IN SEARCH OF COMMON VALUES AMID LARGE-SCALE IMMIGRANT INTEGRATION PRESSURES

Integration Futures Working Group

MIGRATION POLICY INSTITUTE
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EXECUTIVE SUMMARY

Across Europe, increasing diversity within immigrant-receiving societies over the past decade has brought different value systems into close contact—and sometimes conflict. The rapid arrival in 2015–16 of historic numbers of newcomers, a significant share of whom are Muslim, has refocused attention on the rights and obligations of visibly and religiously different members of a society. Images of French police forcing women to remove 'burqinis' on the French Riviera and of national leaders in the Netherlands and Germany (among others) publicly declaring that newcomers should either adapt or leave have reinvigorated long-standing tensions about how to manage difference. Yet governments and communities have found no easy answers when it comes to either identifying and codifying common values—shared beliefs about what is good or bad, desirable or undesirable—or adjudicating differences seen as undermining this shared ethos.

Immigration and social change are often painted as enemies of common values, but it is not always clear exactly which values critics see as under threat. Broadly speaking, values are things to which society assigns importance (everything from work ethic to gender equality to politeness) and that have a normative quality, guiding individual behaviour and shaping rules about how groups live together. Yet liberal democratic values are often conflated with national values, which can obscure bias towards the cultural norms of the majority or make it hard for newcomers to understand the rules by which they are meant to play. For instance, restrictions on Islamic practices may be justified under the principle of separation of church and state, but if majority religious practices are implicitly tolerated while those of the minority are not, this creates a double standard—such as when Christian crosses are allowed to be displayed in schools, but Muslim students are not permitted to wear head coverings. Crucially, immigration is not the only force that causes values to be in flux. It is important for policymakers to understand and communicate to those they serve that values are not fixed; most countries have a long and sometimes messy history of negotiating, adapting, and adjudicating values in response to social change. Indeed, this is one of the hallmarks of liberal democracies.

> *Governments and communities have found no easy answers when it comes to either identifying and codifying common values ... or adjudicating differences.*

Despite this constant evolution and ambiguity in national values, countries across Europe have nonetheless sought to educate newcomers in their national ethos, often as a precondition for membership. This push to define a concrete set of national values has become more pronounced in light of populist backlash and deepening societal polarisation. At the same time, emerging resistance to the top-down imposition of 'elite' values has made it harder than ever for newcomers to adapt to shifting expectations. Against this backdrop, policies and initiatives have emerged that aim to (1) proactively instil core national values in both newcomers and longer-term residents; and (2) restrict minority practices perceived to conflict with national values or in other ways harm the nation.

A. Defining and instilling national values

European countries have explored a number of approaches to values education. Some have launched exercises to better define national values, ranging from closed-door commissions of experts (e.g., the Committee for the Development of the Dutch Canon in the Netherland) to public crowdsourcing exercises (e.g., a 2016 online survey that asked Danish citizens to vote on the top ten national values). Others, including Germany and the United Kingdom, have used citizenship classes and introduction programmes to promote values. Government-led attempts to define values frequently encounter three major stumbling blocks: (a) they are often presented as an integration exercise and can thus be interpreted as directed towards minorities alone; (b) they tend to

attract groups that are already politically engaged, and their decisions are thus rarely seen as representative of the whole of society; and (c) they frequently result in an idealised representation of the nation that does not match the reality that newcomers observe in daily life, particularly for those who experience discrimination or marginalisation. Governments can boost authenticity by finding ways to support these explorations of shared values, while allowing them to be designed and carried out at the grassroots level.

One of the main questions facing European policymakers is how to define national values in inclusive, nonethnic terms that are nonetheless distinctive and able to inspire passion in members of their societies. Governments must also carefully craft communications to explain values clearly to newcomers, while not oversimplifying them or depicting them as rosy ideals that are rarely attained. Suggesting that values are an all-or-nothing affair—and failing to acknowledge contradictions or violations of values in the native population—can make such projects seem disingenuous. Societies must make a concerted effort to live their values as well as preach them. This means attending to the 'body language' of values policies and initiatives, recognising the messages they send members of the minority as well as the majority, and ensuring they do not stigmatise minority values. More research is needed to understand whether tools such as language and civics requirements are effective agents of integration, or whether they serve more symbolic functions—creating superficial signposts of what is 'right' and 'wrong', while possibly alienating newcomers who do not fit the mould.

B. Restricting or accommodating minority values

Immigrant-receiving societies also face the challenge of managing conflicts over values, whether they emerge over local community disagreements or high-profile national debates. Although many European countries have enacted—or discussed—controversial laws to restrict religious practices, the general legislative picture is more mixed; the full range of policies that attempt to negotiate cultural differences also include significant levels of toleration and accommodation, though often below the radar. Such measures can be either active or passive. For example, allowing minority-religion clothing in public places requires no action on the part of authorities or members of the majority, only tolerance of the practice; by contrast, accommodating dietary restrictions in schools requires proactive steps by public institutions.

Although many European countries have enacted—or discussed—controversial laws to restrict religious practices, the general legislative picture is more mixed.

Where political leaders have taken a stand against minority practices, restrictive policies have been introduced, such as bans on the wearing of burqas or other Muslim attire.[1] Restrictions commonly target practices seen as undermining social cohesion, security, or national values such as gender equality or secularism. Such policies typically enjoy wide support in part because they are backed by multiple constituencies who would otherwise have different priorities, such as the feminist left and authoritarian right.

There are several important tradeoffs associated with the restriction of cultural practices. First, minority groups may feel unfairly targeted. Even if *all* religious garments are prohibited on paper, as is the case in France, the unspoken undercurrent may be that such laws are designed to target Muslim practices. Second, these laws can have a disproportionately severe impact on a small number of people, particularly as the cultural practices deemed most antithetical to liberal democratic norms tend to be those that are least com-

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1   In Europe, the burqa (also spelled burka) is the most controversial Islamic face-covering garment as it conceals the entire face leaving only a mesh screen in front of the eyes. Other Islamic garments sometimes cited in legislation include the niqab, which covers the face but leaves a space for the eyes, and the hijab (also called a veil or headscarf), which covers the head and hair but not the face.

mon. Bans on the burqa, for example, may result in very little change to the status quo since they directly affect only a few hundred women in most Western countries, yet they can exact a high cost in terms of social cohesion by sending a message to all Muslims and members of other minorities that there are limits to how tolerant of difference a society is prepared to be. Finally, restrictions can exacerbate the very problems they seek to remedy; bans on conservative dress can, for instance, result in those women who face genuine oppression being confined to their homes, further marginalizing them. More broadly, such policies can fuel religious hatred, provoke backlash (which can in turn be used as a tool for radicalisation), or inspire protest behaviour in minorities.

C. Arbitrating values

To address instances where values conflict, different institutions have evolved to play a role in adjudicating issues relating to values and religious practices. In some countries (and indeed at the level of the European Court of Human Rights), courts have overturned local and national restrictions; in other cases, they have upheld decisions that were designed to further the broader aim of social integration. Some European communities have supported the creation of intercultural councils and mediation services that have played a role in resolving local cultural conflicts. Prominent examples include the annual Day of Dialogue, which began in Rotterdam and has spread to localities across the Netherlands, and the mediation services set up in partnership between the municipality of Badalona, Spain and the United Nations Educational, Scientific, and Cultural Organisation (UNESCO). And although sharia practices, and misunderstanding of them, are most commonly a source of debates over values, sharia councils have also helped resolve conflicts. Islamic organisations in the United Kingdom have, for example, helped public institutions understand how to walk the fine line between toleration of difference and complicity with practices that violate gender equality. But while the emergence of new bodies to resolve cultural conflicts is promising, most such institutions are still in their infancy. Much work remains to be done to make these options for dispute resolution available as early as cultural conflict is identified, and before disagreements reach either the courts or the policy arena.

When seeking to define national values and strengthen mechanisms for conflict resolution, policymakers should consider the following recommendations:

1. ***Policies that seek to promote values should be rooted in evidence of how and why they will work.*** Policies should not be introduced simply for political expediency or for symbolic reasons. A strong evidence-based approach to policy development and messaging will help ensure that new measures have the best chance of meeting their intended goals—and that the public understand the reasoning behind their introduction.

2. ***Top-down exercises to define values can be perceived as disingenuous and inauthentic.*** Efforts to identify and communicate values may be less effective if entire communities feel they have been excluded from the process. Such exercises may also create unintended barriers to participation for some marginalised groups. If they gloss over ongoing injustices or policies that are works in progress, they may also paint a picture of society that does not match newcomers' experiences.

3. ***Use restrictive tools sparingly.*** When minority values or practices are seen as incompatible with national values, restrictions should be based on clear evidence of what works and what does not— and weighed against the possible costs of a backlash. Where strictly necessary, restrictions should be proportionate to concrete threats (and in line with long-term goals); they should not be used to score short-term political points.

4. ***Ensure that values programming reaches everyone.*** Governments need to think carefully about how to better reach temporary migrants or those who lack legal status, as well as other individuals excluded from the main institutions of values education (such as citizenship or schooling). Efforts

should also be made to reach out to new audiences, such as second-generation immigrants and the native born—individuals not commonly targeted by these programmes.

5. *Communicate and mediate at the first signs of conflict.* The toolbox for adjudicating conflicts over values needs to be dramatically expanded. There are ample opportunities to extend the pathways available to mediate disputes as they emerge and well before resorting to criminal or financial sanctions. Transparent communication is also essential to ease conflict before it reaches a crisis point.

Value pluralism is on the rise, and is no longer about majority-minority frictions alone. Many people no longer share the exact values of their neighbours. In this new landscape, creating institutions for resolving conflicts and nurturing dialogue will be as important, if not more so, than efforts to pinpoint a specific set of values to which all should subscribe.

I.   INTRODUCTION

In the wake of the 2015–16 global refugee crisis, the roles of religion, culture, and identity in liberal democratic societies have again come under a microscope. In Europe, the arrival of historic numbers of refugees and asylum seekers at an unprecedented pace has refocused attention on the rights and obligations of visibly and religiously different newcomers, especially Muslims. The age-old question of whether and how immigrants can become an integral part of their new nation has been further complicated by a sense of crisis and deep polarisation within societies. This disquiet has precipitated sometimes bitter debates about who the 'we' is in society—including who gets to decide and enforce the terms and conditions of membership.

The rise of populist and far-right parties has complicated the process of determining which values can realistically be shared in plural societies.

While recent public discussions have often centred on how newcomers and existing residents share physical space, language, and resources, on a deeper and less tangible level the integration of new arrivals also raises questions about the common set of rules and values governing society. The task of developing shared values has gained added complexity in an era of superdiversity, where groups with different cultures and norms must come together to negotiate a new social contract. This process of collectively deciding how to live in a heterogeneous society is typically described as a two-way street; immigrants must be willing and able to adapt to the communities in which they have settled, and states must play an active role in facilitating this coming together of disparate parts.

The rise of populist and far-right parties has complicated the process of determining which values can realistically be shared in plural societies. These movements have galvanised followers in part by rejecting certain liberal democratic values—such as pluralism or tolerance—that have formed the cornerstone of national values in immigrant-receiving countries (and, in the context of the European Union, of European values). At the same time, many populists have co-opted a different kind of value-laden language, one rooted in ethnonational characteristics that exclude immigrants and minorities. This brand of populism reveals a pervasive distrust in values imposed from above, including by politicians and bureaucrats. This social fragmentation, and the wide range of actors appealing to divergent values, makes it harder both to define common values and to clearly signal to newcomers what is expected of them. These shifting, value-driven political narratives raise the question of how to integrate newcomers at a moment when the social values they are being asked to adopt are themselves in flux.

Countries have experimented with a wide range of tools as they seek to recover this common ground and define national values. These range from debates on identity (for example, what it means to be French) to experiments with mandatory integration requirements and strengthened citizenship requirements across the continent. But these exercises in building national identity may do little to assuage the conflicts that have emerged at the local level over issues such as providing halal food in schools and the wearing of religious clothing in public spaces. Many of the most vociferous debates have taken place in courtrooms, with authorities seeking to restrict 'problematic' practices seen as contradictory to or eroding the values a nation holds dear.

This report explores a number of the difficult questions European policymakers are facing in relation to values:

- ***How to define values.*** To what extent should government promote cultural values (as opposed to civic or constitutional values)? What is the best medium to promote these values to avoid being perceived as coercive or intolerant? How fluid should national values be—should they adapt to the values of newcomers or be fixed? And who is the main audience for conversations about values—are governments reassuring majorities or engaging newcomers and minorities (whether to define the terms of membership or to include them in a discussion about evolving values)?

- ***How to adjudicate between competing values.*** Where should societies draw the line between tolerance and complicity with actions that contradict (or appear to contradict) national values? How can disputes over cultural practices be resolved in ways that are consistent, proportional, transparent, and apolitical—all without being perceived as favouring one group over another?

- ***How to message values.*** How can societies build a sense of common identity and values that is compelling yet not overly exclusive (or ethnically defined)? At the same time, how can inclusiveness be promoted without diluting the essence of what makes people feel Dutch, European, or otherwise?

While there are no easy answers to these questions, this report seeks to better define the problem and analyse some of the main choices and tradeoffs European governments will have to address in the coming years.

II. A CRISIS OF VALUES?

There is a widespread perception that immigration and social change pose a threat to values. But what exactly are values, and how do they interact with change?

A. What are values?

Put simply, values are things to which society assigns importance. They can be either personal (things valued in one's private or family life) or collective (things that govern how groups of individuals live together). Unlike other goods, such as happiness or wellbeing, values therefore have a normative quality—they guide individual behaviour and shape the shared rules and standards that help groups live together smoothly. Values also help people identify with one another and share a sense of mutual purpose.

The values that are sometimes thought to be tested by large-scale immigration fall into two categories:

- ▪ *Collective societal values.* These are goods that everyone should (or at least has reason to)[2] value, regardless of how they choose to live their lives. These might include the value of fairness or of protecting the vulnerable. Since these values prescribe norms for how individuals live together in collective societies, they are sometimes enshrined in constitutions, laws, and policies. More commonly, however, they are not codified or written down. Yet in an era of increasing division and polarisation—between rural and urban, young and old, rich and poor, native born and immigrant—this ambiguity can obscure deepening rifts within societies. Such was the case, for instance, when the UK public voted to leave the European Union, surprising many pollsters and politicians, and suggesting that a larger share of Britons than expected have come to distrust the values taken for granted by the governing elite.

- ▪ *National values.* Such goods are much harder to define as they combine the moral, cultural, and social customs and the identity of a nation. Although national values are, in theory, specific to a particular country, some are closely related to universal moral values. For instance, many Western countries see themselves as having a deep tradition of valuing equality, democracy, tolerance, and freedom.[3] Other national values are connected to political tradition and constitutional history, such as *laïcité* (institutional secularism) in France. And still others are more explicitly cultural, such as the Danish quality of *hygge* (cosiness), Brazil's national obsession with soccer, or the particular attitude toward work and entrepreneurship in the United States encapsulated in the idea of the 'American Dream'.

Although these two categories are distinct, national values are often presented as being collective societal values (i.e., values that everyone has reason to accept). This conflation can help embed ethical principles into a national story, but it can also blur the lines between moral requirements and cultural preferences. For instance, the French value of *laïcité* is often presented as a moral principle on the logic that the institutional separation of church and state is designed to protect individual freedom of religion. But the same value has been used to justify restricting minority Islamic practices, while tolerating majority Catholic practices that have been built into the traditions of many institutions over generations.[4] The fact that national values, like collective societal values, are rarely explicitly articulated or written down creates a challenge for newcomers who may not know what norms they are transgressing.[5]

B. Social change and values

Social change has often challenged shared values. The music, cultural practices, and sexual freedom of the 1960s in the Western world were seen by many as violating traditional values of hard work, family, and faith.

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2   While individuals do undoubtedly have reason to value some things that are not in the collective interest, such as free riding (which serves self-interests), moral philosophers nonetheless suggest that it is possible to assume a degree of consensus over certain values that act as common goods. These are values that everyone can appreciate regardless of their position in society or specific conception of how to live a good life, and it is possible to articulate public (rather than personal) reasons for favouring them. This doctrine is often described as political liberalism and takes the view that individuals' comprehensive systems of ethics do not need to align perfectly in order to define common rules of justice. See, for example, John Rawls, *Political Liberalism* (New York: Columbia University Press, 2005).

3   The UK government, for instance, explicitly recognises that British values (democracy, rule of law, individual liberty, equality, freedom of speech, and mutual respect, tolerance, and understanding of different faiths and beliefs) are 'not exclusive to Britain'. See UK Secretary of State for the Home Department, 'Counter-Extremism Strategy' (command paper no. 9148, London, presented to Parliament, 19 October 2015), www.gov.uk/government/uploads/system/uploads/attachment_data/file/470088/51859_Cm9148_Accessible.pdf.

4   See, for example, Anna Elisabetta Galeotti, *Toleration as Recognition* (Cambridge, UK: Cambridge University Press, 2002).

5   Indeed, the risk of a double standard—that members of the majority may transgress norms without penalty, but that newcomers are condemned for similar behaviour—is greater if norms are not written down.

And many countries have seen an evolution in public attitudes toward single parents, same-sex relationships, and contraception, reflecting changing national values, social norms, and ultimately laws. From this perspective, social change and national values are always in tension, with minority groups (whether youth, newcomers, or marginalised communities) engaged in a slow tug of war with the majority. In other words, it takes time for values to reflect the realities of the societies to which they are ascribed.

Simmering tensions have again erupted over the role of visible religious symbols and cultural practices seen as incompatible with the norms and values that underpin liberal democratic societies.

However, the rapid social change and increased diversity Europe has experienced over the past few decades suggests a number of new challenges that may not diminish with time, as previous tensions have. The populist and far-right backlash—characterised in part by leaders rejecting values such as tolerance and respect—has seeped into mainstream politics. Hungarian Prime Minister Viktor Orbán famously called migrants a 'poison' that his country does not need,[6] while Dutch politician Geert Wilders renewed his anti-Islam stance by calling for a ban on Muslim immigration to Europe.[7] Even German Chancellor Angela Merkel declared her support for a full ban on burqas in Germany.[8] This in turn has prompted a wide range of political leaders to question the continued resonance and resilience of common values, creating a cycle by which values are challenged from multiple angles (including by previous advocates for them).

Demographic changes in Europe have also raised questions about how diverse states should define and enforce shared culture, norms, and values, as well as the extent to which expressions of minority values should be permitted in public spaces. Simmering tensions have again erupted over the role of visible religious symbols and cultural practices seen as incompatible with the norms and values that underpin liberal democratic societies. National minorities, such as Roma and Travellers, have long faced restrictions on practices seen as incompatible with majority norms (e.g., panhandling or living in temporary settlements), and their camps regularly face destruction. Issues such as female genital mutilation, polygamy, and forced marriage have also long raised red flags, and despite the criminalisation of such practices across Europe, many countries have struggled to frame such policies in a sensitive, inclusive manner.

In recent decades, however, the most heated debates have centred on Europe's growing Muslim population. Controversies have proliferated over practices associated with religious clothing and symbols (specifically wearing the hijab and burqa in certain public places), religious dietary requirements, and places of worship (particularly building new mosques and minarets), among others. While many of these practices do not cause offence when observed in private, it is their expression in the public sphere that has sparked tensions.

6   *The Guardian*, 'Hungarian Prime Minister Says Migrants Are "Poison" and "Not Needed"', *The Guardian*, 26 July 2016, www.theguardian.com/world/2016/jul/26/hungarian-prime-minister-viktor-orban-praises-donald-trump.

7   Samuel Osborne, 'Geert Wilders: Far-Right Dutch PM Frontrunner Says "Islam and Freedom Are Not Compatible"', *Independent*, 22 February 2017, www.independent.co.uk/news/world/europe/geert-wilders-dutch-pm-frontrunner-far-right-islamophobic-freedom-a7593466.html.

8   Deutsche Welle, 'Support, Sarcasm after Merkel Calls for Banning Burqas', Deutsche Welle, 6 December 2016, www.dw.com/en/support-sarcasm-after-merkel-calls-for-banning-burqas/a-36670846.

III. POLICY RESPONSES: MAJOR CHOICES AND TRADEOFFS

There is no roadmap for how nations should define, negotiate, adapt, and adjudicate values; it is a messy, ongoing process that nonetheless forms one of the hallmarks of liberal democracies. Most countries have enacted policies and practices that fall into two major categories: (1) efforts to proactively instil core national values in their populations using tools such as civics education in schools, national dialogues, or introduction programmes for new immigrants; and (2) efforts to restrict or prohibit minority practices perceived to be in contradiction with national values or to otherwise pose a threat to the nation. One of the principal challenges is how to (re)build a sense of common identity and a national story that inspires passion but is not overly exclusive (or ethnically defined). In nations that were formed around ideas, rather than ethnicity, this entails asking whether there is one unifying idea that can be embraced by all of its members.

In navigating these questions, state policymakers have engaged in both affirmative and restrictive actions, raising questions about how far a state should go in limiting practices seen as harmful to national values as well as in its obligation to protect—or at least tolerate—minority practices. Policies in each of these categories have both benefits and drawbacks, as will be described in this section.

A. Defining and instilling values

Because national values tend to be diffuse and are rarely explicitly codified, newcomers often find it difficult to know exactly what behaviours they are expected to embrace as they become full members of their host societies. In recent years, several countries have sought to more clearly define these values in the spirit of encouraging immigrant integration.

In doing so, policymakers face the question of how to define national values in an inclusive way without rendering them indistinguishable from generic liberal democratic norms. European countries have historically defined themselves in both ethnic and civic (or exclusive and inclusive) terms. In an ethnic conception of citizenship, immigrants and national minorities can contribute to society, but never have a chance to become part of the nation as membership is defined by immutable characteristics such as ethnicity or birthplace.[9] In such societies, national pride is often rooted in symbols of an illustrious past. By contrast, a civic conception of nationhood focuses on the future: participation and adherence to common norms and values are framed as the path to belonging. Most advanced industrialised countries have sought to define national values in nonethnic terms, but this has created a grey area when it comes to practices that are not ethnic but cultural in nature. Some critics have claimed it is exclusive for a society to require newcomers to subscribe to cultural values. Others argue that national values tend to be defined in terms so 'politically correct' as to lose what is most compelling about national culture and identity.[10]

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9   Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge, MA: Harvard University Press, 1990).

10   As the Legatum Institute's Centre for Character and Values put it, 'It is increasingly difficult to champion our Judeo-Christian values in today's heavily secularised West, while "Enlightenment values" sound too abstract. People agitate about "inappropriate" speech and behaviour, yet are hesitant to speak in terms of right or wrong.' See Legatum Institute, 'Centre for Character and Values: Mission', accessed 27 February 2017, www.li.com/programmes/centre-for-character-values.

> **Box 1.   The limits of liberalism?**
>
> The process of trying to define national values reveals another tension at the heart of liberalism: taking the value of pluralism seriously means tolerating a range of different value systems, including *tolerating people who don't value tolerance*. Some politicians have struggled with this apparent paradox. For instance, former UK Prime Minister David Cameron famously referred to the need for 'muscular liberalism'—a more heavy handed imposition of liberal values on newcomers.
>
> Imposing liberal values on newcomers arguably oversteps the boundaries of liberalism as it suggests that all newcomers must subscribe to all liberal values, and that part of what it means to belong is to be liberal. Some commentators have argued that this misconstrues liberalism as being an *identity*, when in fact liberalism is better understood as a *procedure* for how individuals live together in plural societies, and, as such, is compatible with different identities and values.
>
> As political sociologist Christian Joppke put it, muscular liberalism 'essentially means that liberal host-society values and institutions are to be intrinsically and unconditionally accepted for what they are, whatever one's religion prescribes, and not just for their usefulness for pursuing some other project. Muscular liberalism… wishes to "thicken" liberalism from anodyne procedures into an identity… The problem is that implementing this muscular liberalism would entail moral intrusiveness and curtailment of individual liberties that would destroy precisely the liberal values it means to achieve.'
>
> *Source:* Christian Joppke, *The Role of the State in Cultural Integration: Trends, Challenges, and Ways Ahead* (Washington, DC: Migration Policy Institute, 2012), www.migrationpolicy.org/research/TCM-state-role-in-cultural-integration.

Even if countries are able to strike a balance between articulating common national values that are emotionally and intellectually compelling yet not overly exclusive, they must address the perhaps more complex issue of finding the appropriate means to promote these values. Many of the policy levers tried in recent years have sought to more forcefully impose values by, for instance, making it harder to enter the country or become a citizen without subscribing to certain values.[11] Important questions remain over who should deliver values education (government interlocutors who may have more capacity versus members of the community who may have a more authentic voice); at what point in the immigration and integration trajectory information about values is most useful to newcomers; and what degree of compulsion around values courses or dialogues is necessary to ensure participation while not engendering resentment.

1.   National dialogues about identity and values

Exercises to define values have ranged from private commissions of experts who seek to distil the essence of constitutional values to inclusive nationwide crowdsourcing exercises. In Denmark, a large-scale online survey garnered 2,500 suggestions from 325,000 Danes for Danish society's most important values. The Ministry of Culture recently announced the ten most Danish values, which include *hygge* (the notoriously

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11   It is also worth noting that some countries (such as Belgium and the United Kingdom, among many others) have increased their use of citizenship revocation as a means of retroactively stripping membership from those whose behaviour is deemed harmful to the state. See Audrey Macklin, 'The Return of Banishment: Do the New Denationalisation Policies Weaken Citizenship?', European Union Democracy Observatory on Citizenship, accessed 17 April 2017, http://eudo-citizenship.eu/commentaries/citizenship-forum/citizenship-forum-cat/1268-the-return-of-banishment-do-the-new-denationalisation-policies-weaken-citizenship.

difficult to define Danish notion often translated as 'cosiness').[12] In the Netherlands, by contrast, an exercise to determine the most important historical events was a much more private affair involving the most preeminent historians in the country. One of the strengths of the historical canon that resulted from these discussions is that it is available online in several languages, making it more accessible to newcomers and residents who speak other languages.[13]

Many attempts to define national values have been perceived as unsuccessful. In the United Kingdom, attempts by successive governments to stimulate a national conversation about Britishness have attracted ridicule and debate about how a British identity fits into the more well-established identities of Britain's regions, such as Scottishness or Englishness.[14] And in 2009, French President Nicholas Sarkozy launched a national dialogue on 'what it means to be French' that similarly backfired. The resultant proposals included patriotic measures such as compelling schools to fly the French flag, but none that addressed the messier business of defining what exactly 'being French' means. And in hundreds of subsequent town hall debates across the country, conversations centred on an exclusive sense of national identity rather than inclusive national unity, with the effect of fanning the flames of nationalism.[15] European countries for which immigration is a more recent phenomenon, such as Slovakia, have attempted these processes as well, despite having only a small number of immigrants and asylum seekers. One of the key challenges—particularly in places without established minority communities—is how to make these processes inclusive and create incentives for minority and newcomer groups to participate in and help shape the debate.[16]

No matter how well intentioned, few of these values-defining activities have attracted a representative sample of society.

The fact that these exercises have often accompanied restrictive changes to integration and citizenship policies has often meant that their stated aims (i.e., fostering an inclusive national conversation) and their 'body language' (i.e., pushing newcomers to assimilate) are misaligned. No matter how well intentioned, few of these values-defining activities have attracted a representative sample of society, with many instead becoming naval-gazing exercises for political elites.

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12   The full list of values is: freedom, equality under the law, gender equality, *hygge*, welfare society, trust, Danish language, association activities and volunteerism, liberal-mindedness, and Christian heritage. See *The Local*, 'Danes Define Their National Values in Online Vote', *The Local*, 12 December 2016, www.thelocal.dk/20161212/danes-define-their-national-values-in-online-vote.

13   En Toen, 'De Canon van Nederland', accessed 20 January 2017, http://entoen.nu/en.

14   For instance, in 2014 the pledge by UK Education Secretary Michael Gove to encourage schools to promote British values prompted a Twitter storm with the hashtag 'BritishValues'. Tweets included the suggestion: 'Being wary of foreigners while having a Belgian beer with an Indian curry in your Spanish villa wearing Indonesian clothes.' See Heather Saul, 'Michael Gove Given "British Values" by Twitter after Announcing Trojan Horse Measures', *Independent,* 10 June 2014, www.independent.co.uk/news/uk/politics/michael-gove-given-british-values-by-twitter-after-announcing-trojan-horse-measures-9521351.html.

15   Bruce Crumley, 'Why France's National Identity Debate Backfired', *TIME,* 12 February 2010, http://content.time.com/time/world/article/0,8599,1963945,00.html.

16   In Slovakia, an attempt by the Department of Migration and Integration to coordinate a town hall meeting to discuss Slovak values failed to attract either refugees or Islamic organisations, despite invitations. This raises the question of how to inspire genuine engagement from immigrants and minorities without mandating participation. See author conversations with integration officials at an off-the-record meeting of the Migration Policy Institute Europe Integration Futures Working Group, hosted by the Austrian Federal Ministry for Europe, Integration, and Foreign Affairs, Vienna, 24 January 2017.

2. Citizenship courses and tests

Civic education and citizenship tests can be used either as means of inclusion (instruments to further integration) or exclusion ('tests' to measure whether an individual has failed or is likely to fail to integrate). Rigorous requirements, when accompanied by the resources applicants need to understand and meet them, can be seen as a way of ensuring that newcomers have the tools to succeed as full members of society. However, overly onerous requirements (e.g., knowledge tests that many natives would be unable to pass) or punitive measures (e.g., fines or withdrawal of benefits for those who fail to meet benchmarks) may create additional barriers to entry. Since the 1990s, several European countries have introduced citizenship exams that test newcomers on everything from history and civics to geography and cultural practices.

Some of the most controversial course and test content has involved values and social norms. This includes, for example, the Dutch test of liberal attitudes that entailed showing applicants a picture of homosexual kissing and the 'Muslim test', introduced in the German state of Baden-Württemberg in 2004, that sought to determine whether citizenship applicants from Islamic countries really accepted the principles of the German Basic Law by asking questions about gender equality and homosexuality. The first test of this kind in the United Kingdom, which was introduced in 2005 and included values questions such as 'what to do if you spill a stranger's drink?', was widely criticised (not least because it suggested that people could not be British unless they frequented pubs, thus excluding people from cultures and religions that prohibit drinking). Following a host of similar controversies, more recent citizenship tests tend to avoid asking explicitly moral questions.

3. Introduction programmes and contracts

More and more countries also now impose integration requirements at an earlier stage in the migration trajectory, even before immigrants decide to become citizens. In France, the *contrat d'intégration républicaine* is a contract signed by all newly arrived (or newly regularised) immigrants, which commits them to learning French and improving their understanding of French laws. A similar contract in Luxembourg that gives signatories access to citizenship courses, language classes, and an orientation day was evaluated positively by participants, who were especially satisfied with the information sessions and civic courses.[17] In perhaps the most controversial policy change, the Netherlands in 2006 began requiring prospective immigrants to learn Dutch and familiarise themselves with Dutch customs before even arriving in the Netherlands. Because the law includes an exemption for immigrants from Western countries, this requirement has been accused of being a device to screen out certain applicants rather than to promote integration.[18]

Introduction programmes can also be used for the purpose of providing information, language lessons, and other services. Countries that use these programmes as practical tools often reserve more imposing requirements for when an individual seeks citizenship or permanent residence. But in many European countries, recent increases in immigration have been accompanied by a shift towards thinking about values in relation to new and temporary residents—even before they become citizens (see Box 2).

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17   Among contract signatories, 74 percent expressed satisfaction with the quality of civics courses, compared to 66 percent satisfied with Luxembourgish language courses, 56 percent with French language courses, and 52 percent with German courses. See Angela Odero, Chrysoula Karathanasi, and Michèle Baumann, 'The Welcome and Integration Contract of Luxembourg: Satisfaction with the Quality of Services According to Non-EU Immigrants', in *InPACT 2016: International Psychological Applications Conference and Trends*, eds. Clara Pracana and Michael Wang (Lisbon: World Institute for Advanced Research and Science, 2016), 26–30, http://orbilu.uni.lu/handle/10993/27078.

18   For example, see Human Rights Watch, 'The Netherlands: Discrimination in the Name of Integration' (background paper, Human Rights Watch, New York, May 2008), 12–21, www.hrw.org/legacy/backgrounder/2008/netherlands0508/netherlands0508web.pdf.

Box 2. Values and orientation course in Austria

In 2015, the Austrian Minister for Europe, Integration, and Foreign Affairs announced the launch of a 50-point integration plan for refugees based on the reasoning that 'integration is not something that happens by itself. The question of "where one has to integrate into" cannot be left to the individual's discretion.' With this in mind, the plan led the federal government to engage a small group of independent experts to design a new integration course that would communicate the Austrian values system to newly arrived refugees in a clear and transparent manner.

The eight-hour Austrian values and orientation course, based on Austrian constitutional law, seeks to define the 'fundamental values governing coexistence', including democracy, rule of law, and gender equality, as well as social etiquette and codes of conduct. The different values are interconnected and interdependent, in addition to having separate preconditions for successful attainment. For example, liberalism relies on human dignity, which needs rule of law in order to be safeguarded.

The free course is delivered by the Public Employment Service (AMS) to all persons entitled to asylum or subsidiary protection who register for AMS services. With the assistance of interpreters, course participants complete eight modules, two of which relate to legal and cultural integration. The content ranges from the philosophical to the pragmatic, covering everything from democratic values, such as freedom of speech, to how to navigate the local labour market and access leisure activities.

Finally, the plan covers other modes of conveying values to immigrants and their children, including through religion courses at school or, for pupils who opt out of these courses, a separate, mandatory ethics course.

Sources: Austrian Federal Ministry for Europe, Integration, and Foreign Affairs (BMEIA), 'The Ministry for Integration, the Public Employment Service Austria and the Austrian Integration Forum Present Austria-Wide Cooperation in Providing Values Courses for Refugees' (press release, Vienna, 9 March 2016), www.bmeia.gv.at/en/the-ministry/press/announcements/2016/03/the-ministry-for-integration-the-public-employment-service-austria-and-the-austrian-integration-forum-present-austria-wide-cooperation-in-providing-values-courses-for-refugees/; BMEIA, *50 Action Points: A Plan for the Integration of Persons Entitled to Asylum or Subsidiary Protection in Austria* (Vienna: BMEIA, 2015), www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/Publikationen/Integrationsplan_final_EN.pdf.

Modern migration flows challenge traditional integration processes—which see acquiring national values as part of becoming a citizen—in a number of ways. Circular migrants (such as mobile EU citizens), temporary workers, and those who self-identify as expats often opt out of integration processes.[19] And the influx of asylum seekers to Europe in 2015 and 2016 has added another dimension to this issue, since many of these new arrivals will not receive permanent status. Because a large proportion of these newcomers will either leave the country (making their current status temporary) or remain with irregular status, many countries have had to confront the issue of what should be required of individuals who fall outside pathways to permanent residence and citizenship. In 2016, the German government decided to spell out more clearly to asylum seekers exactly

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19 The rise of mobility within the European Union (EU), which is often less permanent than immigration from outside it, prompted the first questions about how residents identify with countries in which they plan to live for a limited amount of time. The European Commission officially rejects the characterisation of mobile EU citizens as 'migrants', and by extension, the possibility that they may have integration needs. But as intra-EU migration has increased, some Member States have begun to question whether EU nationals also have a responsibility to learn the language of the country in which they reside.

what is expected of them on arrival, even as German ministers began to acknowledge that many of these new-comers would not become German citizens.[20]

Delays in the processing of asylum applications and an increase in failed asylum seekers who cannot be returned to their countries of origin will result in a larger share of people living on the margins of society. Their extreme social exclusion begs the question: are cultural integration and discussion about shared values appropriate or even important goals, given the scale of other challenges facing European societies and marginalised individuals within them? Regardless of national priorities, the proliferation of individuals living with different immigration statuses points to the need for new vehicles for inclusion that do not require participants to pass through the traditional trajectory of arrival to permanent residence and/or citizenship.

4.   Citizenship, character, and values education

For young people, it is often considered less controversial for the state to use education as a vehicle to inculcate values; schools are almost universally seen as one of the primary institutions whereby young people learn how to become citizens, regardless of whether they (or their families) share majority or minority values. Yet the privileged role afforded to schools has not been without controversy. Heated debate has arisen in a number of countries when schools have been seen as imposing, rather than educating about, values. In the case of the *affaire du foulard* ('the headscarf affair') that began in France in 1989, critics of headscarves argued that French schools were places where children learn about republican values, and therefore that it was the duty of schools to forcibly impose religious neutrality. But others argued that bans on religious symbols imposed a burden on teachers and diverted their attention away from shaping future citizens.

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A shift towards citizenship education in schools in the 2000s also raised questions about the appropriate role of schools in instilling values. In countries such as the United Kingdom, citizenship education in schools was introduced alongside citizenship tests for newcomers. Although UK citizenship education was originally designed to encourage participation and critical thinking, since 2015 these lessons have been linked to the government's antiradicalisation strategy, Prevent. Schools now have a legal duty to prevent pupils from becoming radicalised, a responsibility the government recommends they pursue through citizenship lessons. Some critics have argued that a programme designed to be universal in character—to encourage all pupils to develop values—has become a vehicle for stigmatising Muslim minorities.[21]

It is clear that schools are critical partners in promoting values. But while citizenship and values education programmes that focus on skills, debate, and training can be effective and inclusive, enlisting schools as another arm of the law by requiring them to police the kinds of behaviour that are and are not appropriate is often counterproductive. Moreover, it is worth bearing in mind that not all segments of the population will interact with schools—or indeed many of the other institutions (such as religious establishments or workplaces) where values tend to be shaped and instilled. Entrenched, intergenerational worklessness and social exclusion are not just troubling for socioeconomic reasons, but because they can place whole families outside of main-

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20   Speech by Cornelia Quennet-Thielen, State Secretary, German Federal Ministry of Education and Research, to the German Marshall Fund of the United States, *The Transatlantic Implications of Migration and Demographic Change*, Washington, DC, 8 September 2016.

21   Citizenship Foundation, 'Teachers Concerned about Exploring Controversial Issues in Class', updated 4 June 2015, www.citizenshipfoundation.org.uk/main/news.php?n1140.

stream value systems, especially if they live in deprived, segregated, or even semi-lawless neighbourhoods where mistrust of political and legal authorities is widespread.[22] The 2015–16 migration crisis has raised similar concerns as many newly arrived children face considerable delays in accessing schooling and, with it, an important early introduction to mainstream civic education.

Though many European countries have adopted, in different combinations, the values-defining and –instilling mechanisms described in this section—whether dialogues, courses, tests, contracts, or educational programming—most firmly view newcomers, rather than society writ large, as their primary audience. Yet in many places, there are lingering contradictions between what newcomers may read in integration pamphlets and what they observe in real life. For example, while values courses may celebrate equality and the rule of law, many minorities may experience discrimination or ethnic profiling by authorities; and while gender equality is held up as one of the principal reasons for restricting certain Muslim cultural practices, problems such as domestic violence are in fact endemic in many native communities. Initiatives to define and promote values will ring hollow if they exist only on paper. Values programming may therefore be more effective if it can even-handedly portray the imperfections, limitations, and contradictions that undoubtedly exist within society—and the sometimes painful historical contexts that gave rise to them.

B. *Managing conflicts over values*

Countries across Europe have experimented with different (and often controversial) tools to manage cultural and religious pluralism. This section will analyse a number of associated controversies, many of which relate to Muslim cultural practices. While Muslims only make up a small (though growing) share of the overall European population—approximately 6 percent[23]—their presence has precipitated outsized conversations about integration and values across the continent. And while the conflicts over values discussed in this report are much broader and have been observed in relation to other immigrant and minority groups, they represent some of the most high-profile examples of both accommodation and restriction of difference.

1. Tolerating or accommodating cultural practices

Cultural practices are often implicitly tolerated, in the sense of non-interference: governments do not intervene, even if these practices are disliked or disapproved of by a large share of the population.[24] Toleration is considered appropriate—serving the interests of avoiding conflict, supporting plural societies, and respecting others—as long as these practices do not harm or threaten the stability of liberal societies.[25] Some governments go one step further from simply passively tolerating religious and cultural expressions that do not vio-

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22   For instance, according to some commentators, the 2005 Paris and 2011 London riots were driven by a generation of young people who had no relationship with the common values of their societies. And deprived, segregated neighbourhoods (such as Moelenbeek in Brussels) are sometimes portrayed as lawless spaces governed by different rules, especially in light of the involvement of second-generation citizens from these communities in terror attacks.

23   According to the Pew Research Center, the Muslim share of Europe's population grew from 4 percent in 1990 to 6 percent in 2010, and is projected to grow to 10 percent by 2050. These trends belie the fact that in multicultural cities like Amsterdam, Rotterdam, or Toronto, the concentrations of visible minorities can be more than double the national average. See Conrad Hackett, '5 Facts about the Muslim Population in Europe', Pew Research Center, 19 July 2016, www.pewresearch.org/fact-tank/2016/07/19/5-facts-about-the-muslim-population-in-europe/; Pew Research Center, *The Future of World Religions: Population Growth Projections, 2010–2050* (Washington, DC: Pew Research Center, 2015), www.pewforum.org/2015/04/02/religious-projections-2010-2050/.

24   See Anna Elisabetta Galeotti, 'The Range of Toleration: From Toleration as Recognition Back to Disrespectful Tolerance', *Philosophy and Social Criticism* 41, no. 2 (2015): 93–110.

25   This is sometimes known as the 'harm principle' and is fundamental to traditional liberalism. See John Stuart Mill, *On Liberty,* 4th ed. (London: Longman, Roberts & Green, 1869).

late national laws to actively accommodating new practices. Policies along the tolerating-to-accommodating spectrum require different levels of effort on the part of policymakers, depending on the practice in question. For example, toleration of religious clothing in public places or permitting the practice of sharia law where it does not conflict with national law do not require action on the part of the receiving society, whereas accommodating dietary restrictions in state-run schools does. But there is considerable grey area in deciding which practices cross the line between benign and harmful. Additionally, accommodations made behind the scenes, where publics do not feel they have had a say in the debate, may inspire backlash.

In an effort to avoid cultural conflict and accusations of insensitivity, some political leaders and authorities have been disinclined to either condemn controversial minority practices or more actively promote national values. This embrace of political correctness, while perhaps well meant, has had several unintended consequences. The fear of overstepping the boundaries of tolerance has, in some circumstances, led to inaction on the part of state authorities—for instance, unwillingness to challenge behaviour that denigrates women. In addition, the lack of transparency and open communication about genuine problems associated with certain minority practices, such as female genital mutilation, has fanned the flames of tensions. Similarly, the sexual assaults committed on New Year's Eve 2016 in Cologne were made more scandalous by allegations that the German police and media had attempted to delay reporting that the perpetrators were migrant men.[26]

This embrace of political correctness, while perhaps well meant, has had several unintended consequences.

In addition to state policy on minority practices, there is also work to be done on the community level. Legal permission on its own does not address the potential for cultural conflict or misinformation. For example, even if Muslims have a constitutional right to build prayer rooms and mosques, this right is unlikely, in and of itself, to reduce social conflicts associated with their construction.

2.   Restricting cultural practices

At the other side of the spectrum, many countries have sought to restrict minority practices that are seen as harmful or contradictory to agreed-upon national values. In Europe, the most widespread of these bans are restrictions on Muslim dress, which range from prohibition of face-covering garments in government buildings (such as hospitals and courts) to bans that apply in all public spaces (including public transportation, sidewalks, and parks). Restrictions on Muslim dress have, at the time of writing, been proposed or implemented in 11 European countries, either at the national or subnational level, and in some cases with financial penalties attached. Table 1 reveals the diversity of policy responses around Europe, including considerable variation in the range of penalties associated with transgressions.

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26   Matthew Karnitschnig, 'Cologne Puts Germany's "Lying Press" on Defensive', *Politico*, January 20, 2016, www.politico.eu/article/cologne-puts-germany-lying-media-press-on-defensive-migration-refugees-attacks-sex-assault-nye/.

Table 1. Restrictions on Islamic dress in Europe (proposed or passed), as of April 2017

Country/ Region	Status*	Type of restricted dress	Where or for whom is it restricted?	Penalty**
Austria	*Proposed (2017)*	*Hijab/headscarf*	*For government employees (e.g., judges, teachers)*	
	Proposed (2017)	*Burqa*	*All public spaces*	
Belgium	Passed (2011)	Burqa	All public places	Fine (137.50 euros) and up to seven days in jail
Bulgaria	Passed (2016)	Burqa	All public spaces	Fine (up to 767 euros)
Denmark	Passed (2009)	Hijab/headscarf	For judges in court hearings	
France	Passed (2004)	Hijab/headscarf	Schools	
	Passed (2010)	Burqa, niqab	All public places	Fine (150 euros) and instruction in citizenship
Germany	*Proposed (2017)*	*Burqa, niqab*	*For government employees and soldiers*	
Italy (Lombardy)	Passed (2015)	Burqa	All public places	Fine (up to 103 euros)
Netherlands	*Proposed (2015)*	*Niqab, burqa*	*Some public places (specifically schools, hospitals, public transportation, and government buildings)*	Fine (405 euros)
Spain (Barcelona)	Passed (2010)	Burqa	Some public places (e.g., municipal buildings, public markets, libraries)	
Switzerland (Ticino)	Passed (2013)	Burqa	All public places	
United Kingdom	Passed (2007)	Hijab/headscarf, burqa	Schools (the 2007 directive was not an outright ban, but granted each school permission to decide on its dress code, which could include restriction of Islamic dress)	

* This table shows legislation that has been proposed in parliament or passed/adopted by parliament; it does not consider the state of implementation.

** Fines and sanctions are listed where this information is available. A blank cell does not necessarily mean that no penalty exists, only that information is not available.

Sources (available in full in the Works Cited): Austrian Federal Chancellery, 'Arbeitsprogramm der Bundesregierung 2017/2018'; Barcelona City Council, 'Acta d'acords de la Reunió Extraordinària de la Comissió Permanent del Consell Municipal d'Immigració de Barcelona'; Belgian Chamber of Representatives, 'Proposition de Loi: visant à interdire le port de tout vêtement cachant totalement ou de manière principale le visage'; Danish Parliament, 'Forslag til Lov om ændring af retsplejeloven'; French National Assembly and Senate, 'LOI n° 2004-228 du 15 mars 2004'; French National Assembly and Senate, 'LOI n° 2010-1192 du 11 octobre 2010'; German Bundestag, 'Entwurf eines Gesetzes zu bereichsspezifischen Regelungen der Gesichtsverhüllung'; House of Representatives of the Netherlands, 'Wetsvoorstel 34349'; National Assembly of the Republic of Bulgaria, 'Закон за ограничаване носенето на облекло, прикриващо или скриващо лицето'; Regional Council of Lombardy, 'Serie Ordinaria n. 51'; Republic and Canton of Ticino, 'Costituzione della Repubblica e Cantone Ticino del 14 dicembre 1997'; Senate of the Netherlands, 'Wet gedeeltelijk verbod gezichtsbedekkende kleding'; UK Employment Appeal Tribunal, 'Azmi v Kirklees Metropolitan Borough Council'.

The rationale for these restrictions is to uphold and protect national values against outside influences that might erode or harm them, but in reality the line between acceptable and unacceptable practices is often less easy to pinpoint.

There are three main types of threat receiving societies associate with the public expression of minority cultural practices:[27]

- ▪ ***Threat to social norms and constitutional values.*** Some practices are seen as antithetical to the core norms and values that underpin liberal democratic societies (e.g., gender equality, secularism, fairness). At the far end of the spectrum, a handful of minority cultural practices may explicitly contradict national laws (e.g., female genital mutilation). But practices that fall neatly into the law-breaking category are also typically the least common; most controversy surrounds practices that fall into a grey area, contradicting social norms but not the law. For example, in many Western countries, wearing the veil is seen as a subjugation of women, and thus inconsistent with national values of gender equality. And in France, it was the strong tradition of separation between church and state (*laïcité*) that prompted years of controversy over the wearing of any visible religious symbols in schools and, as the debate grew, in other public places, such as courts and municipal buildings.

- ▪ ***Threats to social cohesion and integration.*** Some cultural practices are seen as interfering with the integration process. For example, the requirement in some cultures that school children be segregated by gender for certain activities is seen as isolating members of the minority, while the wearing of the veil can be seen as impeding the face-to-face interactions and unfettered dialogue of shared citizenship.[28] Many receiving societies hold a strong belief that newcomers should participate fully in their new communities, even if this means adapting to existing norms in ways that may initially contradict cultural traditions. This perspective hinges on the belief that values are a zero-sum game: that strong adherence to religious or cultural values necessarily detracts from conformity to national values. Following this thinking, visible cultural symbols (whether religious dress or structures) provoke fears of 'otherness' that is seen as threatening to a unified national identity.

- ▪ ***Threat to public order and security.*** Some minority practices are seen as disruptive to public order and security. For instance, face-covering garments are sometimes seen as problematic because they conceal an individual's identity. This argument is given force by the practical need to identify individuals in certain public venues, such as schools, courts, and airports.[29] And for some onlookers, the burqa has become a symbol for a branch of radical Islam that rejects Western ideology or for Muslims who identify with the *ummah* (global Muslim community) over the values of the country in which they live.

Because controversial cultural practices are often seen as subverting multiple sets of values at once, restrictive policies can galvanise support by mobilising different constituencies that might otherwise have divergent priorities. For instance, the headscarf debate in France united left-wing, feminist activists with the authoritar-

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27 For a full discussion of anti-Islam sentiment in Western Europe and an analysis of how this differs from the United States, see Demetrios G. Papademetriou, Richard Alba, Nancy Foner, and Natalia Banulescu-Bogdan, *Managing Religious Difference in North America and Europe in an Era of Mass Migration* (Washington, DC: Migration Policy Institute, 2016), www.migrationpolicy.org/research/managing-religious-difference-north-america-and-europe-era-mass-migration.

28 See, for example, the January 2017 European Court of Human Rights (ECHR) ruling that declared Swiss authorities had not violated the right to freedom of religion by insisting that two Muslim parents send their daughters to mixed-sex swimming lessons. The ECHR judges decided that 'the children's integration into "local customs and mores" took precedence over the parents' desire to exempt their children from mixed-sex swimming lessons.' See Jennifer Rankin, 'ECHR: Swiss Muslim Girls Must Attend Mixed-Sex Swimming Lessons', *The Guardian*, 10 January 2017, www.theguardian.com/world/2017/jan/10/echr-swiss-muslim-girls-must-attend-mixed-sex-swimming-lessons.

29 See, for example, Ralph Grillo and Prakash Shah, 'Reasons to Ban: The Anti-Burqa Movement in Western Europe' (working paper 12-05, Max Planck Institute for the Study of Religious and Ethnic Diversity, Göttingen, Germany, 2012), www.mmg.mpg.de/fileadmin/user_upload/documents/wp/WP_12-05_Grillo_Reasons-to-Ban.pdf.

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ian right,[30] much as the 2009 Swiss referendum against minarets garnered support across the aisle.[31] Similarly, the 2010 legislation to ban the burqa in Belgium was said to be the only issue capable of uniting French- and Flemish-speaking lawmakers.[32]

But while restricting cultural practices may unite large shares of the population, it is accompanied by several significant tradeoffs. First, minority groups may feel unfairly targeted. Many of the prohibitions that restrict the wearing of the burqa, niqab, and hijab apply either to *all religious garments* (no religious symbols are allowed in French schools) or to *all face-covering garments* (many of the policies that ban burqas in public buildings also apply to other garments that obscure a person's identity, such as ski masks or helmets). But the criteria governing these restrictions are often fuzzy and ill-defined, and enforcement is subject to the interpretation of local authorities. The recent controversy over the wearing of 'burqinis' or modest dress on French beaches speaks to the subjectivity of regulating individual items of clothing and deciding what is appropriate in which public spaces—particularly for attire that would be considered appropriate in other venues (and is thus not inherently objectionable).

These laws are arguably a disproportionate response to the perceived, rather than actual, severity of a threat or challenge, and can be counterproductive.

Because of this subjectivity, such laws are widely understood as having been designed to target Muslim religious practices. And in some cases, this intent is made explicit. The proposed ban on headscarves for public servants in Austria, announced in January 2017, is specific to Muslim dress; Christian jewellery crosses would not be similarly restricted.[33] In European nations with a strong Christian tradition, symbols of the majority religion are often accepted in schools and courts as part of national identity, whereas symbols of minority religions are seen as at odds with national values. This dual interpretation of religious symbols was evident in the 2011 European Court of Human Rights (ECHR) ruling in the case of *Lautsi vs. Italy*, which allowed state-run Italian schools to continue displaying crucifixes in their classrooms. The rationale given was that crosses are a symbol of the majority religion and that they are a relatively 'passive' symbol, whereas a teacher wearing the headscarf might be seen as having undue influence over students.[34]

Second, these laws are arguably a disproportionate response to the perceived, rather than actual, severity of a threat or challenge, and can be counterproductive. The cultural practices deemed most incompatible with Western liberal democracies are also typically the least common—full burqas are less common than other types of Muslim dress, sharia law is most often used in cases of family or property disputes (not for corporal punishment), and while domestic and gender-based violence are of concern, such cases may also be prevalent in the majority population.[35] Indeed, while an outright ban on burqas may only apply to a few hundred women in most Western countries,[36] such legislation sends a powerful message to all Muslim immigrants and citizens that their values have been judged unacceptable and that there are limits to the community's tolerance.

30   Cécile Laborde, 'Female Autonomy, Education and the *Hijab*', *Critical Review of International Social and Political Philosophy* 9, no. 3 (2006): 351–77.

31   Ian Traynor, 'Swiss Vote to Ban Construction of Minarets on Mosques', *The Guardian,* 29 November 2009, www.theguardian.com/world/2009/nov/29/switzerland-bans-mosque-minarets.

32   Vanessa Mock, 'Burqa Ban Unites a Politically Divided Belgium', Deutsche Welle, 23 July 2011, www.dw.com/en/burqa-ban-unites-a-politically-divided-belgium/a-15260969.

33   Shadia Nasralla, 'Austrian Minister Calls for Headscarf Ban for Public Servants', Reuters, 9 January 2017, www.reuters.com/article/uk-austria-headscarf-idUSKBN14T1II.

34   Lourdes Peroni, 'Lautsi v. Italy: Possible Implications for Minority Religious Symbols', Strasbourg Observers, 31 March 2011, https://strasbourgobservers.com/2011/03/31/lautsi-possible-implications-for-minority-religious-symbols/.

35   Natalia Banulescu-Bogdan and Heaven Crawley, 'Refugee Integration through a Gendered Lens' (discussion paper tabled at the 16th plenary meeting of the Transatlantic Council on Migration, Migration Policy Institute, Toronto, 27–28 June 2016).

36   At the time the French burqa ban was being debated, a study cited in the 2010 French Parliamentary Commission report revealed that of approximately 6 million Muslims in France, 1,900 women wore the niqab and none wore the burqa. See Shaira Nanwani, 'The Burqa Ban: An Unreasonable Limitation on Religious Freedom or a Justifiable Restriction?' *Emory International Law Review* 25, no. 3 (2011): 1431, http://law.emory.edu/eilr/content/volume-25/issue-3/comments/burqa-ban-limitation-religious-freedom-restriction.html.

Bans on minority cultural practices can therefore have unintended consequences that rival or exceed the original harm they were designed to prevent. One of these is that restrictions may exacerbate rather than assuage the marginalisation of minorities, and in some cases endanger rather than empower the women they purport to protect. Prohibiting burqas in public places, for example, does little to help women who are genuinely oppressed and who will be further confined in private homes as a result. These laws also treat all women who wear head- and face-covering garments with the same broad brush, ignoring the fact that most women are simply exercising their right to free expression and only some experience some element of coercion. And in a number of cases, restrictive legislation has emboldened verbal and physical attacks against women who wear such garments in public. Finally, studies have shown that efforts to restrict expression of certain cultural practices may strengthen rather than reduce the salience of those symbols.[37] In France, for example, there have been reports of women choosing to don niqabs or burqas *only after* restrictions were passed as a form of protest against the state policy.[38] Ethnic or religious identities may not start out as primary identities for immigrants and their descendants; these are assigned greater meaning precisely when they are politicised or restricted.

While these restrictions can be politically popular in the short term, they are typically means of reaching broader integration goals such as social cohesion, gender equality, or security. Yet there is incomplete evidence of whether they do serve these long-term aims—and at what cost.

IV. WHO DECIDES? INSTITUTIONS THAT ARBITRATE VALUES

When conflicts over cultural practices do arise, European societies have a range of institutions and processes for resolving such tensions. Courts have often acted as the final arbiter of disputes, in some cases even overturning restrictive government policies. But many countries have also introduced less formal institutions to act as mediators, such as intercultural councils. This section looks at how choices about when and how cultural disputes are arbitrated are inextricably linked to the question of whether defining and promoting national values should be a political or a legal process, and what the consequences are of each.

A. Courts

In France, courts have overturned local and national government restrictions on religious dress, including the burqa and the burqini. In September 2016, for example, the top French administrative court ruled to overturn the burqini bans that had been enacted in several French Riviera towns following the devastating Nice terror attack.[39] And the ECHR has ruled on several cases concerning religious headwear, including *Dogru vs. France* in which the court found that a French school did not violate religious freedom by expelling a student who refused to remove her headscarf for a gym class because the court considered it 'justified as a matter of principle and

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37   See, for example, Patrick Simon, *French National Identity and Integration: Who Belongs to the National Community?* (Washington, DC: Migration Policy Institute, 2012), www.migrationpolicy.org/research/TCM-french-national-identity.

38   Ben McPartland, 'Burqa Ban Five Years on – "We Created a Monster"', *The Local*, 12 October 2015, www.thelocal.fr/20151012/france-burqa-ban-five-years-on-we-create-a-monster.

39   The supporters of the ban, including French Prime Minister Manuel Valls, agreed that the threat was a symbolic rather than a concrete one (the burqini became a symbol of Islam in France)—as it did not directly oppose values of *laïcité*, integration, or security, for example. The court found that the ban 'seriously and clearly illegally breached fundamental freedoms'. See BBC News, 'French Resorts Lift Burkini Bans after Court Ruling', BBC News, 1 September 2016, www.bbc.com/news/world-europe-37243442.

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proportionate to the aim pursued.'[40] In other words, the court considered the actions of the school acceptable given the importance of promoting integration and did not view the request as unduly burdensome.

Courts are important vehicles for values arbitration as they are meant to act as a check on majoritarian decision-making. The rationale for constitutional rights, for instance, is that there are certain rights that cannot be infringed upon—rights that act as 'trumps' on day-to-day democratic policy-making, as the legal scholar Ronald Dworkin put it.[41] According to this view, courts are better placed to resolve thorny disputes over values than politicians or civil servants precisely because they are insulated from political processes—at least to the extent that they are perceived as apolitical (which is less true in countries where the highest judges are appointed by the executive, as in the United States). The counterargument, which favours arbitration through political means, is that members of the public should have a strong voice in deciding sensitive cultural questions that affect the societies in which they live. Furthermore, some critics argue that when complex moral questions are arbitrated in court, they are ultimately decided by majority voting between judges who are, after all, human and liable to have political affiliations.[42] Yet majority-vote processes—such as referendums—can be a particularly problematic tool in sensitive disputes, as they give the majority free rein to infringe upon the rights of the minority.

Some courts have recommended pragmatic compromises to pursue the goal of social integration.

When it comes to questions of religious freedom, courts often weigh a number of competing values rather than reliably ruling based on the constitutional rights of the individual. For instance, in 2017 the ECHR ruled that schools can make it mandatory for students in Switzerland to participate in mixed-gender swimming lessons, because 'the children's interest in a full education, thus facilitating their successful social integration according to local customs and mores, prevailed over the parents' wish to have their children exempted from mixed swimming lessons.'[43] Some courts have recommended pragmatic compromises to pursue the goal of social integration. In a similar case, a German court ruled in 2013 that a 13-year-old girl must attend mixed swimming lessons, but that she was entitled to wear a burqini.[44] Courts thus often end up making value judgments and balancing messy, competing principles when there is no easy constitutional answer (e.g., about how to weigh religious freedom vis-à-vis gender equality or social integration).

Countries that prefer to decide most issues through a political process often do so to ensure that all groups can have their say, and so that issues relating to values can be discussed proactively, rather than when they come into conflict. Moreover, the fact that some courts end up reaching pragmatic compromises, suggests that there is scope for similar compromises at an earlier stage.

B. Intercultural councils and mediation

Informal institutions, such as intercultural councils, are designed to resolve disputes at an earlier stage and, in doing so, prevent flashpoint issues from spiralling. Communities are sometimes best placed to resolve con-

40   Nanwani, 'The Burqa Ban'.
41   Ronald Dworkin, 'Rights as Trumps', in *Theories of Rights*, ed. Jeremy Waldron (Oxford, UK: Oxford University Press, 1984).
42   For instance, Richard Bellamy argues that the characterisation of democratic chambers as majoritarian free-for-alls and courts as forums for moral, rational debate is inaccurate. See Richard Bellamy, *Political Constitutionalism: A Republican Defence of the Constitutionality of Democracy* (Cambridge, UK: Cambridge University Press, 2007).
43   Amanda Erickson, 'In Switzerland, Muslim Parents Can't Prevent Their Daughters from Swimming with Boys', *Washington Post,* 11 January 2017, www.washingtonpost.com/news/worldviews/wp/2017/01/11/in-switzerland-muslim-parents-cant-prevent-their-daughters-from-swimming-with-boys/.
44   BBC News, 'Muslim Girl Must Go to Swimming Lessons – German Court', BBC News, 11 September 2013, www.bbc.com/news/world-europe-24055235.

flicts themselves, and their early engagement can preclude the need for a more heavy-handed approach from government.

Tools to engage communities in resolving cultural conflicts include:

- ▪ *Multi-stakeholder panels.* Such discussions offer a venue for community leaders to publicly negotiate local cultural conflicts. The German Islam Conference, which convenes annually to encourage dialogue between government bodies and Muslim groups, provides recommendations on resolving conflicts over issues such as religious education and mosque building. For instance, prior to the construction of a Mosque in Marxloh, Germany, the mosque organised a stakeholder panel with representatives from across the local community, including a Catholic priest. Taking the concerns of residents seriously about issues such as extra traffic and changes to the skyline, and encouraging open dialogue, took the heat out of the issue.[45]

- ▪ *Local dialogue.* Forums for participation and dialogue also seek to encourage intercultural interactions and stimulate open debate. Rotterdam has been especially active in this area, hosting an annual Day of Dialogue during which different groups sit around a table and share their thoughts and concerns. The format has since spread, and the Day of Dialogue now takes place in 50 municipalities across the Netherlands. In 2007, the Rotterdam city council also developed a programme called 'Building Bridges through Dialogue'. There are four pillars to the programme: broad civic citizenship dialogues to build cooperation between the municipality, welfare support, and cultural policy; citizenship and identity dialogues that emphasise creating a shared identity and strong solidarity; neighbourhood dialogues that encourage residents, organisations, and other parties to customise dialogue to their needs; and street dialogues that aim to stimulate participation and the sharing of ideas and concerns between neighbours.[46]

- ▪ *Intercultural mediation.* Mediation has been used effectively to resolve disagreements that have not yet reached a crisis level. For instance, in Badalona, Spain a 2009 campaign against the building of a mosque prompted the United Nations Educational, Scientific, and Cultural Organisation (UNESCO) to partner with the municipality to offer a mediation service to city residents. Trained mediators drawn from a diverse cross-section of residents help the Muslim community identify places for worship in the absence of sufficient mosques and help the Catholic community understand their Muslim neighbours' need to be recognised and to have a community space. When disputes arise, the mediation service brings religious leaders together to diffuse the situation. Interestingly, the mediators have found that clashes between different Muslim groups are often more challenging to resolve than those between Muslims and Christians.[47]

The line between practices that are genuinely harmful to the majority society and those that are merely uncomfortably different is a blurry one. Because of this, clear-cut responses are rare. Formal vehicles regardless of who initiates them—whether policymakers in the form of restrictive legislation or minorities in the form of legal cases that challenge official practices—run the greatest risk of incurring backlash, so should be an option of last resort.

Broad-based community stakeholder groups can often step in and assuage tensions at an earlier stage, before formal mechanisms become necessary. For such stakeholder forums, ensuring authentic representation can be a challenge; in situations where umbrella groups engage directly with the state, they may be seen as speaking for all. The role of policymakers in this context can be to provide support and advice for groups who want to create forums for mediation, perhaps even participating as appropriate.

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45 Deutsche Islam Konferenz, 'Building Mosques without Conflict', updated 25 November 2008, www.deutsche-islam-konferenz.de/DIK/EN/DIK/StandpunkteEgebnisse/Moscheebau/moscheebau-node.html.

46 Open Society Foundations, *Muslims in Rotterdam* (New York: Open Society Foundations, 2010), www.opensocietyfoundations.org/sites/default/files/a-muslims-rotterdam-report-en-20101119.pdf.

47 Club de Madrid, 'The Shared Societies Project: Leadership for Dialogue, Diversity and Social Cohesion', accessed 14 February 2017, www.clubmadrid.org/img/secciones/SSP_X_2_Catalonia.pdf.

C. Quasilegal bodies and sharia law

Finally, some countries allow religious courts to resolve internal conflicts. These are perhaps best established in the United States, where restrictions against civil courts interpreting religious doctrine have meant Catholic diocesan tribunals, Orthodox Jewish rabbinical courts, and Islamic sharia courts play an important role in settling business and family disputes through established, culturally sensitive means.[48] In Europe, the introduction of sharia courts has proved highly controversial. However, they have also played a lesser noted role in helping public institutions understand how to walk the fine line between toleration of difference and complicity with practices that violate gender equality. For instance, in the United Kingdom the Muslim Arbitration Tribunal, which was established to provide a means for the Muslim community to resolve disputes in accordance with Islamic law, has sought to influence the debate about forced marriage, including making recommendations for government legislation in this area.[49]

Media coverage often misrepresents the role that sharia councils in the West play by presenting them as a parallel legal system.

While some sharia practices can risk undermining gender equality—if, for instance, women are coerced into signing arbitration contracts[50]—much of the controversy over sharia law has been overblown. Media coverage often misrepresents the role that sharia councils in the West play by presenting them as a parallel legal system.[51] In fact, in some countries sharia operates within longstanding provisions for quasilegal institutions that resolve conflict, such as mediation and alternative dispute resolution. For instance, in Canada the *Arbitration Act of 1991* allows private parties to choose their own rules and venue for settling disagreements. The Islamic Institute of Civil Justice was established a decade later, in 2003, but operated within these existing legal parameters.[52] And most Muslims who practice sharia typically envision only a limited role for it (for example, in resolving family disputes)—an understanding that is compatible with many European legal systems.

When looking at the full array of institutions through which societies arbitrate disputes over values, there is a strong case for supporting mediation at earlier stages of conflict. This is especially true if a resolution can be reached through representative or democratic bodies instead of relying on the criminal justice system or the courts, the involvement of which will in and of itself escalate tensions and raise the stakes for all involved.

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48   For more information on different religious courts and mediation forums in the United States, see David Masci and Elizabeth Lawton, *Applying God's Law: Religious Courts and Mediation in the U.S.* (Washington, DC: Pew Research Center, Forum on Religion and Public Life, 2013), www.pewforum.org/2013/04/08/applying-gods-law-religious-courts-and-mediation-in-the-us/.

49   For instance, a report by the Muslim Arbitration Tribunal was cited in parliamentary debates on forced marriage. See Muslim Arbitration Tribunal, *Liberation from Forced Marriages* (Nuneaton, UK: Muslim Arbitration Tribunal, n.d.), www.matribunal.com/MAT_Forced_%20Marriage_%20Report; UK Parliament, House of Lords, 'Parliamentary Business, 19 Jun 2008—Column 1192', Lords Hansard, 19 June 2008, www.publications.parliament.uk/pa/ld200708/ldhansrd/text/80619-0010.htm.

50   Maurits Berger, 'Sharia Law in Canada – Also Possible in the Netherlands?' in *Crossing Borders: Essays in European and Private International Law in Honour of Frans van der Velden,* eds. Paulien van der Grinten and Ton Heukels (Deventer, Netherlands: Kluwer Rechtswetenschappelijke Publicaties, 2006), www.clingendael.nl/sites/default/files/20060800_cdsp_art_berger_sharia.pdf.

51   As explained by the research network Euro-Islam, sharia law does not constitute 'law' in the Western sense (a set of rules established to govern a society); instead, it is primarily designed to guide individual personal conduct and ensure that Muslims do not stray from Islam. The practice of sharia—often assumed to be a parallel legal system—more closely resembles faith-based mediation for family and domestic disputes. In other words, it is the creation of a space within the Muslim community for disputes to be resolved outside of the national legal system (a practice that exists in Christian and Jewish faiths as well). The fiqh, or science of Muslim law, sets laws based on the interpretation of sharia, which can vary enormously from country to country. See Euro-Islam, 'Islamic Law: Europe's Shari'a Debate', accessed 7 March 2017, www.euro-islam.info/key-issues/islamic-law.

52   Euro-Islam, 'Islamic Law'.

But despite the existence of many local initiatives and a growing role for religious councils in helping resolve or advise in cases of intergroup cultural conflicts, most countries lack well-established governance structures or processes for working through values conflicts early.

Most countries have only embryonic institutions for resolving cultural conflict outside of parliament or the courts. And while the stakes are often high for legal arbitration, traditional democratic processes are unlikely to be well-suited for negotiating community issues. Representative democracy may be perceived as inaccessible to the communities affected by these issues, especially given that minorities are often underrepresented and confidence in elected officials is declining across the board. By contrast, in countries with more direct forms of democracy, such as Switzerland, referendums have proved blunt instruments for resolving complex disputes over cultural practices since they encourage people to take sides rather than seek compromise.[53]

V. RECOMMENDATIONS AND CONCLUSIONS

Modern integration debates have in many ways crystallised around the transgression (or perceived transgression) of national values. Images of burqas and minarets have been co-opted as symbols of failed integration, seen in some quarters as resistance by newcomers to adopting mainstream values. Yet as those who defend and promote diversity point out, few concrete, compelling symbols exist that could be used as analogous proof of successful integration. Asserting what a society *is not* is a powerful but incomplete statement; the real work requires articulating what binds the members of a society together and what, as a collective, they *aspire to be*.

> *While restrictions on minority practices may be legally defensible, they may not be practical—especially if they further feelings of exclusion within Muslim or other minority populations.*

One of the biggest challenges facing diverse societies is the need to find ways for all members to come together, find middle ground, and forge compromises amid heightened polarisation. In their role as arbitrators of compromise, governments must weigh multiple, sometimes contradictory, considerations. While restrictions on minority practices may be legally defensible, they may not be practical—especially if they further feelings of exclusion within Muslim or other minority populations already at risk of marginalisation and radicalisation. These measures may also be disproportionate and counterproductive to their otherwise legitimate goals. Countries that use the full force of the law (with all its symbolic weight) to combat a practice espoused by only a few hundred individuals may be using a sledgehammer to crack a nut—and, in the process, undermining their own moral authority.

Positive approaches such as citizenship education and national exercises to define shared values may, by contrast, be perceived as innocuous to the point of ineffective. Significant questions remain about the efficacy of these approaches, especially given the divisions and tensions present in many European societies. For example, how can governments design values programming that is thorough enough to be meaningful without being so overly proscriptive (or narrowly targeted) that it appears patronising?

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53   For instance, a Swiss referendum in February 2017 over whether to make it easier for third-generation immigrants to become citizens was coloured by anti-Muslim messages, although voters ultimately decided in favour of the provision. See Philip Oltermann, 'Switzerland Votes to Ease Citizenship Process', *The Guardian*, 12 February 2017, www.theguardian.com/world/2017/feb/12/switzerland-votes-immigrants-citizenship-rights-islamophobia.

In exploring and addressing these challenges, policymakers and communities should consider devoting more resources to the design and delivery of values education. Initial steps may include identifying the right target audience, testing the most effective medium(s) of communication (e.g., to reach those outside traditional programming structures), and seeking evidence on whether certain methods of promoting values have been shown to have tangible results. And perhaps most importantly, at a time when many societies are particularly sensitive to controversy over minority religious and cultural symbols, governments and communities must find neutral, evidence-based ways of determining the conditions under which restrictions or accommodations will best serve their policy goals.

As they face these challenges, policymakers should keep in mind the following lessons learned from societies across Europe:

1. *Values programming may be too narrowly targeted—leaving out those who need it the most.* Initiatives designed to teach and instil values tend to target newcomers (particularly refugees and asylum seekers), leaving out key demographics such as second-generation immigrants, temporary and irregular immigrants, and members of other underserved communities that don't have an immigrant backgrounds. The case for extending such programmes to a wider audience is strengthened by the fact that there is little evidence to suggest that groups commonly left out, such as the native born, share a common understanding of national values. Governments may need a wholly new approach. For example, civic education in schools could be expanded to become a standard part of the curriculum so that core values become part of the fabric of daily life, rather than a one-off offering for select groups of students. Decisionmakers will also need to think more creatively about how to adapt and tailor their communication of national values to reach individuals who do not regularly interact with institutions that instil these values, such as schools or citizenship acquisition procedures.

2. *Top-down exercises to define values can be perceived as disingenuous and inauthentic.* Efforts to communicate values may be less effective if entire communities feel they have been excluded from the process of defining them. It is important to identify and mitigate barriers (e.g., limited language proficiency or digital literacy) that may prevent members of marginalised groups from participating in exercises that explore and decide upon shared values. The list of values determined by such exercises may also be experienced as a double-standard if it paints a picture of society that does not match newcomers' experiences.

3. *Policies that seek to promote values should be strongly rooted in evidence.* Governments have experimented with different programme designs, tweaking programme length, target audiences, and the interlocutors involved. Yet there is scant evidence on what programme elements lead to the successful adoption of core values—let alone whether they contribute to measurable gains in long-term social cohesion (or, instead, to further division and marginalisation). Policymakers can more effectively communicate the boundaries of what is and is not acceptable, and avoid backlash, if they use data rather than emotion or political expediency as the basis for their decisions. The key measure of values adoption should be whether programme participants see a measurable change in the values they use to shape their daily lives.

4. *Restrictions should be carefully calibrated to ensure they are proportionate to the scale of the problem.* While restricting 'problematic' cultural practices may score political points in the short term, there is ample evidence that such measures can trigger long-lasting, unintended consequences that run counter to their stated goals. Restrictions can further alienate already-marginalised minority groups while doing little to change the behaviour of the individuals who were the intended targets. When restrictions backfire or prove counterproductive, they can sour public opinion among a much larger segment of the population. Policymakers need to weigh the possible benefits—temporarily easing public anxieties in times of increased immigration, for example—against the potential long-term costs.

5. ***Governments should communicate and mediate when conflicts first begin to emerge, rather than waiting to see if they flair to a crisis point.*** Policymakers often hesitate to proactively communicate with their constituents about diversity and cultural conflict, waiting instead until a crisis is in full swing. And even then, recent experience has shown that politicians and media sometimes choose to bury the debate rather than address it head-on, at times to avoid shining a negative light on government policy. But creating open channels of communication to discuss potential conflicts may help mitigate them before they explode. Along these lines, governments should explore ways to promote mediation at earlier stages of conflict—before resorting to criminal or financial sanctions—including by allowing minority groups to resolve conflicts internally.

Increased diversity of all kinds has challenged the notion of a core set of shared norms and values in many liberal democracies. Two-sided conflicts between majority and minority values have now been superseded by more complex forms of pluralism, including as a result of the increasing number of people living in irregular immigration status on the margins of society and the growing fragmentation among majority populations. As countries begin to adapt to this new normal, creating institutions for resolving conflicts over values and nurturing intercultural dialogue will be as important, if not more so, than efforts to define a specific set of values to which all should subscribe.

Creating open channels of communication to discuss potential conflicts may help mitigate them before they explode.

WORKS CITED

Austrian Federal Chancellery. 2017. Arbeitsprogramm der Bundesregierung 2017/2018—4 Sicherheit und Integration—4.5 Integration. January 2017. www.bka.gv.at/4-sicherheit-und-integration#top-5.

Austrian Federal Ministry for Europe, Integration, and Foreign Affairs (BMEIA). 2015. *50 Action Points: A Plan for the Integration of Persons Entitled to Asylum or Subsidiary Protection in Austria.* Vienna: BMEIA. www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/Publikationen/Integrationsplan_final_EN.pdf.

———. 2016. The Ministry for Integration, the Public Employment Service Austria and the Austrian Integration Forum Present Austria-Wide Cooperation in Providing Values Courses for Refugees. Press release, Vienna, 9 March 2016. www.bmeia.gv.at/en/the-ministry/press/announcements/2016/03/the-ministry-for-integration-the-public-employment-service-austria-and-the-austrian-integration-forum-present-austria-wide-cooperation-in-providing-values-courses-for-refugees/.

Banulescu-Bogdan, Natalia and Heaven Crawley. 2016. Refugee Integration through a Gendered Lens. Discussion paper tabled at the 16th plenary meeting of the Transatlantic Council on Migration, Migration Policy Institute, Toronto, 27–28 June 2016.

Barcelona City Council. 2010. Acta d'acords de la Reunió Extraordinària de la Comissió Permanent del Consell Municipal d'Immigració de Barcelona. 18 June 2010. www.bcn.cat/novaciutadania/pdf/ca/participacio/programes/Acta_CP_18-6-10_aprovadadef_ca.pdf.

BBC News. 2013. Muslim Girl Must Go to Swimming Lessons – German Court. BBC News, 11 September 2013. www.bbc.com/news/world-europe-24055235.

———. 2016. French Resorts Lift Burkini Bans after Court Ruling. BBC News, 1 September 2016. www.bbc.com/news/world-europe-37243442.

Belgian Chamber of Representatives. 2011. Proposition de Loi: visant à interdire le port de tout vêtement cachant totalement ou de manière principale le visage. Doc 53 0219/004, 18 April 2011. www.dekamer.be/FLWB/PDF/53/0219/53K0219004.pdf.

Bellamy, Richard. 2007. *Political Constitutionalism: A Republican Defence of the Constitutionality of Democracy.* Cambridge, UK: Cambridge University Press.

Berger, Maurits. 2006. Sharia Law in Canada – Also Possible in the Netherlands? In *Crossing Borders: Essays in European and Private International Law in Honour of Frans van der Velden*, eds. Paulien van der Grinten and Ton Heukels. Deventer, Netherlands: Kluwer Rechtswetenschappelijke Publicaties. www.clingendael.nl/sites/default/files/20060800_cdsp_art_berger_sharia.pdf.

Brubaker, Rogers. 1990. *Citizenship and Nationhood in France and Germany.* Cambridge, MA: Harvard University Press.

Citizenship Foundation. 2015. Teachers Concerned about Exploring Controversial Issues in Class. Updated 4 June 2015. www.citizenshipfoundation.org.uk/main/news.php?n1140.

Club de Madrid. N.d. The Shared Societies Project: Leadership for Dialogue, Diversity and Social Cohesion. Accessed 14 February 2017. www.clubmadrid.org/img/secciones/SSP_X_2_Catalonia.pdf.

Crumley, Bruce. 2010. Why France's National Identity Debate Backfired. *TIME,* 12 February 2010. http://content.time.com/time/world/article/0,8599,1963945,00.html.

Danish Parliament. 2009. Forslag til Lov om ændring af retsplejeloven (Dommeres fremtræden i retsmøder). 29 May 2009. www.retsinformation.dk/Forms/R0710.aspx?id=125309.

Deutsche Islam Konferenz. 2008. Building Mosques without Conflict. Updated 25 November 2008. www.deutsche-islam-konferenz.de/DIK/EN/DIK/StandpunkteEgebnisse/Moscheebau/moscheebau-node.html.

Deutsche Welle. 2016. Support, Sarcasm after Merkel Calls for Banning Burqas. *Deutsche Welle*, 6 December 2016. www.dw.com/en/support-sarcasm-after-merkel-calls-for-banning-burqas/a-36670846.

Dworkin, Ronald. 1984. Rights as Trumps. In *Theories of Rights*, ed. Jeremy Waldron. Oxford, UK: Oxford University Press.

En Toen. N.d. De Canon van Nederland. Accessed 20 January 2017. http://entoen.nu/en.

Erickson, Amanda. 2017. In Switzerland, Muslim Parents Can't Prevent Their Daughters from Swimming with Boys. *Washington Post*, 11 January 2017. www.washingtonpost.com/news/worldviews/wp/2017/01/11/in-switzerland-muslim-parents-cant-prevent-their-daughters-from-swimming-with-boys/.

Euro-Islam. N.d. Islamic Law: Europe's Shari'a Debate. Accessed 7 March 2017. www.euro-islam.info/key-issues/islamic-law.

French National Assembly and Senate. 2004. LOI n° 2004-228 du 15 mars 2004 encadrant, en application du principe de laïcité, le port de signes ou de tenues manifestant une appartenance religieuse dans les écoles, collèges et lycées publics. 15 March 2004. www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000417977&dateTexte=&categorieLien=id.

———. 2010. LOI n° 2010-1192 du 11 octobre 2010 interdisant la dissimulation du visage dans l'espace public. 11 October 2010. www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000022912210&dateTexte=20170424.

Galeotti, Anna Elisabetta. 2002. *Toleration as Recognition*. Cambridge, UK: Cambridge University Press.

———. 2015. The Range of Toleration: From Toleration as Recognition Back to Disrespectful Tolerance. *Philosophy and Social Criticism* 41 (2): 93–110.

German Bundestag. 2017. Entwurf eines Gesetzes zu bereichsspezifischen Regelungen der Gesichtsverhüllung. 15 February 2017. http://dip21.bundestag.de/dip21/btd/18/111/1811180.pdf.

Grillo, Ralph and Prakash Shah. 2012. Reasons to Ban: The Anti-Burqa Movement in Western Europe. Working paper 12-05, Max Planck Institute for the Study of Religious and Ethnic Diversity, Göttingen, Germany. www.mmg.mpg.de/fileadmin/user_upload/documents/wp/WP_12-05_Grillo_Reasons-to-Ban.pdf.

Guardian, The. 2016. Hungarian Prime Minister Says Migrants Are 'Poison' and 'Not Needed'. *The Guardian*, 26 July 2016. www.theguardian.com/world/2016/jul/26/hungarian-prime-minister-viktor-orban-praises-donald-trump.

Hackett, Conrad. 2016. 5 Facts about the Muslim Population in Europe. Pew Research Center, 19 July 2016. www.pewresearch.org/fact-tank/2016/07/19/5-facts-about-the-muslim-population-in-europe/.

House of Representatives of the Netherlands. 2015. Wetsvoorstel 34349: Instelling van een gedeeltelijk verbod op het dragen van gezichtsbedekkende kleding in het onderwijs, het openbaar vervoer, overheidsgebouwen en de zorg (Wet gedeeltelijk verbod gezichtsbedekkende kleding). 27 November 2015. www.tweedekamer.nl/kamerstukken/wetsvoorstellen/detail?id=2015Z22904&dossier=34349.

Human Rights Watch. 2008. The Netherlands: Discrimination in the Name of Integration. Background paper, Human Rights Watch, New York, May 2008. www.hrw.org/legacy/backgrounder/2008/netherlands0508/netherlands0508web.pdf.

Joppke, Christian. 2012. *The Role of the State in Cultural Integration: Trends, Challenges, and Ways Ahead.* Washington, DC: Migration Policy Institute. www.migrationpolicy.org/research/TCM-state-role-in-cultural-integration.

Karnitschnig, Matthew. 2016. Cologne Puts Germany's 'Lying Press' on Defensive. Politico, January 20, 2016. www.politico.eu/article/cologne-puts-germany-lying-media-press-on-defensive-migration-refugees-attacks-sex-assault-nye/.

Laborde, Cécile. 2006. Female Autonomy, Education and the *Hijab*. *Critical Review of International Social and Political Philosophy* 9 (3): 351–77.

Legatum Institute. N.d. Center for Character and Values: Mission. Accessed 27 February 2017. www.li.com/pro-grammes/centre-for-character-values.

Local, The. 2016. Danes Define Their National Values in Online Vote. *The Local*, 12 December 2016. www.thelocal.dk/20161212/danes-define-their-national-values-in-online-vote.

Macklin, Audrey. N.d. The Return of Banishment: Do the New Denationalisation Policies Weaken Citizenship? EUDO Citizenship Forum Blog. Accessed 17 April 2017. http://eudo-citizenship.eu/commentaries/citizenship-forum/citizenship-forum-cat/1268-the-return-of-banishment-do-the-new-denationalisation-policies-weaken-citizenship.

McPartland, Ben. 2015. Burqa Ban Five Years on – 'We Created a Monster'. The Local, 12 October 2015. www.thelocal.fr/20151012/france-burqa-ban-five-years-on-we-create-a-monster.

Migration Policy Institute Europe. 2017. Author conversations with integration officials at an off-the-record meeting of the MPI Europe Integration Futures Working Group, hosted by the Austrian Federal Ministry for Europe, Integration, and Foreign Affairs. Vienna, 24 January 2017.

Mill, John Stuart. 1869. *On Liberty*. 4th ed. London: Longman, Roberts & Green.

Mock, Vanessa. 2011. Burqa Ban Unites a Politically Divided Belgium. Deutsche Welle, 23 July 2011. www.dw.com/en/burqa-ban-unites-a-politically-divided-belgium/a-15260969.

Masci, David and Elizabeth Lawton. 2013. *Applying God's Law: Religious Courts and Mediation in the U.S.* Washington, DC: Pew Research Center, Forum on Religion and Public Life. www.pewforum.org/2013/04/08/apply-ing-gods-law-religious-courts-and-mediation-in-the-us/.

Muslim Arbitration Tribunal. N.d. *Liberation from Forced Marriages*. Nuneaton, UK: Muslim Arbitration Tribunal. www.matribunal.com/MAT_Forced_%20Marriage_%20Report.

Nanwani, Shaira. 2011. The Burqa Ban: An Unreasonable Limitation on Religious Freedom or a Justifiable Restriction? *Emory International Law Review* 25 (3): 1431. http://law.emory.edu/eilr/content/volume-25/issue-3/com-ments/burqa-ban-limitation-religious-freedom-restriction.html.

Nasralla, Shadia. 2017. Austrian Minister Calls for Headscarf Ban for Public Servants. Reuters, 9 January 2017. www.reuters.com/article/uk-austria-headscarf-idUSKBN14T1II.

National Assembly of the Republic of Bulgaria. 2016. Закон за ограничаване носенето на облекло, прикриващо или скриващо лицето. Decree no. 319, 30 September 2016. www.parliament.bg/bg/laws/ID/42106.

Odero, Angela, Chrysoula Karathanasi, and Michèle Baumann. 2016. The Welcome and Integration Contract of Luxembourg: Satisfaction with the Quality of Services According to Non-EU Immigrants. In *InPACT 2016: International Psychological Applications Conference and Trends*, eds. Clara Pracana and Michael Wang. Lisbon: World Institute for Advanced Research and Science. http://orbilu.uni.lu/handle/10993/27078.

Oltermann, Philip. 2017. Switzerland Votes to Ease Citizenship Process. *The Guardian,* 12 February 2017. www.theguardian.com/world/2017/feb/12/switzerland-votes-immigrants-citizenship-rights-islamophobia.

Open Society Foundations. 2010. *Muslims in Rotterdam*. New York: Open Society Foundations. www.opensociety-foundations.org/sites/default/files/a-muslims-rotterdam-report-en-20101119.pdf.

Osborne, Samuel. 2017. Geert Wilders: Far-Right Dutch PM Frontrunner Says 'Islam and Freedom Are Not Compat-ible'. *Independent*, 22 February 2017. www.independent.co.uk/news/world/europe/geert-wilders-dutch-pm-frontrunner-far-right-islamophobic-freedom-a7593466.html.

Papademetriou, Demetrios G., Richard Alba, Nancy Foner, and Natalia Banulescu-Bogdan. 2016. *Managing Reli-gious Difference in North America and Europe in an Era of Mass Migration.* Washington, DC: Migration Policy Institute. www.migrationpolicy.org/research/managing-religious-difference-north-america-and-eu-rope-era-mass-migration.

Peroni, Lourdes. 2011. Lautsi v. Italy: Possible Implications for Minority Religious Symbols. Strasbourg Observers, 31 March 2011. https://strasbourgobservers.com/2011/03/31/lautsi-possible-implications-for-minority-reli-gious-symbols/.

Pew Research Center. 2015. *The Future of World Religions: Population Growth Projections, 2010–2050*. Washington, DC: Pew Research Center. www.pewforum.org/2015/04/02/religious-projections-2010-2050/.

Quennet-Thielen, Cornelia. 2016. Speech by State Secretary, German Federal Ministry of Education and Research, to the German Marshall Fund of the United States. *The Transatlantic Implications of Migration and Demographic Change*. Washington, DC, 8 September 2016.

Rankin, Jennifer. 2017. ECHR: Swiss Muslim Girls Must Attend Mixed-Sex Swimming Lessons. *The Guardian*, 10 January 2017. www.theguardian.com/world/2017/jan/10/echr-swiss-muslim-girls-must-attend-mixed-sex-swimming-lessons.

Rawls, John. 2005. *Political Liberalism*. New York: Columbia University Press.

Regional Council of Lombardy. 2015. Serie Ordinaria n. 51. *Regione Lombardia Bollettino Ufficiale*, no. 51, 18 December 2015. www.consultazioniburl.servizirl.it/ConsultazioneBurl/ElencoBurl.

Republic and Canton of Ticino. 2016. Costituzione della Repubblica e Cantone Ticino del 14 dicembre 1997; modifica. *Bollettino ufficiale delle leggi*, vol. 142, 8 April 2016. www3.ti.ch/CAN/fu/2016/BU_017.pdf.

Saul, Heather. 2014. Michael Gove Given 'British Values' by Twitter after Announcing Trojan Horse Measures. *Independent,* 10 June 2014. www.independent.co.uk/news/uk/politics/michael-gove-given-british-values-by-twitter-after-announcing-trojan-horse-measures-9521351.html.

Senate of the Netherlands. 2016. Wet gedeeltelijk verbod gezichtsbedekkende kleding. 29 November 2016. www.eerstekamer.nl/wetsvoorstel/34349_wet_gedeeltelijk_verbod.

Simon, Patrick. 2012. *French National Identity and Integration: Who Belongs to the National Community?* Washington, DC: Migration Policy Institute. www.migrationpolicy.org/research/TCM-french-national-identity.

Traynor, Ian. 2009. Swiss Vote to Ban Construction of Minarets on Mosques. *The Guardian*, 29 November 2009. www.theguardian.com/world/2009/nov/29/switzerland-bans-mosque-minarets.

UK Employment Appeal Tribunal. 2007. Azmi v Kirklees Metropolitan Borough Council [2007] UKEAT 0009_07_3003. 30 March 2007. www.bailii.org/uk/cases/UKEAT/2007/0009_07_3003.html.

UK Parliament, House of Lords. 2008. Parliamentary Business, 19 Jun 2008—Column 1192. Lords Hansard, 19 June 2008. www.publications.parliament.uk/pa/ld200708/ldhansrd/text/80619-0010.htm.

UK Secretary of State for the Home Department. 2015. Counter-Extremism Strategy. Command paper no. 9148, London, presented to Parliament, 19 October 2015. www.gov.uk/government/uploads/system/uploads/attachment_data/file/470088/51859_Cm9148_Accessible.pdf.

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Migration Policy Institute Europe, established in Brussels in 2011, is a non-profit, independent research institute that aims to provide a better understanding of migration in Europe and thus promote effective policymaking. Building upon the experience and resources of the Migration Policy Institute, which operates internationally, MPI Europe provides authoritative research and practical policy design to governmental and nongovernmental stakeholders who seek more effective management of immigration, immigrant integration, and asylum systems as well as successful outcomes for newcomers, families of immigrant background, and receiving communities throughout Europe. MPI Europe also provides a forum for the exchange of information on migration and immigrant integration practices within the European Union and Europe more generally.

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