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**Does the Naturalization Program undermine Democracy?  
The Danish Naturalization Requirements in light of Habermas' Theory of  
Democracy<sup>1</sup>**

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**Abstract**

The strict Danish naturalization requirements are analyzed in the light of Jürgen Habermas' definition of 'democratic autonomy' as a central democratic virtue, the development of which depends on the forms of recognition of the environment. The democratic angle of the naturalization program as a whole, and the language theory in particular, represents a gap in the research. The analysis of the mismatch between ends and means draws attention to an alternative naturalization program based on Habermas' basic ideas.

**Keywords**

Critical Policy Analysis, Jürgen Habermas, Naturalization Policy, Denmark, Democratic Theory, Political Socialization.

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<sup>1</sup> This is a translation of Simon Laumann Jørgensen (2014): "Underminerer naturaliseringsprogrammet demokratiet? De danske naturaliseringskrav i lyset af Habermas' demokratiteori". *Politik*, 17(4) pp. 54-65. doi.org/10.7146/politik.v17i4.27598

<sup>2</sup> Thanks for comments in connection with three presentations at Department of Political Science (now Department of Politics and Society) (Aalborg University), at the conference *Facts and Norms* (University of Copenhagen), at the Annual Meeting of the Danish Political Science Association 2013, at the Research Unit for Philosophy of Practice at Aarhus University in 2014, at the Annual Meeting of the Danish Philosophical Society 2014 and from editors and reviewers at the journal *Politics*.

## Introduction

7.3% (approx. 380,000) of Danish citizens are ‘non-citizens’ (IM 2013, 7). They are thus not among the 29% of immigrants or 69% of descendants who have obtained citizenship (IM 2013, 8), but could be among the average 40% of applicants for citizenship who have been rejected since 2002 because they do not meet the requirements for obtaining citizenship by law (naturalization). Denmark is at the forefront among the countries that make the strongest demands on immigrants and descendants who apply for citizenship through naturalization (Joppke 2008, 15f; Joppke 2013; Joppke 2010, 55, 61; Ersbøll 2013). In 2012, only just under 3,000 people were granted citizenship through naturalization on the recommendation of the Danish Parliament’s Citizenship Committee. Without full citizenship, one’s legal, political, identical and socio-economic citizenship is limited. Although the Citizenship Act grants certain social rights, only full citizenship (and the accompanying EU citizenship) gives those social rights a permanent status. Only full citizenship gives the right to voting and standing in parliamentary and EU parliamentary elections, as well as the right to pass on citizenship and the accompanying status to one’s children. In terms of identity, the state expresses reservations despite a declared desire on the part of the citizen, for example, to settle permanently and raise children.

Internationally, states are recognized as having the right to decide who to admit and who to grant citizenship, but what considerations should states make when assessing whether specific immigrants and descendants should be granted full democratic rights (Benhabib 2004; Benhabib 2007, 446; Fine 2010; Miller 1995, 130; Owen 2012; Vink and Bauböck 2013, 6)? The Danish naturalization program must ensure that citizens who obtain citizenship have the understandings, capabilities and emotional dispositions that allow citizenship to be granted without society having to fear for its ability to reproduce itself. A liberal and democratic society can only reproduce itself normatively by reproducing citizens who are equipped to take on the roles that serve normative reproduction (Warren 1995, 194). However, society must not only reproduce itself as a welfare state with active and law-abiding citizens who mutually contribute to the satisfaction of welfare needs. Citizenship provides access to full *democratic* rights. Therefore, the naturalization program must also contribute to the reproduction of democratic dispositions, skills and understandings.

The core question of this article is whether the Danish naturalization program has

unintended consequences that undermine the goal of ensuring that citizens who acquire citizenship through naturalization are competent democratic citizens (Merton 1968; Taylor 1985). The democratic focus is relevant as it is precisely political rights that are withheld, while social rights are gained earlier. Of course, democratic competencies are not the only thing that is tested for. Where a driving test serves simple functions, the citizenship test serves a number of complex functions. At the individual level, there are a number of functional dimensions such as demonstrating compliance with a law-and-order contract, a welfare state contract, a national loyalty contract, and a parenting contract (i.e. the idea that children should be raised with respect to the other contracts). In addition, there are three key dimensions of collective functioning: to limit access to state welfare benefits, to ensure the reproduction of workers collectively, and primarily to connect useful labor with high cognitive capacities permanently to the country. The reproduction perspective is central, as children automatically inherit their parents' citizenship. Nevertheless, the question of whether key democratic competencies are undermined by the strategies to secure the other contracts is significant. That such a tension exists is analyzed by Jürgen Habermas in *The Theory of Communicative Action* as a tension between democracy and the understanding-oriented communicative rationality of the lifeworld (where choices can be defended against criticism from all parties concerned) on the one hand and the systemic imperatives and instrumental demands of the welfare state on the other (Rostbøll 2011, 43).

The focus of the article differs from three major perspectives on immigrants' access to citizenship. The following categorization of the focal points of 1) the border crossing debate, 2) the citizenship debate, and 3) the comparison debate serves to document this gap in the research.

- 1) At the heart of the border crossing debate is the moral question: If people have human rights, how can states reject citizens whose human rights are not guaranteed by another state (Carens 1987; Fine 2010; Lægaard 2012). Are considerations of state capacity building not arbitrary in light of ensuring the minimum of human rights (Miller 2008)? Do the historical and current relations of states not add moral obligations to a liberal immigration policy (Habermas 2005, 116f)?
- 2) The focal points of the citizenship debate are: Is the withholding of citizenship not arbitrary, since political participation is also a human right (Benhabib 2007, 423; Cohen 1999, 254) and guarantees citizens the right to resist arbitrary domination (Fine 2010,

344; Walzer 1983, 52)? Independently of human rights, does it not contradict the democratic ideals of participation to withhold political rights from adult permanent residents (Dahl 1989; Togeby 1999, 136; Owen 2012; Hansen 2010)? When many nationals would fail the naturalization requirements, are the requirements not arbitrary and hypocritical (Benhabib 2002, 424, Joppke 2010, 62), and an expression of an unfair distribution of integration burdens (Læggaard 2010, 465)? Are the unequal demands an expression of discrimination (Offe 2011, 362; Læggaard 2010, 464f)?

- 3) The focal point of the comparison debate is: How can *policy comparisons* via comparative characterization (Vink and Bauböck 2013, 6) qualify the discussion of policy change (Joppke 2013) or policy standstill (Mouritsen 2013; Brubaker 1992)?

This article's examination of the unintended effects of normative goals thus combines elements of the previous two debates' emphasis on normative goals<sup>3</sup> with the empirical focus of the third debate. The normative goal is described through democratic theory linked to considerations of the reproduction of democracy (Vink and Bauböck 2013, 6; cf. Kymlicka 1998). The focus is on both the problematic normative status of naturalization practices and their potentially useful consequences given a democratic-theoretically specified notion of the conditions and requirements of democratic reproduction. The key questions in this perspective are whether the naturalization program contains the *right* and *relevant demands* and whether certain demands undermine democratically relevant capacities.

### **Determining the virtues of democratic citizenship**

Democracy theory must be involved in order to determine the relevant democratic virtues. This must be done in recognition of the fact that our specification of these virtues and their conditions of formation must contain a certain vagueness (Aristotle 2009), and that the theoretical description must be made in the light of a given case and the questions that the case raises (Flyvbjerg 1991). Given that the focus here is on the Danish case, it is central that policies and discourses related to immigration make *autonomy* the central

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<sup>3</sup> Empirical considerations are also included as a normative trade-off category in the so-called indirect discrimination approach (Lippert-Rasmussen 2014, 57) (e.g. assessing the unequal effects of naturalization requirements on Muslims and Christians' opportunities for naturalization (Lippert-Rasmussen 2014, 56)).

democratic virtue (Mouritsen 2013, 100). It is, for example, the intense public attention to whether ‘Muslim’ forms of living together and family life are ‘democratic’ (i.e. promote children’s autonomy) that legitimizes the fact that the so-called *Integration Parameter* asks whether one’s parents have opinions on which party one chooses. Furthermore, in the official declarations on what education children should undergo in primary and lower secondary school, it is stated that children should develop skills for independent and critical understanding of basic norms – including democracy itself. For example, the social studies curriculum states that democracy is not a norm to be submitted to.

As it reads: “Democracy is not a ruling political ideology to which citizens must submit. In democracy [...] the concept of freedom is central. The citizen in a democratic society based on the rule of law has the freedom to develop his or her own personal values within the framework of the law [...]” (Ministry of Education 2009).

However, it is also a central point that the development of autonomy occurs through and by virtue of the community’s substantial recognition of the fellow citizen (Marshall 1992; Honneth 1996; Goul Andersen 2004), and that successful democratic communities are those that manage to frame communicative communities where the individual’s differences are tolerated while maintaining the community (Jacobsen 2004). Noticeable, this focus on citizens’ development of democratic autonomy is not purely an expression of Danish particularism. For Jürgen Habermas, autonomy and democracy are intimately linked, as the legitimacy of laws, as he describes it in *Faktizität und Geltung*, is based on the autonomy of citizens (Rostbøll 2011, 60ff). This is a reciprocal relationship, because on the one hand, for example, the recognition of citizens’ private autonomy through freedom of speech frees “legal persons from moral injunctions” (Habermas 2001, 35), but on the other hand, private autonomy can only be ensured if citizens are able to make “adequate use of their political autonomy” (Habermas 2001, 39).

It is not only theories of democratic education that, like Habermas’, are based on a formal-pragmatic analysis of the universally valid universalizable norms of language (Rostbøll 2011, 29) that highlight the central subjective and social dimensions of autonomy. Indeed, in the theoretical literature on the core democratic virtues, autonomy and civility are precisely the virtues that the state should promote and reproduce in citizens (McKinnon and Hampsher-Monk 2000; Kymlicka 1998; Gutmann 1999; Callan 1997; Reich 2002).

Combined, autonomy becomes more than the ability to separate oneself from the community (Rostbøll 2011, 62). It also becomes an ability to manage one's own life in the light of the common good. Indeed, this ability has always been the central parameter when defending the exclusion of groups from the demos. Although they did not use the concept of autonomy, philosophers from Aristotle to Locke considered children, women, the impoverished and slaves incapable of governing the common life due to their lack of this ability (Held 2006). As more recent thinkers pay attention to the social and societal preconditions of autonomy, the exclusionary power of the virtue of autonomy is weakened, allowing autonomy to become a basic democratic virtue in an *inclusive* democracy that must take responsibility for the development of the virtue (Anderson and Honneth 2005; Raz 1986; Rawls 1971).

The further elaboration of the categories of autonomy and civility is developed in the article through Jürgen Habermas' determinations of autonomy as both a subjective right and a democratic citizenship virtue; attributed to citizens on the basis of democratic norms, while at the same time requiring education (Rostbøll 2011). Since the naturalization program emphasizes education, Habermas' description of the preconditions for developing autonomy and democratic 'civility' provides the background model for the analysis of whether the naturalization program has unintended consequences that may *undermine* the goal of promoting autonomy and democratic civility. Habermas' description of the goals and elements of democratic education is relevant to use as an analytical framework for the assessment of the Danish naturalization program for the following reasons:

- 1) The theory explains the link between citizenship and autonomy by incorporating civility into the concept of autonomy. Democratic citizenship requires an autonomy that is not a self-centered-autonomy, but a citizenship-oriented and community-oriented autonomy, and where the ability to adopt a critical distance to one's own and others' preferences, ideas and interests is only a first step (Habermas 1990). Habermas' notion that communication can develop the individual's autonomy, so that the individual is both independent and respectfully considerate of the ideas and interests of others (McCarthy 1981, 337), is rooted in both Danish educational conceptions from kindergarten to youth education (Honneth 2011; Jacobsen 2004). As Loftager interprets the democratic educational norms of the public primary school, it should:

“contribute to the development of an antiauthoritarian mentality as a citizen rather than as a subject. There must be a training of the courage to “publicly make use of one’s own reason”, which according to the philosopher Kant is the motto of enlightenment. Therefore, schools must contribute to developing the ability to reflect and deliberate, to distance oneself from one’s own immediate interests and preferences” (Loftager 2004, 107).

The idea that it strengthens the democratic process in the short and long term if citizens listen to each other and are also able to change their minds when better arguments are put forward is not only, according to Eriksen’s interpretation of Habermas’ *Faktizität und Geltung*, “at the core of the deliberative conception of democracy” (Eriksen 2009, 763), but finds, as Eriksen (2009, 760) mentions, resonated in 8 national, 13 local and regional public hearings in recent times (cf. Andersen and Hansen 2002). The deliberative ‘Consensus Conferences’ of the Danish Board of Technology can also be mentioned in addition to the influence of Hal Koch and Alf Ross.

Habermas’ conversation-oriented interpretation of the central democratic norms is relevant in a Danish context, as well as the purpose clause of primary and lower secondary schools, as examples of how Habermas’ conversation-oriented interpretation of the central democratic norms is relevant in a Danish context. In the Danish Constitution §56 states that members of parliament are bound solely by their convictions. Jørn Loftager interprets the section as meaning that the members of parliament are only bound by their reason and therefore by their own assessments of arguments put forward in “public reasoning” (Loftager 2004, 14f, 47, 52). In conjunction with other institutionalized deliberative practices, such as the three hearings of bills by the Danish Parliament, this leads Loftager to the conclusion that “the deliberative understanding” is already “present as a practically effective ideal in political life” (Loftager 2004, 29).

- 2) The theory’s focus on reflection on given norms directly confronts the fear that newcomers are unreflective bearers of and unreflectively reproduce conservative and authoritarian cultural forms that are contrary to democracy (cf. Mouritsen 2006). Jon Elster thus criticizes the ideal of rational deliberation exactly because it



supports arguments to exclude citizens who do not want to discuss in the right way (Elster 1986). However, I will later discuss why this is a misreading of Habermas' position. The point is that the choice of Habermas' democratic ideal of a more rational political order based on the institutionalized use of citizens' practical reason should initially appeal to those who fear whether immigrants can lift the burdens of integration by, for example, taking a critical approach to their own culturally inherited norms.

- 3) The theory is unique among theories of democracy, where systematic descriptions of the social and psychological conditions for the development of autonomy are underexposed, in that it addresses the possibilities for normative reproduction of democratic societies (Warren 2007). The approach has *pragmatic equilibrium* in that it develops a coherent response to the normative goals of democracy, the citizen's democratic psychology and socialization (Fung 2007b).

### **Habermas on the central goals of citizenship education**

According to Habermas, a society must worry about the extent to which it facilitates the normative reproduction of competent citizens (McCarthy 1981, 334). Democracy requires that citizens, in the face of obvious and seemingly insurmountable conflicts, apply democratic practices and thus recognize the legitimacy and authority of these practices and their institutions. For Habermas, it is the practical 'discourses' that constitute the central test for the legitimacy of hypothetical norms. These, on the other hand, cannot provide definitive definitions of authoritative norms, and thus there is a continuous need to have citizens who can both assess the quality of norms in the light of citizens' lives and who are able to engage in any discussions about the transformation and political re-institutionalization of these norms.

For discourses to function, citizens must be able to assume a hypothetical attitude towards the facts and norms they orient themselves and act in light of. Furthermore, citizens are required not only to rise above norms and facts, but also to be willing to engage in argumentation in which the validity of normative claims is discussed (Habermas 1990, 125ff). Only by citizens generally possessing such qualities can norms reestablish authority and legitimacy when change is necessary.

Just as given norms have a morally binding force that binds society together, it can

therefore be legitimate for citizens to break with or disagree with the given norms (Habermas 1990, 126, 164). Autonomy becomes key here because, on the one hand, it is linked to the ability of citizens to imagine that social relations could have a different character and that political changes could alter them; and because it enables one to realize the necessity and develop the ability to present one's case in a way that can appeal to the reason of others (Warren 1996, 257).

Autonomy is a social attribute both in its formation and practice, but also in that it combines 'auto' with 'nomos'. It is both a capacity to step out of the self-understanding of given norms and an ability to adhere to norms and make them one's own self-understanding. What is special about Habermas' understanding of autonomy is that he connects this return to social reality with a newfound willingness and ability to justify one's action priorities (Forst 2007).

Autonomy is different from law-abidingness or justified law-abidingness. It is likely that many members of society will be law-abiding without being autonomous. They are either motivated by following society's rules and norms to avoid punishment or to fulfill the role they identify with, which gives their lives meaning and content through the role's interconnectedness with concrete life practices. For the former group, duty is sour, while the burdens of the latter feel easier to bear because these individuals fulfill roles that earn them group recognition, satisfying the group's search for a satisfying identity. Habermas, with reference to Lawrence Kohlberg's ontogenetic stage theory, refers to the first motivation as *pre-conventional* and the second as *conventional*. In both cases, the question of whether the given practice is just is always already answered by the group one is part of (Habermas 1990, 164f). These are both distinct from the *post-conventional* motivation, where the citizen is able to both adopt a hypothetical attitude towards the given norms and conventions and to consider the legitimacy of such norms in light of universal rational principles.

### **Habermas on the formation of autonomy**

How does a person become autonomous (Habermas 1990, 162)? According to Habermas, autonomy and the ability to distinguish between heteronomy and autonomy are developed through social formation processes.<sup>4</sup> Individual development can be categorized through an

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<sup>4</sup> Although Kohlberg theory is an ontogenetic theory, the stages contain common traits that

expansion of the above three forms. Relevant here is that, according to Habermas, the transitions constitute a qualitative shift through which the previous forms of motivation ‘disintegrate’ (Habermas 1990, 165). In light of the autonomy challenge, the crucial shift occurs in the transition to the post-conventional stage. It is only here that it is realized that norms and conventions cannot simply be the given instances that the group has already adopted and that the individual can simply adhere to based on either a selfish calculus of pleasure or a personal desire to develop a satisfying identity. Only then does one realize that conventions, laws, regulations and rules must gain legitimacy through discourse (Habermas 1990, 165). The formation model provides an interpretive framework for what motivates and enables the transitions from one stage to the next.

1) In the first *preconventional* stage, the child is motivated to conform to concrete expectations (McCarthy 1981, 345). Reactions to your actions from others teach you that your actions can *disappoint others*. Through this, your actions and the actions of others become experiences. Through this, you learn that different actors can have *different perspectives*. The central experience gained is to understand what reciprocity is (McCarthy 1981, 349f).

2) In the next stage of development, the transition to the conventional stage is made possible, as you develop an understanding of *yourself as a participant with a specific role* in the group (e.g. in the family), where there are other actors with different roles (McCarthy 1981, 341). The *conventional* stage is essential to eventually transition to the post-conventional stage, as here you become aware of the conflicts between your different roles. It is to be expected that every immigrant has had such experiences. The challenge is to *form an integrated identity* between your different roles, e.g. daughter, friend, sister, athlete and doctor. The conflicts can lead to crises that motivate the individual to start practicing a hypothetical attitude to the given roles. Thus, the individual cannot simply resign themselves to being a role bearer if an integrated identity must be formed. The new hypothetical view of the given roles opens the individual’s eyes to the fact that norms and principles can be pure convention, against which one can be critical (McCarthy 1981, 342). Here, one could imagine that many descendants and immigrants experience challenges.

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don't necessarily belong to childhood.

- 3) Overall, the transitions to conventional and post-conventional are facilitated by the individual's realization that they are subject to a plurality of conflicting expectations, not all of which they can satisfy. To deal with pluralism, the individual must be motivated to recognize general norms (of collective reciprocity) and then general moral principles through which the pressure of expectations can be sorted, interpreted, and mediated.

According to the theory, through crises and their overcoming, it also becomes possible to distinguish between given norms that are only possibly legitimate and more fundamental norms that have the status of more fixed principles. The more fixed principles can be used to assess existing norms (McCarthy 1981, 341f). It therefore becomes possible, already at the conventional stage, to begin to assess given norms based on principles of a more general nature than the norms of the close groups. You learn to refer to the larger group that your family is part of and form an idea of society as such. Actions are justified on the basis that they support the further development of the welfare of the larger group and are imagined to support the welfare of society as a whole. According to the theory, you are not tempted by pure selfishness as in the pre-conventional stage. Or the temptation is met by a moral motivation that tells you that you should primarily try to do your duty to society by, among other things, obeying the laws and following legal regulations (Habermas 1990, 124).

In the post-conventional stage, one realizes that there are often conflicts between different social groups' perceptions of the legitimacy and justification of norms and rules (Habermas 1990, 124). This further develops the ability to adopt both a hypothetical attitude towards the group's given norms, and then to adhere to norms based on general principles. The citizen must not only integrate different roles, but in the face of conflict rank types of justifications for following one norm or another in the light of general principles. The citizen learns to let the more basic general principles prevail over the conventions, habits and social expectations of the group. One is thereby motivated to 'uphold the laws of society even when they conflict with the norms of one's group' (Habermas 1990, 124). This stage is also divided into two stages, the first of which embodies general principles such as the utilitarian principle of novelty maximization, while the next stage enables the

citizen to follow universal human rights principles of respect for the individual as an individual. The sequence of steps also expresses an increasing degree of rationality and autonomy.

### **Language as a form of development**

Habermas further develops Kohlberg's controversial model and seeks to reconstruct its central content based on his own theory of *communicative action*. The idea is that the ontogenetic steps are linked to the interactive and discursive competencies developed through social and linguistic interaction (McCarthy 1981, 339; Warren 2007, 276). In light of this, he adds a further stage to the model, where it is through conversations with stakeholders that individuals develop a critical self-relationship.

For Habermas, autonomy cannot be developed without participation in linguistic interaction (Warren 1995, 174). Autonomy thus depends on the social communicative interaction of individuals (Warren 1995, 176). Thus, insight into the "ontogenesis of basic qualification for social interaction" provides insight into how the hypothetical attitude develops (McCarthy 1981, 336). It is because social interaction contains elements of discourse that individuals slowly acquire discursive skills. Self-understanding is developed by, among other things, telling others about your needs. Through this, one also gains insight into the necessity of being able to justify one's needs to others, and the ability to do so is trained (Warren 1995, 179). Only through the relations of recognition that unfold in linguistic interactions are individuals able to see themselves and others as individuals and actors. By communicating one's needs, one realizes that one's interests and self-understanding may be different from others (Warren 1996, 256). You communicate your needs because you are influenced while trying to influence those you are communicating to. According to Habermas, it is only when those who are influenced communicate that individuals are able to reinterpret their interpretation of their own and others' needs and interests (Habermas 1990, 179). Such articulation of needs is often associated with conflict, but Habermas believes that it is exactly such areas of conflict offer opportunities for self-development (Habermas 1990, 178).

Is autonomy then developed in all types of communicative relationships? Autonomy is primarily developed by actors engaging in shared communicative practices of understanding (Warren 1996, 257f). In a sense, the development of autonomy presupposes

that the individual is recognized as a citizen who has the right to engage in communicative interaction, the purpose of which is to develop mutual understanding and appreciation of reciprocity (Warren 1995, 178). Even the small child recognizes that it has needs of its own and that there are other people who only occasionally respond as desired. Withholding recognition of at least a potential for autonomy will thus be counterproductive. On the other hand, Habermas makes it clear that “members of all cultural groups [...] need to acquire a common political language” (Habermas 2005, 140). This is a common political culture that should ensure that “the citizen nation does not fall apart” (ibid) while at the same time mediating the political integration that should link the constitutional principles of communicative freedom, democratic conflict resolution and the constitutional channeling of power with the citizens’ “motivation and disposition” by stimulating the continued interpretation of the principles (ibid, 111f, 115, 139). Citizens do not need to be able to derive moral norms from universal principles, but they should fundamentally recognize that politics and law should be “reconcilable with morality” (Habermas 2005, 61). They must be able to defend and master living under non-tyrannical institutions that do not impose norms on citizens that they do not accept (Eriksen 2009, 763).

### **Concretization of the research question**

The two democratic virtues of autonomy and civility are linked by Habermas as two dimensions of the democratic capacity for reflective and dialogical analysis of existing norms. Together, the two can be referred to as »democratic autonomy«. In the effort to promote loyalty, law-abidingness, and readiness to produce, there is a risk of downplaying the critical element of the central democratic virtue of democratic autonomy. This may be because it overlooks the fact that democratic autonomy is not incompatible with loyalty, as it can be understood as a reasoned adherence to norms. The citizen with democratic autonomy is thus loyal to legitimate norms. According to autonomy, the rational adherence to legitimate norms does not stem from selfish rationality, but from a dialogical and civil rationality.

Habermas’ determination of what shapes the development of democratic autonomy has as a common feature that individuals’ intersubjective relations of recognition are essential. The question of whether norm-motivating efforts in the naturalization program promote or undermine the critical autonomy and dialogical civility that together constitute

democratic autonomy thus leads to the following sub-question:

- 1) Are there indications that the integration strategies aim for a pre-conventional and conventional moral motivation that does not support the development of democratic autonomy (including critical autonomy and dialogical civility)?
- 2) Are the potential transitions from pre-conventional to conventional and conventional to post-conventional normative justification understimulated by pluralism and in the recognition of expectations or the pluralism of roles in which conflicting norms are denied?
- 3) Are applicants' access to citizenship (and the possibility of improving discursive potential) undermined by withheld recognition of citizens' potential for democratic participation, e.g. because the recognition assessment is primarily aimed at assessing the existence of actual competences of a kind whose importance can be explained by reference to a modern knowledge labor market (concentration and cognitive capacities) rather than democratic participation on the basis of democratic autonomy?

## **Analysis of the Danish naturalization program**

### *1: Overall assessment*

Naturalization required at the time of writing, in addition to being at least 18 years old, that you have demonstrated loyalty and law-abidingness in various ways: 9 years of permanent residence, impunity (including crimes not punishable in Denmark), declaration of allegiance and *loyalty*, and declaration of *integration and active citizenship in Danish society* and then passing a citizenship test. In addition, there is a requirement to not be a financial burden on society (no public debt, financially self-sufficient at the time of application and for half of the previous 5 years).<sup>5</sup> This is an area for continued policy development.<sup>6</sup>

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<sup>5</sup> Already when obtaining a permanent residence permit (i.e. at least 4 years earlier), you must not have received benefits under the Active or Integration Act for the last 3 years; you must have been in full-time employment or education for at least three years within the last five years; and be in employment or education throughout the application phase ([www.NyIDanmark.dk](http://www.NyIDanmark.dk)).

<sup>6</sup> The cultural questions in the citizenship test about HC Andersen's birthplace, the director of Olsen Banden and the year Denmark won the European Football Championship are expected to be toned down in a future revision, while current political questions about the

As a form of recognition, the naturalization program speaks to a combination of pre-conventional and conventional norm-following justification, as the underlying pressure is uncertainty regarding one's social rights if social norms are not respected. The context expresses a distrust-based loyalty check, which does not stimulate the desire for open reflection on given norms. The pressure is expressed when an aspirant for permanent residence knows that getting divorced resets their accrual, while indirect pressure is expressed when a speeding ticket extends the application time by three years.

The Declaration of Active Citizenship, which must be signed for the acquisition of permanent residence, is a standard statement of the values to which one submits in order to obtain a benefit. In this sense, its form is pre-conventional. The parts of the declaration that refer to self-sufficiency and active participation in the labor market and in the social institutions that should influence the upbringing of children could have been formulated in terms of the importance of reciprocity as a condition for securing the socio-economic conditions for autonomy, self-respect and democratic equality. Instead of reciprocity, it is expressed that each individual must decide, based on an individual calculation, whether to accept the statement that citizens and families have a "responsibility to provide for themselves" and that the applicant must work "to become self-sufficient as soon as possible". The same applies to the requirement to sign that you will actively cooperate "with the child's day care center or school" and to a recognition that "active engagement in Danish society is a prerequisite for citizenship" ([www.ams.dk](http://www.ams.dk)). This is about the individual's contract and the individual's responsibility, not about the common norms of reciprocity or the underlying general norms of the requirements.

The problem is that the issue of loyalty is articulated through distrust, which does not require the formation of democratic autonomy. In a declaration of allegiance, you have to state whether you have ever (i.e. even before you came under the law) been convicted, regardless of the size of the fine. If you bluff, you risk having your secure citizenship revoked later, but if you don't bluff, there is no indication of how any misdemeanors will be weighed in your application ([www.nyidanmark.dk](http://www.nyidanmark.dk)).

In addition to not helping to stimulate conventional moral understanding, the contract also

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purpose of the structural reform in 2007, the tasks of the Nordic Council and cultural-political questions about the name of the parliament building are expected to be strengthened.



counteracts the development of post-conventional moral reasoning, as it requires signatures on questions that are intentional in nature, based on a punishment-reward logic. Thus, if the contract is not understood as a note that an integration consultant or school principal can pull out of a drawer when the contract is breached, but rather as a real description of the applicant's internal, cognitive and attitudinal states ('I know', 'I recognize'), then the state enters a territory to which it has no real access (Joppke 2013). From a democratic education perspective, the problem with the Danish strategy is that it maintains and establishes a pre-conventional understanding of society, and that it teaches citizens that it may be more important to tell power what power wants to hear, rather than attempting an understanding-oriented discourse where you put your own considerations on the table (cf. the description of the objectives of democracy education in social studies in primary school).

## *2: Analysis of language test 2*

Naturalization also depends on passing Danish tests 1 and 2. In the following, I focus on the language requirements, as the fact that Denmark has the strictest language tests has only been highlighted in comparative research (Goodman 2010, 18) and because Habermas' theory encourages such a focus. The empirical research material in the following are the exam questions from the summer of 2013. In the following, more attention is paid to sub-question 2. The question is still whether language test 2 promotes or undermines democratic autonomy (sub-question 1), but it is also framed as a question about whether citizenship is withheld (misrecognized) for reasons that cannot be justified by Habermas's strict democratic requirements, and which must therefore be explained by reference to mistrust of loyalty and the desire to recognize and retain only those citizens with the highest labor market potential.

Among the written tests in Danish test 2, there are five reading comprehension tasks and two tests in writing. The first reading comprehension task involves the ability to orient oneself among over 80 difficult street names (Livornovej, Bianco Lunos Sideallé), many of which have old spellings (such as double a Aalekistevej), and the lists are arranged in a way that makes decoding more cognitively demanding than it could have been. In a confusing way (not separated from the name), years are included on one list, and it is indicated in brackets whether it is a part of the street that has changed its name. This is

often done with variations (part of, 64-82, northern part, Sundbyerne, etc.) and abbreviations that are not required by the space available in the text (v. Chr. Havn) and that do not seem to be in accordance with Danish spelling (south of Roskildev.). It is stated that not even the ‘new’ names are new, as they are from 1858, for example, and may have been changed many times since then. It is confusing to call a name from 1858 ‘new’.

This test does not undermine the capacity for democratic participation, but excludes some from citizenship and thus participation in practices that might have stimulated their discursive competencies. At the same time, the test indicates a form of cultural subjugation, where historical cultural ‘understanding’ – regardless of its relevance to one’s political competencies – can be demanded of applicants.

These three factors also apply to the next task, where the focus is not on political relevance and practically relevant language skills either. Again, the focus is on cultural history. This time it’s 20 historical novels. The book *The Night of St. Agatha* states: “Kristoffer the First and Margrete Sambiria – called ‘Sprænghest’ – are crowned king and queen of Denmark, but others claim the throne, and years of violence, murder and civil war follow.” The novel *Ingeborg* is given the following ‘catchy’ description: “Historical novel about the Danish princess Ingeborg (c. 1175-1236), who became queen of France, but fell out of favor with the king and spent twenty years in captivity before Philip August restored her to the throne.” Perhaps these tests are meant to indirectly indicate the applicant’s loyalty to the Danish nation as a historical entity?

The next written assignment does not seem to be characterized by democratic relevance criteria, but rather a strategy of only allowing people with strong cognitive abilities to pass the test. Now you have to show that you can manage 30 bus routes, where the one with the most stops stops at Bording school, Bording Kirkeby, Munklinde, Agerskov, Stubkær, Bording Kirkeby, Bording. If you are worried about whether a new citizen will be able to find their way home, you might instead test whether they would be able to ask an experienced bus driver or chauffeur for advice. The last three tasks demand that you put the right words and sentences into the empty spaces or summarize the content of eight paragraphs. In the two writing assignments, you have to describe a big family celebration in a minimum of 100 words and address the public in writing.

In the oral exams, it’s not just about being able to make yourself understood in democratic dialog. The tests are assessed on whether you can speak coherently and have ‘fluency’

(apparently there is no Danish word for this). It is emphasized that pronunciation is a key element in all parts. In light of the article's framework of understanding, these requirements seem problematic for the reasons mentioned above.

However, the examinee is not only being tested on fluency and pronunciation. In the following, we move on to another type of requirement. In the oral part, you will be assessed on your ability to *justify* attitudes towards living together in large numbers (in families and urban districts) and possibly not helping a younger woman on the street. Sune Lægaard writes that "Often language tests will not involve considerations of value or worth" (Lægaard 2012, 51). In the Danish case, however, one can imagine examinees defending views on family, segregation and male-female relations that are not considered well-founded by the examiner and examinee because the views are controversial. An inability to adopt a higher level of moral justification can thus lead to exclusion from full democratic participation. Thus, it is possible that the views are clearly expressed, but that the views are not considered well-founded.

In their desire to pass the exam, the cunning person will express opinions that they expect the examiner and examiner to find well-founded. An examination that determines one's legal fate is not an open space where one can openly express controversial considerations without far-reaching consequences.

At the time of writing, Danish test 3 did not have to be passed for citizenship, but its content still indicates what content the state considers relevant and non-controversial in a language test. Here, subtest 2 in the written part is about controversial questions about 'public school or free primary school?' and attitudes to upbringing ("Tell us briefly what you think characterizes a good upbringing"). As stated in the Guidelines for censoring and examination the Danish Language Test 2, the grade is given "based on an overall assessment"). The concept of holistic assessment is vague in the context of the test. Is only language assessed or also attitudes?

The analysis of the language requirements nuances Sune Lægaard's classification of language tests as 'active' requirements that do not relate to the applicant's values and moral attitudes (Lægaard 2012, 50f). These are extremely strict ('active') requirements in the written part, but the language part also involves a general assessment of the examinee's ability to justify attitudes. Thus, the requirements place both high cognitive and communicative demands, and it can be difficult for an applicant to hide value-based views

that may be controversial in the eyes of the examiners. Believing it is necessary to hide one's own opinions supports a behavior that does not support the work of justifying one's own views on the basis of real criticism and distancing from the existing norms. Depending on the examinees' trust or distrust of the overall assessment they are subject to, they learn to present the opinions they expect the group's representatives (censor and examiner) to want to hear. This supports pre-conventional and conventional norm following.

## **Conclusion**

In light of Habermas' theory, it can be concluded that the naturalization program in Denmark does not promote democratic autonomy, but rather stimulates pre-conventional and conventional moral reasoning, and that the stringent requirements undermine the ability of a number of citizens to practice their competencies based on a recognition of a potential for democratic autonomy and civility. The transitions from pre-conventional and conventional to post-conventional normative reasoning are restricted, as the pluralism of expectation and norms in society that should stimulate these transitions are *obscured* by the tests, thus limiting applicants' insight into the norm of reciprocity and deeper moral principles. The language test involves both high cognitive demands that are not justified in requirements for learning to understand Danish and non-neutral themes as well as diffuse demands for fluency, whose functional justification can be found in collective functional dimensions rather than in the conditions for democratic participation.

In light of Habermas' approach, it becomes natural that the nationalization program deals with loyalty and that loyalty is in tension with autonomy (Rawls 1971), and that it is therefore not surprising that a similar tension can be traced in the Danish program. On the other hand, Habermas points out that it is the citizen's civility that expresses loyalty, and that this civility is the other side of the critique of given norms. Loyalty is thus not diminished by disagreeing with given norms, but by refusing to *justify* other opinions. However, those who are not immediately able to justify alternative opinions in a generally acceptable way should not be judged as disloyal to society. They should be recognized as having the potential to develop democratic civility. Similarly, those who are at a higher stage and therefore consider lower-order reasons arbitrary (Habermas 1990, 169) must recognize the potential of the other party – for example, by engaging in non-judgmental democratic dialogues with them.

Habermas' approach thus contains arguments for stimulating immigrants' formation of a hypothetical attitude in relation to their own and others' understanding of needs, self and identity as a contrast to communicative practices where this is not learned and stimulated. Habermas believes that the role differentiation of modern society pushes individuals to reorganize their self-understanding so that they can combine roles (Habermas 1990, 125). The idea is that in complex modern societies we seek to hold our multiple identities together and that this requires the development of an ability to relate to one's own identity from the side (Warren 1995, 168f, 177). Immigrants, like everyone else, are part of such identity organizations, although the hypothetical attitude does not fare well in conventional, dogmatic, and ethno-religious groupings where there is fear of group cohesion. The question is, can the hypothetical attitude be stimulated in a way that is not likely to be perceived as an attack? The relationship must include a degree of trust that allows individuals to engage in a shared exchange of reflection on identities and political positions. Habermas contradicts the idea that participation in democracy can only take place when the democratic field has ceased to be a field of power, conflict of interest and unequal relations (Warren 2002, 182). Nor should we assume or expect that actors intend to adopt a hypothetical attitude towards their own interests and position of power and an understanding-oriented attitude towards the views and position of the other party (Warren 1995, 172).

In addition, Habermas subscribes to the instrumentally epistemic argument that the rationality and legitimacy of policy development depends on whether those affected by a decision are consulted in the process. For Habermas, the legitimacy of norms is ultimately based on a democratic principle of all affected. This means for Habermas that a norm is legitimate if all affected who could take part in a practical discourse would recognize the norm as legitimate (Habermas 1990, 121).

To conclude the article, I will outline a proposal for how democratic citizenship virtues could be *developed* in a way that takes into account the fact that citizens can find identity in pre-conventional and conventional moral justification, and will therefore experience the surrender of this identity as a loss. Since the article is driven by the question of whether we are in practice taking a path that undermines the goals of democracy, it is relevant to conclude with a consideration of alternative ways to achieve the *goals* that Habermas is generally agreed to have formulated correctly. What are the possibilities for promoting a

form of democracy that is guided by conversation rather than force or blind consensus (Warren 1995, 194)?

Habermas points out that mechanisms must be established that force the most powerful parties to engage in discourses where they need to “appeal to general or common interests and norms; to appear credible in relation to factual circumstances; and to appear to have made the arguments honestly and in good faith” (Habermas 1990, 183). Power is equalized through *formal* recognition of political identity (Warren 1996, 257f), but must at the same time be supported by institutions that motivate the self-examination of one’s own desires (Warren 1996, 265). Here, representatives of public institutions must take the lead in practicing the virtues (cf. Kymlicka 1998, 187ff).

A number of democracy advocates have further concretized Habermas’ abstract theory of the acquisition of democratic autonomy through *practice*. While the strategy that democracy in the labor market can play a formative role seems utopian (Warren 1996), ‘realistic utopias’ are formulated by democratic theorists who follow Habermas’ ideals despite skepticism about his strategies for the development of post-conventional moral motivation (Munro 2007, 448). Among the realist utopias, so-called *minipublics* play a central role (Warren 2007; Geissel and Newton 2012), and discussions include the possibilities for the formation of discursive skills in such minipublics when citizens’ democratic experiences are in their infancy. Archon Fung points out that such skills can best be developed through iterations and deliberation on communal problems close to the citizens’ life world (Fung 2007a, 169), as common problems give participants epistemic advantages, and repetition provides the opportunity to build knowledge and experience among participants. The point is that actors should experience that democratic conversations can be worth engaging in and take active part in. But how do we get to the point where trust can be based on experience? Warren points out that the type of therapeutic critique that discursive democracy depends on requires actors to trust that their discussions will not have negative consequences for them (Warren 1995, 188). This means that monitoring and facilitation should not take place as an exam situation. New citizens struggling with everyday problems and struggling to integrate different identities benefit from dialogue groups, self-help groups, etc. and dialogue facilitators in such groups can, on the basis of shared support for the democratic goal and strategy, support the trust of the actors by recognizing contributions that attempt to appeal to

the reason of others (Warren 1995, 192). The next step could be to engage new citizens in more binding civic democratic tasks (Warren 1995, 190). In this indirect way, the “political socialization” is stimulated in the form of “assimilation to the way in which citizens’ autonomy is institutionalized in the recipient society”, although according to Habermas, the full socialization can only be expected from the second generation (Habermas 2005 114f). Democratic practices can thus fulfill “socially integrative functions” in the form of “mutual recognition” (Rostbøll 2011, 74f). At the same time, ideally, experiences are made with the pragmatic prerequisites for practices of understanding that are free from external and internal power and with the ideal of taking “equal consideration of the interests of all affected” (Habermas 1997, 59; Rostbøll 2011, 24, 28).

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