

Original citation:

Mason, Andrew, 1959-. (2014) Citizenship tests : can they be a just compromise?
Journal of Social Philosophy, 45 (2). pp. 137-161.

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CITIZENSHIP TESTS: CAN THEY BE A JUST COMPROMISE?

A number of countries in Europe and elsewhere have introduced formal tests that immigrants are required to pass before they can become citizens, the most common of which assess language proficiency and knowledge of society.¹ Responses to the implementation of these ‘citizenship tests’, even amongst self-described liberals, have been mixed: some have regarded them as a sensible way of ensuring that those who become citizens have acquired the competences that are needed for them to integrate properly and to fulfil their responsibilities as citizens, whilst others have seen them as seriously unjust, as depriving long-term residents of their automatic right to citizenship in a cynical exercise that is in fact designed to reduce immigration in response to widespread fears about its effects.² My concern in this paper is not with explaining the divergent reactions these tests have provoked, or with understanding the real motivation behind their introduction.³ Nor is it a comparative analysis of citizenship tests in different countries, or an empirical investigation of why their form and content varies so much from one country to another.⁴ Instead it addresses the more abstract normative issue of whether these tests can be justified and, if so, how, in what form, under what circumstances, and subject to what conditions.

I argue that citizenship tests are most plausibly defended on the grounds that they promote conditions that are either required for a reasonably just society to be created or sustained, or which are conducive to the creation or maintenance of such a society. (From now onwards I shall use the phrase ‘the conditions for a reasonably just society’ to mean ‘the conditions that are required for, or that facilitate, the creation or maintenance of a reasonably just society’.) This argument can take a number of different forms, but each version of it is vulnerable to the response that requiring long-term residents to pass a citizenship test is nevertheless unjust because they are automatically entitled to citizenship, and requiring them to pass a test before they are granted it either delays or denies that entitlement. I explore how a defence of citizenship tests may respond to this objection, and under what circumstances these tests might justifiably be regarded as a reasonable resolution to a conflict *within justice*: that is, a conflict between the just treatment of long-term residents and promoting the conditions for a reasonably just society.⁵ My conclusion is partly sceptical, however: although I argue

that citizenship tests can be justified under some circumstances and when they meet various conditions, it seems to me that those circumstances are unlikely to obtain very often in practice.

The structure of my paper is as follows. First, I distinguish a number of different arguments for citizenship tests that have some plausibility, then clarify the normative bases of these arguments and the empirical claims that are being made in them. Second, after raising some initial worries about these arguments, I show how the best reconstructions of them reveal a potential conflict between the just entitlement of long-term residents to citizenship and promoting the conditions for a reasonably just society. Third, in the context of a particular argument for citizenship tests – one that appeals to the importance of acquiring the knowledge and competences necessary to interact “meaningfully” with other members of society - I show how this conflict (if or when it arises) could be softened or reduced in such a way that it might be reasonable under some circumstances to implement these tests in a particular form, even though they may delay or deny the just entitlement of long-term residents. Finally, I respond to some other justice or fairness based arguments against citizenship tests.

1. Arguments for citizenship tests

Let me stipulate that citizenship tests are tests that immigrants who are already resident in a state are required to pass before they are admitted to citizenship of it. It is an implication of this definition that a test that a would-be immigrant has to pass before she can enter the territory does not count as a citizenship test even if success in it would entitle her not only to entry but also to citizenship. I distinguish between tests and other conditions that an immigrant has to satisfy before she can become a citizen: a test is a formally arranged event on the basis of which beliefs, values, competences, or dispositions are assessed. So, for example, an event at which a person’s language skills or their knowledge of society are assessed counts as a test, whereas a requirement that an immigrant must not have broken the criminal law or must have resided in a country for a minimum period of time if they are to be granted citizenship is a condition that needs to be satisfied. Again, this is simply a stipulation – albeit one that roughly accords with ordinary usage – and it has no normative significance in itself.

I shall also stipulate that citizens, and only citizens, have the following rights: political rights at the national level; an *unconditional* right of permanent residence, that is, a right of permanent

residence that is not conditional on good behaviour and which does not lapse even if a citizen is absent from the state for an extended period of time; and a right to diplomatic protection when travelling abroad. This account of the rights that are exclusive to citizenship is imperfect as a description of actual practice in liberal-democratic societies – not all such societies reserve all these rights for those they classify as citizens, and some reserve other rights for citizens. It is nevertheless a useful starting point for understanding what is generally at stake in debates about the justification of citizenship tests: those who fail these tests are in general being denied at least three important rights.

There are four main arguments, with variations, that provide potentially the strongest case for citizenship tests. (In policy debates these arguments are often not properly distinguished from each another but for the sake of clarity, and for the purpose of identifying the strongest ones, it is important to do so.) According to the first, which I call *the political participation argument*, citizenship tests encourage applicants for citizenship to develop the competences that are required for, or that facilitate, effective political participation. This argument can take different forms depending on why political participation is regarded as valuable and whether its value is thought to justify the idea that citizens are under a moral duty to participate politically. It might be maintained that political participation is non-instrumentally valuable, on the grounds that it is an ingredient of the good life, or it might be argued that it is instrumentally valuable, on the grounds that some degree of political participation, on the part of some or most citizens, is required for the creation of a reasonably just society⁶ or for such a society to be stable and enduring, since without an active citizenry that holds government to account, political power is unlikely to be exercised in pursuit of just ends. The idea that political participation has non-instrumental value can in turn be grounded in the ambitious claim that political participation is an *essential ingredient* of the good life for *everyone*, or in the much less controversial claim that it is merely a possible ingredient of the good life for all - or at least for those with the desire to engage in it.

According to the second argument, citizenship tests encourage would-be citizens to develop the competences that are required for, or that facilitate, participation in society. I call this *the societal participation argument*. Like the political participation argument it can take different forms, this time depending on why societal participation, or the competences required for it, are seen as valuable. Societal participation might be regarded as valuable for the individual because of the way in which it

enriches his or her life; it might also be regarded as beneficial to society, or to other members of society, on the grounds that immigrants in general bring with them their own cultural heritage that others can also enjoy or from which they can learn, or bring with them particular skills that are of benefit to the society they are joining. Alternatively, the societal participation argument may be grounded in the value of equality of opportunity or the value of economic self-sufficiency: according to this view, citizenship tests encourage applicants to develop various competences without which they cannot enjoy equality of opportunity in the society they have joined or without which they (or their families) cannot be economically self-sufficient in it. Some versions of the argument may maintain that the value of societal participation is such that it grounds an obligation to participate in wider social practices or to acquire the competences required to do so.

There is a distinctive version of the societal participation argument that is sufficiently important to merit separate consideration and, indeed, a different name. This is the argument that citizenship tests encourage would-be citizens to acquire the competences that are required for, or that facilitate, 'meaningful contact' with other members of society in one or more of a variety of different spheres. Meaningful interaction might be regarded as important because of its potential role in reducing prejudice, promoting respect, and fostering the mutual trust that is required for, or facilitates, the creation or maintenance of a reasonably just society. Indeed this version of the societal participation argument might be thought to ground an obligation to integrate.⁷ I call it *the social cohesion argument* because the effects of meaningful contact are often thought to be either constitutive of social cohesion or conducive to it.

The fourth argument, which I refer to as *the shared values argument*, maintains that citizenship tests encourage would-be citizens to adopt the values of the society they are joining or to acquire a national identity based upon these values. Again, this argument can take different forms, in this case depending on why sharing values or a national identity is regarded as important. It might be supposed that sharing values is non-instrumentally valuable on the grounds that belonging to a community has non-instrumental value and sharing values is partially constitutive of belonging to a community. Or it might be argued that sharing values or a national identity is instrumentally valuable

because it promotes mutual trust, which itself is important for encouraging political participation and/or for creating or sustaining reasonably just institutions and practices.

These arguments can be refined in various ways and they are not mutually exclusive.⁸ For example, the social cohesion argument and the shared values argument may both identify factors that are important for promoting mutual trust. Which of these arguments (or which combination of them) is favoured may also make a difference to what *content* or questions are appropriate, or can be justified, in citizenship tests.⁹ For example, the political participation argument would support a ‘knowledge of political institutions and processes’ test rather than a ‘knowledge of society in general’ test.¹⁰ The societal participation, social cohesion, and shared values arguments would support a ‘knowledge of society’ test that assesses comprehension of the major institutions and practices within a society, and the norms and values that govern them, but only the latter two arguments would seem to provide a robust justification for testing knowledge of key historical events or particular features of national culture. The shared values argument might in principle provide support not only for testing knowledge of societal values but also determining what values are actually held by the person sitting the test,¹¹ for example, by asking applicants whether they approved or disapproved of various practices.¹²

2. Some initial doubts

The four arguments I have identified make empirical as well as normative claims. My characterisation of each leaves open whether it is being claimed that the competences or values that citizenship tests are deemed to inculcate are *necessary* in order to secure some good, or whether these competences merely *facilitate* or *promote* that good. Claims of the first kind will provide a more secure foundation for citizenship tests, provided of course that they can be sustained in relation to the evidence. Claims of the second kind may nevertheless provide the basis for a persuasive argument for citizenship tests, but the strength of the argument will depend in part on how important a role widespread possession of the relevant competences plays in securing the good that is prized. Even if citizenship tests can be a significant causal factor in promoting an important good, it might be doubted whether this adds much weight to the case for them. We might think that the acquisition of the relevant competences (or values or identity) is over-determined when there are citizenship tests. Even without the additional incentives

provided by these tests, immigrants might be motivated to acquire the competences (or values or identity) because they want to become full and active members of society, and to be accepted by others in that society. A persuasive case for citizenship tests would require showing not only that they motivate immigrants to acquire the relevant competences (or values or identity), but also that a significant number of immigrants would not be motivated to do so, or at least would be motivated to a significantly lesser degree, in the absence of these tests.

Other measures that fall short of requiring the passing of citizenship tests might also be no less effective, or not much less effective, in cultivating the relevant competences: suppose, for example, that immigrants are provided free of charge with opportunities to attend (and perhaps are even required to attend) language classes, and other classes informing them about the politics, history and culture of the society they have joined. We also need to entertain the possibility that some other “carrot” or “stick” might be equally effective in motivating immigrants to acquire the relevant competences, and to ask whether it would be more (or less) justified to use such measures, for example, immigrants seeking citizenship might be tested to see whether they had acquired the relevant competences (or values/identity) but denied something of value other than citizenship if they failed the test, for example, the possibility of obtaining a full driving licence.

In response to these doubts it might be said that citizenships tests can play an indispensable role in counteracting the interests that men have in sustaining power structures within traditional family units and who as a result place obstacles in the way of the women in them acquiring the relevant competences.¹³ And even when male heads of household are not opposed to female members acquiring these competences, the tests might be thought to play a vital role in providing incentives for those women who work largely in the home to acquire them, and indeed for men who live and work exclusively within particular ethnic communities to do so. Admittedly the first of these arguments runs the risk of back-firing: might male heads of household within such families prevent their wives from taking these tests precisely because they don't want them to acquire the relevant competences? Rather than fuelling the argument against citizenship tests, however, it seems to me that this concern could plausibly be regarded as providing support for further measures to discourage such behaviour, including putting in place other incentives for the acquisition of these competences, for example, a

right of permanent residence might be made the exclusive preserve of citizenship, and higher financial costs might be attached to applications to renew shorter term rights of residence.

One might also worry that if either the second, third, or fourth of the arguments I identified in section 1 are correct in terms of the empirical claims they are making, then citizenship tests occur at the wrong place¹⁴. If we take these arguments seriously, we should be concerned with the competences or values/identity of all of those who reside in a given territory, including immigrants who do not want to become citizens (and indeed including those who were born into citizenship). And if we think that tests can encourage immigrants to acquire these competences or values, they should play a different role and occur at a different point in the process of naturalisation – perhaps rights of residence should be granted for an initial period only, with continued residence, or the granting of a right of permanent residence, being dependent on passing the tests, or perhaps tests should occur at the point of admission before rights of residence are granted at all.¹⁵ Requiring that these tests be passed as a condition of naturalisation may even discourage long-term residents from becoming citizens rather than encouraging them to acquire the competences (or values/identity) necessary in order to do so.

Powerful as they are, these points do not provide an overwhelming objection to citizenship tests. Nor do they provide a conclusive case for changing the role and place of these tests within the process of naturalization. Rather, they can be construed as an argument for putting in place additional measures that make it relatively costless for immigrants to prepare for these tests, so that few are discouraged from taking them, and for thinking of naturalisation as a *process* that involves the acquisition of the relevant competences (or values/identity), beginning with admission to the state and being granted rights of residency, and culminating in the successful passing of these tests, perhaps followed by participation in some kind of citizenship ceremony that celebrates its achievement.¹⁶

3. The injustice in citizenship tests

As a prelude to considering what I think is the strongest argument against citizenship tests, let me begin with a class of cases where we might think that these tests would be easiest to justify. Suppose that those seeking to become citizens are adults who gained entry simply in order to obtain a higher standard of living: they are not refugees, they could achieve a reasonable standard of living in the

country they have left, and they have no close relatives who are already citizens of the country they have entered. But even here citizenship tests face the objection that they are seriously unjust, at least when the would-be citizens have become long-term residents. Joseph Carens argues that long-term residence should be regarded as sufficient for the automatic acquisition of citizenship and that a person's opportunity to become a citizen should not depend upon her capacity to pass such tests.¹⁷ He maintains that long-term residents of a society become full members of it over time, and that any test that prevents a full member of a society from becoming a citizen unjustly deprives her of an entitlement to citizenship.¹⁸ In his view, we can legitimately encourage or reasonably expect long-term residents to learn the official language of the state, and encourage or reasonably expect them to acquire knowledge of the society they have joined, including its political institutions and processes - perhaps we could even be justified in claiming that they are under a *moral* duty to do so - but we cannot justly demand it as a condition of being granted citizenship.

Why would it be unjust to deny citizenship to a full member of a society? A full member of a society has a stake in it, that is, her flourishing is bound up with its flourishing and with her continued membership of it.¹⁹ That is not to say that she cannot flourish unless she remains a full member of it; it is merely to observe that she will struggle in various ways to do so, given the bonds she has formed in it and her reliance on them for fulfilling various projects she has developed. The rights of citizenship, which include political rights and an unconditional right of permanent residence, provide a means of protecting her interest in continued membership of it and her interests as a full member. (The injustice involved in denying or delaying the access of long-term residents to citizenship may also be worsened by particular features of their situation: for example, if a child who was born to non-citizens but has grown up in the country is required to pass a test when they reach adulthood before they are granted citizenship, this would arguably involve an additional injustice.) In response it might be said that there are bound to be some delays in granting citizenship given that any practically feasible policy will be unable to identify the precise point (if indeed there is one) at which immigrants become full members of society and will simply set a somewhat arbitrary time-period (for example, five years) after which a long-term resident is assumed to be a full member of society. But the injustice involved here is one that is unavoidable in practice, unlike the one created by a regime of citizenship tests. Even those who

pass these tests without any significant delay are subject to a double-standard because those born into citizenship are not required to take them, which seems unfair (though arguably this particular unfairness is less troubling in a society in which there is compulsory civic education.)

Could Carens' argument be rebutted by appealing to the way in which migrants implicitly (sometimes even explicitly) enter into a contract when they are admitted, one of the terms of which is that they won't be granted citizenship until they have passed the relevant tests? Although this argument has some force – the terms under which immigrants entered the state seem to be relevant to the justice or injustice of citizenship tests – it does not seem to be decisive. It would be decisive only if states could justly impose any conditions they wanted on prospective immigrants before granting them permission to enter. But that is implausible. Suppose, for example, a state required them to pay punitive tax rates on earnings, or to work for no reward for a set period each year, as a condition of entry. In so far as the contract that governs the entry of migrants imposes unfair conditions on them, its moral force is questionable. Carens can quite plausibly maintain that even if it is part of the terms of their entry that migrants are required to pass a test before they can acquire citizenship, they are done an injustice if they are denied citizenship when they have resided in the country for a substantial period of time.

Carens' argument makes long-term residency a proxy for various relationships that are normally forged when a person has lived in a society for a significant period of time and that make her a full member of that society. The lives of long-term residents are generally embedded in social practices and a network of social relationships both of which are important for their flourishing. These relationships often involve a degree of reciprocity and extend beyond immediate family members to friends, neighbours, acquaintances, and colleagues: through them support is often provided to others and in turn received from them, and each may become dependent on the other for that support. There is no necessity here: a person may live in a society for a long period, but not participate in these wider social practices to any great extent or develop significant reciprocal connections to those outside her family.²⁰ For example, she may remain within her family environment and not attempt, or indeed be discouraged by the rest of her family, from participating in wider social practices or forging other relationships. (Furthermore, those who have lived in a country for an extended period of time, but

have done so as a result of a succession of short-term work contracts, with corresponding short-term rights of residence attached to them, and with the expectation at the beginning of each contract that they would return home afterwards, might not participate in wider social practices to the same extent as someone who enters with a right of long-term residence and the expectation that they will remain.²¹⁾ But in general at least there is a strong correlation between the amount of time a person has spent in a society and the strength of the connections she makes with others and with its institutions and practices. Even when a person does not venture much outside of her family environment, the character of her relationships to other family members may be deeply influenced by the character of the wider society in which her family life is embedded, which may license us to say that she is to some extent a member of that society with a stake in it even when her activities are largely confined to the family environment. As a result, we are entitled to suppose that in most cases long-term residents become full members of the society in which they are living, even though this is not a conceptual truth.

If we assume that justice has primacy, then Carens's argument would appear to defeat any versions of the political participation and societal participation arguments that are not justice-based. Even if John Rawls over-states the case for the priority of justice, there can be little doubt that it is an important value that in most cases overrides the promotion of other goods.²² If political participation is merely a potential ingredient of the good life, then securing the competences required to facilitate it or make it possible would not permit us to use unjust means to do so. If wider participation in society is valuable merely because of the benefits it provides for oneself or for others, securing the competences required to facilitate it or make it possible would not permit us to use unjust means to do so. The primacy of justice does not, however, defeat those versions of the arguments for citizenship tests which maintain that these tests encourage the acquisition of competences that play an important role in creating or sustaining a reasonably just society. There is a version of each of the arguments I have distinguished that makes such a claim. The instrumental version of the political participation argument does so²³, as does the version of the societal participation argument which appeals to the role that citizenship tests may play in encouraging the acquisition of the capacities necessary for equality of opportunity and economic self-sufficiency. Versions of both the social cohesion argument and the shared values argument appeal to the role that citizenship tests may play in promoting the mutual trust

necessary for, or conducive to, the creation and maintenance of a reasonably just society. These arguments are not necessarily defeated by the point that citizenship tests involve an injustice since this sets up a conflict within justice: between a long-term resident's just entitlement to citizenship and promoting the conditions for a reasonably just society. (I do not mean to deny that considerations other than justice may also be relevant in resolving this conflict in some cases. They may be weighty enough to affect how it is resolved, but in general – and considered individually – these considerations are likely to have much less weight than considerations of justice.)

It might be denied that this conflict is genuine. Indeed, the claim that it is genuine might seem to face a dilemma. Either long-term residents have become full members of society, in which case they will have acquired, and indeed exercised, the abilities necessary to participate socially and politically, and interact meaningfully with those beyond the narrow groups to which they belong, and in which case they have the ability to pass these tests provided that they are well-designed, and at worst their acquisition of citizenship is delayed by them. Or long-term residents have not become full members of society, perhaps because they have not acquired the competences required to participate in social practices or to forge relationships beyond their immediate family, in which case no injustice is done to them when they are denied citizenship as a result of failing to pass the relevant tests (and indeed these tests may encourage the cultivation of the relevant competences.) This response is too simplistic, however. Carens's argument implies that delaying the acquisition of citizenship for long-term residents who have become full members of society is nevertheless an injustice. Furthermore, those who do not have the competences or ability to pass the tests, and are as a result barred from citizenship, will still be full members of society if they participate in a range of social practices and have forged relationships that extend beyond their families and the ethnic groups to which they belong and into the wider society. They may have acquired the competences to participate in these practices without possessing the knowledge required to participate in the political process, or the knowledge of key historical or cultural events, that some such tests assess. According to Carens's argument, they suffer an injustice as a result of being excluded from citizenship. (Even if citizenship tests are made available prior to the point at which immigrants are deemed to become full members of a society, they will suffer an injustice if they fail the test and then have to re-take it after that point. The only way to

avoid that injustice would be to expel immigrants once they had failed the test and before they became full members of society, which would raise the issue of whether they had had a fair opportunity to become citizens.)

So citizenship tests can be conceived as a response to a genuine tension within justice. How should conflicts within justice be resolved? Under the rubric of ideal theory, Rawls resolves conflicts between the principles of justice he defends by giving them a lexical ordering that he thinks is appropriate given the practical role they need to play and the favourable circumstances to which they are intended to apply.²⁴ My investigation lies mainly within non-ideal theory, but it might be argued that the conflict I am examining can appropriately be resolved by giving one element priority. The conflict is in effect between treating individuals justly and promoting a reasonably just society. It might be thought that ‘treating individuals justly’ functions as a side-constraint whereas ‘promoting a reasonably just society’ is merely a goal, so it is always trumped by the former. From this perspective, it is not so much a matter of giving due weight to each as recognising that they make different claims on us, and that our pursuit of goals – irrespective of whether the goal is one of justice – is constrained by the requirement that we act justly. But this is at best contentious. Even if the elements of this conflict are such that they make different kinds of claim on us, it is far from clear that one kind of claim always trumps the other. Whether it is morally impermissible for the state to act unjustly in order to promote justice will depend, at least in part, on the seriousness of the injustice it commits, and the extent to which justice is promoted by that course of action.

Rather than supposing that our obligation to treat long term residents justly is overriding, could it be argued that the state’s obligation to promote a reasonably just society is, in part, a special obligation owed to its own citizens, so this obligation instead should take priority? There are a number of reasons why such an argument would be implausible. First, even if the state’s obligation to promote a reasonably just society is a special obligation, it is far from clear that this obligation should take priority over its general obligation to treat individuals justly. Whether the former does take priority must surely depend, at least in part, on the nature of the injustice that would be caused by acting on it. Second, we might think that the state’s obligation to treat its long term residents justly by granting them citizenship is itself a special obligation, created in part by the decision to admit them in the first

place, so what we have is a conflict between two special obligations rather than a conflict between a general obligation and a special obligation.²⁵

There is perhaps a rather different sort of reason for thinking that the conflict I have identified admits of a straightforward resolution. In the absence of any very firm empirical evidence linking these tests with just outcomes, it might be argued that the *certainty* of the injustice that the tests involve outweighs the mere *possibility* that they may promote the conditions for a reasonably just society. It is unclear what rules should govern decision making of this kind under conditions of uncertainty. If we were to adopt a “maximin” rule – that is, aim to make the worst case scenario as good as possible – then this would appear to permit citizenship tests: if it were the case that without these tests, the conditions for a reasonably just society would be significantly eroded, then this might be judged worse than the other main possible outcome, namely, that these tests made no difference to these conditions but denied the just entitlement of a few long-term residents to citizenship and delayed the receipt of that entitlement for the others. In any case, the overall diagnosis that is being presented of the choice that societies face in this context can be challenged. In the next section I shall try to show that the empirical connections presupposed in at least some of these arguments are credible, not merely possible. It also seems to me that treating these epistemological considerations as decisive reasons for rejecting citizenship tests ignores the way in which the injustice these tests necessarily involve varies in its strength and can be softened or reduced.

We should concede to Carens that the injustice visited on those long-term residents who have become full members of society but are refused citizenship because they lack the ability to pass a citizenship test is considerable,²⁶ as indeed is the injustice inflicted when children of immigrants who are born or schooled within the country are required to take these tests.²⁷ But exemptions can be provided for those who fall into these categories. And it is not so clear that the injustice involved is comparable in the case of adult immigrants who possess the ability to pass the test but fail it because for one reason or another they don't make the necessary effort.²⁸ Assuming that they are allowed to re-take it, and any fees required to do so are set at a reasonable level, their access to citizenship is delayed rather than denied. The fact that it is delayed at all constitutes an injustice, at least on the assumption that they have become full members of society, but the injustice involved here is surely a relatively

minor one. This injustice can also be ‘softened’ or reduced in various ways, in particular, by making the tests part of a process that is well-designed to ensure that long-term residents acquire the competences necessary to pass them rather than to exclude some of them from citizenship.²⁹ In order to achieve this aim, these tests would need to be appropriately devised to assess the relevant competences, and the pass level for them should not exceed what is sufficient to demonstrate possession of these competences; the cost of the tests should not exceed what is within the means of the average immigrant, with subsidies for those below that level; those who fail the tests should be allowed to retake them, again at reasonable cost; practice materials should be made readily available so that applicants can prepare themselves adequately; classes should be offered to help with that preparation, again with costs kept within the means of the average immigrant and with subsidies for those who cannot afford them.³⁰ (This is not to deny that the administrative costs of different procedures for granting citizenship are also relevant to the issue of how we should balance the injustice of delaying or denying the entitlement of long-term residents to citizenship against promoting the conditions for a reasonably just society. If a regime of citizenship tests could play a significant and irreplaceable role in promoting these conditions, but it would be very costly to administer it in a way that was effective in doing so, then any fully adequate assessment of it would have to take into account what benefits might be brought about by using these resources differently, for example, in improving the condition of the worst off group in a society.)

What do I mean by saying that the conflict between the just treatment of long-term residents and promoting the conditions for a reasonably just society is softened or reduced when these tests are part of a process that is well-designed to guide immigrants to citizenship? Surely the nature of the injustice that citizenship tests visit upon long-term residents remains the same even when these tests are part of such a process? Even if the nature of the injustice is unchanged, it becomes less objectionable as a result of occurring within a process that aims at inclusion (that is, which aims to ensure that long-term residents eventually receive the citizenship rights to which they are entitled), and the weight it should be given when balancing it against any positive effects of citizenship tests is correspondingly diminished. More generally, how objectionable an action or practice is from the point

of view of justice - and the weight the injustice that it involves should be given in practical reasoning - may depend not only on its intrinsic properties but also its extrinsic ones.

4. The empirical basis of the social cohesion argument.

The first three of the arguments for citizenship tests that I have identified, namely, the political participation argument, the societal participation argument, and the social cohesion argument, make a variety of empirical claims concerning (i) the role of citizenship tests in fostering various competences; (ii) the way in which these competences are necessary for, or facilitate, effective participation in a set of practices or form of behaviour; (iii) the way in which these practices or this form of behaviour are required for, or facilitate, the creation or maintenance of a reasonably just society. The fourth argument – the shared values argument – instead makes a variety of empirical claims concerning (iv) the role of citizenship tests in promoting the acquisition of values or a shared identity, and (v) the way in which these values or this identity are required for, or facilitate, the creation or maintenance of a reasonably just society.

Intuitively at least, empirical claims of type (iv) are somewhat implausible. It is hard to see how citizenship tests, or indeed any preparatory classes for them, could reliably be expected to persuade applicants to acquire new values or a new identity based upon such values. Indeed, when put under pressure, the shared values argument tends to fracture into two rather different arguments. First, an argument that citizenship tests facilitate a process through which would-be applicants for citizenship come to *identify* with the major institutions and practices of the society they have joined and acquire a sense of belonging to the polity. When they identify with these institutions and practices and have a sense of belonging to the polity, and they know that others do as well, then this promotes trust, which in turn works to sustain the institutions and practices.³¹ This argument – let us call it *the identification argument* – has a similar structure to the other three arguments, though it holds that the competences which citizenship tests are deemed to promote encourage an important psychological process rather than merely make possible participation in a set of practices. The identification argument is not implausible in the way that the shared values arguments is, because it does not suppose that would-be citizens change their values as a result of the process of naturalisation: they

may retain their original values but come to see them reflected in the institutions and practices of their new society, and indeed immigrants (and citizens more generally) may value these institutions and practices for a variety of different reasons, rooted in different values.³² Citizenship tests might be thought to facilitate this process, on the grounds that these tests encourage applicants to learn the language of the society they are joining, without which they are unlikely to feel at home in it, and to learn about that society, which will help them to re-orient themselves to it, the first step on the path to acquiring new identifications. Moreover, when citizenship tests are part of a naturalisation procedure which culminates in a ceremony that celebrates the successful applicants' admission to citizenship, this may also help to facilitate that process. The claims made by the identification argument are intuitively plausible, but the links the argument presupposes between immigrants coming to identify with institutions and practices, feeling at home in the polity, and the knowledge that others do so as well - and the effects of these on the promotion of mutual trust - will be hard to confirm empirically.

Second, the shared values argument might be re-constructed as an argument for "weeding out" would-be citizens who hold illiberal values, or values that are incompatible with those that are widely shared within the society they are seeking to join, or that form the basis of its national identity, rather than as a means of facilitating their inclusion: the idea would be that citizenship tests should be designed to *exclude* those who hold illiberal values or values that make it hard or impossible for them to share the national identity, on the grounds that their presence erodes the conditions required for, or that facilitate, the creation or maintenance of a reasonably just society. Citizenship tests of the kind envisaged would of course face huge practical problems in achieving their ends; the more likely outcome is surely that these tests will encourage would-be citizens to pretend that they possess the relevant values - or, more bluntly, to lie. More worryingly still, since this argument seeks to exclude long-term residents from citizenship, it is even harder to reconcile with the idea that these residents have a just entitlement to citizenship. I shall return to it in section 5.

What about empirical claims of type (i) - (iii) that underlie the political participation argument, the societal participation argument, and the social cohesion argument? Even if empirical claims of type (ii) are relatively easy to sustain - and do not require systematic empirical investigation - claims of type (i) and (iii) are much harder to establish. But even if we cannot provide firm empirical

evidence for the relevant causal claims of these types, we may be able to specify some plausible mechanisms linking the tests with creating or sustaining a reasonably just society and offer some empirical evidence for these links. In this section I shall pick the argument that I think gives the strongest case for citizenship tests, namely, the social cohesion argument. Its strength derives, in part, from the intuitive plausibility of its type (iii) empirical claims. But intuitive plausibility is not enough here, so I also try to show that these claims receive some degree of empirical confirmation.

How then might the connection that the social cohesion argument draws between ‘meaningful contact’ and the creation and maintenance of a reasonably just society be shown to be empirically plausible? In this respect, the social cohesion argument owes much to Gordon Allport’s contact hypothesis in social psychology, which seems to be well-confirmed despite criticism of it.³³ Allport argued that when four conditions are met, interactions between members of different groups tend to reduce prejudice. The contact involved must (a) be frequent enough to lead to personal acquaintance; (b) be cooperative and involve the pursuit of shared goals; (c) be supported by institutional authorities, law or custom; (d) take place amongst participants of equal status. I shall simply stipulate that when contact between members of different groups fulfils these conditions, it is *meaningful*, unlike, say, mere economic transactions in which the interaction does not go beyond the exchanging of money for goods and services. And I shall stipulate that a society is *well-integrated* when members of different groups come into meaningful contact with each other in a range of different spheres.

The idea behind the social cohesion argument is that when individuals from different groups come into ‘meaningful contact’, so defined, then this promotes mutual understanding and respect, which in turn leads to higher levels of trusting behaviour³⁴. In relation to many contemporary liberal democracies, it is tempting to respond that if there is a problem of low levels of trust between members of different groups, then it is not immigrants’ lack of knowledge of the society or their lack of linguistic ability that is the underlying cause of it, nor indeed any general unwillingness to integrate, but rather hostility, prejudice and discrimination on the part of the majority group and the material inequalities these produce. When people experience hostility, or feel that they have been unfairly treated in the allocation of jobs or in terms of their share of wealth and income, they may not be disposed to trust those they see as the perpetrators or beneficiaries, and indeed they may choose to

separate from them in various ways. In this light it can seem as if the introduction of citizenship tests in effect places the blame on minorities for their lack of integration, whereas a large share of it should be placed on the state and the majority group for failing to tackle these forms of hostility, prejudice and injustice. But those who defend the importance of meaningful contact for mutual trust, and the role that citizenship tests may play in promoting it, can respond that hostility, discrimination, and material inequality are *in part* a product of the stereotyping which occurs when groups lead largely separate lives and that some immigrants' lack of linguistic ability and their lack of knowledge of the society they have joined is one contributory cause.³⁵ And they need not deny that hostility towards immigrants, discrimination, and material inequality are also independent causes of lack of trust that the state and the majority community have a duty to address.³⁶ Properly construed, the dispute here should be over the relative importance of different causes of lack of integration and low levels of trust and this is not an easy matter to settle empirically. (That said, if citizenship tests are to avoid contributing to a culture of unfairly blaming immigrants for social problems, prejudice and discrimination should be condemned unconditionally, and the tests should at least be part of an overall program that addresses any failure on the part of majority group to interact meaningfully and which does not presuppose that only immigrants have a duty to integrate.³⁷)

The social cohesion argument must also allow that different levels of meaningful contact might be required in different societies – and at different times in the same society - to make them reasonably just, stable and enduring. The level of meaningful contact required may depend, for example, upon the history of the relations between the different groups, including the extent of mistrust that has been generated between them as a result of discriminatory practices or other forms of unjust treatment, and the extent to which segregation is itself a cause of a range of injustices. When discrimination and segregation are a problem for levels of trust in a society, then this provides at least a possible basis for defending citizenship tests to ensure that immigrants, as part of a naturalisation process, acquire the competences which enable them to interact meaningfully with other members of society. If it really were case that the imposition of these tests, and the knowledge and competences that immigrants acquired as a result of striving to pass them, significantly increased levels of trust in such a way that they facilitated the creation of a reasonably just society, or made the creation or

maintenance of such a society a genuine possibility, then the injustice caused by them (at least, if they were part of a process designed to facilitate the passage of long-term residents to citizenship) would arguably be outweighed. In contrast, in societies where relations are relatively healthy and which are already reasonably just, it might be the case that citizenship tests are unnecessary to maintain them since sufficient trust can be sustained merely through a policy of encouraging immigrants to learn the official language of the state and to acquire knowledge of the society they have joined. Under these circumstances, it might still be the case that trust between these groups could be increased significantly by requiring them to pass various tests before they are granted citizenship. But even though it may be justifiable to require long term residents to pass various tests before they can become citizens when the creation or maintenance of a reasonably just society is at stake, it is doubtful whether this could be justified merely to make such a society run more smoothly (that is, in a way that was less costly) or to make an already reasonably just society more just. The benefits higher levels of trust would provide for a polity would need to be weighed against the costs imposed on long-term residents who are deprived of their entitlement to become citizens, at least temporarily. In other words, under favourable conditions such as these, the conflict between treating long-term residents justly and promoting the conditions that facilitate the maintenance of a reasonably just society should be resolved in favour of the former.

Of course, the strength of this response to the argument that citizenship tests fail to recognise the automatic entitlement of long-term residents to citizenship depends in part on whether these tests really do (or could) play a significant and irreplaceable role in promoting trust in societies where levels of it are low. As I noted earlier (see section 2), it may be that these tests are ineffective or not particularly effective in this regard. In the case of ‘knowledge of society’ tests, it is hard not to be sceptical about their effectiveness when they are made up of multiple choice questions that are selected from a pre-circulated list. This format encourages learning by rote, yet this seems unlikely to impart the kind of understanding of social practices and institutions that would genuinely facilitate participation and meaningful interaction. Even when citizenship tests have some degree of efficacy, it may nevertheless be that trust could be much better promoted in other ways without creating any comparable injustice, especially since citizenship tests may themselves breed mistrust because they

may be viewed by immigrants as a sign that they are not trusted by the majority group. Here it is worth repeating the observation made earlier that offering language and ‘knowledge of society’ classes free of charge for immigrants (and perhaps even making these classes compulsory), but without requiring would-be citizens to pass tests that assess their achievements in these areas, might be equally effective, or even more effective, in promoting the relevant competences.

5. Other justice or fairness based objections to citizenship tests

There may be further sources of unfairness or injustice in requiring long-term residents to pass tests before they are granted citizenship that Carens’ argument does not rely upon and that need to be balanced against whatever benefits these tests can reasonably be expected to bring in terms of promoting the conditions for a reasonably just society. I shall consider two arguments in this regard. First, that citizenship tests risk generating various differences in how the citizenship of naturalised immigrants is viewed compared to that of the native-born - perhaps even inequalities of status between those who acquire citizenship through naturalisation and those who acquire it automatically at birth - which may be inherently unjust and that are in any case likely to have unjust consequences. Second, in so far as citizenship tests assess not only applicants’ knowledge and linguistic ability but also their values, and exclude those with illiberal values or values that conflict with the national identity of the country they are seeking to join, then they exclude in a way that involves an additional injustice.

The first argument is developed by Sune Laegaard, who contends that when citizenship tests are in place, citizenship is likely to have a different symbolic meaning for those who are awarded it as a result of passing these tests than for those who acquire it automatically.³⁸ When citizenship is awarded as a result of passing a test, then it becomes a matter of desert rather than entitlement, and as a result it is likely to be regarded differently in a society: others may wonder whether it is really deserved, or they may think that a person’s subsequent behaviour means that it is no longer deserved and that she should be stripped of her citizenship. Differences in symbolic meaning may also have the consequence that the status of citizenship for those who have been naturalised may not any longer provide a reliable basis for self-respect: to the extent that naturalised citizens experience various forms

of devaluation, their status as citizens will not involve the kind of recognition that is necessary for self-respect even if they are accorded the same legal rights and entitlements.

Laegaard's argument has force, but it is hard to predict what symbolic meanings will emerge from a practice and in the case of citizenship tests these meanings will depend to a large extent on specific features of the process of naturalisation of which they are part and also the wider context in which they take place. The mere fact that citizenship is given to a person only after she has passed a test does not entail that it must be regarded as something which is inferior³⁹ or forever open to question. Compare the fact that children may leave school with a number of qualifications that certify they have achieved a particular level of knowledge in a range of subjects, but no one would think that they should be stripped of these qualifications in later life if they show that they no longer have the required knowledge of, say, maths, physics and chemistry. Why think that citizenship tests are likely to play any different role in a society when they test factual knowledge and linguistic competence? Indeed, when those born to citizenship nevertheless are required to take courses at school in civic education, the fact that others are required to pass citizenship tests as a condition of acquiring the status may not result in any difference in symbolic meaning. It is true, however, that in a society that is already suspicious of immigrants, and which questions their loyalty, naturalised citizens are likely to be regarded differently. But in that case, the difference in symbolic meaning will be a consequence of these prejudices and the fact that those who have naturalised were not born into citizenship rather than that they achieved citizenship by passing various tests.

The second argument, that there is an additional injustice involved in excluding those who hold illiberal values or values that are incompatible with the national identity, applies only to citizenship tests that are designed in the light of the shared values argument (or to citizenship tests that go beyond what could be justified by the other arguments). In the previous section I raised doubts about the shared values argument as it was initially formulated, but I conceded that it could be reconstructed to hold that the primary purpose of citizenship tests is to *exclude* those who have illiberal values, or values that are incompatible with the values that are widely shared in the society and/or which will make it hard or impossible for them to share its national identity. (This argument might even be extended to embrace the idea that citizenship tests should be designed to exclude not

only those who hold illiberal values, or values incompatible with the national identity, but also those who are unwilling to fulfil the duties to which they are subject as full members of society and would be unwilling to fulfil the additional duties they would acquire if they were to become citizens.) The charge that there is an additional injustice involved in excluding on these grounds could then be seen as applying to this reconstructed version of the argument.

Is there a further injustice involved in excluding from citizenship those with illiberal values or those who hold values that are incompatible with the nation's identity, that is, an injustice that is in addition to the one suffered by any long-term resident who is excluded from citizenship independently of what values she holds? It might be argued that whether or not a resident has illiberal values or holds values that are incompatible with the nation's identity should not make any difference to her rights and entitlements; and that therefore sharing values should not be a condition of granting citizenship⁴⁰. In response, a defender of the shared values argument could accept that when a person is resident in a polity, justice or fairness requires that she not be treated any worse, in virtue of holding illiberal values or values that are incompatible with the national identity, in terms of the protection she receives from the law, but argue that immigrants should be refused citizenship, in order to promote the conditions for a reasonably just society, unless they are willing to endorse "liberal" or national values, whether in a citizenship test or as part of a public citizenship ceremony. In other words, in order to promote the conditions for a reasonably just society, those long-term residents who do not share the relevant values should be refused citizenship, and refused the rights and entitlements that are properly considered specific to it, but should be granted a range of other rights and entitlements, such as civil rights or even social rights, that justice or fairness requires should be enjoyed by all residents.

Is it any worse when a long-term resident is excluded from citizenship because she holds illiberal values, or values that are incompatible with national identity, than when she is excluded from citizenship merely for lacking the competences or knowledge that are required for, or that facilitate, the creation or maintenance of a reasonably just society? There is a worrying double standard here that raises concerns about fairness: there is no guarantee that those born to citizenship and who grow up in the country will share the relevant values, even if they receive a citizenship education that is designed to promote these values, and both citizens and would-be citizens may have their own reasons for

rejecting those values, so it is unfair to exclude long-term residents from citizenship on this basis. But it does not seem to me that the double-standard involved here is any worse than the double-standard involved when long-term residents are excluded from citizenship on the grounds that they lack knowledge or competences that are deemed important for the creation and maintenance of a reasonably just society but those born into citizenship are not subject to exclusion on those grounds.

The only additional concern from the point of view of justice is the one that I gestured towards in the previous section: that the shared values argument seeks to exclude some long-term residents from citizenship rather than guide them through a process of naturalisation, and for that reason it is in *head-on* conflict with Carens's argument that long-term residents have an automatic entitlement to citizenship. To put the point differently, the injustice involved in citizenship tests is more objectionable, and the weight that this injustice should be given when balancing it against any positive effects that citizenship tests have in terms of promoting the conditions for a reasonably just society is greater, when they are designed to exclude some long-term residents from citizenship and hence to deny their entitlement to it rather than eventually recognise it. It is not clear, however, that this on its own constitutes a decisive reason for avoiding citizenship tests that exclude on the basis of the applicants' values.⁴¹ But even if it doesn't constitute such a reason, defenders of the reconstructed version of the shared values argument would need grounds for ruling out a number of alternative possible empirical truths about what is required for, or facilitates, the creation and maintenance of reasonably just institutions and practices: for instance, that these institutions and practices can be sustained provided that the society in question is well-integrated, citizens are, in general, willing to obey reasonably just laws, and the majority of them identify with these institutions and practices even if there is no deep consensus amongst them on underlying values.

6. Conclusion

It might be thought that if we are concerned to identify the best justification that can be given for citizenship tests, we have to defend a particular normative theory of citizenship, for different defences of these tests presuppose different theories of this kind. Indeed it is sometimes supposed that the different arguments for citizenship tests are best viewed as expressing different conceptions of

citizenship, in particular liberal, republican or communitarian conceptions.⁴² So, for example, it might be thought that the political participation argument is an expression of a republican theory of citizenship, whereas the societal participation argument and the social cohesion argument are expressions of a liberal theory, and the shared values argument is an expression of a communitarian theory. In my view, however, this does not provide us with any real insight into these arguments. Liberals as well as republicans may regard political participation as valuable, and indeed as crucial for avoiding domination and therefore for creating and sustaining reasonably just institutions, so the political participation argument need not express a republican view of citizenship. (The version of the political participation argument that corresponds to a distinctively republican position is the one that regards it as an essential ingredient of the good life, and I have argued that this does not provide an adequate basis for defending citizenship tests.) The shared values argument might also be regarded as liberal rather than communitarian in inspiration, since a shared national identity based upon shared values might be thought important for sustaining liberal institutions. Rather than seeing these arguments as expressing different normative theories of citizenship, it is better to think of them as each grounded in considerations that concern how best to promote the conditions for a reasonably just society - but as facing a counter-argument, grounded in the injustice involved in failing to recognise the automatic entitlement of long-term residents to citizenship.⁴³

The arguments I have considered are not mutually exclusive and indeed the political participation argument, the societal participation argument, the social cohesion argument, and the identification argument can in principle be combined to provide a case for appropriately designed citizenship tests under some circumstances. Although my arguments support the conclusion that, in principle, citizenship tests can be justified, they also place demanding conditions on when they would be justified in practice. These tests will be justified only if they are not unreasonably costly to administer and there is good reason to think that they will be more effective than any other (not unreasonably costly) process in terms of encouraging would-be citizens to acquire the various competences that they need to participate socially and politically. Satisfying this condition in practice would require evidence to suggest that there is at least a sizeable immigrant minority who would not acquire these competences simply through being provided with the opportunity to take, or even being

required to take, language and other classes that oriented them to their new society. Furthermore, citizenship tests would need to be part of a process that genuinely facilitates the journey of immigrants to citizenship and which makes exemptions for some groups of people, such as those who are unable to acquire the skills necessary to pass the tests, and immigrants who have been educated, at secondary school level at least, in the society they have joined. To the extent that the social cohesion argument plays a prominent role in justifying citizenship tests, then these tests would need to be part of an overall policy towards diversity that encourages not only immigrant groups to integrate – to interact meaningfully with other members of society – but which also encourages members of the majority group to take into account the effects of lack of integration when, for example, choosing schools for their children and deciding where to live. Furthermore, the social cohesion argument will provide a justifiable basis for citizenship tests only if there is good reason to think that the society in question is suffering from low levels of trust that impair its ability to create or sustain reasonably just institutions and practices at least partly as a result of some immigrants lacking the competences required to interact meaningfully with other members of their society.

I am grateful to Chris Armstrong, Dora Kostakopoulou, David Owen, Jonathan Seglow, Zofia Stemplowska, Varun Uberoi, and the journal's referees for their very helpful comments. Different versions of the paper also benefited from being presented to a workshop on 'Community Conceptions and Social Cohesion', at the University of Copenhagen, in November 2011, and to the CELPA seminar series at the University of Warwick in November 2012.

NOTES

¹ Formal tests of these kinds have been introduced in, for example, Austria, the Netherlands, Luxembourg, Denmark, Germany, Australia, the UK, and Canada. The US introduced civics test in the late 1980s and has had language/literacy tests in one form or another since the late 19th century.

² See R. van Oers, Eva Ersboll and D. Kostakopoulou, 'Mapping the Redefinition of Belonging in Europe', in R. van Oers, Eva Ersboll and D. Kostakopoulou (eds), *A Re-definition of Belonging? Language and Integration Tests in Europe* (Leiden: Martinus Nijhoff, 2010), 307-331, at p. 325; R. van Oers, 'Citizenship Tests in the Netherlands, Germany and the UK', in R. van Oers, Eva Ersboll and D. Kostakopoulou (eds), *A Re-definition of Belonging?*, 51-105, at p. 102. Casting more doubt on whether existing citizenship tests can be morally justified, it has even been suggested that citizenship tests are merely one way in which states flex their muscles, in effect, a device by which they make it clear that those who become citizens must be prepared to submit themselves to the power of the state. Perchinig, for example, argues that: 'the significance of naturalisation tests is subjugation. In taking tests, ...the presumptive citizens symbolically affirm their readiness to obey the state power in their future life. Naturalisation tests neither prepare a person for more autonomy nor enhance self-sufficiency; their main function is a symbolic message to the citizens that access to their privileged status has to be earned by general subjugation under the coercive powers of the state' (B. Perchinig, 'All You Need to Know to Become an Austrian: Naturalisation Policy and Citizenship Testing in Austria', in R. van Oers, Eva Ersboll and D. Kostakopoulou (eds), *A Re-definition of Belonging?*, 25-

50, at p. 29; see also O. Lowenheim and O. Gazit, 'Power and Examination: A Critique of Citizenship Tests', *Security Dialogue*, Vol. 40, 2009, 145-167.)

³ There is a large literature which seeks to explain why different European countries have turned to these tests. See, for example, S. Goodman, 'Controlling Immigration through Language and Country Knowledge Requirements', *West European Politics*, Vol. 34, 2011, 235-255; C. Joppke, 'Beyond National Models: Civic Integration Policies for Immigrants in Western Europe', *West European Politics*, Vol. 30, 2007, 1-22; D. Kostakopoulou, 'The Anatomy of Civic Integration', *Modern Law Review*, Vol. 73, 2010, 933-958; P. Triadafilopoulos, 'Illiberal Means to Liberal Ends? Understanding Recent Immigration Integration Policies in Europe', *Journal of Ethnic and Migration Studies*, Vol. 37, 2012, 861-880.

⁴ See, for example, S. Goodman, 'Fortifying Citizenship: Policy Strategies for Civic Integration in Western Europe', *World Politics*, Vol. 64, 2012, 659-698; S. Goodman, 'Integration Requirements for Integration's Sake? Identifying, Categorizing and Comparing Civic Integration Policies', *Journal of Ethnic and Migration Studies*, Vol. 36, 2010, 753-772; I. Michalowski, 'Required to Assimilate? The Content of Citizenship Tests in Five Countries', *Citizenship Studies*, Vol. 15, 2011, 749-768.

⁵ The debate over the normative desirability of citizenship tests has become preoccupied with the issue of whether these tests are liberal or not, that is, whether they can be consistent with liberal values: see, for example, R. Baubock and C. Joppke (eds), 'How Liberal Are Citizenship Tests', EU Working Articles, Eudo Citizenship, RSCAS 2010/41.

Available at http://eudo-citizenship.eu/docs/RSCAS_2010_41.pdf, accessed 15/11/2012.

In my view, this is not a helpful way of framing the debate. The fundamental question is whether or not they are just, or can be justified within a just framework of naturalisation.

⁶ I invoke the idea of 'a reasonably just society' throughout the paper. It is a vague idea and open to contestation, but I shall assume that a society is reasonably just if, by and large, it protects the basic liberties of its members, operates with a norm of non-discrimination when filling advantaged social positions, and there is some form of welfare safety-net.

⁷ See A. Mason, *Living Together as Equals: The Demands of Citizenship* (Oxford: Oxford University Press, 2012), Ch. 7.

⁸ I do not claim that these are the only possible arguments. For example, there might be an argument for citizenship tests that appeals to their importance in confirming to the existing citizenry that those seeking citizenship are willing to undergo costs to acquire it, and hence recognize its value. Or citizenship tests might be defended simply on the grounds that they serve as a way of reducing immigration. For reasons that will become clear later on, I do not think that either of these arguments is of the right kind to be successful, at least when considered on their own.

⁹ L. Orgad, 'Five Liberal Concerns about Citizenship Tests', p. 30, in R. Baubock and C. Joppke (eds), 'How Liberal Are Citizenship Tests', EU Working Articles, Eudo Citizenship, RSCAS 2010/41.

¹⁰ This is not to deny that the competences required for effective political participation may be closely connected to those required for full participation in society. If effective political participation includes not only assessing the claims made by different candidates for election but also engaging in political debate in a variety of different contexts, it may be that the competences required to do this are similar to those required for participating in a range of different non-political practices across a society.

¹¹ In principle, at least, the social cohesion argument might also provide support for tests that elicit various attitudes, in relation to whether the candidate is willing to interact meaningfully with those of other religions, or those with very different values.

¹² Starting in 2006, the German province of Baden-Wu(e)rttemberg introduced a citizenship test in the form of an interview designed to ascertain the attitudes of applicants and exclude those who subscribed to various illiberal values. The interview guide included questions such as 'What do you think about the statement that a woman should obey her husband and that her husband is allowed to beat her if she is disobedient?'. See van Oers, 'Citizenship Tests in the Netherlands, Germany and the UK', p. 75.

¹³ See D. Miller, 'Immigrants, Nations and Citizenship', *Journal of Political Philosophy*, Vol. 16, 2008, 371-390, at 385.

¹⁴ See S. Laegaard, 'Immigration, social cohesion, and naturalization', *Ethnicities*, Vol. 10, 2010, 452-469, especially pp. 459-461.

¹⁵ Laegaard, 'Immigration, social cohesion, and naturalization', p. 460. Austria, Denmark, Germany, the Netherlands and the UK already require the passing of significant language and/or knowledge tests before granting a right of permanent residence.

¹⁶ For the importance of seeing citizenship tests as part of a wider process of naturalisation and immigration controls, see D. Kostakopoulou, 'What liberalism is committed to and why current citizenship policies fail this test', and S. Goodman, 'Lost and found: an empirical foundation for applying the "Liberal Test"', in Baubock and Joppke (eds), 'How Liberal Are Citizenship Tests'.

¹⁷ J. Carens, 'The most liberal citizenship test is none at all', in Baubock and Joppke (eds), 'How Liberal Are Citizenship Tests'. See also J. Carens, 'Why Naturalization Should Be Easy: A Response to Noah Pickus', in N. Pickus (ed.) *Immigration and Citizenship in the 21st Century* (Totowa, NJ: Rowman and Littlefield, 1998), 141-146; J. Carens, 'The Integration of Immigrants', *Journal of Moral Philosophy*, Vol. 2, 2005, 29-46, at pp. 39-40. In his recent book *The Ethics of Immigration* (Oxford: Oxford University Press, 2013), Carens appears less hostile to modest forms of citizenship test, but he reaffirms the view that they are objectionable in principle because unjust (see *ibid*, pp. 55-61).

¹⁸ For at least two of the rights that I am supposing to be reserved exclusively for citizens, that is, political rights at the national level, and an unconditional right of permanent residence, there is a case on grounds of social membership for saying that they ought to be enjoyed automatically by long term residents: see Carens, *The Ethics of Immigration*, Ch. 5. It might be argued that a person does not even need to be a full member of society to be entitled to political rights: the mere fact that someone living in a territory is affected by the laws or policies that govern that territory, or is subject to those laws and policies, suffices to justify the conclusion that they are morally entitled to a say in them. (For discussion of the relevant principles, see R. Goodin, 'Enfranchising All Affected Interests, and its Alternatives', *Philosophy and Public Affairs*, 2007, Vol. 35, 40-68; I. M. Young, 'Activist Challenges to Deliberative Democracy', in J. S. Fishkin and P. Laslett (eds), *Debating Deliberative Democracy* (Oxford: Blackwell, 2001), pp. 102-120; L. Beckman, 'Citizenship and Voting Rights: Should Resident Aliens Vote?', *Citizenship Studies*, Vol. 10, 2006, 153-165; D. Owen, 'Constituting the Polity, Constituting the Demos: On the Place of the All-Affected Interests Principle in Democratic Theory and in Resolving the Democratic Boundary Problem', *Ethics and Global Politics*, Vol. 5,

2012, 129-152; R. Baubock, 'The Rights and Duties of External Citizenship', *Citizenship Studies*, Vol. 13, 2009, 475-499.) Although these arguments, if successful, would justify granting political rights to all of those who are resident in the territory, it is not clear that they would automatically justify granting the other two rights which I am assuming are exclusive to citizenship, that is, a right to diplomatic support when travelling abroad and an unconditional right of permanent residence.

¹⁹ See also R. Baubock, Stakeholder Citizenship and Transnational Political Participation: A Normative Evaluation of External Voting, *Fordham Law Review*, Vol. 75, 2007, at 2393-2447, p. 2422

²⁰ See J. Seglow, 'Arguments for Naturalisation', *Political Studies*, Vol. 57, 2009, pp. 795-796.

²¹ See D. Owen, 'Citizenship and the Marginalities of Migrants', *Critical Review of International Social and Political Philosophy*, Vol. 16, 2013, 326-343, at pp. 331-332.

²² For Rawls's claims about the primacy of justice, see J. Rawls, *A Theory of Justice* (Oxford: Oxford University Press, 1999), pp. 3-4; for a critique, see G. A. Cohen, *Rescuing Justice and Equality* (Cambridge, MA: Harvard University Press, 2008), pp. 302-306. See also A. Mason, 'What is the Point of Justice?', *Utilitas*, Vol. 24, 2012, pp. 543-45

²³ Could it be argued that citizens cannot flourish in the absence of political participation because it is an essential ingredient of the good life for everyone, so justice requires the development of the competences necessary for effective political participation? If it could be shown that political participation is an essential ingredient of the good life for everyone, then there would be a justice-based argument of this kind, but given the diversity of human nature, it is implausible to suppose that this is true of political participation.

²⁴ See Rawls, *A Theory of Justice*, pp. 36-40, 53-54, 77-78

²⁵ Even if the state's obligation to promote a reasonably just society is a special obligation, there is a difficult issue about precisely to whom it is owed. Is it owed to fellow citizens or to those who reside within the state's jurisdiction? The logic of a number of attempts to ground special obligations of this sort implies that they are owed to the residents of the state in general rather than citizens in particular (see Mason, *Living Together as Equals*, Part I, especially. pp. 63-66.) For example, if states have special obligations because dividing the world into states and giving each state special responsibility

for some particular group of people is thought to be the best way of protecting the vulnerable (see R. Goodin, 'What Is So Special about Our Fellow Countrymen?', *Ethics*, Vol. 98, 1988, 663-686), then the natural way of individuating these groups would be in terms of residency.

²⁶ Admittedly, however, this may generate its own worries: asking for an exemption may be experienced as shameful, and as a result requiring people who lack the ability to pass the tests to request an exemption may involve a kind of disrespect. Compare Jonathan Wolff's discussion of the way in which attributing an outcome to a person's circumstances rather than her choices, and therefore not holding her responsible for it, may demean her, see J. Wolff, 'Fairness, Respect, and the Egalitarian Ethos', *Philosophy and Public Affairs*, Vol. 27, 1998, 97-122.

²⁷ See Carens, *The Ethics of Immigration*, pp. 46-49.

²⁸ There is perhaps also another category: those that fail these tests not because they are incapable of passing them or because they do not make the necessary effort, but because they are made nervous by them and as a result are unable to concentrate sufficiently during them.

²⁹ See A. Etzioni, 'Citizenship Tests: A Comparative, Communitarian Perspective', *The Political Quarterly*, Vol. 78, 2007, p. 361. Even Carens himself is less troubled by citizenship tests when 'they do not pose a substantial barrier to naturalization for most people' (Carens, *The Ethics of Immigration*, p. 55). Real world tests often fall short when measured against this standard though some do better than others. Sara Goodman argues that the UK testing regime is less restrictive than others, for it aims 'to increase acquisition of citizenship and diminish the appeal of permanent residence' (Goodman, 'Fortifying Citizenship', p. 685).

³⁰ The unfairness or double standard that is involved in requiring immigrants but not the indigeneous population to take these tests might also be mitigated to some extent by introducing a comparable test that those born into citizenship are required to pass before they are allowed a full passport or a driving license. But this of course would be politically infeasible and arguably also unjust.

³¹ See A. Mason, 'Integration, Cohesion and National Identity: Theoretical Reflections on Recent British Policy', *British Journal of Political Science*, Vol. 40, 2010, 857-874, at pp. 870-873; A. Mason, *Community, Solidarity and Belonging: Levels of Community and Their Normative Significance* (Cambridge: Cambridge University Press, 2000), pp. 127-142.

³² For example, in Britain some citizens may identify with the National Health Service on grounds of fairness – because, say, it provides health care for all independently of a person’s ability to pay – whereas others may value it solely because of the quality of care it provides, or because it met their needs when they were ill. See Mason, ‘Integration, Cohesion and National Identity’, pp. 871-872.

³³ See G. Allport, *The Nature of Prejudice* (Cambridge, MA: Addison-Wesley, 1954); E. Anderson, *The Imperative of Integration*, (Princeton, NJ: Princeton University Press, 2010), p. 123. A meta-analysis of various studies claims strong support for the contact hypothesis applied to a number of different group divisions and settings: see T. Pettigrew and L. Tropp, ‘A Meta-Analytic Test of Intergroup Contact Theory’, *Journal of Personality and Social Psychology*, Vol. 90, 2006, 751-83. Robert Putnam expresses scepticism about contact theories (see R. Putnam, ‘*E Pluribus Unum: Diversity and Community in the Twenty-first Century: The 2006 Johan Skytte Prize Lecture*’, *Scandinavian Political Studies*, Vol. 30, 2007, 137-174, at pp. 148-9), but his evidence is inconclusive against the contact hypothesis when it is carefully formulated, since so much will depend on the proviso that the contact between cultural groups has to be of the right kind or quality, for example that it must be meaningful. Eric Uslaner marshalls evidence for the claim that, in the US at least, the contact that whites enjoy by living together in diverse neighbourhoods boosts their generalised trust, with additional increases occurring when they have friends from other backgrounds or belong to the same groups, whereas for African-Americans having friends from different backgrounds increases generalised trust though merely living together in the same neighbourhoods does not. See E. Uslaner, ‘Segregation, Mistrust and Minorities’, *Ethnicities*, Vol. 10, 2010, 415-34; E. Uslaner, *Segregation and Mistrust: Diversity, Isolation, and Social Cohesion* (Cambridge: Cambridge University Press, 2012).

³⁴ In Putnam’s terms, the idea is that cross-cultural contact creates bridging social capital: see R. Putnam, *Bowling Alone: The Collapse and Revival of American Community* (New York: Simon and Schuster, 2000), p. 22-3. See also T. Cattle, *Community Cohesion: A New Framework for Race and Diversity*, Revised and updated (Basingstoke: Palgrave Macmillan, 2008), pp. 200-201.

³⁵ Elizabeth Anderson has also argued forcefully that the segregation of African Americans is the underlying cause of many of the injustices from which they suffer, including lack of fair access to

jobs, public goods, consumer goods and services, and various forms of capital (see Anderson, *The Imperative of Integration*, especially Chs. 1-4). Although her claims are specifically about the plight of African Americans, they may apply to some extent to groups in other countries, giving integration and the meaningful contact it involves wider normative significance. In Britain, the Cattle Report into the causes of the disturbances that occurred in various northern towns in the spring and early summer of 2001 concluded that they were caused in part by the existence of parallel communities leading separate lives (see Home Office, *Community Cohesion: A Report of the Independent Review Team Chaired by Ted Cattle* (London: HMSO, 2001)). This idea has been challenged, however: see L. Simpson, 'Statistics of Racial Segregation: Measures, Evidence and Policy', *Urban Studies*, Vol. 41, 2004, 661-681.

³⁶ Cattle, *Community Cohesion*, p. 58.

³⁷ T. Modood, *Multiculturalism: A Civic Idea* (Cambridge: Polity, 2007), p. 48. If members of the majority cultural or ethnic group are under a duty to integrate, then it may bear upon them in a rather different way to immigrants. Even if a duty to learn the language of the state does not affect them directly, they may be under a duty that bears upon their choice of schools: for example, their duty to integrate may imply a duty to send their children to schools in which they will encounter children from other cultural or ethnic groups, perhaps with different religious identities. See A. Mason, *Living Together as Equals: The Demands of Citizenship* (Oxford: Oxford University Press, 2012), p. 177.

³⁸ See Laegaard, 'Immigration, social cohesion, and naturalization'

³⁹ As the reviewers for the paper pointed out, a status that has been conferred as a result of an achievement may be regarded as better than one that is unearned. For example, titles awarded to sporting heroes may be regarded as superior to those that are merely inherited.

⁴⁰ Cf. C. Joppke, 'How liberal are citizenship tests?', in Baubock and Joppke (eds), 'How Liberal Are Citizenship Tests', p. 2; Miller, 'Immigrants, Nations and Citizenship', pp. 384-385.

⁴¹ One way of proceeding here would be to insist that if there is to be any testing of values, and subsequent exclusion on the basis that the applicant has illiberal values or values incompatible with the national identity, it should occur at the point of admission and before the granting of a right of long-term residence. This might still be regarded as unjust, for example, by those who think there is a

right of free movement across the globe. The issue of whether states have a right to exclude, and if so, for what reasons, is beyond the scope of this paper. It is worth noting, however, that if there is a right of global free movement, then we are faced with the possibility that the exercise of this right might undermine the conditions for a reasonably just society within particular states, creating an analogous conflict at the point of admission.

⁴² See van Oers, 'Citizenship Tests in the Netherlands, Germany and the UK', section 2.1, pp. 53-58; Etzioni, 'Citizenship Tests: A Comparative, Communitarian Perspective', pp. 358-360; A. Etzioni, 'Citizenship in a Communitarian Perspective', *Ethnicities*, Vol. 11, 2011, pp. 344-45.

⁴³ Although this paper does not presuppose any particular normative theory of citizenship; I offer an account in my *Living Together as Equals*.