

Flemish Pro-independence Parties and Immigrants: Friends or Foes?

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Esmā Baycan

KU Leuven and University of Geneva

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Abstract:

Often ‘nationalism’ and ‘having a state proper to the nation’ are considered as inseparable. Relatedly, when these thoughts are applied to the reality of sub-state nations, such as Flanders, Catalonia Basque Country and Québec, sub-state nationalism (SSN) and separatism seem to be conceptually entangled in their aim for an independent state. This chapter considers sub-state nationalism and sub-state separatism as conceptually distinct, and aims at examining the relationship between sub-state separatist political parties and immigration policies. This requires, on the one hand focusing on the integration policies, given that often immigration policies with regard to admission and removal lies beyond the competence of sub-state nations. On the other hand, it focuses on the two major Flemish pro-independence parties, namely the Nieuwe Vlaamse Alliantie (N-VA), and Vlaams Belang (VB). While sub-state separatist movements appear to be particularly opposed to increasing immigration, they operate under a particular ‘legitimacy dilemma’ with its paradoxical tendencies to both exclude and include immigrants. The chapter will show contextually that even the relatively more inclusive political party positions, such as the ones taken by the N-VA, are not sufficiently inclusive, when the normative distinction between ‘cultural assimilation’ and ‘cultural integration’ is taken seriously. Theoretically, it will engage with a renowned articulation of the legitimacy dilemma offered by Will Kymlicka, to argue that it is not sufficient to account for the normative necessity to respect the ‘autonomy of immigrants’. As I will demonstrate, this has to do with the inability of the dilemma to distinguish sufficiently ‘cultural assimilation’ from ‘cultural integration’. In other words, on the one hand the chapter contributes to the apparent absence of strong defenses for ‘moral autonomy of immigrants, by describing what such an autonomy might imply for designing of integration policies. On the other hand, it critically assesses Flemish pro-independence parties’ concrete policies with respect to integration. By offering a contextual political theory on these issues, it offers an example of how a moral principle might be implemented, and serve as a critical focal point to evaluate public policies.

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Flemish Pro-independence Parties and Immigrants: Friends or Foes?

*Esma Baycan*¹

Introduction

Gellner explains nationalism as a political principle “which holds that the political and national unit should be congruent”.² Similarly, Hobsbawm regards the nation as a social entity to the extent that it has its own state.³ These authors treat ‘nationalism’ and ‘having a state proper to the nation’ as inseparable. As a result, when these thoughts are applied to the reality of sub-state nations (henceforth SSN), as in the cases of Flanders, Catalonia Basque Country and Québec, sub-state nationalism and separatism seem to be conceptually entangled in their aim for an independent state. In light of the contemporary reality of federal states that are composed of several different SSNs, however, this picture is misleading. In the case of ‘*holding together federations*’ (i.e. states that were originally unitary and subsequently became federal states by devolving some of their competences), sub-state nationalists have been satisfied to have their claims for cultural protection organized at a lower level.⁴ In

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- 1 This research is supported by the National Center of Competence in Research – The Migration Mobility Nexus (NCCR-On the move), funded by the Swiss National Foundation for Scientific Research. Earlier versions of the chapter have benefited from the debates taking place during the 2015 Spring Semester at the KU Leuven Institute of Philosophy, within the framework of the Justice Seminar; at the University of Geneva Department of Political Science and International Relations during the MultiCite Seminar; and at the ECPR General Conference 2015 panel on ‘Linguistic Justice in Multinational Federations’. The author is grateful to all of the participants at these events, and specifically to Matteo Gianni, Helder De Schutter, François Hudon, Daniel Cetrà, Andrew Shorten, Annabelle Lever and Sergi Morales Gálvez. Gratitude is also due to the editors of the current volume, Roberta Medda-Windischer and Patricia Popelier, for their comments and feedback, which have strengthened the quality of the text.
 - 2 E. Gellner, *Nations and Nationalism* (2nd ed.) (Oxford, Blackwell, 1983), at 1.
 - 3 E.J. Hobsbawm, *Nations and Nationalism since 1780. Programme, myth, reality* (Cambridge, Cambridge University Press, 1990), at 9.
 - 4 For the distinction between holding together and coming together federations see: J. Buchanan, “Federalism as an Ideal Political Order and an Objective for Constitutional Reform”, (1995) 25(2) *Publius*.

contrast, sub-state separatism aims to transform the SSN into an independent state. In other words, it is possible to be a sub-state nationalist without being a sub-state separatist, although the reverse is not possible. In short, sub-state separatists are sub-state nationalists with a demand for an independent state.

The objective of this chapter is to examine the relationship between sub-state separatist political parties and immigration policies.⁵ Given that the integration policies of SSNs are often devolved, while immigration policies (e.g. with regard to admission and removal) are situated at the federal level,⁶ integration policies offer fertile ground for examining the nature of this relationship. Sub-state separatist movements appear to be particularly opposed to increasing immigration. For example, the leader of *Parti Québécois*, Pierre Karl Péladeau, blamed immigrants for damaging Québec's sovereigntist cause during a discussion concerning the need to organize a referendum on independence: "With demographics, with immigration, it is clear that we are losing one riding⁷ [my emphasis] a year. [...] We would like to be able to better control it, but we have no illusions. Who has responsibility for the immigrants that come to live here? It is the federal government. Of course we have shared responsibility, but they are making their oath to the Queen."⁸ Despite the fact that he apologized a day later, it is intriguing to consider the possibility of a general incompatibility between sub-state separatism and immigration. This chapter explores the tension between these two political factors in the case of Flanders, addressing the question of whether the Flemish separatist political parties – the *Vlaams Belang* (Flemish Interest; henceforth, the VB) and the *Nieuwe Vlaamse Alliantie* (New Flemish Alliance; henceforth, the N-VA) – actually do favour restrictive (i.e. exclusionist) policies of immigration and integration.

Given that separatists are simultaneously sub-state nationalists, the literature on sub-state nationalism and its relationship to immigration is relevant to our purposes. There is a particular challenge in the literature on the legitimacy dilemma of sub-state nationalism. Establishing the nation-building policies

5 S. Jeram, A. Van der Zwet and V. Wisthaler, "Friends or Foes? Migrants and Sub-state Nationalists in Europe", (2015), *Journal of Ethnic and Migration Studies*.

6 C. Joppke and F.L. Seidle, *Immigrant Integration in Federal Countries* (Montreal and London, Ithaca, 2012); E. Hepburn and R. Zapata-Barrero, *The Politics of Immigration in Multilevel States: Governance and Political Parties* (Houndmills and Basingstoke, Palgrave Macmillan, 2014).

7 A riding is an electoral district in Canada, known as 'constituency' in other countries.

8 A. Woods, "Immigrants to Quebec hurting sovereigntist cause, Pierre Karl Péladeau says", *Brampton Guardian*, March 19, 2015, accessed May 20, 2015, available at <http://www.bramptonguardian.com/news-story/5515237-immigrants-to-quebec-hurting-sovereigntist-cause-pierre-karl-p-ladeau-says/>.

desired by the SSN requires democratic support from the citizens, and such support is more likely to occur when the dominant cultural identity is widely shared by the members.⁹ The legitimacy of the sub-state's nation-building policies thus necessitates the exclusion of migrants. In turn, this exclusion risks discrediting the nation-building processes, as they could be perceived as illiberal.¹⁰ In other words, the internal dimension of legitimacy seems to require the exclusion of immigrants, whereas the external dimension requires their inclusion. It has been claimed that this exclusionary rationale is a result of the improbability of migrants to become sub-state nationalists or their inability to understand the historical struggle that gave way to a specific mentality of the sub-nation known as '*la survivance*'.¹¹ The examination of two different Flemish separatist parties also reveals how these parties have tended to develop towards favouring a post-ethnic understanding of citizenship and legitimizing the separatist cause.

The chapter combines a normative political theory approach with the contextual analysis of the Flemish case. The determination of whether a party standpoint is prone to inclusion or exclusion requires the availability of morally defensible definitions of several concepts (e.g. integration, assimilation) as normative reference points. These reference points, which are consistent with liberal democratic principles, make it possible to determine whether the VB and the N-VA are exclusionary towards immigrants. The *first* step in the analysis consists of developing an historical overview of the federalization process in Belgium. The *second* step involves explaining the dilemma of sub-state nationalism and its influence on the separatist political parties. The *third* step addresses the normative limits of integration policies in the SSN, with the goal of distinguishing it from the assimilation of immigrants. I argue that integration differs from assimilation in that it respects the moral autonomy of immigrants. The *fourth* step concerns the standpoints of separatists with regard to immigration. The general argument of this chapter can be summarized as follows: although assimilationist policies imply pseudo-inclusion, they are actually exclusionary towards immigrants. By promoting assimilationist policies under the label of integration, therefore, the N-VA has an exclusionary attitude towards immigrants, even though it presents its position publicly as inclusive.

9 A.-G. Gagnon, and R. Iacovino, *Federalism, Citizenship, and Québec. Debating Multinationalism* (Toronto, University of Toronto Press, 2007); I. Adam, "Immigrant Integration Policies of the Belgian Regions: Sub-state Nationalism and Policy Divergence after Devolution", (2013) 23(5) *Regional and Federal Studies*, at 547–569.

10 W. Kymlicka, *Politics in the Vernacular* (Oxford, Oxford University Press, 2001).

11 W. Kymlicka, *Politics in the Vernacular, supra*, at 277–278.

An Historical Overview of Belgian Federalization

Sub-state separatism differs from sub-state nationalism in that it is aimed at transforming the SSN into an independent state. Despite this difference, both of these groups agree on the federalization of the state. The disagreement **arises** when this federalization is established. The claims for greater autonomy and full independence continue for separatism, but not necessarily for sub-state nationalism. In this section, I explain two notions in relation to an historical overview of the Belgian federalization process.

In *holding-together* federations, majority and minority forms of nationalism have historically competed to shape the state institutions according to their respective dominant identities, where one national minority has managed to establish a unitary state to the disadvantage of other groups.¹² The Québécois (in the case of Canada) and the Flemings (in the case of Belgium) found themselves on the disadvantaged side in the process. Before explaining Flemish separatism, it is interesting to consider why the unitary state of Belgium is perceived as an obstacle, and how it served to motivate minority nationalism. Three conditions can be identified as giving rise to minority nationalism: (1) cultural differences on the part of the sub-state community (e.g. language);¹³ (2) economic disparities and related ideological differences between the minorities; and (3) participatory disparities in shaping the state according to the needs of the first two differences.¹⁴

In the Belgian case, the historical domination of one minority by **another** has proceeded parallel to socioeconomic differences between the regions where the different minorities are located. Even though the Belgian case is often described in terms of language nationalism led by the oppressed Flemish minority, a complete account requires emphasizing both the cultural and

12 The term national minority is used interchangeably with sub-state entity and federated entity. The usage does not include a demographic reference. For the Belgian case, the Flemish population constitutes the demographic majority.

13 D. Miller, *On Nationality* (Oxford, Oxford University Press, 1995); W. Kymlicka, *Politics in the Vernacular*, *supra*.

14 The current unitary structure of Turkey accommodating two communities shows some similarity to Belgium's earlier stages. For instance, there is the PKK (Kurdish Labour Party), an allegedly terroristic organization based in Eastern Turkey (widely inhabited by **Kurdish** people) which claims autonomy for the region and emphasizes cultural and linguistic differences. Despite these strictly cultural claims, there are wide economic disparities and disagreements between the Eastern and Western parts of the country: whereas Kurdish people tend to be more supportive of left-wing parties and decentralization, Western Turkey is marked by the support of right-wing parties and a unitary state.

economic aspects. The argument in this regard is that (1) linguistic differences can become a driving force for change when accompanied by (2) ideological struggles for democratization and equality.¹⁵ In addition, minority nationalism can be distinguished from majority nationalism when (3) the participation of the minority is unfairly limited in terms of shaping the state. In this context, it could be argued that the *primary* aim of nationalist minority movements is to achieve inclusion in the nation-building policies of the state, focusing its attention on claims to autonomy *only if* such inclusion should fail. The transition in the objectives of the Flemish nationalists from demanding a 'Bilingual Belgian state' to demanding a 'monolingual Flanders' following the introduction of the language border in 1963 offers an interesting historical example in this regard. The former objective can be regarded as a demand for equal inclusion and recognition, whereas the latter could be seen as a struggle for greater regional autonomy.¹⁶

In the case of sub-state separatism, however, claims to autonomy continue to favour increased devolution and, ultimately, the establishment of an independent state. In some cases, the manner in which a country has been federalized can promote such results. One important institutional limitation appears when existing political parties are divided according to existing national communities. The presence of two socialist parties for each linguistic group in Belgium since the 1960s and 1970s is an example of this division. When devolution takes such a shape, political parties have no institutional incentive to consider the interests of the non-voting linguistic group, nor do they have any incentive to foster common interests between the two groups. Related to this phenomenon, such settings increase the likelihood of success for the separatist political parties. In order to remain competitive in attracting voters, other parties are also likely to be willing to incorporate a separatist agenda into their own party programmes.¹⁷

Deeper historical analysis of the entanglements of these two axes – linguistic/cultural differences and economic disparities/ideological disagreements – could further clarify what motivates national minorities to struggle for autonomy. The relevant point in this regard, however, is that a common language and cultural identity can become emblematic, subsequently determining the choices of the minority nation, which continues to strive for greater autonomy.

15 J. Blommaert, "The Long Language-Ideological Debate in Belgium", (2011) (6)3 *Journal of Multicultural Discourses*.

16 J. Blommaert, "The Long Language-Ideological Debate in Belgium" *supra*, at 7.

17 In addition, the significant economic inequalities between Flanders and Wallonia have been identified as a driving force for the separatist cause.

In other words, when the three aforementioned conditions are present, we can speak of a ‘critical juncture’, at which the choice to pursue greater autonomy will affect the subsequent course of history (i.e. by giving way to ‘path dependency’). At some point, Flemings decided to claim greater autonomy and to federalize Belgium. In this sense, “[t]he selection made during the critical junction is consequential because it leads to the creation of institutional or structural patterns that endure over time.”¹⁸ In order to understand this path dependency, I provide a sketch of the federalization process in Belgium in relation to the demands of the ‘Flemish Movement’, with particular emphasis on the parallel character of the federalization process and the devolution of immigration policy.

Flemish nationalism is rooted in the foundation of the unitary/unilingual state of Belgium in 1830. At that time, Belgium harboured a Dutch-speaking population – which constituted a demographic majority – concentrated in the north, with a French-speaking population in the south, along with a small German-speaking population. Despite its deep historical roots, the economic, linguistic and cultural struggle that ultimately transformed the country into a federation was a slow process. The ‘Flemish Movement’ was formally organized with the foundation of the political party *Volksunie* (People’s Union; henceforth VU) in 1954. Until its dissolution in 2001, the VU constituted an umbrella institution hosting a diversity of ideological stances around a shared claim for ‘greater autonomy for Flanders’. For some time, this objective served as a driving and unifying force. As Flanders became more autonomous, however, the various claims increasingly generated conflicts, ultimately resulting in fragmentation into different political parties. The most important split involved the defence of Flemish independence by the radical nationalists, under the leadership of Karel Dillen’s *Vlaams Blok* (~~Flemish Block; henceforth VB~~) in 1978. Before its dissolution, the VU would once again witness ideological conflicts and split in two groups: the N-VA and *Spirit*,¹⁹ which constitute the conservative (N-VA) and progressive (Spirit) wings of the party. The N-VA quickly became the most important party in Flanders, with its remarkable election results in 2010. In contrast, the progressives allied with other existing political parties, including *Groen!* (the Green Party) and the Open VLD (Liberal Party).

The brief history of the VU, as presented above, raises the question of why the political party came to an end. One possible answer is that it ended simply

18 J. Mahoney, *The Legacies of Liberalism: Path Dependence and Political Regimes in Central America* (Baltimore, JHUP, 2001), at 6.

19 Spirit is composed of Flemish social liberals. The party’s name is a Dutch abbreviation of: Social, Progressive, International, Regional, Integrally democratic and Future-oriented.

because its main objective had been achieved: with the establishment of a federal Belgium in 1993, Flanders became autonomous. Such an answer is consistent with the literature on the Belgian regionalist parties, which have been described as “victims of their own success”.²⁰ In other words, they disappeared as soon as their objectives had been obtained. After the language borders were established in 1963, the process of federalization began. It has proven to be a long process, usually involving significant steps through agreements between the Dutch and French-speaking communities within the framework of ‘*staats hervorming*’ (state reform). Since 1970, there have been six state reforms, in which the various competences have been distributed amongst the various levels in the federation. Until 1970, Belgium had been a unitary state. The subsequent constitutional reforms in 1970, 1980 and 1988 led to the devolution of competences into the hands of the regions and communities. As a result, the 1993 constitutional reform clearly identified French-speaking, Dutch-speaking and German-speaking communities as authoritative instances in relation to other non-territorial matters (e.g. the use of language and culture). The reform also established the three regions of Flanders, Wallonia and the Brussels-Capital, which are in charge of territorial matters (e.g. economy and infrastructure). In practice, the Flemish region and community share common institutions, with the francophone regional and community institutions remaining separate. The federal state, in turn, is in charge of matters of common importance to Belgian citizens, including justice, finance and social security, as well as the admission and expulsion of immigrants.

This ~~process of~~ federalization process has operated parallel to the devolution of migrant-integration policies. The labour-migration policy that came about through bilateral agreements with Southern European, Northern African countries and Turkey was discontinued in 1974, when the official policy was transformed into one of ‘zero immigration’. The Special Law of 1980 transferred the competence of the ‘*welcoming policy for migrant workers*’²¹ to the Flemish and Walloon communities.²² This has been regarded as an ‘interesting coincidence’,²³ with regard to the successive onset of the federalization process and the end of open immigration. It was at this point that the word

20 K. Deschouwer, “The Rise and Fall of the Belgian Regionalist Parties”, (2009) 19(4–5) *Regional and Federal Studies*, at 560.

21 I. Adam, “Immigrant Integration Policies of the Belgian Regions”, *supra*, at 552.

22 In the Walloon region, the competences relating to immigrant-integration policy shifted in 1993 from the French Community to the Walloon region and the French Community Commission of the Brussels Capital Region.

23 M. Martiniello, “Immigrant Integration and Multiculturalism in Belgium” in R. Taras (ed.), *Challenging Multiculturalism: European Models of Diversity* (Edinburgh, Edinburgh University Press, 2013), at 59.

'integration' entered the picture. With this transfer of competence in 1980, "[...] the wording of the policy changed from 'reception policy of migrant workers' to 'reception and *integration* [my emphasis] policy of migrants'".²⁴ At the end of the federalization process in Belgium, a general division of competences for migration-related matters was implemented across various levels. In general, matters related to the admission and expulsion of migrants were retained as federal competences, while policies involving integration remained at the community level. The Flemish Community has been particularly unwilling to collaborate with either the French-speaking Community or the federal government on this issue.

The federalization process did not end with the constitutional establishment of different communities and regions in Belgium. Since then, there have been two state reforms, one in 2003 and another in 2012. Both of these reforms were challenging, and both resulted in protracted processes of governmental formation amongst the French-speaking and Dutch-speaking parties. The second process set a world record for the longest government-formation process, with 541 days of political crisis. The two language groups engaged in various disagreements regarding public-debt resolution, deficit cuts and socioeconomic reform, with sharp distinctions emerging between the two communities. The Flemish side sought to reduce state spending, while the French-speaking parties favoured raising taxes. The most contentious issue concerned the electoral district of Brussels-Halle-Vilvoorde (henceforth BHV). Before the state reform in 2012, the BHV had been the only electoral constituency that did not overlap with a Belgian province. Instead, Halle and Vilvoorde were part of the province of Flemish Brabant, while the rest of that province consisted of the arrondissement of Leuven, which formed its own electoral district. Earlier, in 2003, the Court of Arbitration (the current Belgian Constitutional Court) ruled the BHV unconstitutional, given that Francophones living in the monolingual area surrounding Brussels were able to vote for the French-speaking parties, while Dutch speakers living in the Walloon region could not vote for Dutch-speaking parties. The issue divided the two communities, given that the French-speaking parties were in favour of maintaining the status quo, whereas the Flemish-speaking parties favoured splitting the district in two, with Halle and Vilvoorde belonging to Flemish Brabant, and the Brussels Capital Region forming its own district.

Although the BHV question is clearly a complex issue, its various political and judicial dimensions exceed the scope of this chapter. Nevertheless, the BHV case does reveal the difficulty of forming a government at the federal level. This complexity, as symbolized by the BHV, was the primary motivation leading

24 I. Adam, "Immigrant Integration Policies of the Belgian Regions", *supra*, at 552.

the N-VA to defend Belgian confederalism. Although their notion of confederalism is essentially vague, as it assumes some enhanced level of cooperation, the ultimate objective of the party programme is to establish an independent Flanders in Europe following the erosion of the Belgian state.²⁵ During the 2010 elections, immediately preceding the latest state reform in 2012, the *Parti Socialiste* won in the southern part of the country, receiving 13.7% of the votes, with the N-VA receiving 17.4% of the overall votes in Belgium. The ideological differences between these two parties clearly reflect the divergent political cultures of the Belgian communities, which preclude any satisfying compromises at the federal level. At this point, it is important to consider whether Belgium has any inherent structural limitations that may have resulted in such a parting of the ways between these communities. Since the 1960s and 1970s, Belgian parties have been divided according to linguistic differences, and they receive votes from their respective language groups. The division of the political parties according to linguistic communities provides them with incentives for pursuing community-specific interests, rather than interests common to both of the communities.²⁶ Under these conditions, it is not surprising that a separatist party (e.g. the N-VA) has been gaining increasing influence while advancing the ideal of an independent Flanders. It successively achieved better election results, thereby becoming the strongest party in Flanders, having received 20.3% of the votes in the most recent elections. This division is not solely the result of the party system. It can also be attributed to the distinct public cultures of two communities. There is no common public debate for all Belgians. Instead, there are parallel Dutch-speaking and French-speaking media, each with its own distinct agenda. These political and public issues severely limit the common willingness to continue with the marriage of the two communities in Belgium.

Sub-State Nationalism and Its Influence on the Separatist Parties

In this section, I consider whether the terms for immigration accommodation differ in ssns due to the normative dilemma of sub-state nationalism. The

25 NVA Election Programme, at 81, accessed 21 April, 2015, available at https://www.n-va.be/sites/default/files/generated/files/brochure-attachment/verkiezingsprogramma_n-va_2014.pdf.

26 K. Deschouwer, K. and P. Van Parijs, "Electoral Engineering for a Stalled Federation. A Country-wide Electoral District for Belgium's Federal Parliament" in B. O'Leary and J. McEvoy (eds.), *Power-Sharing in Deeply Divided Places* (Philadelphia, University of Pennsylvania Press, 2010).

main primary argument is that this dilemma affects the new-generation separatist party (the N-VA), which presents itself as inclusive of immigrants. In so doing, it is able to distinguish itself from the radical separatist party, the VB. In the following discussion, I start by explaining the moral dilemma of sub-state nationalism, after which I demonstrate its effect on the separatist parties.

The dilemma of sub-state nationalism is a dilemma of legitimacy in *holding-together* federations, in which the national minority seeks to introduce its own nation-building policies while receiving immigrants at the same time. Establishing these policies requires democratic support from the citizens, and such support is more likely to occur when the dominant cultural identity is widely shared by the members.²⁷ As such, the legitimacy of the sub-state's nation-building policies depends upon the exclusion of migrants. Such exclusion, however, risks discrediting the nation-building processes insofar as they could be perceived as illiberal projects.²⁸ In other words, the internal dimension of legitimacy seems to require the exclusion of immigrants, whereas the external dimension requires their inclusion.

Kymlicka's solution for 'saving' SSNs from favouring ethnicity-based citizenship is for federal entities to devolve some immigrant-integration competencies to the sub-state. This solution allows the SSN to exercise some control over education, culture and language, in addition to shifting the basis of their citizenship from ethnic to post-ethnic. Kymlicka nevertheless acknowledges that this solution does "[...] not offer any definitive answers [...]"²⁹ concerning whether such control would comply with liberal norms. In the rest of this section, I consider the case of Flanders in relation to the dilemma of sub-state nationalism, in order to observe the dilemma's explanatory power as applied to the Flemish case.

To resolve the dilemma of sub-state nationalism, Kymlicka recommends that the SSN should acquire competences in integration policies. The earlier section corroborated this view by demonstrating the parallel development of the federalization process and the devolution of integration policies in Belgium. There are two cases in which the dilemma of sub-state nationalism can help to explain the developments in the Flemish case. The first involves the politicization of immigration by the radical-nationalist VB party in the 1980s. The party split from the VU because it supported the independence of Flanders. From the 1980s onwards, the party politicized immigration and organized a conference dedicated to the '*problem of foreigners*' in 1984. The VB defended

27 I. Adam, "Immigrant Integration Policies of the Belgian Regions", *supra*, at 550.

28 W. Kymlicka, *Politics in the Vernacular*, *supra*.

29 *Ibid.*, at 277.

the ethnic homogeneity of Flanders, and its leader, Karel Dillen, proposed a bill to the Belgian Chamber of Representatives to fund the return of immigrants to their home country.³⁰ The politicization of immigration helped the VB receive greater electoral support. After the party's success in the 1988 Antwerp council elections, the other parties decided to agree never to form a coalition with the VB on any matters relating to jurisdiction (i.e. the famous *cordon sanitaire*). This measure is efficient because, without the ability to form coalitions, the party had no chance of forming a government under the proportional election system. In 1991, the party received more than 10% of the votes in Flanders and 6.58% in Belgium, on a day that would be remembered as *Black Sunday*. The point here is that the VB defended the ethnic homogeneity of Flanders for the sake of nationalism and, in so doing, motivated the other nationalist-minded parties to agree never to form a coalition with them. In other words, despite their political divergences, the other parties were motivated to preserve the legitimacy of Flemish nationalism against possible charges of racism.

The second example concerns the introduction of the compulsory *inburgering* courses, established in 2003.³¹ These courses were recommended by the leading Flemish liberal party and supported by its coalition partners, the Flemish socialists, the greens and the regionalists. The programme, as it still exists, suggests a three-step approach: (1) a Dutch-language programme, (2) social orientation (*maatschappelijke oriëntatie*) courses and (3) personal coaching for professional integration. In addition to its objective of providing immigrants with some level of knowledge concerning Belgian institutions, the second component of the programme specifically emphasizes the need for participants to learn 'common Flemish social norms and values'.³² It is interesting to note that these courses have a specific target group (*focus groep*): new migrants coming from non-European countries, and all Belgian adults of foreign origin who were born elsewhere with at least one parent who was not born in Belgium.³³ The integration courses are obligatory for migrants arriving

30 H. Coffé and J. Dewulf, "Wavering Between Radical and Moderate: The Discourse of the Vlaams Belang in Flanders (Belgium)" in M. Feldman and P. Jackson (eds.), *Doublespeak: The Rhetoric of the Far Right since 1945* (Stuttgart, Ibidem Verlag, 2014), at 150.

31 There is no word in English that would correspond to the meaning of the Dutch term '*inburgering*'. The word could be tentatively translated as a process of 'citizenization', in which immigrants participate in integration courses and are subsequently transformed into citizens.

32 I. Adam, "Immigrant Integration Policies of the Belgian Regions", *supra*, at 557.

33 European Commission Against Racism and Intolerance (ECRI), *Report on Belgium*, 2014 accessed March 20, 2015, available at: <http://www.coe.int/t/dghl/monitoring/ecri/country-by-country/belgium/BEL-CbC-V-2014-001-ENG.pdf>, at 28.

in Flanders, but optional for those arriving in Brussels. Failure to comply can result in a significant “[...]administrative fine between €50 and €5000, or it might lead to the withdrawal of certain benefits for people who are dependent on social assistance, in addition to posing an obstacle to social housing”.³⁴

There is reason to argue that the dilemma of sub-state nationalism, as formulated by Kymlicka, has been discredited.³⁵ At least two SSNs are not exclusionist towards immigrants, as the dilemma suggests. The Scottish case contradicts the dilemma, as Scotland perceives its immigration and integration policies as inclusive. In addition to lacking a radical nationalist party (in contrast to the Flemish case), the institutions of Scotland openly aim to form an inclusive multicultural society.³⁶ The case of the Basque Country reflects a similar approach and manner of self-perception. Beginning in 2004, the Basque Country established a citizenship separate from the Spanish state, based on residence, which provided *illegal* immigrants with the opportunity to become Basque citizens.³⁷ Moreover, even though the Basque Country promotes the official Basque language (*Euskara*) for pupils of migrant background, many multicultural policies accompanying public education are aimed at recognizing and including different cultures. For example, schools in the Basque Country have multi-lingual welcome signs, and correspondence between the school and parents takes place in multiple languages.³⁸ These examples demonstrate the empirical flaws of the dilemma of sub-state nationalism.³⁹

The aforementioned shortcomings are due to a deficiency in Kymlicka’s conceptualization of the dilemma of sub-state nationalism. In designating immigration as a negative fact *in and of itself*, Kymlicka overlooks the possibility that it can become a subject of ‘federal competition’ amongst SSNs. In

34 European Commission Against Racism and Intolerance (ECRI), *Report on Belgium, supra*, at 28.

35 F. Barker, “Learning to be a Majority: Negotiating Immigration, Integration and National Membership in Québec”, (2010) 62(1) *Political Science*; Jeram, S., “Immigrants and the Basque Nation: Diversity as a New Marker of Identity”, (2013) 36(11) *Ethnic and Racial Studies*; Hepburn, E., “Citizens of the Region: Party Conceptions of Regional Citizenship and Immigrant Integration”, (2011) 50(4) *European Journal of Political Research*.

36 E. Hepburn and M. Rosie, “Immigration, Nationalism and Political Parties in Scotland” in Hepburn, E. and R. Zapata-Barrero (eds.) *The Politics of Immigration in Multilevel States: Governance and Political Parties* (Basingstoke, Palgrave Macmillan, 2014).

37 S. Jeram and I. Adam, “Diversity and Nationalism in the Basque Country and Flanders: Understanding Immigrants as Fellow Minorities”, (2014) 17(3) *National Identities*, at 7.

38 *Ibid.*, at 8.

39 M. Keating, *Nations Against the State. The New Politics of Nationalism in Quebec, Catalonia and Scotland* (London, Macmillan, 1996).

other words, when customized according to the needs of the SSN, immigration might help its demographics within a federal setting, while contributing to its economic development by receiving highly-skilled immigrants.⁴⁰ Earlier in this chapter, in the discussion of the Flemish movement, I touched upon how cultural needs could become entangled with economic disparities. Kymlicka acknowledges this entanglement when arguing the inevitability of some illiberal integration policies: “Studies suggest that immigrants will only learn the majority language if it is seen as a ‘prestige’ language, as the language of economic success, political advancement or high culture.”⁴¹ Nevertheless, he overlooks the significant role that this aspect plays in formulating the dilemma.

In the Belgian case, the two widespread official languages (i.e. French and Dutch) are formally on an equal footing *within* the borders of the country. With regard to the issue of prestige, however, it depends primarily upon the *international* prestige of the language. For example, French is one of the most widely spoken languages in the world, and it continues to perform the function of *lingua franca*. In contrast, Dutch is a ‘rare’ language, which is spoken in Flanders, in the Netherlands and in the South African Republic. Given that immigrants from many African and Middle Eastern countries do speak French, while not knowing any Dutch when they arrive in Belgium, active policies are required in Flanders in order to compensate for this international gap at the national level. Furthermore, Flanders receives more third-country nationals than does Wallonia, which receives migrants of predominantly European origin.

When adjusted according to the competitive element, the dilemma of sub-state nationalism can be very useful in explaining the approach to immigration and immigrant integration adopted by the Flemish separatist party N-VA. As explained earlier in this chapter, other political parties opposed the VB’s approach to defining Flemish society as based on ethnicity, seeking to respond to the challenge of external legitimacy, which is endemic to the dilemma of sub-state nationalism. This generated an incentive for the N-VA to shape its approach according to these political and normative limitations, meaning that the party would need to fashion its own policies, in stark contrast to the VB. In this effort, the N-VA emphasized two elements: (1) its inclusionist approach to immigrants and (2) the importance of civic integration. The approach that the N-VA adopted with regard to immigration and integration is developed in

40 I. Adam and K. Deschouwer, “Nationalist Parties and Immigration in Flanders: From Volksunie to Spirit and N-VA”, (2015) *Journal of Ethnic and Migration Studies*, at 1; S. Jeram, A. Van der Zwet and V. Wisthaler, “Friends or Foes? Migrants and Sub-state Nationalists in Europe”, *supra*, at 5.

41 W. Kymlicka, *Politics in the Vernacular*, *supra*, at 286.

detail in the final section of this chapter. At this point, however, it is important to provide a brief explanation of these two elements.

By presenting its approach to immigration, the N-VA stresses that, unlike the VB, the problem is not inherent in ‘foreigners’ or ‘immigrants’, but in the established immigration policies. In this way, the party targets the liberal policies of citizenship rather than the presence of immigrants. In other words, the N-VA emphasizes its inclusive approach to immigrants. In so doing, it distinguishes itself by avoiding the concept of assimilation, which the VB employed after having been condemned by the court, and speaking instead in terms of integration. The party regards integration as a civic concept, placing specific emphasis on learning the Flemish language and using it in the public sphere, thus distancing itself from the VB’s ethnic understanding of citizenship.

As used in the preceding discussion of immigration policies, the terms ‘inclusionist’ and ‘exclusionist’ are merely relative and comparative. It is clear that the policies favoured by the N-VA are more inclusive policies than are those of the VB. It would be odd, however, to think that such relative inclusiveness would be sufficient to qualify the N-VA’s approach as inclusive of immigrants. This is especially true, considering that the standpoint of the VB simply does not constitute a normatively defensible position. It would make sense to engage in such a comparative enterprise if we were to have a normatively defensible standpoint consistent with liberal democratic principles. The next step in the analysis involves elaborating such a framework for the integration of immigrants.

Normative Limits of Integration Policies for Sub-State Nations

In this section, I reflect on a normative reference point for the just accommodation of immigrants in *holding-together* sub-state nations. I outline a normative concept of integration that is respectful of liberal democratic principles. This path was opened by Kymlicka in the development of the dilemma of sub-state nationalism. This dilemma raises the question of “Which sorts of accommodations or settlements amongst immigrants and national minorities are most consistent with liberal-democratic norms of justice and freedom [...]”?⁴² I argue that Kymlicka’s answer does not provide the tools necessary for distinguishing integration from assimilation. This is the purpose of this section.

Kymlicka’s normative conclusion to the dilemma of sub-state nationalism results in the distinction of ‘ethnic’ forms of sub-state nationalism from

42 W. Kymlicka, *Politics in the Vernacular*, *supra*, at 277.

'post-ethnic' forms, arguing that only the latter comply with liberal norms. Kymlicka also argues, however, that "[...] special policies may be needed to encourage or pressure immigrants to integrate into the majority's culture".⁴³ Moreover, in reflecting on the normative claims of sub-states, he argues that "[...] such illiberal policies may be required if national minorities are to successfully integrate immigrants".⁴⁴ Some of these measures could include the obligation to educate children in the minority language rather than in the majority language, or the obligation for shop names to be rendered in the minority language. Such illiberal measures are more likely to be adopted in nations in which the national language is not widely spoken, and in which it has become a symbol of the community's distinctness from the other national minorities (as is the case in Québec, Flanders, the Basque Country and Catalonia). In short, Kymlicka's account remains limited: in permitting some illiberal measures, it fails to set a clear normative line between the integration and assimilation of immigrants. According to Kymlicka, assimilation is unjust, although it is unclear whether it is unjust to require the assimilation of immigrants situated in SSNs.

At this stage, it is important to clarify what is wrong with assimilation or, more precisely, what distinguishes assimilation from integration. Kymlicka defends cultural rights because of their inalienable character for the liberal ideal of individual autonomy. Individuals are able to act autonomously by virtue of their cultural identities. A significant threat to these identities is harmful to individual autonomy. This, in turn, would constitute an important breach of liberal democratic principles. The relevant point is that culture is what provides people with the range of options (i.e. 'context of choice' from which they can autonomously choose and shape their particular life plans, even as the ways in which they evaluate the various available options are largely limited by culture.⁴⁵ As a policy implication, states should respect cultural identities in order to respect the autonomy of their citizens. This in turn requires processes of federalization in the case of national minorities, and multiculturalist policies in the case of migrant groups. These two groups are thus 'in the same boat' with regard to the nation-state, claiming some space in order to preserve their own distinct cultures, and thus their autonomy. Assimilation occurs when immigrant groups do not receive autonomous space and are thus compelled to replace their cultural affiliations with those of the SSN.

43 *Ibid.*, at 286.

44 *Ibid.*, at 281.

45 W. Kymlicka, *Liberalism, Community, and Culture* (Oxford, Oxford University Press, 1989), at 165.

We must then ask, how integration should be understood. It is helpful to disqualify two options as morally problematic for understanding integration: (1) segregation and (2) complete assimilation. *Segregation* refers to a situation in which migrants live in complete isolation from the receiving society, remaining unaware of its norms and unable to understand what is socially and politically happening around them. Such situations often result in the ghetto-ization of migrants, relegating them to unfavourable neighbourhoods and low-paid jobs. This eventually has a negative impact on the well-being of subsequent generations, as well as on the receiving society. In the scenario of *complete assimilation*, migrants are expected to become indistinguishable from natives:

[...] spatially intermixed in their homes and workplaces, socially intertwined through marriages and friendships, culturally alike in their beliefs, behaviours, and ways of life, and comparably placed in the kinds of work that they do and in the patterns of their educational and economic achievement.⁴⁶

Many would agree that the first scenario is morally implausible, whereas the second might appear to less problematic to some. Assimilation might appear conducive to economic equality, and thus morally unproblematic. Nevertheless, two problems are inherent in assimilation. First, it returns us to the point at which the normative analysis began: the importance of cultural identity to individual autonomy. One reason that it is important to subject the concept of integration to normative scrutiny has to do with its relationship to the autonomy of immigrants. Assimilation harms the autonomy of immigrants by forcing them to abandon their cultural roots in order to absorb the culture of the receiving society. More importantly, I argue that assimilationist policies imply pseudo-inclusion, but are in fact exclusionary. Assimilationist policies appear to send the message that physical qualities (e.g. ethnicity and race) do not matter: 'You are welcome to the extent that you publicly behave like one of us.' The exclusionary nature of the message becomes clear when it is reformulated in the converse: 'You are *not* welcome the way you are.' This pseudo-inclusionary appearance performs two functions, as it helps the proponent to avoid the potential criticism of racism, while hiding its exclusionary nature towards the moral personalities of individuals. The proponent paradoxically thinks that ethnic origin does not matter, while the requirements of civic integration are defined exclusively according to the values of the receiving society. This implies that immigrants have no moral or political autonomy for

46 J.H. Carens, "The Integration of Immigrants", (2005) 2(1) *Journal of Moral Philosophy*, at 42.

contributing to the formulation of civic integration in the receiving society. Their physical bodies are thus welcome, although their moral and political personalities are not. Unfortunately, the artificial distinction that the proponent makes between the physical and moral personality of people is violent, in that human beings are formed only through the *combination* of these two aspects. The moral component of the personality is what makes the person an *end in itself*. In this sense, distinguishing the moral and physical personalities corresponds to a breach of the second formulation of categorical imperative, as specified by Kant: “Act in such a way that you treat humanity, whether in your own person or in the person of another, always at the same time as an end and never simply as a means.”⁴⁷

We disqualify segregation and absolute assimilation as the limits of the normative concept of integration. It is safe to think that integration is situated between these two scenarios, although it is not clear exactly where. Perhaps sharing a common identity could form such a middle ground. Liberal nationalism affirms this, holding that it is essential for the members of a society to share a common identity.⁴⁸ This is because a common identity can be reformulated over time through the participation of migrants and natives, thereby avoiding assimilation. According to liberal nationalism, however, ruptures in common identity are to be avoided at all costs.⁴⁹ As plausible as it might sound, immigrant cultures are almost always destined to be in a minority position because of their limited demographic weight and potential for political influence. Taking this into consideration reveals how, even despite the theoretical possibility that migrants could contribute to the reformulation of the common identity,⁵⁰ to do so would ultimately amount to their assimilation.⁵¹ The main reason is that the political institutions of the receiving country that are already in place reflect the native culture to a significant extent. This gives national cultures an important advantage over migrant cultures. More specifically, assimilationist tendencies become more visible in integration programmes that take the common identity as a short-term objective. They become particularly problematic when such programmes are formulated as *requirements* that are

47 I. Kant, *Grounding for the Metaphysics of Morals* (3d ed) J. Ellington (trans) (Hackett, [1785] 1993), at 30.

48 D. Miller, *On Nationality*, *supra*; M. Canovan, “Patriotism Is Not Enough”, (2000) 30 *British Journal of Political Science*, at 413–432; Y. Tamir, *Liberal Nationalism* (Princeton, Princeton University Press, 1993).

49 D. Miller, *On Nationality*, *supra*, at. 128–129.

50 H. De Schutter, “European Ties that Bind: Political or Cultural?” in E. Cloots, G. De Baere and S. Sottiaux (eds.), *Federalism in the European Union* (Oxford, Hart, 2012), at 171.

51 D. Miller, *On Nationality*, *supra*, at 72.

legally enforced or upon which certain welfare-state services are made conditional. In this sense, striving for a common identity in the short term is unjustified, although such a pursuit would be fair as a longer-term expectation or aspiration.⁵²

Many states define integration as a two-way process of ‘give and take’ between the receiving society and immigrants.⁵³ In my view, this process could be considered to involve *active* and *passive* components for each group. What they learn from the other group has an epistemic value, corresponding to the passive role of a simple ‘listener’. When they communicate their own views, they are playing the active role of a ‘speaker.’ It is evident that immigrants must adjust to the receiving society and its particular way of organizing its social and political life. In this sense, immigrants – specifically the first generation – must engage in considerable listening and learning, in addition to making adjustments in order to function well in the receiving society. They acquire generic competences, including learning the public language and obtaining the bureaucratic and institutional knowledge that they need in order to find their way in the new society. These *passive* competences are important, however, as they ultimately permit immigrants to make *active* contributions to the receiving society. Passive competences are valuable only to the extent that they enable immigrants to become active members. In other words, passive components are instrumentally valuable, whereas active components are intrinsically valuable. The *active* component refers to their economic, cultural and political contributions to the receiving society’s organization.

The political contributions are often misunderstood, as they are sometimes addressed against some of the receiving society’s norms and values.⁵⁴ They therefore call for deeper discussion. The political contributions made by immigrants tend to appear as a sign of the group’s lack of integration.⁵⁵ This is misleading, given that immigrant political interest is a sign of integration.

52 J.H. Carens, “The Integration of Immigrants”, *supra*, at 30–31.

53 The Common Basic Principles of Immigrants Integration is a central document of the ‘EU Framework on Integration’, which functions as a ‘soft-law’ document guiding the policies of member states. The first article defines integration as a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States. See in Council of the EU 2004 14615/04 (Presse321) http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/jha/82745.pdf, at 17.

54 M. Gianni, “Citoyenneté et Intégration des Musulmans en Suisse: Adaptation aux Normes ou Participation à leur Définition?” in Schneuwly, M. Gianni and M. Jenny (eds.) *Musulmans d’Aujourd’hui: Identités Plurielles en Suisse* M. (Genève, Labor et Fides, 2009).

55 I am grateful to Matteo Gianni for stressing the importance of the relationship between ‘caring’ and raising a ‘challenging claim’.

If the political interest of immigrants is sometimes expressed in the form of raising claims and concerns, it is ultimately because they *care* about how that particular society is organized. Without this aspect of care, immigrants would be alienated from the society and would not perceive a reason to make *any* effort to challenge it. They might contribute to the organization of the society by requesting some group-differentiated rights. Examples might include native-language education for their children in public schools; the recognition of some of their religious or national holidays as work-free days for them; options for dietary exceptions where they work or live; recognition of their ethnic or religious associations and cooperation of the state authorities with them on relevant issues. When met, all of these concrete demands draw a line between integration and assimilation, and they should thus be respected if the receiving state wishes to offer immigrants fair terms for integration. Fair terms for integration constitute a normative reference point upon which to evaluate the approaches that the Flemish separatist parties adopted towards the issues related to immigration. It is nevertheless important to explain exactly what the normative distinction between assimilation and integration implies for public integration policies.

The literature on public integration policies contains a categorization along two dimensions.⁵⁶ These categorizations represent concrete standards for evaluating the standpoints of the separatist parties, which are considered in the next section. The *first* dimension concerns the 'target audience' of integration policies (i.e. the group to whom they are addressed). The policies are culturally blind when they address the entire population and multi-cultural when they address particular ethno-cultural groups. The *second* dimension concerns how much initiative a state takes in terms of integration. We can define two extremes for this dimension: *laissez-faire* integration policies, which imply no intervention in this domain, and *interventionist* policies. An integration policy can result in assimilation in two different manners: (1) by presenting itself as culturally-blind or (2) by legally enforcing the common identity of the receiving state on the immigrants in the *short term*, making some state services contingent upon the requirements of integration.

The three criteria summarizing the public policy recommendations to implement fair integration policies are as follows:

1. *A multicultural integration model rather than a difference-blind assimilation model:* The normative concept of integration is that the SSN should establish a multiculturalist integration policy rather than a difference-blind

⁵⁶ I. Adam, "Immigrant Integration Policies of the Belgian Regions", *supra*.

one. The former grants public recognition to cultural, linguistic and religious differences, whereas the latter has a universalist concept of equal citizenship within a 'neutral' liberal state. A well-developed point in the literature, the impossibility of neutrality on the part of the state amounts to the argument that the state is shaped by the culture of the society, from the selection of public holidays to the designation of public language. As stated by Kymlicka: "In the areas of official languages, political boundaries, and the division of powers, there is no way to avoid this or that societal culture."⁵⁷

2. *Interventionism is necessary in order to provide immigrants with generic competences:*
 - (a) The state should not take a hands-off approach with regard to the integration of immigrants; it should provide opportunities to facilitate such integration. This applies specifically to a context in which the public language of the SSN is *rare*, as opposed to being a mainstream *lingua franca* (e.g. English, French or Spanish). In terms of language competence, the state should provide reasonable options for immigrants to learn the language in a flexible manner (e.g. through evening or weekend courses, possibly with provisions for partial funding).
 - (b) While being interventionist, the state should not aim at the assimilation of immigrants. The proper kind of interventionism implies that legal *requirements* should be reduced. More specifically, state services should not be made conditional upon the requirements of integration. Rendering them conditional might prove necessary if it is observed that immigrants are wasting the opportunities. In the absence of observable abuse, however, direct conditionality would be unfair, in that it would assume immigrants to be abusive before providing them with the opportunity to behave otherwise.
3. *Immigrant political participation should be supported:* This criterion, which regulates the active contribution of immigrants, is the most important criterion for integration policies. Examples of such support include the facilitation of voting rights for immigrants, the facilitation of their rights to be elected, the provision of state funding for immigrant organizations and the employment of immigrants in the state's social services.

57 W. Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford, Oxford University Press, 1995), at 13.



minorities share common languages) have an effect on the integration policies within the federation.⁶³ The influence that these countries have on the SSNs is not sufficient to argue the existence of a common Belgian philosophy of integration. Scholars have emphasized the lack of coordination and cooperation between the SSNs in this area.⁶⁴ The non-hierarchical nature of the distinct levels of government in Belgium is such that each level has an exclusive executive and legislative power on the assigned competences.⁶⁵

Two distinct public philosophies of integration exist in Belgium.⁶⁶ Flemish integration policies are characterized by a multiculturalist, centralized and interventionist approach, whereas Francophone policies are difference-blind, localized and non-interventionist in nature. In Flanders, the general attitude calls for addressing the ethno-cultural groups when speaking of integration.⁶⁷ Cultural, religious and linguistic diversity is central to the approach taken to issues relating to migration. In the Francophone part of the country, migration-related issues are discussed in relation to economic equality and the inclusion of immigrants, but not with reference to ethno-cultural differences.⁶⁸ From the Francophone perspective, therefore, even gathering data on ethnic communities is seen as relatively discriminatory. In contrast, the Flemish Government's recent policy bill (*beleidsnota*) identifies "the systematic collection of data on immigrants" as one of the primary aims of state services.⁶⁹ The reason is that such data eventually make it possible to evaluate, design and monitor

63 I. Adam, "Immigrant Integration Policies of the Belgian Regions", *supra*; F. Barker, *Nationalism, Identity and the Governance of Diversity: Old Politics, New Arrivals* (London and New York, Palgrave Macmillan, 2015); G. Vangoidsenhoven and J.-B. Pilet, "The Politicization of Immigration in Ireland" in W. van der Brug, G. D'Amato, D. Ruedin and J. Berkhout (eds.), *The Politicisation of Migration* (London, Routledge, 2015).

64 M. Martiniello, "Belgium" in C. Joppke and L. Seidle (eds.), *Immigrant Integration in Federal Countries* (Montreal and Kingston, McGill-Queen's University Press, 2012), at 68.

65 I. Adam, "Immigrant Integration Policies of the Belgian Regions", *supra*, at 558; F. Barker, *Nationalism, Identity and the Governance of Diversity: Old Politics, New Arrivals, supra*, at 88.

66 The two communities have different patterns of immigration, which could also contribute to this difference. As Barker explains, "Wallonia's immigrant population is predominantly European, whereas Brussels and Flanders house larger shares of Belgium's non-EU foreigners" in F. Barker, *Nationalism, Identity and the Governance of Diversity, supra*, at 86.

67 I. Adam, "Immigrant Integration Policies of the Belgian Regions", *supra*; G. Vangoidsenhoven and J.-B. Pilet, "The Politicization of Immigration in Ireland", *supra*.

68 I. Adam, "Immigrant Integration Policies of the Belgian Regions", *supra*, at 555.

69 L. Homans, *Beleidsnota Integratie en Inburgering* (2014), accessed March 15, 2015, available at <https://www.vlaanderen.be/nl/publicaties/detail/beleidsnota-2014-2019-integratie-en-inburgering>, at 19.

state policies. According to the Flemish perspective, by ignoring the present level of cultural diversity, the Francophone community provides evidence of an implicit assimilationist tendency, marked by the French republican tradition. Unlike the French-speaking community, Flemings have been eager to recognize and support immigrant organizations (*zelforganisaties*). Another difference has to do with the implementation of integration policies. A centralized Flemish policy makes integration courses obligatory in Flanders and optional in the Brussels Capital region. In contrast, the integration policies existing in Wallonia consist of differentiated local initiatives within the seven districts.

Flemish Separatist Stance concerning Immigration and Citizenship

In this section, I explain how two separatist parties in Flanders approach the subject of immigration and integration. The two parties converge in that they both promote restrictive immigration policies. The distinction lies in the fact that the N-VA does not consider immigration to be bad *in and of itself* and that it presents itself as inclusive of immigrants, while the VB promotes an ethnically based understanding of citizenship. The moderate nationalist N-VA favours the 'civic' integration of immigrants, with an emphasis on linguistic skills. The radical nationalist VB aims to limiting immigration, and it promotes assimilation.

Given that the radical-nationalist anti-establishment party VB has been the subject of many studies, I provide only a brief explanation of their position, emphasizing their influence on the politicization of immigration. In Kymlicka's terms, the VB promotes 'an ethnic understanding' of citizenship. With its electoral success in 1991, which continued to increase until 2004, this party has been responsible for the politicization of immigration in Flanders, even though it has never been able to take part in government, due to the *cordon sanitaire*. The party has defended an anti-immigration position, beginning with its *70-point programme* based on the principle of 'our own people first' (*Eigen volk eerst*). It has been argued that the party's electoral success also allowed it to set the agenda for the other political parties, which had not previously politicized the issue of immigration.⁷⁰ The VB pursued several strategies of radicalization and moderation.⁷¹ After having been judged as promoting

70 R. Dandoy, "Regionalist Parties and Immigration in Belgium" in E. Hepburn and R. Zapata-Barrero (eds.), *The Politics of Immigration in Multi-Level States* (Basingstoke, Palgrave Macmillan, 2014), at 205.

71 H. Coffé and J. Dewulf, "Wavering Between Radical and Moderate: The Discourse of the Vlaams Belang in Flanders (Belgium)" in M. Feldman and P. Jackson (eds.), *Doublespeak: The Rhetoric of the Far Right since 1945* (Stuttgart, Ibidem Verlag, 2014).

'racism' in its previous programme, it transformed its approach in favour of assimilationist policies. After 2004, it increasingly lost its support to the new nationalist party N-VA.

The conservative N-VA, alongside the progressive Spirit, is one of the successors of the VU, and it has gained increasing electoral support since 2007. Like the VB, the party advocates strict immigration and integration policies, albeit with more moderation. In this discussion, I present the N-VA's understanding of integration and citizenship with reference to three important documents: (1) the complete vision statement of the N-VA on immigration ("Migration: A Challenge" [*Migratie een Uitdaging*]);⁷² (2) the current policy bill of the Vice-MP Homans and (3) the debate on national identity between the party leader Bart De Wever and the leader of the liberal party Open VLD, Guy Verhofstadt.

The N-VA vision statement summarizes the general vision of the N-VA on migration-related issues. The primary argument is that migration, when regulated effectively, can and *should* become a 'positive story', despite the current negative experiences of Flemings.⁷³ These negative experiences are related to the perception of immigrants as beneficiaries of citizenship and the welfare-state services associated with it, without any precondition of integration. In such a picture, immigrants are often represented as having a higher unemployment rate. A positive story can be generated by portraying immigrants as active *economic* contributors: "Fortunately enough, we can *very much use* [emphasis added] active people, who are able to integrate into the society quickly."⁷⁴ Active immigration refers to two distinct categories: (1) labour migration and (2) student migration. While passive migration channels (e.g. family reunification and asylum seekers) are discouraged, simplified procedures are established to reinforce active immigration.⁷⁵ The N-VA opposes the liberal nationality law, which has been referred to in derogatory terms as the 'Instant-Belgian Act' (*snel-Belg wet*), was introduced by the coalition led by the Open VLD. The N-VA also opposes the mass amnesty regularizations introduced in the 2000s under the leadership of Guy Verhofstadt. According to the N-VA view, immigrants should receive citizenship only when they are able to demonstrate their integration, have a clean criminal record and are active

72 N-VA, N-VA's *Vision of Immigration and Integration*, accessed April 20, 2015, available at http://www.n-va.be/sites/default/files/generated/files/brochure-attachment/brochure_asiel_en_migratie.pdf.

73 N-VA, N-VA's *Vision of Immigration and Integration*, *supra*, at 5.

74 *Ibid.*

75 *Ibid.*, at 21.

economic contributors to the society.⁷⁶ In turn, immigrants demonstrate their integration through linguistic competence in Dutch and the willingness to embrace Flemish values.⁷⁷

The policy bill prepared by Liesbeth Homans (the current N-VA Vice-MP of the Ministry of Internal Affairs, Integration, Housing, Equal Opportunities and Poverty Reduction) not only details the N-VA's views, but also clarifies how the integration policies are to develop in the short term in Flanders.⁷⁸ At first glance, employment appears to be 'the most important' denominator of integration;⁷⁹ the emphasis on the Dutch language is remarkable⁸⁰ and language is correlated with economic inequality. Moreover, it is the Dutch language that marks the divide between the public and private spheres: "Whichever language that someone speaks at home, the public language that binds us together that we all (*have to*) speak is Dutch."⁸¹ The document explains two changes in Flemish integration policies for the period 2014–2019: (1) the demands of the policy have been deepened and (2) the sphere of application has been broadened, both geographically and in relation to groups. Instead of defining integration as an 'obligation to make an effort' (*inspanningsverplichting*), the demand to integrate has been deepened to include 'the engagement of result' (*resultaatverbintenis*).⁸² More specifically, the Dutch linguistic competence requirement has been raised from the A1 level to the A2 level. In practice, however, this requirement reflects an *increase of two levels instead of one*. In the past, immigrants were obliged to attend the A1 level courses, but they were not required to pass the level. Under the current policy, they must pass the first two levels. The geographic enlargement was intended to extend the obligatory integration courses to the Brussels-Capital region, while the group-related enlargement was intended to include other groups (e.g. labour migrants and EU citizens) in the target group (*focusgroep*).⁸³ The societal togetherness that unites autochthonous and 'new' Flemings is grounded on

76 *Ibid.*, at 31.

77 *Ibid.*

78 L. Homans, *Beleidsnota Integratie en Inburgering*, *supra*.

79 *Ibid.*, at 11.

80 The word Dutch (*Nederlands*) appears 77 times, and the word language (*taal*) appears 84 times throughout the document written by Homans. The document also includes composite words (e.g. language of culture [*cultuurtaal*] and linguistic policy [*taalbeleid*]).

81 L. Homans, *Beleidsnota Integratie en Inburgering*, *supra.*, at 21.

82 Flemish Government, *Government Agreement 2014–2019*, accessed 4 April, 2015, available at http://www4wvg.vlaanderen.be/wvg/armoede/publicaties/Documents/regeerakkoord_Vlaamse_Regering_2014-19.pdf, at 13.

83 *Ibid.*, at 130.

the norms and values *proper to the Flemish society, while respecting everyone's differences*.⁸⁴

The debate between the N-VA leader Bart De Wever and the former president of the Open VLD Guy Verhofstadt concerning the 'Flemish national identity' is relevant in this regard. This political debate is similar to the academic debate on the nature of national identity based on two competing approaches to social cohesion: civic patriotism (post-nationalism), represented by Verhofstadt, and nationalism, represented by De Wever (albeit with conservative leanings). The debate crystallized in 2010, after Verhofstadt had published an article in the French daily *Le Monde* criticizing the debate on national identity in France.⁸⁵ Verhofstadt states that the idea of a shared future is sufficient to unify both migrants and natives, claiming that past heritage cannot fulfil this function, as nationalists would argue. In other words, it is by overcoming the traditional nationalist values that the civic values of equality, justice and democracy can prevail. Verhofstadt's ideas are in line with post-nationalism, an approach in contemporary normative political philosophy, famously defended by Jürgen Habermas. Addressing global problems calls for establishing such a political union rather than a nationalist cultural union. In this regard, Verhofstadt follows Habermas in defending a post-national constellation.⁸⁶ Assuming that contemporary developments are irreversible, and in order to attenuate the undesired effects of globalization, a central place must be restored to the political realm, and this calls for a different method of organization.⁸⁷ Moreover, Verhofstadt considers debates surrounding 'national identities' dangerous in the sense that they lead "to xenophobia and racism".⁸⁸ Sven Gatz, an Open VLD politician and the current MP in Flemish Parliament for Culture, Media, Youth and Brussels, refines Verhofstadt's position, explaining that the actual aim is not to stigmatize identity, but rather to highlight the difficulty of imposing a collective identity on an immigration society.⁸⁹ For De Wever, given

84 L. Homans, *Beleidsnota Integratie en Inburgering*, *supra*, at 17.

85 G. Verhofstadt, "Il y a quelque chose de pourrie en République Française", *Le Monde*, February 11, 2010, accessed April 1, 2015, available at http://www.lemonde.fr/idees/article/2010/02/11/il-y-a-quelque-chose-de-pourri-en-republique-francaise-par-guy-verhofstadt_1304295_3232.html.

86 J. Habermas, *The Postnational Constellation: Political Essays*, M. Persky (trans.) (Cambridge, MIT Press, 2001).

87 G. Verhofstadt, "Nationalisme is Gevaarlijk", *De Standaard*, October 10, 2012, accessed 15 April, 2015, available at http://www.standaard.be/cnt/dmf20121009_00328613.

88 G. Verhofstadt, "Europa Zal Postnationaal Zijn of niet Zijn", *De Standaard*, February 24, 2014, accessed March 15, 2015, available at <http://www.standaard.be/cnt/1b2ml8gn>.

89 S. Gatz, "Kosmopolieten", *De Standaard*, February 22, 2014, accessed March 5 2015, available at <http://www.standaard.be/cnt/gdzmgock>.

the absence of a Belgian national identity, and given the need for a 'healthy' national identity, the Flemish identity is needed in order to fulfil this requirement. As argued by De Wever, "In order to choose fully for Flemish identity and give its political gestalt, active souls should be won."⁹⁰ In this argument, De Wever distinguishes between *exclusive* and *inclusive* forms of national identity. The former emphasizes the ethno-cultural elements, whereas the latter emphasizes civil and cultural elements (e.g. linguistic competence).⁹¹ In this sense, De Wever positions the N-VA between the radical-extremist vB (which De Wever qualifies as exhibiting an exclusive form of nationalism) and the post-nationalism of Verhofstadt. Such 'inclusive nationalism' is an important good to promote, argues De Wever, given its potential to function as a unifying power, offering a positive connotation to togetherness and belonging to the national community.

Concluding Debate

This chapter examines the relationship between the sub-state separatist political parties and immigration policies in the Flemish case, with an emphasis on integration policies. Its objective is to answer the question of whether the standpoints of sub-state separatist parties have been exclusionist with regard to immigrants. Inclusion, exclusion, integration, assimilation and similar concepts are morally grounded. This means that they must be justified according to liberal democratic principles if their aim is to evaluate the standpoint of a political party (as in the Belgian case). To this end, the chapter combines normative and contextual analyses. The third step in the analysis specifically involves the moral distinction between integration and assimilation, along with the concrete public policies implied by this distinction. The fourth step concerns the standpoints of the separatist parties on immigration and integration. In this discussion, I use a debate between the public policy recommendations and the separatist standpoints to demonstrate that the approaches adopted by the sub-state separatist parties are exclusionary towards immigrants in the Flemish case.

The evaluation of the standpoint adopted by the radical-nationalist vB does not merit discussion, as it defends an ethnic understanding of citizenship. The

90 B. De Wever, "Voluit Vlaamse Zieltjes Winnen", *De Standaard*, October 7, 2011, accessed March 1, 2015, available at <http://www.standaard.be/cnt/6e3givcv>.

91 B. De Wever, "Gezonde Identiteit", *De Standaard*, June 15, 2010, accessed April 5, 2015, available at <http://www.standaard.be/cnt/2n2rha7n>.

case reveals a transition from a racist approach to an assimilationist approach following the party's judicial condemnation of promoting racism. The case of the N-VA is more interesting in this respect, as this party's standpoint is aimed at distinguishing the party from the VB, in order to legitimize its position.

The first criterion for evaluation concerns the type of integration policies pursued by the SSN. According to this criterion, the integration policies should not be difference-blind but multicultural, as difference-blind policies lead to assimilation. The N-VA ultimately succeeded in recognizing the ethnic, cultural and religious diversity of the Flemish context, as well as the need to direct some policies towards immigrants as beneficiaries. This approach differed from the Francophone public philosophy of integration, in which the concern for various identities was replaced by the concern for economic inequality.

The second criterion required the SSN integration policies to be interventionist, in order to provide opportunities while respecting and recognizing different immigrant identities in the public sphere. This criterion questions the obligatory nature of integration policies as well as the requirement of appropriating Flemish norms, both of which are defended by the N-VA. Moreover, the N-VA argued that immigrants should be held responsible for completing the integration programmes successfully and that public services should be conditional upon this success. These aspects demonstrate how the N-VA, even though it regards its approach as inclusionist, ~~it~~ ultimately promotes assimilation rather than integration. This is due to the emphasis on mono-national Flemish culture as the framework for the integration programmes, without allowing any fair space for the public recognition of differences. As justified in the third section, assimilationist policies imply pseudo-inclusion, although they are actually exclusionary towards immigrants. Insofar as the N-VA promotes assimilationist policies under the label of integration, it has an exclusionary attitude towards immigrants, despite the fact it presents its position publicly as inclusive. In this sense, the N-VA's line of argument suffers from a deep logical inconsistency. Although the party qualifies its nationalism as inclusive, by confusing assimilation with integration, it exhibits exclusive instead of inclusive nationalism.

The third criterion required active citizenship as an aim of integration. It is nevertheless impossible to reduce the active aspect of citizenship solely to economic contributions, as desired by the N-VA. By defining it as such, the N-VA aims to attract highly-skilled immigrants or students, demonstrating that these people can be *useful* to the society. Without any emphasis on other forms of participation, the presence of immigrants is justified in terms of its instrumental value to society. Moreover, the possibility that the *brain gain* inherent in the perspective of the N-VA might result in a *brain-drain* for the

sending state demonstrates that the normative concerns of the party are limited to Flanders.

Clarifying the normative limits of integration and definitively distinguishing it from assimilation sets a higher normative threshold than does Kymlicka's distinction between 'ethnic' and 'post-ethnic' citizenship. This could be regarded as a sign of moral progress. It is *now* self-evident that an 'ethnic' form of citizenship is an indefensible practice, although this has not always been the case in the past. The general aim of distinguishing integration from assimilation was to clarify the moral harm done by assimilation and its incompatibility with liberal-democratic principles. With this analysis, this chapter demonstrates how normative/philosophical analysis is relevant to the understanding of contemporary political reality concerning immigration. More specifically, it establishes that sub-state separatism and immigration are incompatible in the Flemish case, allowing for a wider debate in future for other cases.

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