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## Dispossessing the private sphere? Civic integration policies and colonial legacies.

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### Introduction

In a recent article on sectarian conflict and family law in Egypt, Saba Mahmood questions some well-rooted assumptions regarding the genealogy of family codes in post-colonial settings (in the Middle-East in particular). According to Mahmood, the persistence of religious-based family law in countries with majoritarian Muslim populations has been considered mostly a sign of these populations' backwardness and incomplete secularization, as well as the result of colonial policies' incapacity to interfere "in the religious affairs of colonized peoples".<sup>1</sup> Yet, she continues, these assumptions are fundamentally flawed. Indeed, it was precisely under colonization that religion, family issues and sexuality were relegated by colonial powers in the private sphere. "The privatization of these aspects of social life (...) [meant that] they came to be increasingly regulated by the centralized state and its various political rationalities (no longer administered by local muftis, qadis, customary norms, and parochial moral knowledges)".<sup>2</sup> In other words, under the modern colonial state, family law became "one of the techniques of modern governance and sexual regulation. Family law as a distinct legal domain is a modern invention that did not exist in its present form in the premodern period".<sup>3</sup>

Muslims' family law has been increasingly under the spotlight in recent years, particularly in the European ex-metropolises. Practices like polygamy and the wearing of veils by Muslim women are considered symbols of entrenched

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<sup>1</sup> Mahmood 2012, p. 57.

<sup>2</sup> Ibid, p. 58.

<sup>3</sup> Ibid, p. 58.

patriarchy and lack of modernization, as well as remnants of regulations regarding women's sexuality in particular that emanate exclusively from religion. In the attempt to eliminate them from public and private life, from the mid-2000s onwards European governments have issued new policies on so-called 'civic integration' specifically addressing the migrant Muslim family. These policies' main aim is to expunge certain practices and 'behaviours' – related to parenting, the sexual division of labour and gender relations – from the private sphere altogether. Under the label of 'civic integration programmes' several countries across Europe have thus implemented regulations that have the explicit goal to subtract Muslim migrant women from the backward worlds in which they are deemed to live; that is, to 'emancipate' them. In France and the Netherlands for instance, new integration rhetorics, materials and courses have been produced with the goal to instruct Muslim migrant women in particular on their 'civil rights' and to promote gender equality above all in the family – considered the locus of misogyny *par excellence*. In France the High Council for Integration (HCI) [*Haut Conseil a l'integration*], considered "the application of the law of nationality in matters of personal status and bilateral agreements"<sup>4</sup> as the most pressing problem for women limiting their rights. The position of the HCI reflects a common trope in Western discussions on legal pluralism and its consequences for minorities and women's rights, one within which gender oppression and gender violence are related to religious law with the effect of producing, as Büchler puts it, "a binary opposition between culture and religion on the one hand and human rights and gender equality on the other".<sup>5</sup> In the Netherlands the right-wing nationalist Minister Rita Verdonk – the main initiator of the civic integration turn in the country – defended the civic integration policies as aimed to protect Dutch progressive norms regarding sexuality and women's rights from backward family values. As Sarah van Walsum aptly noted, "in linking exotic family norms and immigration to formulate a compound threat to the Dutch nation, (...) [Verdonk's] words were in fact strikingly reminiscent (...) of the discourse used in colonial times to distinguish the Dutch, legally defined as 'European', from the 'native' inhabitants of the former Dutch East Indies" (van Walsum 2008: 6).

Taking all this into account, I argue that in focussing upon the family as the site of the privatization of religion and thus of unequal gender relations, and in targeting migrant Muslim women in particular as the main recipients of the new 'civilizing missions', the recent civic integration policies are animated by an older colonial anxiety. Albeit presented as the landmarks of emancipation and integration for Muslim women, these policies in fact re-produce in the context of the metropolises the conditions both for the portrayal of Muslim family law as the exclusive emanation of an ancient backward culture and religion, and for the

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<sup>4</sup> HCI 2003, p. 46.

<sup>5</sup> Büchler, 2012, p. 208.

identification of women as the main victims of gender inequality in their communities.

In order to shed light on these factors, this article firstly, will illustrate the main components of the new civic integration policies in the Netherlands and France highlighting in particular their gender dimensions. By focusing upon such dimensions we will see how the migrant family has become the central target of these new efforts at ‘assimilating’ migrants, particularly women. Secondly, I will disclose the deep-rooted colonial heritage that informs the emphasis upon gender equality and the family in both the French and the Dutch contexts. In particular, I will show how such a colonial heritage is visible precisely in the identification of the private sphere as the last bastion of Muslim migrants’ identity, which therefore must be dispossessed.

### **Civic integration in the Netherlands.**

The Netherlands was the first EU country to pass new regulations on migrants integration known as ‘civic integration policies’, that is, policies that make the granting of a visa to new migrants conditional upon their demonstration of knowledge of the language, history and values of the host country. In December 2005, the Balkenende II cabinet, with right-wing nationalist Rita Verdonk among its ministers, passed a law on Civic Integration Abroad [*Wet inburgering in het buitenland – Wib*] – which came into force in 2006. The new law required migrants seeking to migrate to the Netherlands for family reunification or for religious services to demonstrate a basic knowledge of the Dutch language and of Dutch society prior to their arrival in the country. According to the new provisions, integration became a *pre-condition* for admission into the country, particularly for certain types of migrants. As Bonjour and Lettinga report, in the parliamentary discussions from 2004 onwards, the government referred to certain categories of family migrants as “unfit” for Dutch society. “An important part of these [family migrants] has characteristics that are adverse to a good integration into Dutch society. Most prominent among these (...) is the group of marriage migrants from Turkey and Morocco”.<sup>6</sup> The selective intent of the policies was concretely implemented by making the Civic Integration Abroad test compulsory for all except family members from western nations: EU/EEA citizens, and those from Australia, Canada, Japan, Monaco, New Zealand, South Korea, the United States of America and the Vatican City. Furthermore, family members of persons holding a visa permit for high-skilled workers (‘Blue Card’) were not required to take the exam abroad. In short, the restrictions on family reunification conveyed by these rules did not apply to western nationals, “nor to migrants occupying a privileged

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<sup>6</sup> Bonjour and Lettinga, 2012, p. 269.

position on the transnational labour market”.<sup>7</sup> In January 2007 a new law followed, i.e., the Civic Integration Act [*Wet inburgering – Wi*], regulating the integration procedure upon arrival in the Netherlands. The new law aimed to strengthen the ‘civic integration’ components of the previous 1998 law that had established mandatory participation in language courses for newcomers, but without testing the outcome. Instead, the 2007 law applied a new definition of integration [*inburgering*] in which participation in courses was no longer sufficient; in the new legislation, integration, which is defined as knowledge of Dutch society and language, needs to be demonstrated through an exam result.<sup>8</sup>

The Civic Integration Exam abroad is divided into three parts, aiming at examining knowledge of Dutch society [*Kennis van de Nederlandse Samenleving – KNS*], language skills in spoken Dutch [*Gesproken Nederlands – TGN*], and the understanding of written Dutch [*Geletterdheid en Begrijpend Lezen – GBL*]. In order to pass the pre-integration test abroad, applicants are invited to acquire a self-study kit (which costs 110 Euros), which contains self-study materials aimed at enabling the applicants to familiarize themselves with the exam requirements. Migrants who pass the exam abroad and receive the Provisional Residence Permit [*mvv – machtiging tot voorlopig verblijf*] in their country of origin and then in the Netherlands must pass the Civic Integration Exam in the Netherlands within three-and-a-half years of arrival, in order to obtain a residence permit. The Civic Integration Exam in the Netherlands is compulsory for all foreigners, with exceptions made for minors and the elderly, EU citizens, and people who lived in the Netherlands for eight years or more before the age of sixteen. The Integration Exam consists of two parts, a practical part and a central part. The practical part of the exam evaluates the language skills of the applicant as well as his/her ability to arrange life in the Netherlands.<sup>9</sup> The central part includes an electronic practical

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<sup>7</sup> van Walsum, 2008.

<sup>8</sup> As Kirk explains, “after 1998, the scope of *inburgering* policies were expanded to include resident immigrants, in particular the unemployed and ‘caring parents’ (i.e. mothers). Mothers and clergy (i.e. imams) – who were brought under the *Win* in 2001 – were seen as important target groups because of their role in integrating others. Just as immigrant related policies prior to the 1980s had been different for different ethnic groups, *inburgering* came to mean different things for different social groups: immigrant categorisation was no longer based on ethnicity but on societal function” (Kirk, 2010).

<sup>9</sup> In order to prepare for the final exam migrants have to follow civic integration courses on the Dutch language and Dutch society. This part constitutes half of the content of the course and is common to all applicants. The other half instead is more personalized and consists in choosing a ‘portfolio’, already during registration. There are four portfolios available: work [*Werk*]; education, health, and upbringing [*Onderwijs, gezondheid en opvoeding – OGO*]; societal participation [*Maatschappelijke participatie – MP*]; and entrepreneurship [*ondernemerschap*]. According to Kirk and Suvarieriol (2013), the first two are the most popular.

exam, an oral Dutch-language test and a test for knowledge about Dutch society.<sup>10</sup> The passing of the exam is certified by an integration diploma, which enables the migrant to apply for a permanent residence permit. Unlike in the case of the Civic Integration Exam Abroad, there is no official self-study package for preparing for the civic integration exam, so migrants must rely on one of the many study-kits available on the market at their own expense.

The new civic integration programs have put enormous emphasis upon gender equality, presented as a pillar value of the Dutch social contract. Such emphasis is readily detectable in both the materials used for the Civic Integration Exam Abroad as well as in those used for the exam required within three and a half years of the migrant's acceptance in the country. Concerning the exam abroad, one of the most important documents for the preparation of the exam is the movie 'Going to the Netherlands' [*Naar Nederland*]. The movie is included in the official self-study package with the same title, which migrants abroad must acquire in order to prepare for the exam.<sup>11</sup> 'Going to the Netherlands' deals with different aspects of life in the destination country – history, customs, health, work, children, language and the exam itself – emphasizing quite strongly the difficulties of integrating and, thus, the importance of the migrant's good will.<sup>12</sup> Throughout the movie, mentions of gender equality as a key value of Dutch society are very frequent. For instance, the movie shows topless women sunbathing on Dutch beaches, or pictures of women in bikinis to convey the message that Dutch women enjoy sexual freedom and that nudity is not taboo. In one scene images of a man undertaking domestic chores in the kitchen are accompanied by the narration, "Don't be surprised if you see a man standing at the cooker with an apron on because in many families men and women fulfill the same roles". In another section, the narrator stresses how behaviors that migrants might consider culture-based, like genital mutilations, or private business, like domestic violence, are forbidden by Dutch law and severely sanctioned in the country. But the longest sections of the movie, conveying clear messages addressed to migrant women, concern children, education and work. These sections are designed to convey the message that the best parents, especially mothers, in the Netherlands are those who teach their children that the learning process can be playful and enjoyable. As the

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<sup>10</sup> The electronic practical exam consists of an interview with a computer in which the immigrant is asked questions about Dutch society. Usually it consists of 43 questions that have to be completed in one hour. 73% have to be answered correctly. The civic component of the test is also done through a computer. In 45 minutes applicants are shown a number of short films, after which they have to answer 62% of around 43 questions correctly in order to pass.

<sup>11</sup> Information on the procedure for the examination abroad and the self-study material is available at an apposite website: <http://www.naarnederland.nl/en/the-examination-package> (Last accessed in March 18, 2014).

<sup>12</sup> On these aspects see Suvarierol, 2012.

narrator explicitly says, normal families in the Netherlands are nuclear ones, composed of two parents or sometimes just one, but not enlarged families. Furthermore, the best upbringing comes from a mother – and it is especially mothers who are here addressed – who gets involved in her children’s education by going into the school, engaging in its activities and talking to the teachers. This whole message is conveyed by showing the example of a young mother of Moroccan origin who wears a scarf and organizes play-time in her child’s school. All in all, whereas equality between women and men is foregrounded as an achievement that belongs to the fabric of Dutch society, seemingly in opposition to non-western cultures where it is often explicitly assumed to be neglected, migrant women are also sent contradictory messages in which they are encouraged to be both emancipated and good mothers. Such an ambivalence, as we will see shortly, traverses the whole civic integration program.

In her presentation of the Civic Integration Abroad Act [*Wib*] in 2005, the Minister for Integration and Immigration Rita Verdonk stressed that the primary goal of the law was “the emancipation of women”.<sup>13</sup> This objective had been behind the same minister’s 2003 creation of the Commission for the Participation of Ethnic Minority Women, or PAVEM [*Participatie van Vrouwen uit Etnische Minderheden*], which had the goal of elaborating policies to tackle the alleged “isolated position of women from ethnic minorities” in Dutch society. However, as Kirk notes, “the guiding philosophy behind the efforts of the committee was ‘*If you educate a mother, you educate a family*’”.<sup>14</sup> The main target of the PAVEM, and of the civic integration policies, was in fact migrant and ethnic minority women *qua* mothers. Although the requirements for family reunification set by Dutch law under the Civic Integration Abroad Act [*Wib*], have had as one of their goals reducing the number of family members, most of them women, coming from abroad,<sup>15</sup> the pragmatic approach of the Dutch new provision on integration on incoming migrant women was to target them as key mediators in the integration of the second generations: that is, to teach them how to become good mothers. The gendering of the civic integration turn by means of the targeting of migrant women as mothers had its roots in the conviction that migrant childrens’ poor educational and work outcomes were due to their mothers’ supposedly poor societal integration and Muslim background.<sup>16</sup> By the same token, family members applying for reunification in the Netherlands, had to be obliged to acquire a certain degree of integration, as knowledge of Dutch language and society, in order for the country

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<sup>13</sup> Cit. in Kirk and Suvarierol, 2013, p. 7.

<sup>14</sup> Kirk, 2010, p. 158.

<sup>15</sup> In the 2000s the phenomenon of second-generation Moroccan and Turkish immigrants marrying women from the countries of origin of their parents, rather than Dutch women, was termed “import brides”. These were depicted as arranged marriages, and women were thus portrayed as victims of unwanted unions.

<sup>16</sup> Bonjour and de Hart, 2013.

to avoid importing “bad mothers”.<sup>17</sup> In this way, as Kirk and Suvarieriol note, the “‘culturalization’ of the integration debate resulted in more emphasis being placed on issues in the private realm, such as family, sexuality, dress, and violence against women”.<sup>18</sup>

The focus upon the migrant family and migrant women *qua* mothers as key agents of integration is clear in the integration exam, which migrants must undertake within three years and half from their arrival in the Netherlands. The practical part of the exam is of particular interest here. One of the ways this part can be passed is through evidence collection, that is, through the preparation of a portfolio demonstrating the migrant’s knowledge of the Dutch language and society. Although in principle migrants can choose the subject on which they prepare their portfolio, they are often directed down specific paths during the initial intake meeting at the municipality where they are assigned for their exam.<sup>19</sup> Interestingly, the portfolio “Education, Health and Parenting”, or OGO [*Onderwijs, Gezondheid en Opvoeding*], which covers topics illustrating good parenting models and requires the collection of documents demonstrating the fulfilment of good parenting tasks, is attended mostly by women. “As such, not only are the OGO tasks defined as women’s tasks, but the contents of this portfolio mainly prepares migrant women to assume roles as mothers”.<sup>20</sup> In the practical civic integration exam [*Electronisch Praktijk Examen, EPE*] many of the same themes concerning good parenting are repeated and visually represented by women, thereby supporting the idea that parenting is, in the end, women’s job. As Kirk rightly emphasized, ultimately the emancipation of migrant women, “is understood as a means to improve the socio-economic performance of second generation immigrants through educated mothering and a way to ameliorate social decay in migrant neighborhoods through women’s participation in civil society. Women are thus addressed as mothers (...) not as individual political and social actors. The quality of a woman’s citizenship is largely determined by her performance as a parent and as a neighbor, while that of her husband is measured by his labor market participation”.<sup>21</sup> Though presented as a tool to promote the equality between women and men and the emancipation of migrant women, the Dutch civic integration infrastructure in fact supports a traditional and rather unequal idea of the sexual division of labor and, ultimately, womanhood.

### **Civic integration in France.**

As in the Netherlands, in France too with the adoption in 2006 of a new law

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<sup>17</sup> Bonjour and de Hart, 2013.

<sup>18</sup> Kirk and Suvarieriol, 2013, p. 8.

<sup>19</sup> Kirk and Suvarieriol, 2013.

<sup>20</sup> Kirk and Suvarieriol 2013, p. 24.

<sup>21</sup> Kirk, 2010, p. 15. Van Den Berg and Duyvendak, 2012.

on immigration and integration,<sup>22</sup> demonstration of mastery of French and knowledge of the country's history, institutions and values has become mandatory for acquiring legal residence in the country. The new law, proposed by the then Minister of Interior Nicolas Sarkozy (UMP), sought to redesign French legislation concerning immigration and integration in three directions: (a) to adopt the strategy of “chosen, or selective immigration” [*immigration choisie*] as opposed to “inflicted immigration” [*immigration subie*] and to favour the entry of high-skilled migrants; (b) to promote mandatory “republican integration” [*intégration républicaine*] for potential long-term residents through the establishment of the Contract for Reception and Integration [*Contrat d'Accueil et d'Intégration – CAI*]; (c) to adopt the strategy of co-development to achieve ‘true partnership’ with the countries of origin in migration management. This law was followed in November 2007,<sup>23</sup> by two new provisions: the first establishes an integration contract for the family within the framework of family reunification [*Contract d'Accueil et d'Integration pour la Famille – CAIF*], and the second introduces mandatory civic integration in the country of origin for family members seeking to join their relatives in France.

The main novelty introduced by the 2006 law is the mandatory signing of the Contract of Reception and Integration [*Contrat d'Accueil et d'Intégration - CAI*]. Already established in 2003 on a voluntary basis, since 2006 third-country nationals who intend to settle in France have to sign a contract with the state in order to obtain legal residency for up to four years before they can be granted permanent residence and become candidates for naturalization. The contract applies to all foreigners with the exception of nationals of European Union states, of the European Economic Area and of the Swiss Confederation; of foreigners who have been educated for at least three years in a French secondary education institution overseas; and of foreigners between the age of sixteen and eighteen born in France to foreign parents who already live in France, or whose stable residence has been in France for at least five years since the age of eleven. Since 2007 the signing of the CAI has been preceded by civic integration evaluation in the country of origin. The civic integration abroad evaluation applies only to family members seeking to join their spouses, partners or parents living in France for at least one year. It consists of an assessment of their language skills and knowledge of republican values. If their language skills are deemed insufficient, the applicant is obliged to attend language courses, provided by the French state for free. Since 2007, if the applicant is a spouse and a parent, as well as the CAI both family members have had to sign a contract designed specifically for parents [*Contract*

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<sup>22</sup> Law N. 2006-911 of 24 July 2006. The text of the law is available at: <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000266495&dateTexte=&categorieLien=id> (Last accessed March 18, 2014).

<sup>23</sup> Law N. 2007-1631, of 20 November 2007 on immigration, integration and asylum, J.O. N. 270.



*d'Accueil et d'Integration pour la Famille* – CAIF]. By signing it they commit to attend a one-day training session concerning the rights and duties of parenthood in France.

The emphasis upon gender equality as a key component of migrants' integration in the country was a very foundational moment of the design of the whole civic integration project from the outset. The idea of establishing integration as a 'contractual obligation' for migrants indeed became operative after the release of the report entitled 'The Contract and Integration' [*Le contrat et l'intégration*], which was prepared by the High Council for Integration – HCI [*Haut Conseil à l'intégration*] in 2003.<sup>24</sup> Crucially, in the report the HCI addressed mainly the youth from 'difficult neighborhoods' and women with an immigrant background as the priority targets of the contract of integration. Although the HCI, unlike the PAVEM in the Netherlands, was not established specifically to address migrant women's issues, the working group that elaborated the long section on gender equality was composed mostly of women. Furthermore, the president of the HCI in that year was the well-known female philosopher Blandine Kriegel, an advisor to Jacques Chirac and strong advocate of the French secularist feminist tradition. The prominence assigned to the issue of migrant women's rights in the context of the development of the guidelines on the contract of integration was partly the result of the feminization of the issue of migrants' integration dating from the 1989 headscarf controversy; but it also sprung from the mobilization of the French state feminist apparatus that from the 1990s onwards endorsed the cause of secularism as the most important antidote against what they regarded as the rise of religious fundamentalism and the consequent oppression of (Muslim) women. Throughout the HCI report, the problems of integrating women from a migration background [*femmes issues de l'immigration*] were mainly identified with their lack of access to, or knowledge of, their civil rights in relation to issues such as forced marriages, polygamy and genital mutilations. Migrant women's rights were thus strongly affirmed in opposition to a stereotypical image of Muslim women in particular as victims of gender-based violence stemming from their religious or cultural affiliations, as well as from their oppressive family life.

As article 5 of the 2006 Law reads, "Civic education includes a presentation of French institutions and values of the Republic, including equality between men and women and secularism".<sup>25</sup> Gender equality is thus given a prominent role as a pillar of France, alongside and even listed before what has been defined the quintessential value of the French Republic, namely secularism [*laïcité*]. As aptly noted by Eric Fassin, "It is no longer about equality between races, nor between

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<sup>24</sup> Lochak, 2006, p. 7.

<sup>25</sup> Law N. 2006-911 of 24 July 2006. The text of the law is available at: <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000266495&dateTexte=&categorieLien=id> (Last accessed March 18, 2014).

classes: republican equality has become equality between the sexes”.<sup>26</sup> Accordingly, the whole integration infrastructure, from the introductory meeting to the civic integration session, repeatedly and explicitly mentions equality between women and men as a key value of French society and also implicitly conveys messages with strong gender dimensions. The integration materials available to migrants are mainly of two types: a booklet with a range of general information on how to carry on life in France and a video, which is shown to newcomers during the introductory session.

The booklet entitled ‘Living in France’ [*Vivre en France*], which constituted the basis for the civic session, includes everything that migrants are expected to follow as part of their contractual obligations. Divided into seven main parts (France; work; family; school; health; social life; practical life), equality between men and women [*l'égalité hommes et femmes*] appears in the very first part on the institutions of France, right after the introductory section recalling the French revolution and the Declaration of the Rights of Man and the Citizen. However, a specific interpretation of gender equality emerges from the section devoted to this topic. Gender equality is, in fact, mentioned mainly in reference to the family. Husband and wife are equal, as the booklet recites, and take important decisions as equal partners. For instance, even when the woman does not work, she signs the couple’s tax declaration and she does not need her husband’s authorization to work or to open a bank account. The booklet also refers to parents’ joint authority over children and to their joint role in deciding about their education. The other parts of the section refer to freedom of marriage and state that forced marriage and polygamy are illegal in France. The section concludes with the following warning: “In general, remember that housing conditions and resources of polygamous families in France are not conducive to good integration in particular for children”.<sup>27</sup> The short video ‘Living Together in France’ [*Vivre Ensemble, en France*], which newcomers must view during the introductory meeting, mainly repeats the booklet’s contents regarding gender equality in the family. Images of French women being occupied in jobs that were traditionally male (the bus driver, the member of parliament and so forth) here function as a contrasting background.

Civic integration policies in France targeted especially family members, who constituted 50% of migrants who were granted a residence permit up until 2005.<sup>28</sup> Therefore, like in the Netherlands, whereas the tightening of the criteria for entry must be read in light of the new discourse on immigration established by right-wing governments in the 2000s (one which aimed to stop ‘inflicted immigration’ [*immigration subie*] and to give priority to ‘chosen immigration’ [*immigration choisie*]), the main goal behind the establishment of new policies for integrating

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<sup>26</sup> Fassin, 2006, p. 128.

<sup>27</sup> ANAEM, 2007.

<sup>28</sup> Chou and Baygert 2007.

those who were allowed to enter the country was to turn them into emancipated women but also, good mothers.<sup>29</sup> As I noted above, the Contract for Reception and Integration – CAI [*Contrat d’Accueil et d’Intégration*] was followed in 2007 by the establishment of an integration contract for the family within the framework of family reunification, or CAIF [*Contract d’Accueil et d’Intégration pour la Famille*]. Those signing the latter must attend the one-day course on the rights and duties of parents; failure to do so can be sanctioned with the cessation of family social benefits [*allocations familiales*] and could lead to a refusal to renew their temporary visa [*carte de séjour*], or to grant their residence permit [*carte de resident*] and even to expulsion from the country.<sup>30</sup> As in the Netherlands, in France, too, the increasing focus upon the family as the central unit of integration stems from the idea, particularly promoted in the 2000s by the right-wing, that the

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<sup>29</sup> Unlike in the Netherlands, however, training sessions and courses are provided to migrants for free and the residence permit is issued on the basis of signing of the contract and attending the courses and sessions, rather than through an evaluative exam. Non-attendance or non-compliance with the contractual obligations (attending the sessions and, if needed, the language course) can lead to the termination of the contract and to sanctions including the migrant not being granted a permanent residence permit, or the non-renewal of the temporary permit and hence expulsion from the country. During my participant observation at the Paris OFII office in Rue de la Roquette (March 2013), I was able to witness the functioning of the CAI. The contract is presented to immigrants during a half-day session which is held in one of the OFII offices. During the session, migrants are informed about the purpose of the CAI and the half-day schedule, and shown a video about French values and lifestyle, “Living Together in France” [*Vivre ensemble en France*]. After the video, a meeting takes place in which each migrant individually receives further information on the contract, his/her language skills are evaluated through a 15-minute multiple-choice exam, his/her needs are assessed in terms of skills and employability, he/she is informed about the dates of the courses and sessions (language courses, if applicable, a civic session and a session on life in France). Signing the contract binds the migrant to respect the fundamental values of French society and to attend the language course and the sessions. While the civic training course lasts six hours and consists of a presentation regarding French institutions and values, the session concerning life in France has the objective of equipping the CAI signatory with ‘sufficient knowledge’ of practical life in terms of access to authorities and services, particularly training, employment, housing, health, education and community life. Attendance at both civic training and the session about life in France is confirmed by means of attendance certificates released by the OFII. At the end of the duration period of the CAI, the OFII issues a certificate attesting to compliance or non-compliance with the CAI requirements, including evaluation and grades. The certificate is sent to the prefect of the signatory migrant’s place of residence.

<sup>30</sup> In France, the immigrant family was initially the only target of the reception platforms [*plates-formes d’accueil*] developed in the 1990s. As I show, it is now the object of a specific contractual formula (CAIF).

failures of ‘multiculturalism’ began in the deviant migrant family.<sup>31</sup> The 2005 riots for instance, which were invoked as one of the main indicators of problems in the integration of second and third-generation migrants in French society, were explained by way of the lack of discipline or clear parental roles in migrants’ polygamous anomic families.<sup>32</sup> Once again thus, migrant women in particular are targeted in their role as mothers, or cultural reproducers of the future generations. As could be read on the website of the Ministry of the Interior, “Women play an essential role within the process of integration, especially of their families and children”.<sup>33</sup> Yet, the centrality attributed to mothers and their role in the integration of children, and the portrayal of integration as an opportunity for them and the family, is not without strong ambiguities. Whereas migrant mothers, particularly Muslims, are called upon to take responsibility for the integration of their children, French schools have also become fortresses that are not accessible to many of them, unless they accept to also be ‘like French women’. One of the consequences of the 2004 Law banning religious symbols from public schools (read: headscarves) has been that of turning the school premises into spaces from which migrant Muslim mothers in particular are not welcome. All across France there have been numerous cases of veiled women – sometimes of French nationality – who were not allowed to enter schools because of their clothing. The gender equality rhetoric that informs the civic integration process in France is thus traversed by deep contradictions: on the one hand, migrant women are strongly encouraged to liberate themselves from patriarchal cultures seemingly preventing them from knowing their civil rights; on the other hand, they are invited to be good mothers, whereby ‘good motherhood’ means conforming to strictly sanctioned models of French parenthood and, above all, womanhood.

### **Resurrecting the colonial civilizing missions.**

Excellent contributions have already pointed to the ‘assimilationist’ intentions of civic integration policies, especially in relation to the theme of sexuality and women’s rights.<sup>34</sup> It is this theme in particular that has come to

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<sup>31</sup> Bonjour and de Hart, 2013.

<sup>32</sup> See article by Elaine Sciolino in the New York Times reporting on the numerous cases of government representatives citing polygamy as a cause of the French riots of 2005. Available at: [http://www.nytimes.com/2005/11/17/international/europe/17cnd-france.html?\\_r=0](http://www.nytimes.com/2005/11/17/international/europe/17cnd-france.html?_r=0) (Last accessed March 20, 2014).

<sup>33</sup> See the website of the French Ministry of the Interior: <http://www.immigration.interieur.gouv.fr/Accueil-et-accompagnement/Les-femmes-immigrees/La-politique-d-integration-des-femmes-immigrees> (Last accessed March 20, 2014).

<sup>34</sup> See in particular Ticktin’s article on the deployment of women’s rights against migrant communities in France. Ticktin documents the contradictions of the French legislative

precipitate the “thick public moral” – as Spijkerboer called it – which immigrants are not simply expected to know but also to share.<sup>35</sup> Furthermore, we should note that the images of gender equality conveyed in these materials are built upon and predicated on the basis of highly derogatory images of non-western, Muslim immigrants’ cultural practices, particularly Muslim practices, thereby essentializing culture, victimizing women and putting forward the value of gender equality not simply as information that immigrants are required to be acquainted with, but as an instance of universal human rights that they must respect and to which they must pledge allegiance. Whereas the language of contractualization, as in France, or examination, as in the Netherlands, might be designed to speak according to a juridical and civic register, asking for mere civic respect and not love for the nation, the political language that has pushed these policies forward not only explicitly demands love,<sup>36</sup> but is also strongly marked by “ideological culturalization” that endorses assimilation as the primary requirement for successful integration.<sup>37</sup>

This notwithstanding, I would like to take this critique a step further and argue that not only are these policies vectors of strong normative injunctions, but also that their normative side is further revealing of a nationalist and racist repertoire, which can be traced back to a colonial legacy. As I illustrated in both the French and the Dutch cases the content of the integration material regarding gender equality and women’s rights focuses above all on the family. In France such a focus was strongly advocated by the High Council for Integration (HCI) in its 2003 report entitled ‘The Contract and Integration’ [*Le Contrat et l’Integration*], which provided the guidelines for the implementation of the integration contract (CAI). In a long section on the rights of migrant women, the HCI stated that its main objective was to advise the legislature on how to enhance these women’s civil rights in particular, namely those “rules concerning the person (personality, status, capacity), goods (property, ownership and transfer of property), family (birth,

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framework in matters of gender violence and gender discrimination in the case of migrant women: she thus argues that, while tolerating the permanence of legal pluralism so that non-French women are still subjected to their (often discriminatory) nationality laws on issues such as marriage, divorce and parental responsibility, the French state hypocritically claims to pursue the rescue of migrant women when it serves its xenophobic agenda. Ticktin 2008.

<sup>35</sup> Spijkerboer, 2007; Kirk, 2010.

<sup>36</sup> In 2006 when he was Minister of Interior in de Villepin’s government, Nicholas Sarkozy declared: “The first of migrants’ duty is to love the country that welcomes them, and to respect its values and its laws. Otherwise, they are not obliged to stay!”

See article in Liberation. Available at: <http://www.liberation.fr/politiques/010146981-sarkozy-s-adresse-a-nos-compatriotes> (Last accessed March 20, 2014).

<sup>37</sup> Alaoui, 2012.

marriage, patrimonial rights of the family)”.<sup>38</sup> According to the HCI, one of the most pressing problems that migrant women face in France is the fact that,

the application of the law of nationality in matters of personal status and bilateral agreements *limit women's rights*. The concept of ‘personal status’ [*statut personnel*] established by private international law is that the person’s status cannot change even though s/he moves from one country to another. (...) This rule, designed to facilitate the return to the country of origin, is problematic when applied to persons permanently settled in the country of immigration, or who have acquired citizenship and do not want to return to their country of origin.<sup>39</sup>

For the HCI this is particularly concerning because “the conception of personal status is profoundly different in Muslim countries as compared to that of the French legal framework [*droit*]: being of religious inspiration, its content is more extensive in Muslim legislation [*droit*]”.<sup>40</sup> The “conflict between foreign family law, the international agreement signed by France and the fundamental values of the Republic”, affects women in particular. That is because, “women are placed at the heart of cultural conflicts that they have to take on and overcome in order to achieve successful integration into French society”.<sup>41</sup> On this basis, the HCI recommended, first, to privilege the law of residence [*loi du domicile*] over the law of nationality for immigrants who reside in France on a stable basis; second, it advised that the issue of women’s civil rights be assigned sufficient space in the contract of integration as to raise women’s awareness of their rights.

The position of the HCI has had the result of producing “a binary opposition between culture and religion on the one hand and human rights and gender equality on the other, thereby positing culture and women’s rights as in competition and viewing human rights values and gender equality as external to culture”.<sup>42</sup> Yet, I would like to propose that the centrality of family norms and women’s civil rights should be also read in light of the colonial legacy that strongly, albeit implicitly, marks the representations of migrant women present in the civic integration materials. As Andrez and Spire explain, the conception behind the issue of personal status in France is strongly related to its colonial history.

A protective factor for emigrants leaving to conquer distant lands, ‘personal status’ has become at the same time an issue strongly marked

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<sup>38</sup> HCI 2003, p. 43.

<sup>39</sup> HCI 2003, p. 46.

<sup>40</sup> HCI 2003, p. 46.

<sup>41</sup> HCI 2003, p. 45.

<sup>42</sup> Büchler, 2012, p. 208. On the invocation of culture to account for violence in the case of non-western women see also the excellent article by Leti Volpp (2001).

by colonial law. (...) The exclusion of colonized peoples from French citizenship resulted in their retention of the personal religious status to which they were subjected. (...) In the first years of colonization in Algeria, in 1830, the native Algerians were not subjected to the civil code and maintained their personal religious Muslim status (...) Under colonial rule, there was therefore legal dualism but according to a hierarchy unfavorable to personal status. The colonized certainly did have the possibility to have access to French citizenship, but s/he had first to renounce his/her Muslim personal status before engaging in a process of naturalization that was rarely successful.<sup>43</sup>

The attempt to put an end to the persistence of Muslim personal religious status in Algeria developed in the late 1950s as part of the ‘emancipation strategy’, when a range of initiatives were taken with the intention of extending legal rights and of ‘liberating’ Muslim women. The initiatives undertaken under the ‘emancipation strategy’ included the “unveiling campaigns, mobile female medical teams in the rural zones (EMSI), improved access to schooling and youth training, joint European-Muslim women’s circles, extension of the vote, *and a new family law*”.<sup>44</sup> The colonial attempt to impose a new family law to regulate the personal status, therefore, was a crucial part of the propaganda machine that legitimated “the civilizing mission through a catalogue of supposed barbarism, violence and oppression inflicted on Muslim women”.<sup>45</sup> Not unlike the recent ban of the Muslim headscarf from French public schools, whose fundamental racism has been traced back to its colonial legacy,<sup>46</sup> I contend thus that the fixation on family norms as evident in integration policies is animated by a similar colonial anxiety. (on the “anxieties of presence and appropriation” in the U.S. settler colonial context in relation to processes of indigenous dispossession see Alyosha Goldstein’s essay in this volume). In the Netherlands, where the interpellatory character of the contract is substituted by the logic of assessment of the integration exam, the theme of women’s rights and gender equality is evoked both through the explicit depiction of Muslim women as victims of (Islamic) religious based violence and through their identification as potential agents of integration once they are moulded into properly Dutch mothers.<sup>47</sup> Yet it should be emphasized that the moulding process which women in particular are required to go through regarding mothering applies to those women who have already gone through a selection process in the country of origin, namely through the compulsory language and civic integration exam abroad. As a matter of fact, this policy targets mostly people applying for the

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<sup>43</sup> Andrez and Spire, 2001. Available at: <http://www.gisti.org/doc/plein-droit/51/statut.html>

<sup>44</sup> MacMaster, 2007, 94, my emphasis.

<sup>45</sup> MacMaster, 2007, p. 106.

<sup>46</sup> Scott, 2007; Delphy, 2008.

<sup>47</sup> Roggeband, 2010.

purpose of family reunification as the spouse, partner, parent or child of a person who resides in the Netherlands, whereby the majority of applicants are women. Furthermore, they apply only to applicants from 'non-western' countries, who are not following a high-skilled labor migrant and who are sponsored by a family member in the Netherlands who has sufficient long-term means of support.

Commenting on these policies, Sarah van Walsum recalled the words of the right-wing nationalist Minister Rita Verdonk – the main initiator of the civic integration turn in the country – who advertized these policies as aimed at defending Dutch progressive norms regarding sexuality and women's rights from backward family values.<sup>48</sup> As van Walsum puts it, "in linking exotic family norms and immigration to formulate a compound threat to the Dutch nation, Minister Verdonk gave vent to anxieties whose roots ran deeper than the above named moments of religiously inspired violence could account for. Her words were in fact strikingly reminiscent (...) of the discourse used in colonial times to distinguish the Dutch, legally defined as 'European', from the 'native' inhabitants of the former Dutch East Indies".<sup>49</sup> Van Walsum's compelling analysis shows in particular that precisely now that Dutch family norms are very different from what they used to be during colonial times, Dutch immigration policies are, conversely, justified in terms that closely recall those times.<sup>50</sup> This element is detectable in the fact that: the granting of visas as well as access to Dutch citizenship are regulated through the application of national (racial), moral (sexual) and economic (class) criteria that strongly evoke the "colonial technology of race"<sup>51</sup> that was used in the Dutch colonies to distinguish colonizers from colonized, the members of the Dutch imagined community from the aliens.

### **Dispossessing the private sphere? Concluding notes.**

Certainly, the colonial register that clearly marks the French and Dutch integration presuppositions and materials, particularly when it comes to regulating the Muslim migrant family and women's rights, is informed by a strong nationalist and arguably racist agenda. Taking its lead from discourses and policies concretely

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<sup>48</sup> In Rita Verdonk's words: "Failed integration can lead to marginalisation and segregation as a result of which people can turn their back on society and fall back on antiquated norms and values, making them susceptible to the influence of a small group inclined to extremism and terrorism ... Ongoing radicalization implies the real risk that non-integrated aliens will take an anti-western stance and will assail fundamental values and norms generally accepted in western Society such as equality of men and women, non-discrimination of homosexuals and freedom of expression" (quoted in van Walsum, 2008, p. 6).

<sup>49</sup> van Walsum, 2008, p. 6.

<sup>50</sup> Van Walsum, 2008, p. 7.

<sup>51</sup> Stoler, 1995.



elaborated during colonial times, the attempt to ‘normalize’ the Muslim family and to turn Muslim women into ‘emancipated’ subjects is in fact strictly tied to fundamentally racist conceptions of the Other as the uncivilized, whose admission into the club of the (western) Europeans lies in his (and particularly) her acceptance of the rules and customs of the allegedly more civilized nations.

Under the assumption that Muslims’ family law and personal status are direct expression of the will of monopolisation of the private sphere by religion, the new civic integration policies’ focus upon the migrant Muslim family can be seen as the Dutch and French governments’ attempt to eliminate them through injunctions requiring migrant women to emancipate. The private sphere thus becomes the battlefield of the so-called clash between cultures; but also, it becomes the privileged terrain for a process of dispossession of migrants’ identity and values and re-colonisation in the changed context of European societies.

Family codes and personal status themselves, however, are the complex result of the colonial efforts at privatizing religion. In the case of the law on personal status in France, for instance, migrants’ family codes were the result of the French colonial attempt at clearly demarcating French citizens from indigenous colonial populations requesting the latter to pledge allegiance to the French nation in order for them to enjoy its same civil rights in the private sphere.

Furthermore, albeit presented as measures aiming to ‘emancipate’ Muslim migrant women from backward religious customs that relegate them in the role of wives and subaltern subjects, civic integration policies have *de facto* confined these women into the equally restrictive role of mothers. Muslim migrant women are thus required to be the bearers of the collective that ‘hosts’ them, to become cultural, if not immediately biological, reproducers of the European nations. Civic integration is thus simultaneously a process of dispossession, de-nationalization and re-nationalization, the way to divert Muslim migrant women’s loyalty from the non-western nation of origin to the western nation of destination.

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