemen aan maatschappij en economie’; Kamerstukken II, 30308, nr. 3: 40.
are agreed – but that it is disproportional to treat nationals unequally as a consequence.\textsuperscript{81} GroenLinks similarly explains that the Civic integration bill would be proportional only if there were no other way to achieve the intended results than unequal treatment.\textsuperscript{82} Both parties thereby point out a weakness in the three-tier justification of the Civic integration bill: though the societal urgency of integration can justify integration policies in general, if and in so far as those policies explicitly and directly target individuals, for example by penalizing individual failures in civic integration, societal urgency is insufficient justification. For in such cases it is necessary to show that the interference in individuals’ lives is both effective and proportional, i.e. that it promises to solve the problem at hand and that the interference does not go farther than necessary in order to do so. Though the (dis-)proportionality of the measures is never explicitly discussed in these terms, it is raised a number of times, by the PvdA, GroenLinks, the ChristenUnie, and the SP, especially in relation to the individual costs and consequences of the bill.\textsuperscript{83}

Relatedly, the PvdA and GroenLinks both imply that lagging civic integration at the individual level (the third tier) can only be part of what causes the problems at the second and first levels, and that addressing the problems at those levels necessitates more measures than civic integration alone. According to the PvdA, therefore, civic integration ‘should be embedded in initiatives to promote participation broadly understood’.\textsuperscript{84} Discrimination should be addressed, and efforts made to ensure that society as a whole is open to anyone ‘who makes an effort to be part of society’.\textsuperscript{85} GroenLinks calls for measures addressing the related issues of education, segregation, and the job market.\textsuperscript{86}

It is noteworthy that during the parliamentary debates in the Second Chamber most parties make hardly a mention of social cohesion or the necessity of civic integration for society, justifying the bill almost exclusively in terms of individuals’ ability to function and participate

\textsuperscript{81} Kamerstukken II, 30308, nr. 63: 31, 32. The PvdA is represented in this debate by DijsSELbloem.
\textsuperscript{82} Kamerstukken II, 30308, nr. 63: 32, see also 34. GroenLinks is represented in this debate by Azough.
\textsuperscript{83} See, e.g., Kamerstukken II, 30308, nr. 63: 21, 25, 26, 27, 34, 38, 41; Kamerstukken II, 30308, nr. 100: 6, 12, 20; HTK, 2005/06, No. 95: 5864. The ChristenUnie is represented in this debate by Huizinga-Heringa; the SP is represented by Vergeer.
\textsuperscript{84} ‘initiatieven om participatie in brede zin te bevorderen’; Kamerstukken II, 30308, nr. 63: 3.
\textsuperscript{85} ‘zich inspant om deel te maken van de samenleving’; Kamerstukken II, 30308, nr. 63: 3.
\textsuperscript{86} HTK, 2005/06, No. 95: 5855.
in society. The VVD, while referring to a ‘societal problem’ without specifying what the problem is, goes on to say that ‘it is also especially an individual problem if one cannot keep up in society.’ Besides the bill’s positive effect on the wellbeing of individual new- and oldcomers, many parties point to its beneficial effects for the wellbeing of children, as does the Minister. The Minister’s justification of the bill varies, by the way; when confronted with the high costs of civic integration for individuals, the bill is justified especially as a matter of their wellbeing, but when the issue is the strong penalties for the failure to integrate, the justification is the societal urgency of integration in general.

Only a few parties mention the first and second tiers (society and groups respectively), either implicitly or explicitly. The LPF does, welcoming the bill for it promise to better the prospects of individuals committed to civic integration, but also because it is good for society itself, as it finally addresses the problem of the emergence of a foreign-born underclass without a chance of social advancement. The ChristenUnie also states that civic integration is necessary not only for the sake of individuals but also for society as a whole because deficiencies in integration cause mutual problems of misunderstanding and incomprehension. The PvdA mentions the ‘great societal urgency’ of the bill, and the CDA claims that the societal urgency is ‘as great as ever’, but both parties refrain from making that urgency explicit. It is notable, in that regard, that none of the parties echo the urgency emphasized by the Government concerning the ‘continuity of society’. When parties do mention the societal urgency

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87 An exception is the SGP, who make no such explicit mention of the bill’s benefits for individuals (though the party does repeatedly refer to the bill as an instance of ‘legislative repair’, see supra, note 64). See for the PvdA Kamerstukken II, 30308, nr. 63: 4; the CDA Kamerstukken II, 30308, nr. 63: 9; the SP Kamerstukken II, 30308, nr. 63: 13; the VVD Kamerstukken II, 30308, nr. 63: 18; GroenLinks Kamerstukken II, 30308, nr. 63: 21; D66 HTK 2005/06, No. 95: 5848; LPF HTK 2005/06, No. 95: 5863; ChristenUnie Kamerstukken II, 30308, nr. 63: 25.
88 ‘maatschappelijk probleem’; ‘het is ook vooral een individueel probleem als je niet kunt meekomen in een samenleving’; Kamerstukken II, 30308, nr. 63: 18. The VVD is represented in this debate by Visser.
89 See, e.g., Kamerstukken II, 30308, nr. 63: 4 (PvdA); Kamerstukken II, 30308, nr. 63: 5 (SP); Kamerstukken II, 30308, nr. 63: 9-10 (CDA); Kamerstukken II, 30308, nr. 63: 28-29 (SGP); HTK 2005/06, No. 95: 5847 (ChristenUnie); HTK 2005/06, No. 95: 5864 (LPF); the Cabinet minister (Verdonk): Kamerstukken II 30308, nr. 63: 30, 33, 34, 41; Kamerstukken II 30308, nr. 101: 23; HTK 2005/06, No. 95: 5865.
90 HTK 2005/06, No. 95: 5863. The LPF is represented in this debate by Varela.
91 HTK 2005/06, No. 95: 5847.
92 ‘grote maatschappelijke urgentie’; HTK 2005/06, No. 95: 5857 (PvdA); ‘onverminderd groot’; HTK 2005/06, No. 95: 5846 (CDA). The CDA is represented in this debate by Sterk.
of the bill, as with the PvdA and CDA, the nature and force of that urgency is generally left implicit.

Finally, there is the issue of the justification of the special concern for clerics. The civic integration of clerics, according to the Cabinet minister, is ‘of great societal concern in order to prevent the passing on of existing deficiencies to the members of the religious communities that they serve.’93 This is one of the few instances in the debate where the socio-cultural integration of members of minorities is addressed directly:

‘Clerics are also confronted by societal questions that have bearing on the socio-economic and socio-cultural integration process of minorities. It is also often expected of clerics that they offer support in determining the position that their followers hold vis-à-vis society.’94

That, according to the minister, makes it necessary that clerics master the Dutch language and are acquainted with Dutch norms and values.95 Presumably, if clerics are knowledgeable of Dutch norms and values they will advise their followers to abide by them, not to oppose them.

Though here, as elsewhere in the debate, it is not specified wherein the ‘existing deficiencies’ lie that clerics are in the opportunity to pass on to their members, it follows from the minister’s choice of words that these are at least in part socio-cultural in nature. A probable reading confers that these deficiencies consist in norms and values that differ from Dutch norms and values – though the content of both the Dutch and the differing norms and values remains unspecified, as we will see below. Note also that in singling out clerics as in need of civic integration for the sake of their members, the Government assumes that the individuals whose (civic) integration it is trying to effect are members of a moral community that can be addressed through its religious leadership. Finally, it should be clear that the estimation of moral communities evidenced by this approach is

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93 ‘Van groot maatschappelijke belang om te voorkomen dat bestaande achterstanden worden overgedragen op leden van de geloofsgemeenschap die zij bedienen’; Kamerstukken II 30308, nr. 63: 31.

94 ‘Geestelijk bedienden worden ook geconfronteerd met maatschappelijke vragen die verband houden met het sociaal-economische en sociaal-culturele integratieproces van minderheden. Van geestelijk bedienden wordt ook vaak verwacht dat zij steun bieden bij het bepalen van de houding die de achterban ten aanzien van de samenleving inneemt’; Kamerstukken II 30308, nr. 63: 31. See also the explanatory memorandum, Kamerstukken II, 30308, nr. 3: 38.

95 Kamerstukken II, 30308, nr. 63: 31.
highly instrumental, positing as it does the use of their religious leadership to nudge the flock in the approved direction. This, also, is a tell-tale sign of the liberal-culturalist leanings inherent in the Government’s approach.

The only party to comment on the special mention of clerics in the Civic integration bill is the ChristenUnie. According to the party the inclusion of clerics in the bill is a ‘question involving principles’ (though which principles is left a matter of conjecture).\(^{96}\) Though the party is in favor of mandatory civic integration for clerics, it asks of the minister in what way clerics differ from other professionals who have a strong influence on public opinion, such as ‘teachers, writers, musicians, and philosophers’.\(^{97}\) Later, ‘rappers’ are added to the list.\(^{98}\) Ultimately, however, it seems the party is concerned especially with the legal validity of the distinction, and not its underlying principle.\(^{99}\)

In conclusion, with regard to the bill’s justification it is notable that all parties bar one (the SGP) view civic integration especially as bearing on individuals’ ability to participate in society. On the whole parties show less overt concern for matters of social cohesion than the government, though no party denies its relevance either. While the position of cultural or religious groups in society is hardly discussed, it is interesting to see that almost all parties seem to concur with the government that clerics warrant special attention. This suggests that Dutch Moroccans and Turks, who arguably are the bill’s implicit targets, are largely regarded to be Muslims, that they are implicitly treated as moral communities congregating in religious communities, and that they are therefore thought to be addressable through their religious leadership. Finally, many parties emphasize the importance of the bill for the sake of future generations especially; this brings us to the topic of the treatment of women and emancipation in the debate.

**Women and emancipation**

Against the background of the debates concerning Civic integration abroad, it is notable that women do not play a prominent or even explicit role in the new Civic integration bill, either in the Government’s explanatory

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\(^{96}\) ‘*Dit is een heel principieel vraagstuk*’; Kamerstukken II, 30308, nr. 63: 27.

\(^{97}\) ‘*leraren, schrijvers, musici en filosofen*’; Kamerstukken II, 30308, nr. 63: 27.

\(^{98}\) Kamerstukken II, 30308, nr. 63: 38.

\(^{99}\) ‘We wonder whether there are sufficient legal grounds for this.’ (‘*Wij vragen ons af of hiervoor voldoende rechtsgrondslag bestaat*’); Kamerstukken II, 30308, nr. 63: 27.
memorandum or in the debate. As we saw above, during the debates on Civic integration abroad the necessity of civic integration for the sake of women especially was repeatedly stressed, for the purpose both of their emancipation and the integration of their children. In the Civic integration bill and the subsequent debates, however, women are barely mentioned as in need of special attention, nor is emancipation as an explicit goal of the bill, though the minister does state at one point that civic integration offers extra opportunities for emancipation.100 The necessity of civic integration for the sake of childrearing, however, is still strongly present in both memorandum and debate, and is mentioned explicitly in nearly every party’s contribution.101 The term of choice in this debate, however, is not ‘women’, but the more general ‘parents’, ‘nurturing parents’, or ‘parents/caretakers’.102 It is only as ‘parents of children’, then, that women and their desired emancipation figure in this debate, if at all.

There is one notable exception. The PvdA, GroenLinks, and the ChristenUnie point out that making permanent residency conditional upon successfully passing the civic integration exam increases the dependency of women who are dependent on their partner for a residency permit.103 The PvdA and the ChristenUnie hint that men may deliberately prevent their wives from following civic integration courses in order to maintain that dependency.104 In response the minister states that civic integration is a primary condition for improving the position of these women, and that while the minister ‘cannot end the inequality of women at once,’ knowledge of Dutch and of how people treat one another in the Netherlands is a big step towards independence for these women.105 Implicitly, one of the crucial ways in which people treat each other in the

100 HTK 2005/06, No. 95: 5865.
101 See Kamerstukken II, 30308, nr. 63: 5 (PvdA: learning Dutch by parents is in the interest of their children); Kamerstukken II, 30308, nr. 63: 9, 10 (CDA: the necessity of being able to read letters from school); HTK 2005/06, No. 95: 5846 (CDA: hopefully the bill will continue to apply to ‘the important group of child-raising parents’ (‘de belangrijke groep van de opvoeders’); HTK 2005/06, No. 95: 5871 (SP: parents should integrate because they raise children); Kamerstukken II, 30308, nr. 63: 22 (D66 wishes to uphold the priority of civic integration for (e.g.) child-rearing parents); HTK 2005/06, No. 95: 5864 (LPF, in order to forestall the next hopeless generation); Kamerstukken II, 30308, nr.63: 25,26 (ChristenUnie: in order to give children a good starting position); Kamerstukken II, 30308, nr. 63: 28, 29 (SGP: parents and custodians are the most important special category covered by the bill).
102 ‘ouders’; ‘verzorgende ouders’; ‘ouders/verzorgers’.
103 Kamerstukken II, 30308, nr. 63: 7 (PvdA), 19 (GroenLinks), and 27 (ChristenUnie).
104 Kamerstukken II, 30308, nr. 63: 7, 27.
105 ‘Ik kan de achterstelling van vrouwen niet ineens oplossen’; Kamerstukken II, 30308, nr. 63: 39.
Netherlands, suggested here as well as at various other points during the debate, is as independent, and in that sense as emancipated.

Why is civic integration indispensable for child rearing? How will children benefit from the civic integration of their parents? The explanatory memorandum puts the answer to these questions as follows:

‘He who does not master the skills necessary to participate in Dutch society, also will not be able to pass such skills on to the underage children whom he has a duty to raise.’

What these skills are is not made entirely clear in the memorandum. In any case they include language skills: ‘A better mastery of the Dutch language will better enable parents raising children to prepare their underage children for a genuine place in Dutch society.’ They also include the skills necessary to answer ‘questions that have bearing on the socio-cultural integration process of their children,’ though neither the precise nature of these questions, nor of their answers, is specified. Even so it is clear, once again, that integration is treated by the Government as a process of cultural adaptation to the mores of Dutch society, through which one becomes a full member of the Dutch moral community.

Full membership, it can be inferred from the Cabinet minister’s contribution to the debate, is conferred, or confirmed, by employment. ‘Participation of minorities in work is an important measure of integration. Participation in work promotes integration and integration promotes participation in work.’ The minister illustrates this by reference to 260,000 naturalized aliens who generally ‘are in a bad socio-economic state, are not integrated in Dutch society, do not participate in Dutch society, and pass on their deficiencies.’ That is why ‘[c]ivic integration is so very important,’

106 ‘Wie zelf niet beschikt over de vaardigheden om aan de Nederlandse samenleving te kunnen deelnemen, zal dergelijke vaardigheden ook niet kunnen overbrengen op de minderjarige kinderen ten aanzien van wie hij een opvoedende taak heeft’; Kamerstukken II, 30308, nr. 3: 16.
107 ‘Met een betere beheersing van de Nederlandse taal zullen verzorgende ouders beter in staat zijn hun minderjarige kinderen voor te bereiden op een volwaardige positie in de Nederlandse samenleving’; Kamerstukken II, 30308, nr. 3: 16.
108 ‘vraagstukken die verband houden met het sociaal-cultureel integratieproces van hun kinderen’; Kamerstukken II, 30308, nr. 3: 16.
109 ‘Arbeidsdeelname door minderheden is een belangrijke graadmeter voor integratie. Arbeidsdeelname bevordert integratie en integratie bevordert arbeidsdeelname’; Kamerstukken II, 30308, nr. 63: 30.
110 ‘over het algemeen een slechte sociaal-economische positie bekleden, niet geïntegreerd zijn in de Nederlandse samenleving, niet participeren in de Nederlandse samenleving en hun
according to the minister: ‘in order to learn the Dutch language and to be able to acquire a place in the workforce’.

The debate in the Second Chamber confirms the close relationship, apparent also in previously examined debates, between integration, participation, and work. While some parties hint that more is necessary for integration, the general emphasis is on participation through work. The PvdA, for instance, suggests replacing art. 3 of the Civic integration bill, the article making civic integration mandatory for the three categories of naturalized aliens mentioned above, with mandatory courses in Dutch and ‘other social skills necessary to gain entry to the labor market’ for anyone, Dutch or otherwise, who depends on unemployment benefits. The party regrets, however, that tying civic integration to working skills alone would stand in the way of imparting ‘the broader knowledge of Dutch society which is nonetheless important for civic integration.’ The CDA also, despite placing civic integration in the broader context of what is necessary for ‘good citizenship’ and ‘participation’, especially stresses that every citizen should be capable of participating in the labor market. The Netherlands, according to the CDA, is a ‘participation country’. Like the PvdA, the CDA simultaneously implies that there is more to citizenship than having a job; it also necessitates knowledge of Dutch history and of Dutch norms and values (a subject we will return to below).

GroenLinks and the SP also, though harboring a number of complaints against the bill, treat civic integration especially in light of participation in Dutch society, and take work to be the chief means towards participation, as does D66. The LPF and the ChristenUnie similarly see the bill as particularly relevant to increasing the chances of newcomers (and old) on the labor market. The SGP is the only party not to put separate emphasis

achterstanden overbrengen’; Kamerstukken II, 30308, nr. 63: 34. The numbers are provided without reference to a source.

111 ‘dat inburgering zo ontzettend belangrijk is, om de Nederlandse taal te leren en een plek te kunnen krijgen op de arbeidsmarkt’; Kamerstukken II, 30308, nr. 63: 41.

112 ‘andere sociale vaardigheden die nodig zijn om de arbeidsmarkt op te komen zijn’; HTK 2005/06, No. 95: 5858.

113 ‘de bredere kennis van de Nederlandse samenleving die in de inburgering wel belangrijk is’; HTK 2005/06, No. 95: 5858.


116 HTK 2005/06, No. 95: 5846.

117 HTK 2005/06, No. 95: 5855 (GroenLinks); Kamerstukken II, 30308, nr. 63: 14 (SP); HTK 2005/06, No. 95: 5848 (D66). D66 is represented in this debate by Lambrechts.

118 HTK 2005/06, No. 95: 5864 (LPF); Kamerstukken II, 30308, nr. 63: 25 (ChristenUnie).
on the labor market, though it does make specific mention of the necessity of civic integration for the parents of underage children.\textsuperscript{119}

The VVD finally, in a way similar to the CDA, places the Civic integration bill in a broader context, which includes Civic integration abroad and naturalization, which is the end-goal of civic integration, according to the party.\textsuperscript{120} Like most parties the VVD stresses the necessity of newcomers to become self-reliant and independent, and also to participate.\textsuperscript{121} While most parties suffice to mention participation in society or the economy as a goal of civic integration, however, the VVD choose to elaborate:

‘The bill essentially comes down to participation after mutual investment. The \textit{inburgeraar} is expected to invest in the Netherlands, in its language and culture. And the Netherlands invests in newcomers: loans [for civic integration courses], certified suppliers [of civic integration courses], offers for priority groups. Subsequently it is the case that he who settles down in the Netherlands finds himself in a society where a ticket for public transport does not reflect its cost, where healthcare is provided on the basis of solidarity, where the building and letting of houses is subsidized, where there is social security, good education to be had, etc. In other words, an investment in the Netherlands is a good investment.’\textsuperscript{122}

This citation is included \textit{in extenso} because the VVD here unambiguously makes a point that is rarely made so explicitly yet underlies much of the debate, namely that newcomers to the Netherlands automatically and involuntarily become member of a regime of social solidarity. The LPF puts a similar point somewhat more directly when reflecting on the alleged disproportionality of penalizing the failure to integrate by cutting

\begin{footnotesize}
\begin{itemize}
\item[	extsuperscript{119}] Kamerstukken II, 30308, nr. 63: 28,29. The SGP is represented in this debate by Van der Staaij.
\item[	extsuperscript{120}] Kamerstukken II, 30308, nr. 63: 15.
\item[	extsuperscript{121}] Kamerstukken II, 30308, nr. 63: 18.
\item[	extsuperscript{122}] ‘Het wetsvoorstel komt in essentie neer op participatie na investering van twee kanten. Van een inburgeraar wordt een investering verwacht in Nederland, in de taal en de cultuur. En Nederland investeert in nieuwkomers: leningen, gecertificeerde aanbieders, aanbod voor prioritaire groepen. Vervolgens geldt dat degene die zich in Nederland vestigt, terechtkomt in een samenleving waar een kaartje voor het openbaar vervoer de prijs daarvan niet weerspiegeld, waar sprake is van een solidair ziektekostenstelsel, waar huizen met subsidie worden gebouwd en verhuurd, waar sociale zekerheid geldt, waar goed onderwijs kan worden genoten, etc. Met andere woorden, een investering in Nederland is een goede investering’; Kamerstukken II, 30308, nr. 63: 15.
\end{itemize}
\end{footnotesize}
unemployment benefits:

‘Looking at the limited height of [unemployment] benefits, this [disproportionality] is of course the case, but philosophizing from the rationale of unemployment benefits you can also claim that having no, or insufficient, mastery of the Dutch language essentially means that you are not available for the labor market and consequently should have no right to benefits.’

Other parties also suggest that there is reciprocity involved in civic integration, that society can demand civic integration in return for participation in its solidarity schemes. Above, for example, the PvdA was shown to suggest bringing civic integration more directly under the ambit of social security. More generally, the emphasis placed by all parties on the necessity of employment in Dutch society, and civic integration for the sake of employment, make clear that the Netherlands is regarded to be a society of jobholders, and that to gain admittance to that society and its benefits necessitates acquiring the skills of a jobholder.

Returning, in conclusion, to the outset of this section, namely the treatment of women in the debate, it has become clear that in the debate on the Civic integration bill the specific goal of emancipation is subordinate to the general goal of social-economic independence. Newcomers, like all members of society, are required to participate in society. If they themselves miss the capabilities to do so, they should at least not prevent their children from becoming participating citizens. Participation, in line with the findings of the previous chapter, is treated first and foremost as contributing, as self-reliant individuals, to economic society. To do so requires mastery of the language especially, but also of certain social skills. Some parties, we saw, imply that economic participation is not enough for full participation, however, and that more skills, or a different kind of knowledge of Dutch society, are required to that end. This brings us, finally, to the issue of Dutch culture and values.

\[123\] ‘Gelet op de beperkte hoogte van een uitkering, is dat natuurlijk zo, maar gefilosofeerd vanuit de gedachte van de bijstandsuitkering kun je ook stellen dat het niet of onvoldoende spreken van de Nederlandse taal in wezen betekent dat men feitelijk niet beschikbaar is voor de arbeidsmarkt en uit dien hoofde dan ook geen recht zou hebben op een uitkering’; Kamerstukken II, 30308, nr. 63: 25. The party emphasis that this is not its position, though it would welcome a ‘penalty policy’ (‘boetebeleid’).
Dutch culture and values

Commenting on the explanatory memorandum early on during the legislative process the ChristenUnie, noting that the Civic integration exam was to include various ‘sensitive subjects’ such as behavioral norms, the values of the rechtsstaat, history, and parenting, asked the Government to provide the Second Chamber with more precise details of the examination. The explanatory memorandum only mentions the respective freedoms of expression and religion explicitly. The Government deferred its answer to the request, however. As in the debates concerning Civic integration abroad, the failure of the Government to explicate which aspects of Dutch culture and which norms and values are of concern for civic integration leaves ample space in the debate for assumption and projection. In contrast to the earlier debates on Civic integration abroad, however, relatively few speakers are concerned explicitly with either Dutch culture or values.

he CDA, we saw above, places the bill in the context of ‘good citizenship’. Civic integration, according to the party, is more than learning the language; it also involves knowledge of Dutch history and knowledge of, and respect for, Dutch norms and values. The content of these norms and values, or of Dutch history, for that matter, is nowhere made explicit, however, beyond the party’s repeated emphasis on ‘self-sufficiency’ and ‘participation’ (recall the CDA’s description of the Netherlands as a ‘participation country’).

The ChristenUnie makes an interesting comment that has bearing on the issue of shared norms and values, namely that they welcome the bill for its promotion of equality, ‘not because we do not want maladjusted compatriots.’ The LPF, to the contrary, paints a rather bleak picture of the negative effects of having even one parent from a different culture on the prospects of children, in claiming that civic integration should

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124 ‘meergevoelige onderdelen’; Kamerstukken II, 30308, nr. 12: 13. See, for the explanatory memorandum’s mention of the subjects of the civic integration exam, Kamerstukken II, 30308, nr. 3: 80.
125 Kamerstukken II, 30308, nr. 3: 20, 80.
126 Supra, note 111.
127 HTK 2005/06, No. 95: 5846.
128 ‘zelfredzaamheid’; ‘meedoen’; see, e.g., Kamerstukken II, 30308, nr. 63: 9, 40. See also supra, note 112.
129 ‘niet omdat wij geen onaangepaste medeburgers zouden willen’; Kamerstukken II, 30308, nr. 63: 25.

199
be mandatory for child-raising families with such mixed parentage, if children are to be prevented from ‘growing up without any prospects with parents of whom at least one comes from a different culture.’ Given this statement of the LPF, and remembering that LPF stands for the ‘List Pim Fortuyn’, it is interesting that GroenLinks condemns the Civic integration bill as an overblown reaction to the ‘Fortuyn revolt’ of 2002:

‘in a certain sense this bill is one of the answers to the frustrations of the Fortuyn revolt. Integration was a failure and from now on migrants had to be treated with a firm hand.’

Though GroenLinks does not deny that civic integration is necessary, the party does object to what it calls the ‘ideological approach’ of the bill, and worries that this bill will only generate more anger and frustration among autochthonous and allochthonous Dutch alike. According to the party, much more is to be learnt by actually participating in Dutch society than by studying for civic integration exams.

The Minister sheds little extra light on the cultural aspects of civic integration in the debate. Similarly to the CDA, the minister mentions that civic integration’s end goal is that new- and oldcomers become ‘full-fledged citizens’ with independent positions in society. This necessitates ‘knowledge of the Dutch language and of Dutch society.’ While independence is generally described in socio-economic terms, the minister does state at one point that civic integration is necessary for participation in society more broadly understood; this is ‘one of the most important goals’ of the bill. At this point also the minister states that it is absolutely necessary to that end that Dutch norms and fundamental values be shared – though, once again, what these norms and values entail is left a matter of conjecture.

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130 ‘kansloos opgroeien bij ouders van wie er ten minste één uit een andere cultuur komt’; HTK 2005/06, No. 95: 5864.
131 ‘in zekere zin is dit wetsvoorstel een van de antwoorden op de frustraties van de Fortuynrevolte. De integratie was mislukt en vanaf nu moesten migranten bij de lurven worden gegrepen’; Kamerstukken II, 30308, nr. 63: 18. See also supra, chapter 2, 69-70.
132 ‘ideologische benadering’; Kamerstukken II, 30308, nr. 63: 18, 22.
133 Kamerstukken II, 30308, nr. 63: 21, 22.
134 ‘volwaardige burgers’; Kamerstukken II, 30308, nr. 63: 30.
135 ‘kennis van de Nederlandse taal en de Nederlandse samenleving’; Kamerstukken II, 30308, nr. 63: 30.
136 ‘Inburgering is niet alleen gericht op arbeidsparticipatie, maar leidt ertoe dat men veel beter kan deelnemen aan de Nederlandse samenleving. Dat is een van de belangrijkste doelstellingen van de Wet inburgering’; Kamerstukken II, 30308, nr. 101: 19.
137 Kamerstukken II, 30308, nr. 101: 19.
The explanatory memorandum may shed some extra light on this question, albeit in a roundabout way.\textsuperscript{138} In explaining why it is not problematic that the bill exempts residents from EU-countries from mandatory civic integration, which exemption is necessary as a matter of European law and the freedoms of movement and settlement of EU citizens, the memorandum states that, firstly, as the freedom of settlement is conditional upon work, education, or financial independence, this group consists primarily of individuals who have little trouble in securing a place in the labor market or in education and therefore have little trouble in participating in society; and secondly, and more importantly in light of the question of the assumed content of fundamental values, ‘it is to be expected that this will predominantly concern individuals who were born and raised in the Western democratic society of the other European member-states.’\textsuperscript{139} As they are ‘Western allochthones’ they do not belong to the target categories of integration policy.\textsuperscript{140} From this it can be inferred that, at least as far as the Government is concerned, the values that are essential for participation in Dutch society are not any specifically Dutch values, but are the shared values of Western, democratic society, i.e. the principles of the \textit{rechtsstaat} referred to in previous chapters, the value of economic self-reliance, and the value of social independence, i.e. the ability to participate in society on equal terms with the other members of society.

In conclusion, the debates as presented so far in this chapter suggest that parties, regardless of their particular position on the accommodation of moral communities and of their implicit commitment to liberal culturalism or framework liberalism, all agree that participation in society is desirable and even necessary. No party rejects the understanding, implicit in the Civic integration bills under deliberation as well as in the Government’s defense thereof, of the Netherlands as a moral community in itself, in which there can be place for other moral communities, but only in so far as their members are also full members of the Dutch moral community and participate in the overarching Dutch society. Despite this tendency towards a liberal-culturalist portrayal of Dutch society in the debate, in justifying their position parties treat participation predominantly in economic terms, however. If cultural integration is necessary, it is because

\textsuperscript{138} Brought to my attention by Spijkerboer (see Spijkerboer 2007, 39,40).
\textsuperscript{139} ‘kan worden aangenomen dat het hier overwegend gaat om personen die in de westerse democratische samenleving van de andere Europese lidstaten zijn geboren en getogen’; Kamerstukken II, 30308, nr. 3: 39.
\textsuperscript{140} ‘westerse allochtonen’; Kamerstukken II, 30308, nr. 3: 39.
such integration is necessary for the sake of economic participation. And while parties are seldom explicit with regard to the shared values or culture that are necessary for participation most parties, either explicitly or by default, treat economic independence as such a value.

This ends the discussion of the civic integration debates in the Second Chamber. Below, before presenting the conclusions of this chapter, the discussion of the two Civic integration bills in the First Chamber will briefly be presented in turn. These debates, while largely corroborating the conclusions drawn above and of varying interest in their own light, are of additional significance for the retrospective light in which they cast the preceding debates in the Second Chamber. This is especially the case with regard to the debates concerning the Civic integration bill.

The debates in the First Chamber:

Civic integration abroad

On the whole, the debates in the First Chamber breach no new subjects with regard to Civic integration abroad, though there are subtle differences in the positions of parties in the Second- and First Chambers respectively. The PvdA in the First Chamber, for example, is more critical of the bill’s tendency to function as an immigration law, instead of as a vehicle of integration, than the PvdA in the Second Chamber.141 Also, the party in the First Chamber is more worried, for principled, not legal-technical reasons, about the bill’s possible infringement of the right to family reunification.142 Similarly, the PvdA objects to the bill’s differentiation between countries, which makes Civic integration abroad mandatory for applicants from some, but not from all non-EU countries, and regards this as a matter of unlawful discrimination.143

GroenLinks points out that the bill misses proportionality, both concerning the actual problem confronted by Dutch society (the number of marriage migrants entering the Netherlands each year does not warrant the bill, the party implies), and concerning the number of marriage migrants that will fall under the bill while not belonging to the group that the bill purports to

141 HEK 2005/06, No. 12: 598. The PvdA is represented in this debate by Middel.
142 HEK 2005/06, No. 12: 598.
143 HEK 2005/06, No. 12: 598.
reach (the party claims that half of those migrating for marital reasons are marrying with autochthonous Dutch, while the majority of the other half has completed secondary or higher education), while immigration on the whole is waning. Regardless of the truth of these claims, it is remarkable that the actual numbers of marriage migrants to the Netherlands hardly played a role in the debate in the Second Chamber. GroenLinks also raises the question, in response to the CDA’s claim that the Civic integration abroad-exam should be made more difficult if it is to be effective, of the proportionality of the examination itself; if it is so easy, then what is its value, and why should people be required to pay 350 euros to take the test? Finally the party rejects the bill on the grounds of incoherence: civic integration can be pursued in the country in which one is to become civically integrated, not somewhere else.

The SP, while supporting Civic integration abroad in principle, like the PvdA feels that the bill’s exclusive focus on applicants from certain designated countries infringes principles of equality and non-discrimination. Similarly to GroenLinks the party questions the proportionality of the bill, especially in light of the relatively low number of marital migrants from the countries that principally concern the Government, Turkey and Morocco. Finally, the SP also rejects the categorical approach because it takes no account of the enormous differences between individuals belonging to a single category; as many applicants will pass the exam without much trouble it would be more useful to focus on those who really need help. For GroenLinks and the SP this is reason to oppose the bill. The PvdA somewhat reluctantly supports the bill, for the principle reason that it concurs with the Government’s justification of the bill and believes that civic integration should commence before immigrants arrive in the Netherlands. The party does emphasize, however, that civic integration

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144 HEK 2005/06, No. 12: 601. GroenLinks is represented in this debate by Thissen.
145 HEK 2005/06, No. 12: 601. For the CDA’s contention that the test should be more difficult, see HEK 2005/06, No. 12: 599.
146 HEK 2005/06, No. 12: 602. On a conceptual note there is indeed something strange about civic integration abroad. As pointed out in the introduction to this chapter, civic integration, or inburgering, concerns a mutual process of adjustment of a person or thing and its environment, to the point of that person or thing’s being regarded, and, in the case of persons, regarding itself, as belonging in and to that environment. Civic integration, analytically, cannot take place in absentia.
147 HEK 2005/06, No. 12: 605. The SP is represented in this debate by Kox.
148 16.000 in 2002, according to the SP; HEK 2005/06, No. 12: 607.
149 Idem.
must be a two-sided process, involving not only the immigrants, but also society as a whole.¹⁵¹

The CDA welcomes the bill, especially as a means to improving the language skills necessary for newcomers’ general participation in society. Better command of the language is indispensable for the exercise of civil rights, including the freedom of expression, and for the participation in local elections and in the democratic process more generally.¹⁵² Furthermore, the CDA strongly denies the suggestion that the measures proposed by the bill could fall foul of article 8 of the European Convention on Human Rights, which protects family life, arguing that the very point of the proposed measures is to enable individuals to exercise the fundamental rights and freedoms protected by the European Convention.¹⁵³ In the debates on the Civic integration bill we will see the party making a similar point.

Other parties see the bill as jointly beneficial to individuals and to society as a whole.¹⁵⁴ The VVD, for example, claims that while the bill will promote individual participation in society and the labor market as well as individual emancipation, on the societal level it will help to prevent segregation, discrimination, and societal tensions in general.¹⁵⁵ Similarly, the SGP, representing the ChristenUnie also, states that the bill is in the interest of individuals and in the interest of society.¹⁵⁶

The Minister’s contribution to the debate in the First Chamber, finally, also adds few new insights. Civic integration especially concerns language, but also concerns norms and values.¹⁵⁷ Civic integration abroad aims to make it clear to migrants that they are expected to apply themselves to civic integration.¹⁵⁸ It is important for children, especially with regard to their language skills.¹⁵⁹ It is not in breach of article 8 ECHR, and the reason that the bill does not apply to immigrants from Western countries is that they are much less numerous and that they have no negative effect on

¹⁵¹ HEK 2005/06, No. 12: 597.
¹⁵² HEK 2005/06, No. 12: 599. The CDA is represented in this debate by Van de Beeten.
¹⁵³ HEK 2005/06, No. 12: 599-600. For examples of parties’ worry that the bill may be in breach of art. 8 ECHR in the Second Chamber, see, e.g., HTK 2004/05, No. 60: 3888 (PvdA), 3889 (CDA), 3896 (GroenLinks), and 3904 (VVD).
¹⁵⁴ D66, for unknown reasons, does not participate in this debate.
¹⁵⁵ HEK 2005/06, No. 12: 603. The VVD is represented in this debate by Broekers-Knol.
¹⁵⁶ HEK 2005/06, No. 12: 602. The SGP is represented in this debate by Holdijk.
deficiencies in integration at the societal level. In their case, therefore, Civic integration abroad would be disproportional.160

**The Civic integration bill**

The debates on the Civic integration bill in the First Chamber are more than a mere recapitulation of the discussion of the bill in the Second Chamber. While there is of course attention for the legal ramifications and for the linguistic technicalities that were debated in the Second Chamber (Does it violate European and international law? What level of proficiency in Dutch is necessary, A1 or A2?), a number of parties also place civic integration in a broader historical or a somewhat deeper cultural or sociological context. Also, there is more explicit attention for the political and social climate in the Netherlands since ‘Fortuyn’, as well as for the merits and drawbacks of multiculturalism. Finally, after receiving barely a mention in the Second Chamber, the emancipation of women re-emerges here as one of the goals pursued through civic integration.

Because of the relative scarcity of such direct discussions of identity and integration in Dutch society during the debates discussed in this chapter, the contributions of parties choosing to do so will be presented in some detail.

The CDA is the first party to indulge in such reflections in the First Chamber. Integration, according to the CDA, is not a zero-sum game of substituting new values for the old ‘as if yielding to revelation’, but a ‘process of development, in which nation building, community formation, and emancipation take place in lurches and leaps’.161 In this light the CDA resists the idea that integration equals assimilation, but it also resists the term ‘multicultural society’. For both assume

‘a rather limited and static understanding of culture, wherein the external manifestations [of cultures] that exist side by side are emphasized, without taking into consideration the immanent developmental process of every culture and the consequences of interaction.’162

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161 ‘als ware het de aanvaarding van een openbaring’, ‘een ontwikkelingsgang, waarin natievorming, gemeenschapsvorming en emancipatie met horten en stoten plaatsvonden’, HEK 2006/07, No. 8: 341.
162 ‘multiculturele samenleving’; ‘een tamelijk beperkte en statische opvatting van cultuur',
These consequences include both cultural adaptation and cultural reinvigoration. As an example of the latter the CDA points to 'the Dutch canon', i.e. the development, for educational purposes, of a canon of episodes in Dutch history that allegedly were crucial to nation- and identity formation in the Netherlands.\(^{163}\) According to the CDA 'ten years ago one would have been ridiculed for the idea, today its chief purpose seems to be to make autochthonous Dutch conscious of their identity.'\(^{164}\)

The CDA also opposes the idea that integration would mean joining 'some kind of majority culture', for the cultural diversity in the Netherlands is so great that it is difficult to speak of any majority culture – a conclusion that applies to most democratic states, according to the party.\(^{165}\) What is imperative is that all members of society, through education, have the capacity to exercise their civil rights and to participate in political, civil, economic, and cultural society.\(^{166}\) In light of this appeal the party expresses bafflement at the idea, expressed by two professors commenting on the bill, that the Civic integration bill infringes certain rights.\(^{167}\) The CDA maintains that such analysis completely neglects the 'legal-political question' whether it is acceptable to deny large groups of citizens the exercise of rights that are protected both by international conventions and the Dutch constitution, by denying the Government the right to compel them to acquire the minimal skills necessary for that exercise.\(^{168}\) In this light the CDA regrets that the bill does not set its sights on a higher level of mandatory education.\(^{169}\) Also, and relatedly, the party would welcome the introduction of mandatory education for certain adults, especially for allochthonous women without work.\(^{170}\)

As the previous paragraph makes clear, the CDA regards what it calls the 'legal-political question' as the fundamental question underlying the

\(^{163}\) See *infra*, chapter 2, [fn. 126].

\(^{164}\) ‘Tien jaar geleden was men om het idee uitgelachen, vandaag lijkt het vooral een middel voor autochtone Nederlanders om zich van hun identiteit bewust te worden'; HEK 2006/07, No. 8: 341.

\(^{165}\) ‘een soort meerderheidscultuur'; HEK 2006/07, No. 8: 341.

\(^{166}\) HEK 2006/07, No. 8: 342. The CDA refers to art. 13 of the International Covenant on Economic, Social, and Cultural Rights (Ecosoc 1966).

\(^{167}\) One of these professors is Entzinger, who figures prominently in chapter 2 of this thesis (the other is Groenendijk). See, for their analysis, Entzinger & Groenendijk 2006. HEK 2006/07, No. 8: 342.

\(^{168}\) ‘de rechtspolitieke vraag'; HEK 2006/07, No. 8: 342.

\(^{169}\) HEK 2006/07, No. 8: 342.

\(^{170}\) HEK 2006/07, No. 8: 342.
debate. The word the CDA uses is ‘rechtspolitiek’, in order to heighten the contrast with a merely legal appreciation of the problem at hand. A legal analysis, focusing on the content of civil and human rights conventions, ignores the political reality that rights do not secure membership of the polity, but vice versa. Rights are secured by membership, membership is secured by belonging, belonging by participation, participation by the ability to participate, that ability by education. Before the question of the acceptance or accommodation of cultural differences can be addressed, the prior question of political membership must be answered, according to the CDA.

D66, representing the OSF also, is the second party to place the bill in a broader context. In light of the nature of societal developments the party questions whether the general climate surrounding immigration and integration is best served by tougher legislation.\(^{171}\) ‘Isn’t it time,’ the party asks, ‘for a somewhat more relaxed approach to cultural diversity?’\(^{172}\) According to D66 such an approach would be becoming for a country that claims to be ‘a democratic rechtsstaat and an open and civilized society, where fundamental rights and liberties and the equality of individuals take in an important place.’\(^{173}\) The party rhetorically asks whether the current approach to integration, with its stress on duties and sanctions, fits well with such credentials. Subsequently it raises the question, also, of how much emphasis should be placed on Dutch customs and traditions, especially in light of the intrinsic diversity of Dutch culture and of its historical development through centuries of interaction with other cultures.\(^{174}\) While the party is still in favor of civic integration – the party was one of the chief architects of the original Civic integration law of 1998\(^{175}\) – it feels that such integration can be better effected through stimulation than through punishment.\(^{176}\)

The PvdA, the SP, and GroenLinks share D66’s contention that the Civic integration bill errs on the side of strictness and sanctions. According to the PvdA civic integration should be regarded as a right and not as a

\(^{171}\) HEK 2006/07, No. 8: 344. D66 is represented in this debate by Engels.

\(^{172}\) ‘Is het niet tijd voor een iets meer ontspannen omgang met de culturele diversiteit ’; HEK 2006/07, No. 8: 345.

\(^{173}\) ‘een democratische rechtsstaat en een open en beschaafde samenleving te zijn, waarin fundamentele rechten en vrijheden en de gelijkwaardigheid van mensen een belangrijke plaats innemen’; HEK 2006/07, No. 8: 345.

\(^{174}\) HEK 2006/07, No. 8: 345.

\(^{175}\) Entzinger, one of the chief architects of civic integration, was a member of D66; see supra, chapter 2, 67, fn. 92.

\(^{176}\) HEK 2006/07, No. 8: 345.
duty. The SP, while similarly stressing the desirability of civic integration courses, regrets the bill’s emphasis on coercion and force, and accuses the minister of using the bill to ‘show her muscles’. It would be better, the party urges, to view civic integration as an extension of general education. In normal education failing to pass exams is not penalized; neither should it be in civic integration. GroenLinks similarly laments the minister’s zeal, claiming that in her eagerness to exact civic integration under punishment by law, the minister has in effect placed many individuals who are in need of civic integration beyond the scope of the bill.

GroenLinks, like the CDA and D66, also reflects on the bill more extensively. After sketching its social and political background in familiar terms (the rise of Fortuyn, the fall of multiculturalism) the party takes issue with ‘the analysis of the failure of multicultural society and the solutions that were subsequently sought in mandatory civic integration as laid down in this bill’. According to GroenLinks there is nothing wrong in principle with emphasizing individuals’ responsibility for the society they live in. But the government also has a duty to ensure that individuals are able to find jobs and homes, and are able to participate socially and culturally. Civic integration, then, necessitates a mutual effort on the part of society and newcomer, and according to GroenLinks this mutuality is absent from the Civic integration bill.

Similarly to the SP, GroenLinks would like to see civic integration treated as a species of education: education is mandatory, but it is first and foremost a right. Passing exams cannot be a matter of obligation. As in education also, individuals should be able to follow courses that match their ambitions and talents; the skill level envisioned by the civic integration bill does not exceed that necessary for manual labor. GroenLinks explicitly expresses the desire to invest in multicultural society; this means especially bettering newcomers’ socio-economic prospects, through investment in the related spheres of housing and education, and in social, cultural, and recreational

177 HEK 2006/07, No. 8: 337. The PvdA is represented in this debate by Middel.
178 ‘om hier weer haar spierballen te kunnen tonen’; HEK 2006/07, No. 8: 347. The SP is represented in this debate by Kox.
179 HEK 2006/07, No. 9: 388.
180 HEK 2006/07, No. 8: 349. GroenLinks is represented in this debate by Thissen.
181 ‘de analyse van het failliet van de multiculturele samenleving en de oplossingen die daarvoor zijn gezocht in de verplichting tot inburgering in dit wetsvoorstel’; HEK 2006/07, No. 8: 349.
182 HEK 2006/07, No. 8: 349.
183 HEK 2006/07, No. 8: 349.
184 HEK 2006/07, No. 8: 349.
participation.\footnote{HEK 2006/07, No. 8: 350.}

Similarly to the CDA, GroenLinks also refers to the dynamics of identity formation in recent history, especially in light of the attacks on the Twin Towers in 2001 and the murder of Theo van Gogh in 2004.\footnote{GroenLinks is referring especially to Brandsma 2006 (a book titled ‘The hell, that is the other,’ investigating the differences between Islamic and secular thought and thinking).} Describing how these events gave rise to the emergence of a ‘non-Muslim’ identity in the Netherlands, GroenLinks asks how we might shed that identity.\footnote{‘gebaseerd op fatsoen en beschaving’; HEK 2006/07, No. 8: 350. The original Dutch word translated here as ‘culture’ is ‘beschaving’; while ‘beschaving’ is generally translated as ‘civilization,’ in the context civilization it is too general; what is meant is not the emergence of a society based on any civilization, but on a particular and particularly refined civilization; hence the translation as ‘culture’ (which word has approximately the same duality as the Dutch ‘beschaving’).} To that end it is necessary, according to the party, to develop multicultural society in such a way to encourage interaction, so that a better society can emerge, ‘based on civility and culture.’\footnote{‘Dan is de ander de hel;’ HEK 2006/07, No. 8: 350.} Civic integration is not incumbent only on specific individuals, but on us all. If society does not succeed in this collective task, GroenLinks implies, referring to Sartre’s play Huis Clos, ‘hell’ will come to be seen in ‘the other’.\footnote{HEK 2006/07, No. 8: 350. GroenLinks makes no mention of The decent society, though the allusion seems obvious. See Margalit 1996.} If that is to be avoided a decent society must be the goal, in which all are treated with civility. Above all it is necessary to avoid humiliation, both by governmental institutions and by individuals. Such an attitude is imperative for both individuals and the government. It is an attitude, GroenLinks concludes, that this Government fails to project.\footnote{HEK 2006/07, No. 8: 351. The VVD is represented in this debate by De Graaf.}

The VVD, by contrast, views both the bill and Minister Verdonk, a fellow VVD-politician, in a much more favorable light. The demands made of newcomers by the bill are not so different than those made of our children: to succeed in this society you need an education and if possible a degree.\footnote{HEK 2006/07, No. 8: 351. The VVD is represented in this debate by De Graaf.} The reason that in the case of newcomers it is sometimes necessary to use coercion instead of encouragement, the VVD implies, is that not all newcomers wish to pursue civic integration.\footnote{‘de tradities en gewoonten die in de cultuur van die vreemdelingen bestaan’; HEK 2006/07, No. 8: 351, 352.} Secondly, there are impediments to civic integration that are the result of ‘the traditions and customs that exist in the cultures of those aliens.’\footnote{HEK 2006/07, No. 8: 351. The VVD is represented in this debate by De Graaf.} Individuals facing such
impediments can benefit from the obligation not just to follow courses but to successfully pass civic integration exams. This is especially the case concerning allochthonous women who, for whatever reason, are not free to follow civic integration courses.

The Minister, finally, repeats many points in the First Chamber previously made in the Second. The bill is a matter of great urgency, both for individuals and for social cohesion. The bill's foundation is shared citizenship. Everyone who wishes to participate deserves a chance. The bill's focus is on basic knowledge and skills. With regard to cultures and 'the problems of multicultural society' there is room for diversity ('We should enjoy all those cultures...'), but there must be a common foundation and a shared language ('... but let's make sure that we can communicate about them in one language'). The minister leaves no uncertainty that this language is Dutch. Besides a shared language and certain social skills, it is necessary also that Dutch norms and values are endorsed and Dutch rules are followed. Social security legislation offers possibilities for requiring residents to learn the language, and the minister plans to investigate how the possibilities offered by social security legislation can be used to their maximal advantage.

The minister addresses some new points in the First Chamber as well. It is here, for instance, that the minister states for the first time during this debate that the emancipation of allochthonous women is one of the goals pursued by the bill. Also, the minister emphasizes the successes of

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No. 9: 389.

194 HEK 2006/07, No. 9: 389.
195 HEK 2006/07, No. 9: 389.
196 HEK 2006/07, No. 9: 353-355. See also 361.
197 HEK 2006/07, No. 9: 393.
198 HEK 2006/07, No. 9: 394.
199 HEK 2006/07, No. 9: 355.
200 'Laten wij genieten van al die culturen, maar laten wij er wel voor zorgen dat wij daarover met elkaar in één taal kunnen communiceren'; HEK 2006/07, No. 9: 393. See also 394.
201 HEK 2006/07, No. 9: 393.
202 HEK 2006/07, No. 9: 393.
203 HEK 2006/07, No. 9: 358.
204 HEK 2006/07, No. 9: 358. Emancipation is mentioned (twice) in the explanatory memorandum, but not as an explicit goal of the bill (unemployed allochthonous women not receiving benefits should be approached by municipalities to take part in civic integration programs for the sake of their emancipation (see Kamerstukken II, 30308, nr. 3: 24); and while prolonged dependant residency permits are not good for the emancipation of marriage migrants, granting them permanent residency may have the adverse effect of removing an incentive for civic integration; therefore the Government sees it as necessary, in certain cases, to make such permanent residency status conditional upon successfully completing a
integration policy (the naturalization ceremony, the shared commitment to civic integration, placing taboo-subjects such as vengeance killings and domestic violence on the agenda, the Imam-school, increased vigilance against radicalization, integration through education and sports), states that migration can also have positive effects for the Netherlands, and speaks out against discrimination by employers.205 Towards the very end of the debate, finally, perhaps goaded thereto by the representative of GroenLinks, perhaps because national elections were scheduled for the following day,206 the minister also briefly exhibits the kind of rhetoric that earned her both praise and notoriety. After voicing her commitment to ‘everyone who wishes to participate’ in this society, the minister continues:

‘But I am not going to cry out that we have a fantastic multicultural society in the Netherlands, for we don’t. There are still a number of problems that we need to solve. There must be a shared foundation. Why don’t we start by speaking the Dutch language with each other. Then we can finally discuss different cultures. Then people will once again understand each other. Then I won’t hear that woman from a bad neighborhood in Amsterdam tell me that she can’t talk to her next-door neighbor and that she cannot buy her own products at the market anymore. She will no longer tell me that she asks herself where she is living, whether this is still the Netherlands. Every coin has two sides.’207

205 HEK 2006/07, No. 9: 363, 393-394.
206 Minister Verdonk, incidentally, played no small part in the developments that necessitated these elections. In the preceding June, a day after the Second Chamber had debated the Civic integration bill on the 27th, the fall of the Government coalition had been precipitated by a nocturnal parliamentary session during which Minister Verdonk was taken to task by the Second Chamber over an incident concerning her fellow VVD-party member and MP Ayaan Hirsi Ali. Earlier in the year Hirsi Ali, who originally came to the Netherlands as an asylum seeker at the age of 23, had admitted to lying about her name during her asylum process (during the television program Zembla, which aired May 11 2006). Confronted with this information, Immigration & Integration Minister Verdonk first concluded that Hirsi Ali must retroactively be stripped of her citizenship, but later rescinded this position. Though a motion of no-confidence in the early morning of June 29th failed to garner the support of the Second Chamber, coalition member D66, having pledged its support to this motion, subsequently withdrew from the coalition, thereby causing its fall and the subsequent elections, to be held the day after the debate on the Civic integration bill’s final term, November 21, 2006.

207 ‘om ervoor te zorgen dat iedereen die een kans verdient in deze samenleving, dus iedereen die mee wil doen, die ook kan krijgen. Daar sta ik keihard voor. Ik ga echter niet roepen dat wij een geweldige multiculturele samenleving hebben in Nederland, want die hebben wij niet. Er is nog een aantal problemen dat wij moeten oplossen. Er moet een gemeenschappelijke basis zijn. Laten wij eerst eens met elkaar de Nederlandse taal leren spreken. Dan kunnen wij eindelijk praten over de verschillende culturen. Dan begrijpen mensen elkaar weer. Dan hoor ik niet
The debates in the First Chamber, in conclusion, are both broader-ranging and more concerned with fundamental objections to the bills under consideration than was the case in the Second Chamber. Despite such objections, it is notable that all parties are in favor of civic integration in principle. As in the Second Chamber, no party takes issue with the depiction of the Netherlands, implicit in the bills and the Government’s defense, as a moral community in its own right, of which newcomers can become full members through participation and cultural integration. Though D66, GroenLinks, the OSF, and the SP all vote against the bill, they do so not because they oppose civic integration, but because they are concerned about the proportionality of the bill, or fear possible adverse effects of the bill on the process of integration it professes to stimulate. Of special note, finally, is the absence of the orthodox Protestant parties, the ChristenUnie and the SGP, in the debate on the Civic integration bill in the First Chamber. This absence is notable because the previous chapters demonstrated that these parties especially were prone to take a different view on matters of diversity and (civic) integration, often inspired by their implicit commitment to framework liberalism. In any case, no evidence of any such commitment to or appreciation of framework liberalism was apparent in the debates discussed in this chapter.

**Conclusion**

What this chapter brings home, more than anything, is that the economic structure of Dutch society and of the economic conditions of membership must be taken into account when considering Parliament’s position on identity and belonging in the Netherlands. No party is unaffected by what the CDA calls, in the First Chamber, the legal-political question of what is involved in membership of Dutch society. For most parties, this at minimum seems to include economic participation in society. That is ‘how we do things here’. It is clear, furthermore, that no party opposes the depiction of the Netherlands as a moral community, consisting of individuals who share distinct norms and values that can be acquired through processes of cultural integration. To the extent that other moral communities are the object of explicit discussion, they are treated

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*meer van die Amsterdamse vrouw uit een achterstandswijk dat zij niet kan spreken met haar buurvrouw en dat zij op de markt haar eigen producten niet meer kan kopen. Zij vertelt mij dan niet meer dat zij zich afvraagt waar zij leeft, of dit nog Nederland is. Iedere medaille heeft twee kanten*; HEK 2006/07, No. 9: 394.  
208 See, for the voting record in the First Chamber, HEK 2006/07, No. 10: 407.
instrumentally, as either a barrier to or a possible conduit of integration. This instrumental estimation of moral communities, coupled to the depiction of the Netherlands as moral community in itself outlined above, both fit well with the findings of the previous chapters, that a majority of Parliament takes an implicitly liberal cultural view of Dutch society and the place of minority moral communities in it.

The more specific conclusions can usefully be divided into conclusions having bearing on the individual, group, and societal levels respectively.

With regard to individuals and their role in society, the image that emerges from these debates is that there is a widespread tendency to prioritize the economic independence or self-reliance of individuals in Dutch society. What is repeatedly stressed is the necessity of work, of having a job, and of being in that sense independent. Individuals are responsible for themselves and therefore must be self-supporting. Similarly, citizenship is often described as consisting in participation in society, which participation is predominantly interpreted as working. The overriding importance of economic participation is also borne out by the observed shift in emphasis from emancipation in the debates on Civic integration abroad, to the desirability of the civic integration of parents for the sake of their children’s education and later prospects in life during the debates on the Civic integration bill.

On the level of groups it is firstly notable that groups, on the whole, play a relatively small role in the debates on civic integration. There is society and there is the individual, and there is little in between. If groups do receive mention it is generally because they are problematic: groups as a whole fail to integrate in society, religious groups don’t share society’s values, groups stand in the way of their member’s integration in society. Even so the significance attributed to the civic integration of clerics is testimony to an implicit understanding of immigrants hailing from Islamic countries and their offspring as belonging to moral communities that are addressable through their religious leadership. At the same time, this evidences a particularly instrumental evaluation of such moral communities. In general, finally, it is of note that the Islam, a much-discussed topic in the debates on the Blok-report, hardly receives mention here.

On the societal level, finally, this chapter evidences a close connection between socio-cultural and socio-economic concerns. Besides being treated as a moral community in itself, the Netherlands is also widely,
if implicitly, viewed as an economic association, of which one becomes a member through work. It is clear that many parties are concerned that a failure to become a member of the moral community will impede on newcomers’ ability to participate in the economic association, and therefore push for measures to speed up the process of acquiring the skills and disposition necessary for membership. This finding qualifies, to a certain extent, the degree to which an intentionally liberal-culturalist position can be attributed to parties supporting civic integration on the basis of their respective contributions to these debates.