

# **The Multicultural Backlash, “Illiberal” Liberalism and Ineffective Policy Making:**

## **An Analysis of Denmark’s Response to Arranged and Forced Marriage**

**Major Research Paper**

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## **Abstract**

Immigration to western countries since the middle of the twentieth century has contributed to significant cultural and ethnic diversity. Understandably, diversity naturally introduces new and sometimes controversial practices, which challenge the norms and values adopted by the majority. One challenging practice being faced by western societies today is arranged and forced marriage, which conflicts with western ideas of marriage. Further, it is inconsistent with liberal understandings of gender equality and individual autonomy, which are fundamental principles in liberal democracies. In reaction to such practices certain European countries, particularly Denmark, have implemented or strengthened strict immigration laws designed to obstruct arranged and forced marriages. This paper argues that the recent anti-multicultural backlash has influenced shifts in immigration and integration policies across Europe. The paper also argues that the ways Denmark has attempted to stop arranged and forced marriage among ethnic minorities is problematic on two levels. First, from a theoretical perspective, while the laws are justified on the basis of upholding liberal values and traditions of western countries, they are also fundamentally undermining core liberal values of tolerance and inclusion. Second, from a policy perspective, Denmark's efforts to reduce arranged and forced marriage and prevent violence against women by enforcing stricter immigration via family reunification laws is not necessarily preventing arranged and forced marriages or violence against women.

## **Introduction**

Immigration to western countries since the middle of the twentieth century, that witnessed newcomers arriving from places in Asia and Africa, has contributed to significant cultural and ethnic diversity. In many cases - for example in Canada and the United States - such diversity is deeply valued and considered an important and defining characteristic for a country's identity. However, diversity naturally introduces new and sometimes controversial practices, which challenge the norms and values adopted by the majority. In any immigrant-receiving nation, it is the government's job, via public policy, to understand and manage these distinct practices in order to provide social, political and economic equity and stability. In certain places, such policy is implemented within a multiculturalist framework, wherein public policy decisions require the modification of laws. In other situations, policy directives require the banning of certain practices, or alternatively, the granting of exceptions to cultural groups from the general laws to accommodate minority cultural practices that govern a nation. One challenging practice being faced by western societies is arranged or forced marriage. This practice conflicts with western conceptions and values related to marriage. More critically, arranged and forced marriage, understood as an individual being compelled to marry a person without their consent or against their will, is inconsistent with liberal understandings of gender equality, autonomy and agency, and the capacity for self-definition and determination that are central in liberal democracies. In reaction to such practices and on the grounds of defending core western liberal values from such practices that are perceived as primitive or uncivilized, certain European countries, particularly Denmark, have implemented or strengthened strict immigration laws designed to obstruct arranged and forced marriages.

For definitional purposes, the British Foreign and Commonwealth Office states that forced marriage is a situation wherein “one or both parties are coerced into a marriage against their will and under duress” whereas arranged marriage is when “both parties give their full and free consent to the marriage” (Chantler, Gangoli and Hester, 2009, p.596). Defining and exploring the issue of forced and arranged marriage with respect to consent warrants a separate examination beyond the parameters of this paper. However, it is relevant to note that while consent is important, it can be hard to establish (Chantler, Gangoli and Hester, 2009). Certain countries Denmark among them, do not distinguish between the practices.

Arranged and forced marriage illustrates a much larger and complex phenomenon occurring in society today: the various challenges associated with living in and accommodating greater cultural diversity. Arranged and forced marriages and the reaction to them, in Denmark for example, demonstrate one way in which a society has chosen to handle such a challenge. Denmark views arranged and forced marriage as normatively problematic. Such marriages contravene its commitment to liberal thinking and ideals. While Denmark’s position is perhaps justifiable in principle on the basis that it values and wants to preserve key principles of liberal thinking central to its identity, the approach the country has taken to prevent the practice in terms of policy and rhetoric may also be perceived as a violation of core liberal values such as tolerance, inclusion, and equality, as well as less than effective public policy. This paper argues that the more recent backlash against multiculturalism in Europe hinges on a series of tactical and culturally based reactions and rhetorical arguments put forward by politicians and commentators. This anti-multicultural rhetoric has featured prominently in the last decade in European social,

political and economic discourse among politicians, academics, and the public. Further, it has influenced and to some extent motivated a shift in immigration and integration policy among certain European countries, most critically, Denmark. The paper further argues that an examination of Denmark's immigration laws, designed to prevent forced and arranged marriage, reveals several theoretical and policy-related problems behind their motivation and efficacy. From a critical theoretical perspective, while the laws are justified on the basis of upholding liberal values and traditions of western countries, they are also fundamentally undermining the core liberal values of tolerance and inclusion (Adamson, Triadafilopoulos and Zolberg, 2011). From a critical policy perspective, Denmark's efforts to reduce arranged and forced marriage and prevent violence against women – considered inherent in arranged and forced marriage – by enforcing stricter immigration via family reunification laws, is not necessarily preventing arranged and forced marriages or violence against women. Indeed, the laws have a tendency to ignore other significant variables that influence the phenomenon of arranged and forced marriage and violence, including gender inequality, family violence, socio-economic status, poverty, sexuality, immigration and asylum (Chantler, Gangoli and Hester 2009). The results, intended or unintended, are punitive laws that predominantly target and impact ethnic minorities and that are motivated by anti-multicultural rhetoric that are neither “liberal” nor effectively addressing and minimizing arranged and forced marriages practices.

The paper is presented in three sections. The first section defines multiculturalism and explains what it is intended to accomplish from a broad public policy perspective and discusses the Canadian experience with multiculturalism as an example. This section also discusses the anti-multicultural rhetoric used by opponents to proclaim it a failure that is

socially and economically divisive and fosters societal tension. Central to this examination of the anti-multicultural rhetoric is a common theme; the rhetoric is usually framed within a cultural lens. In this framework opponents cite cultural incompatibility, create dual dichotomies of “us versus them”, conflate multiculturalism, immigration, integration and ignore a range of significant factors, such as gender and socio-economics, that scholars and others argue are central to immigration and integration challenges. The second section of the paper explores the various motivations and lines of justification for Denmark’s efforts to reduce the practice of arranged and forced marriage. The section also includes an examination of the family reunification laws Denmark has implemented involving age and attachment stipulations that impact on immigration and from Denmark’s perspective, limit and stop arrange and forced marriage. The third section of the paper explores the theoretical and policy problems and consequences that emerge from Denmark’s laws policies and their justification. From a theoretical perspective, the Danish policies undermine the core liberal values of tolerance and inclusion that they argue are central to Danish life. From a public policy perspective, the policies disproportionately target ethnic minorities and their effectiveness at curbing arranged and forced marriage is questionable. This is particularly in light of a host of alternative socio-economic factors identified by scholars that perpetuate the phenomenon of arranged and forced marriage. The paper concludes that not only is the oppositional rhetoric framed within a cultural lens, which limits effective and meaningful debate and solutions, but so too is Danish immigration policy that is aimed at preventing arranged and forced marriage in the name of preserving liberal ideals and protecting women. The consequence is the ignoring of relevant factors

that contribute to arranged and forced marriage as well as illiberal practices and ineffective public policy making.

## **Section I – A Rejection of or “Backlash” Against Multiculturalism in Europe**

*“If a generation of political leaders keep telling us that the hyper-diversity of London, Rotterdam and Hamburg is a failure, then that is how it will be understood; it robs millions of some measure of dignity in their efforts to adapt and accommodate difference. It deprives European urban multiculturalism of hope, as Modood points out, and makes it instead something to fear.”* Madeleine Bunting, *The Guardian*, February 6, 2011

In the past decade and across many countries in Europe, multiculturalism has been pronounced a failure in public and political discourse. Many critics of multiculturalism argue that as a liberal ideology, multiculturalism has failed considerably in terms of minority integration. They cite high unemployment rates, youth delinquency and urban segregation among immigrants as leading indicators. Further, this failure has created a dangerous and fractured social condition, cultural marginalization and resentment, and has laid the groundwork for religious extremism and terrorism (Vertovec and Wessendorf, 2010).

### **Briefly, What is Multiculturalism? A Canadian Perspective**

In the context of policy, Vertovec and Wessendorf describe multiculturalism as, “a broad set of mutually reinforcing approaches or methodologies concerning the incorporation and participation of immigrants and ethnic minorities and their modes of cultural/religious difference” (Vertovec and Wessendorf, 2010, p.4). The current understanding of multiculturalism, and the one that is said to have failed, began to emerge in the late 1960s. Different types of multiculturalism have been identified by social

scientists. However, it can largely be described as both a strand of liberal political philosophy, as presented by Charles Taylor, Will Kymlicka and Tariq Modood, as well as a series of specific policy interventions and public institutional frameworks. The goal of multicultural policies is to ensure newcomers and minorities' inclusion, participation and sense of belonging in society by removing economic, social and political barriers. Such policies take many forms and approaches and can include, but are not limited to: economic inclusion and access and integration into labour markets; social integration that exists at the informal community level as well as in more formal social organizations and institutions; and, political involvement in electoral processes, representation, as well as access to nationality and naturalization (Kaya, 2002; Kymlicka, 2010a p.7). Presently, among Western democracies, Canada is attributed with having some of the strongest measurement outcomes of immigrant inclusion and integration into economic, political and social facets of Canadian life (Kymlicka, 2010a, p.8). Compared to other countries, these positive outcomes include: higher successes in education; federal and provincial political representation; an absence of minority and religiously based ghettos; a high level of acceptance of multiculturalism in Canada and a commonly held view that diversity is a key aspect of Canadian identity; and, a lower presence of anti-Muslim sentiment (Kymlicka, 2010a, p.8-9). Multicultural policy is perhaps not the sole contributor to these outcomes, for example, many newcomers to Canada arrive with strong human capital skills and are in a better position to engage sooner in contributing to and benefitting from society. However, Kymlicka notes that new research clarifies the role and influence that multiculturalism has had in two broad areas: individual identity and institutional design (Kymlicka, 2010a, p.9). For example, at the individual level, "multiculturalism provides a

locus for the high level of mutual identification among native-born citizens and immigrants in Canada...the fact that Canada has officially defined itself as a multicultural nation means that immigrants are a constituent part of the nation that citizens feel pride in” (Kymlicka, 2010a, p. 9). At the institutional level, multiculturalism has contributed to creating more inclusive public institutions. With respect to public education, the Organization for Economic Cooperation and Development (OECD) notes that a key factor in Canada’s comparative advantage in education for newcomer students is the presence of “specific policies [that] address issues of cultural and linguistic diversity in the school population – policies that, in the Canadian context, have emerged under the rubric of multiculturalism” (OECD in Kymlicka, 2010a, p.10).<sup>1</sup>

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<sup>1</sup> It is important to note, however, that not everyone believes multiculturalism has been positive for Canada. For example, Québécois groups have expressed concern over multiculturalism in Canada since its inception in the 1970s. In some cases, it is perceived as an intrusion into Quebec’s provincial affairs or a means of downgrading the distinct francophone status, thereby violating the special agreement made between Canada’s founding Anglophone and francophone partners. In addition, some scholars, commentators and politicians assert that multicultural policy making in Canada, in efforts to promote and sustain healthy diversity, has occurred at the expense of national unity and social, political and economic cohesion. Further, some argue that multiculturalism fosters an “inward-focused mentality” among ethnic minorities, which creates a divide between different groups of Canadians. Others argue that multiculturalism has negatively impacted Canadian’s knowledge of their history and led to the widespread notion that Canada lacks a single identity. Kymlicka counters the latter arguments by pointing out that evidence on newcomer integration does not support their conclusions (Dewing, 2009). Perhaps a more productive critique of multiculturalism could be drawn from in-depth analysis of specific policies that avoid falling into the anti-multicultural rhetoric. The goal would be to better understand the impact of policies, positive or negative, on Canadians, and how they can evolve and be improved.

### **Monolithic to Multicultural Citizenship**

Multiculturalism can be situated in and viewed of as part of a larger human rights movement that occurred after WWII, beginning with the struggles for decolonization as well as the ending of segregation and discrimination exemplified by the United States' civil rights movement (Kymlicka, 2010b; Kymlicka, 2009). These movements significantly contributed to, "a process of democratic 'citizenization' – that is, turning the earlier catalogue of hierarchal relations into relationships of liberal-democratic citizenship" (Kymlicka, 2010b, p. 36). Prior to the post-WWII human rights movements, imposing a single and undifferentiated form of citizenship onto every individual was common practice as a means of forming and sustaining a national identity. From the late 1960s onward, with the advent of multicultural policies, the concept of citizenship became understood not as an undifferentiated model, but instead, as an awareness of group differences incorporating the language of human rights, democratic processes and civil liberties (Kymlicka, 2010b; Kymlicka, 2009).

### **Multiculturalism Applied in Policy**

Among western democracies, Kymlicka distinguishes between three modes of multiculturalism, all of which include a combination of policies relating to public recognition, law, education, social services, religion, public goods, and media and broadcasting (Vertovec and Wessendorf, 2010). One mode is the empowerment of indigenous peoples, such as Aboriginal peoples in Canada or the Maori in New Zealand. Specific policies attached to this model include land and title recognition and treaties, rights to self-government, legislative, constitutional and legal recognition, as well as cultural rights recognition (Kymlicka, 2010b, p. 36).

A second mode that Kymlicka identifies is a form of autonomy and power sharing for “substate national groups”, such as the Quebecois in Canada and the Swedish in Finland. Specific policies within this mode include rights to federal or territorial autonomy, constitutional, parliamentary and legal recognition, representation guarantees in areas such as government, law and enforcement, and, official language status (Kymlicka, 2010b, p. 36). Finally, the third mode is the “multicultural citizenship” model for immigrant groups. Specific policies in this case include constitutional, parliamentary or legislative affirmation of multiculturalism, inclusion of ethnic representation in public spheres, dress-code exemptions, funding for cultural activities and bilingual education, and affirmative action for disadvantaged groups (Kymlicka, 2010b, p. 37).

There are several purposes for these models of multiculturalism and their corresponding policies, including: the establishment of a more equitable and inclusive democratic society; the reduction of discrimination and fostering of tolerance; the promotion of understanding and appreciation for diversity in plural societies; overcoming barriers to social, political and economic participation; fostering and promoting positive intercultural exchange and awareness; and, increasing access and availability to public services for all citizens. While the goals of multiculturalism are broadly overarching, it is important to note that not all multicultural policies are the same. Indeed, they tend to vary from context to context and are fluid, not static, in their design and application, responding to the specific needs of diverse societies and circumstances.

### **Trends in Anti-Multicultural Discourse**

Despite the positive social, political, cultural, and economic goals that multicultural policies are intended to fulfil, and have in some cases met or generated outcomes, there is

considerable opposition toward multiculturalism. In addition, connected to the opposition is a tendency to conflate and combine multiculturalism, immigration and integration. All of these, taken together or separately, according to critics, have failed and pose significant threats to liberal democratic societies. Specifically, critics argue that multicultural efforts have promoted balkanization, ghettoization and have encouraged minority groups to look inward and recognize differences, rather than commonalities, to the detriment of societies (Kymlicka, 2010a). In Canada, certain critics argue that multiculturalism has encouraged newcomer's to create distinct cultural enclaves and accentuating cultural differences, which has led to a lack of national unity, cohesion and in some cases ethnic tensions (Dewing, 2009). Author Neil Bissoondath, who published a critique of multiculturalism in 1994, referred to Canadian multiculturalism as a "cult" (Dewing, 2009). Opposition is particularly striking in Europe, both with respect to multicultural ideology and policy, and it is usually connected to immigration and/or integration policy. Much of the criticism hinges on specific events, such as the murder of Dutch filmmaker Theo van Gogh, the London terrorist bombings, rioting in the suburbs of Paris, and the controversy surrounding the publication of the Muhammad cartoons in Denmark, among others. While most of the events are connected to Islam and Muslims, the events are used broadly to deplore, for various purposes and goals, the policies of immigrant and minority integration and the overall utility of multiculturalism (Vertovec and Wessendorf, 2010, p.6).

Central to the anti-multicultural discourse in Europe are several particular tactics that portray multiculturalism as something "to be readily and plainly impugned" (Vertovec and Wessendorf, 2010, p.6). Where there is ethnic tension and unrest, multiculturalism is invariably the predominant source. Additionally, anti-multicultural rhetoric is culturally

based, where diverse and incompatible cultures are often identified as a dominant societal “problem.” This societal problem fosters a “with us or against us” mentality, which is taken up by those who claim to preserve the liberal state, or even western civilization, against the illiberal tendencies and practices of minority groups (Triadafilopoulos, 2011).

One anti-multicultural tactic frames multiculturalism as a “single doctrine,” a completely static ideology or dogma, which lends it easily to reprimand. For example, in 2008, former British Conservative leader and now current Prime Minister David Cameron referred to this “single doctrine” and stated that, “state multiculturalism is a wrong-headed doctrine that has had disastrous results. It has fostered difference between communities” and “it has stopped us from strengthening our collective identity. Indeed, it has deliberately weakened it” (Sparrow, 2008). In this case, critics are either unaware of or do not acknowledge the vast array of adjustable policies, practices and institutions associated with minority accommodation and inclusion that multiculturalism promotes and facilitates (Vertovec and Wessendorf, 2010, p.6). Instead, they view it as a static and monolithic framework unwillingly foisted upon society by political leftists. Further, the single doctrine is accused of weakening countries’ senses of collective identity and heritage. Politicians around Europe, Prime Minister David Cameron among them, have adopted this sort of rhetoric in public discourse.

Another criticism is that multiculturalism, as a single doctrine that has been pushed upon most western countries by the left, has effectively stifled public and political debate. In this context, opponents claim that they are “daring” and risking their reputation to speak out against or “speak truth to” the multicultural tyranny of political correctness, which refuses to discuss immigration in “real terms” (Vertovec and Wessendorf, 2010, p.6).

According to this tactic, multiculturalism does not permit or tolerate honest discussion, and those that do discuss it in true and critical terms are labelled racist. Yet, much of the discourse to fit this description often is bluntly racist. Connected to this is a third critique identified in anti-multicultural discourse which is the idea that multiculturalism, as a single and undifferentiated ideology, denies problems associated with immigration and immigrant populations. Further, it has obstructed peoples' capacity to speak openly and truthfully about problems connected to minority groups. Such problems typically relate to the socio-economic success of non-western migrants and their second and third generation children as well as cultural practices ranging in levels of contentiousness, from wearing the hijab to arranged and forced marriage (Saunders, 2011; Vertovec and Wessendorf, 2010, p.9).

A fourth anti-multicultural argument in the discourse is that multiculturalism fosters ethnic separateness or ghettoization, as evidenced in urban segregation or "parallel societies" in cities such as London, Berlin, Copenhagen, Paris and Antwerp, to name a few (Kymlicka, 2010a; Saunders, 2011). This separateness has led to social breakdown by allowing immigrants to reject common national values and withdraw from social integration and look inward, thereby undermining the national identity (Kymlicka, 2010a; Vertovec and Wessendorf, 2010, p.7-8). Politicians at different ends of the political spectrum have utilized this rhetoric. A fifth criticism, relating to multiculturalism's perceived separateness and cause for social breakdown, is that it refuses to acknowledge the sharing of common values. This line of criticism proposes that multiculturalism prefers difference over, and critically, at the expense of, community and cohesion, thereby leading to ethnic separation and conflict (Fekete, 2006; Vertovec and Wessendorf, 2010, p.9).

David Cameron and Pia Kjaersgaard's, leader of the Danish People's Party, public speaking reflects this view.

A final tactic that appears in anti-multicultural discourse is the argument that multiculturalism is partial to cultural relativism, and therefore, permits reprehensible practices such as forced marriage, unequal treatment of women, genital mutilation and other controversial practices. This argument, like previous ones, implies that intellectual elites and politicians are bound by political correctness and the view that all cultures are equal. Therefore, these groups refuse to acknowledge problems and permit intolerable practices that violate liberal values that are central to western countries (Fekete, 2006; Vertovec and Wessendorf, 2010, p.9).

### **Implications of the Anti-Multicultural Rhetoric**

Problems that the critics of multiculturalism have identified about ethnic groups, such as living in separate ethnic enclaves, looking inward, struggling with integration and experiencing higher levels of unemployment, do hold some level of accuracy. Across Europe, there are neighbourhoods largely populated by newcomers and immigrants have experienced higher levels of unemployment. However, while critics have identified these issues among ethnic minority groups in Europe, they have largely misidentified the causes of these social and economic challenges and have also had a tendency to view all immigrants in the same, and often negative, view. This leads to problematic accusations against multiculturalism and its policies, located in anti-multicultural rhetoric, that neither improves integration processes or contributes to better understandings of why newcomers experience integration challenges. The causes of immigrants' social and economic troubles in Europe are explained in part below.

The anti-multicultural rhetoric is often combined by pundits and politicians who have created a broad public discourse that simplistically argues that at its best, multiculturalism has failed to integrate newcomers and permits reprehensible practices, and at its worst, multiculturalism provides fertile ground for terrorism. In either case, multiculturalism is seen as a threatening force and must be challenged in order to preserve foundational European values and culture such as individual rights and gender equality, and in many cases, including in Denmark, the provision of social welfare services. The consequences of anti-multicultural and immigration backlash are visible across Europe. The rhetoric described above has infiltrated policy agendas and many countries in Europe have backtracked from multicultural policies – the term multiculturalism is even avoided by governments – and previously held more open stances toward immigration and tolerance of diversity. Certain European countries that never implemented multicultural policies but permitted immigration, such as Denmark, France and Austria, have also backtracked and the anti-multicultural discourse is an active force in immigration dialogue. One of the most vivid examples of the discourse's impact is the Netherlands, which, after establishing some of the most decisive multicultural policies in Europe in the 1980s, began to retract in the 1990s and 2000s. Today in the Netherlands, multiculturalism is considered a failure and the state has turned to an aggressive form of civic integration, which, according to Kymlicka, closely resembles basic assimilation (Kymlicka, 2010a). Immigration is a heated debate in elections across Europe, with anti-immigration parties gaining prominences in many regions. Other countries have followed the Netherlands, Germany and Austria have adopted civic integration policies, Britain has declared multiculturalism a failure, and, further away, Australia's former Howard conservative government rejected

multiculturalism and reduced its funding (Kymlicka, 2010a). The backlash is also evident in intergovernmental organizations such as the Council of Europe, which recently argued that multiculturalism is “simply the flip side of assimilation, equally based on the assumption of an irreconcilable opposition between majority and minority, leading to ‘communal segregation and mutual incomprehension’” (Kymlicka, 2010a, p.12). As multiculturalism has been considered “tried and failed” in many European nations, and is now largely rejected in terms of being an ideology, policy, and process on the basis of significant social and economic consequence. Policy focus has now been directed to insist that newcomers give priority to their new national identity, as opposed accommodation measures (Dewing, 2009; Kymlicka, 2010a). This shift has been formulated into policy agendas across Europe and has taken different forms. This paper looks at one piece of the policy and law formulation; Denmark’s reaction to multiculturalism and immigration vis-à-vis family reunification policy that aims to stop arranged and forced marriage among ethnic minorities.

### **Rhetoric Versus Reality**

It is worth noting that the extent to which anti-multicultural rhetoric reflects real circumstance and the impact it has on public affairs and policy varies. However, scholars argue that the anti-multicultural discourse does not necessarily reflect the reality of the relationship between minority and majority groups. Nor does it reflect the reality of minority groups’ social, economic, political and cultural conditions, and the combined complexity of these variables. Concerning actual circumstances, one of the greatest problems is the simplicity of lumping diverse cultural groups into one “other” group. This focuses criticism on cultural differences and regrettably ignores other relevant variables

like gender, education, language, and socio-economic dynamics, all of which impact on the actual condition of newcomers across Europe (Liversage, 2009; Phillips and Dustin, 2004; Razack, 2004; Schmidt, 2010). While minority groups may be in lower economic and social brackets, this is not necessarily the result of their culture and failed multicultural policy. Instead, it is often the result of failed education and job creation policies for immigrant men and women. With respect to labour opportunities, millions of foreigners came to Europe, including Denmark, to fill labour shortages in agriculture and production in the 1960s and 1970s. For many of the workers, their intent was to earn money and eventually return to their home countries, though many ultimately stayed and brought their families with them. The mid-1970s saw the end of the post-war economic boom in Europe, leaving many countries struggling to maintain a strong welfare state while addressing the challenges of slow economic growth and high unemployment (Kaya, 2002; Triadafilopoulos, 2011). Triadafilopoulos notes that a decline in Fordist production arrangements had the hardest impact on immigrants, as many had been recruited to perform such jobs in the first place. Immigrant workers were the first to be let go as European firms began to reorganize their operations to better align with the global economy (Triadafilopoulos, 2011).

More recently, the global economic downturn as well as the shifting dynamics in the global economy and new demands for different types of human capital has had significant repercussions on employment opportunities for immigrants and their families across Europe (Fair, 2010; Saunders, 2011; Schmidt, 2010). Indeed, immigrants have “born the brunt of Europe’s ongoing economic restructuring” (Triadafilopoulos, 2011, p. 865). Saunders notes

that the current economic realities in Europe have left many of the newest Europeans economically trapped:

The severe labour shortages of the 20-year boom that began in the 1990s attracted millions of immigrants, many from poor places. But many European countries never bothered to give them full citizenship, and pretended they were “temporary” workers (an approach that never works) or simply ignored them. Now, at the worst possible moment, their children are in trouble (Saunders, 2011).

Despite the economic challenges immigrant families have encountered, their disproportionate share of unemployment rates has led to critics’ accusations that they are taking unfair advantage of Europe’s generous welfare systems, intended for “true” Europeans (Triadafilopoulos, 2011).

With respect to education, schools in many immigrant neighbourhoods across Europe are often far behind their counterparts in terms of outcomes and are staffed by the least ambitious educators. Reporting specifically on an immigrant neighbourhood in Belgium, but extending the commentary to many Europe immigrant neighbourhoods that share similar challenges, Saunders points out that education officials in these schools, “by reflex”, tend to place immigrant students in lower education streams, particularly boys (Saunders, 2011). In Belgium, only eight percent of Muslims are placed into university streams and nearly 70 percent of those are girls. Nearly 85 percent are placed in technical streams and 20-25 percent of minority students leave without a degree (Saunders, 2011).

The consequence is that despite high expectations and wanting the best opportunities for their children, newcomers are often unable to carve out a better economic situation for themselves and family. Adding to education troubles are the immigrant neighbourhoods themselves, they “can provide an excellent bottom rung on the ladder, but

the second and third rungs are broken or missing, so those who succeed go elsewhere, and those who fail stay behind” (Saunders, 2011). Those who do succeed tend to leave the immigrant enclaves so that the “toxic combination of the economy, hostile politics and abandonment by the more successful has turned this neighbourhood into something of a trap. It has created a lost generation of teens and young men who seem to have nothing to do” (Saunders, 2011). Saunders notes that what is missing from many of these neighbourhoods across Europe, and what is critical for successful newcomer integration, is a diverse social, cultural and economic mixture of people who are committed to the area (Saunders, 2011).

### **Denmark, Culture and Arranged and Forced Marriage**

An emphasis on culture figures prominently in anti-multicultural discourse, particularly the acts of defining and distinguishing between the dominant or majority culture and newcomer or minority cultures. In some cases, a dichotomy is created wherein the dominant culture is the more progressive and advanced, while the other, comprised of multiple minority groups, is considered more primitive and uncivilised. A focus on culture figures prominently in Denmark, where culture is conceived of in terms of “core values” and used as a measure by which immigrants’ integration is judged. For instance, a Danish Government publication entitled *The Government’s Vision and Strategies for Improved Integration*, consistently refers to “fundamental values of [Danish] Society,” “fundamental values of a democratic society,” and “the individual’s fundamental freedoms” (Fair, 2010, p. 142). One commentator’s interpretation of this use of language and Denmark’s immigration policy regime is that debate on the integration of immigrants and their families is “resolved in terms of ‘culture’ as the pivotal benchmark, and not just in the sense of

culture as a relative notion, but an absolute and axiomatic yardstick of ‘core values’” (Fair, 2010, p. 142). Further, in Denmark, a cultural dichotomy appears in the notion of “Danishness” (*danskhed*) and “un-Danishness” (*udansk*). The difference between the two is understood hierarchically, wherein Danishness is synonymous with civilized behaviour, progress, decency, trustworthiness and respect for individual human rights, in other words, core Danish values. In comparison, un-Danishness is associated with primitive behaviour, backwardness, rudeness, dishonesty, and oppression of human rights (Schmidt, 2010, p. 261). This binary view of cultures, the “norm” and the “different”, lends to the idea of cultural “battles.” Such battles are fought between the protectors of the at-risk “progressive” and “civilized” dominant culture and the threatening forces of the “uncivilized” and monolithic “other” culture of newcomers and their left-wing proponents (Vertovec and Wessendorf, 2010, p.10). The “other” is perceived as a threat to the Dane’s core values and identity as a well as undermining the welfare state and exploiting resources created by Danes and their ancestors (Fair, 2010, p.143).

In Denmark, the issue of forced and arranged marriage figures into the cultural dialogue and debate. Arranged and forced marriage and the issues commonly associated with it such as women’s rights and violence and discrimination against women, are actually conceived of and addressed in cultural terms, not as a gendered violence against women. This occurs despite one of Denmark’s core liberal values being gender equality. There is a failure to acknowledge the relevant factors that are not culturally-based that contribute to a family’s participation in arranged and forced marriages as well as the treatment of women in such marriages. Such variables include gender roles and equality, language, socio-economic status and the availability and access to social services. These are all areas that

can be addressed in public policy that do not relate to family reunification and immigration measures, but to specific educational and awareness measures. Critically, framing practices like forced and arranged marriage in culturalist terms negates the gendered aspect of the problem, as well as the socio-economic context. It also permits the stigmatization of ethnic minorities, particularly Muslims (Fekete, 2006; Liversage, 2009; Razack, 2004). A cultural focus is simplistic and does not allow for an appropriate public policy response, as discussed later in this paper.

While multicultural proponents have matched opposition to multiculturalism with critical response and while the reality of the circumstances for immigrants and their second generation families across Europe may not match the negative rhetoric, oppositional discourse has still managed to influence policy and practice (Vertovec and Wessendorf, 2010). The policy instruments used often target immigration (Fekete, 2006; Triadafilopoulos, 2011). Immigration is viewed among opponents as the driving force behind multiculturalism because it fuels the justification for multicultural policies. Thus, to reduce or alter immigration patterns is to reduce the need for multiculturalism and instead to focus on civic integration, therefore alleviating the social, economic, political and cultural problems associated with multiculturalism (Triadafilopoulos, 2011).

Despite the identification of the impact of other variables, including economic trends and failed education policy, on actual economic and social conditions and outcomes for immigrants, decision-makers from across the political spectrum, from conservative and populist parties like Denmark's Danish People's Party and the British Conservatives and liberals like British Labour, as well as members of the intellectual community, have taken on the anti-multicultural rhetoric (Fekete, 2006; Vertovec and Wessendorf, 2010). This

narrow perception of highly complex issues means that critics identify multiculturalism as a leading contributor to the problems facing immigrant communities and accuse it of causing the erosion of European values, traditions and social fabric (Fair, 2010; Schmidt, 2010; Triadafilopoulos, 2011). This has led to varying attempts by European countries to regain and preserve defining values and norms of their countries. In some cases, this has manifested in a return to a single and undifferentiated form of citizenship that is imposed on every individual, as was the case prior to the advent and influence of multicultural principles in the late 1960s. This takes the form of aggressive “civic integrationism” wherein citizens are compelled to opt-in to a set of prevailing values or suffer the consequences, including exclusion through revocation of citizenship rights and residency (Triadafilopoulos, 2011). Elements of such approaches are evident in Denmark and its policy directions to be explored below, and more recently in public rhetoric with British Prime Minister David Cameron stating that Britain is a Christian nation and that it must preserve the religion that gave it its current values and morals (BBC, 2011).

## **Section II – Denmark’s Response to “Too Much Diversity” – Preventing Arranged and Forced Marriages**

*“In those days, around the year 1900, the writers of Salomonsens were unable to foresee that a phenomenon such as blood revenge would become common in Denmark in 2005. They could never imagine that in 2005 large neighbourhoods in Copenhagen and other large Danish cities would be inhabited by people at a lower level of civilization. People who have brought primitive and gruesome practices with them, such as honour killings, forced marriages, halal butchering – and blood revenge” – Pia Kjærsgaard, leader of the DPP, 2005 article entry on blood revenge in the Danish encyclopaedia Salomonsens Leksikon.*

In the 1960s and early 1970s guest workers from Morocco, Turkey, Pakistan and Yugoslavia began arriving in Denmark to fill labour shortages. Many of the guest workers

ultimately remained in Denmark and brought their families into the country through marriage and reunification. In the latter half of the 1980s and early 1990s, Denmark had relatively open and receptive immigration policy (Fair, 2010; Schmidt, 2010). In addition to guest workers, Danish immigration policy provided thousands of residency permits per year to refugees and asylum seekers from parts of Africa, Asia and the Middle East (Fair, 2010). This influx of newcomers resulted in an increase in the foreign population, from 0.4 percent in 1960 to 9.1 percent in 2008 (Fair, 2010, p.140).

Despite the ethnic diversity that immigration brought to Denmark during this period, the country has never adopted formal multicultural policies (Hedetoft, 2010). After a period of relative openness, Danish immigration patterns took a sharp turn after 2001. This phenomenon coincided with the multicultural backlash in Europe, which, was partly evidenced in the upswing of appeal of right-wing and anti-immigration parties that won positions in coalition governments as well as generous portions of the popular vote (Fekete, 2006). Denmark's 2001 parliamentary elections included heated anti-immigrant rhetoric, particularly from the right-wing populist Danish People's Party (DPP) headed by Pia Kjaersgaard. All parties discussed tightening immigration laws, with the right-wing parties calling for such measures to be implemented quickly, including a waiting period for newcomers to have access to the welfare system. In the 2001 election, the DPP won 22 out of 179 seats (12 percent of seats) and in exchange for cooperation in the Conservative-Liberal coalition government, made several key demands including stricter immigration controls (Inter-Parliamentary Union, 2008; Fair, 2010; Fekete, 2006).

Now in Denmark, policy makers are responding to "too much diversity" by tightening immigration and integration laws and standards for newcomers. Among

European countries, Denmark is widely viewed as having implemented the strictest immigration regulations and laws. Danish policy is particularly austere with respect to marriage among ethnic minorities, specifically targeting those that are thought to be forced or arranged.

Scholars differentiate between arranged and forced marriage, the former usually implies consent and the latter does not (Phillips and Dustin, 2004; Sundari and Gill, 2009). In the case of Denmark's policy and practice regarding arranged and forced marriage, the country does not differentiate between the two, viewing each as inconsistent with Danish and liberal values. Denmark, like other European countries, views arranged and forced marriage as both a violation of an individual's autonomy and agency as well as a form of violence against women (Razack, 2004). In order to reduce arranged and forced marriage, Denmark began formulating preventative laws and policies as media coverage emerged across the continent describing stories of young Muslim women being killed for refusing to agree to marriage arrangements made on their behalf (Razack, 2004).

One of the new Danish government's first actions, after the 2001 election, was the 2002 Amendments to the 2001 Aliens Consolidation Act. The newly enacted legislation limited the acceptable criteria for entrance to the bare minimum required by the Geneva Convention for granting asylum, which had previously seen up to 60 percent of applications approved (BBC, 2005; Fair, 2010). Among the three Scandinavian countries, Denmark's share of asylum seeker applications fell from 31 percent in 2000 to 9 percent in 2003, while Sweden's went up from 41 percent to 60 percent and Norway's rose from 28 percent to 31 percent (BBC, 2005). The legislation also tightened family reunification laws, including spousal reunification, discussed below (Fekete, 2006). One of the

consequences of the strict reunification laws is that Copenhagen-based Danes with foreign spouses have been moving to the southern Swedish city of Malmoe, at around 60 couples a month, while continuing to work in Copenhagen and commuting across the Oeresund Bridge (BBC, 2005). Another piece of the legislation lowered refugees' access to social welfare benefits by 30 to 40 percent for their first seven years in Denmark (Fair, 2010; Fekete, 2006). The laws have had almost immediate effect. For example, in 2001 approximately 13,000 family reunification permits were granted, but this figure fell to less than 5,000 in 2003 (BBC, 2005).

The updated and restrictive laws governing family reunification, which hinge significantly on marriage patterns among ethnic minorities and transnational marriages, are considered to be effective in limiting the number of immigrants into Denmark. In addition, the laws assist in furthering social integration and preventing arranged and forced marriages, which are considered a barrier to social integration. While the laws are controversial in general, there are two particularly contentious elements. One relates to the ages of people desiring to marry, and by extension sponsor, foreigners. The second involves the extent to which couples are "attached" to Denmark.

### **The Twenty-Four-Year Law and the Attachment Law**

Part of the family reunification legislation states that "both the Danish and permanent resident and the alien must be over the age of 24 years" and that, "a resident permit will not be granted if it must be considered doubtful that the marriage was contracted or the cohabitation was established at both parties' desire" (Fair, 2010, p. 144). This means that people, Danish or permanent citizen, under 24 cannot sponsor an individual to marry. In order for a marriage to occur between a Danish or permanent

citizen and a foreigner, both individuals must be over 24 years old. Another element of the twenty-four year restriction is that the couple must pass a solvency test, demonstrating that the Dane in the relationship has not claimed social security for 12 months and is obligated to produce a bond of approximately \$9,300 (BBC, 2005). The twenty-four-year law was justified by the government to act as a deterrent to forced and arranged marriage between second generation newcomers and people from their parents' home country (Chantler, Gangoli and Hester, 2009; Fair, 2010). It stipulates that spouses from outside of Denmark, the Nordic countries, and the EU, must meet certain conditions, including age, before being permitted residence in Denmark. It is argued that the older the person, the more resistant they are to an arranged or forced marriage. Further, the age restriction is intended to give young people more time to pursue education, as well as to assist in breaking the pattern of marrying people from outside of Denmark, thereby improving integration (Fair, 2010).

The twenty-four-year law has come under scrutiny internationally as Denmark has been criticized for violating the right to family life as guaranteed in different international conventions. There are four different international laws regarding human rights and the institution of marriage to which Denmark is signatory and to which the country has been accused of violating on the basis of the right to family life and marriage. These include: the United Nations (UN) Universal Declaration of Human Rights; the UN International Covenant on Civil and Political Rights; the UN International Covenant on Economic, Social and Cultural Rights; and, the UN Convention on the Elimination of All Forms of Discrimination Against Women (Fair, 2010). In addition, the twenty-four-year law violates the Council of Europe's Convention for the Protection of Human Rights and Fundamental Freedoms (2003). The law violates Article Eight in the Convention, the right to respect in

private and family life, and Article Twelve, the right to marry (Fair, 2010, p. 147). Former Commissioner for Human Rights for the Council of Europe, Gil-Rhodes expressed concern for the law, stating that it “seriously limits the right of persons of marriageable age to marry and to found a family in Denmark” (Fair, 2010, p.148). Nationally, the twenty-four-year law has also been criticized for negatively affecting refugees and other legal inhabitants, including native Danes, and their rights to marry. It has also been accused of preventing marriage among consenting partners (Chantler, Gangoli and Hester, 2009; Fair, 2010). In a study on marriage patterns among ethnic minorities, authors Schmidt and Jakobson (2004) found that young ethnic minorities who opposed the twenty-four-year law did so on the basis that the law was a form of coercion and violated their human rights by disallowing them to marry someone they loved (Fair, 2010, p.348). The young ethnic minorities also believed that the imposed laws separated them from other Danish citizens (Fair, 2010). Another Humans Rights Commissioner for the Council of Europe, Thomas Hammarberg, expressed his concern for the law by stating that, “the twenty-four year age limits bars too many truly consenting partners from enjoying the right to family life in Denmark” (Fair, 2010, p.148).

Another stipulation of the new legislation is an “attachment requirement” that is used to determine a couple’s right to obtain family reunification. Here, couples have to prove their *tie* or *attachment* to Denmark. This includes assessing their ties to other countries and the extent to which they have visited both Denmark and their home country (Chantler, Gangoli and Hester, 2009; Schmidt, 2010). According to Schmidt, “the rule draws a fine line between formal Danish citizens with attachment to the country and formal citizens who, based on individual assessments, are judged as lacking this attachment”

(Schmidt, 2010, p.262). Although holding Danish citizenship in theory makes individuals equal before the law, the rules of the attachment requirement create a hierarchy among citizens wherein “based on an assumption of ‘true’ belonging, some have certain rights that others do not” (Schmidt, 2010, p. 262). In this sense, there is no guarantee that an individual has the same rights as other citizens, thereby undermining liberal egalitarian principles to which Denmark is committed (Schmidt, 2010). The law imposes substantial barriers and makes it difficult for certain citizens, specifically newcomers and second generation citizens or those that have connections to other countries, because of their ethnic background (Chantler, Gangoli and Hester, 2009; Schmidt, 2010).

### **Denmark’s Justification for the Twenty-Four-Year Law and the Attachment Law**

There are several justifications and motivation for Denmark’s twenty-four-year and attachment stipulations. The first is linked to preserving Danish national identity and defending Danish homogeneity and cultural cohesion or “Danishness” (Schmidt, 2010). Danishness and un-Danishness are associated with “the social and cultural norms of groups that are constructed and classified according to ideas of a historic (if not primordial) attachment to Denmark” (Schmidt, 2010, p. 261). Also attached to Danishness and discussed earlier is a hierarchal relationship that differentiates between Danishness and un-Danishness in binary terms, with the former being civilized, progressive and respecting of human rights and the latter being uncivilized, backwards and oppressive (Schmidt, 2010). Thus, through restrictive immigration policies and stipulations, actors in Danish politics are attempting to preserve and protect Danishness, which encompasses liberal values and

access to a strong welfare system. All of these are perceived to be at risk from foreign cultural influence and exploitation.

The second defence relates specifically to Denmark's commitment to liberalism. Part of the (vague) definition of "Danishness" is an adherence to liberal principles of tolerance, inclusion, gender equality, and respect for human rights and dignity. For Denmark, arranged and forced marriages contravene these liberal principles, including the rights of the individual and gender equality. Thus, liberalism is at risk with the flow of non-Western immigrants who do not share these "cultural" values as they engage in arranged and forced marriage (Schmidt, 2010; Fair, 2010).

A third defence for Denmark's laws is connected to immigration and integration control, by paying attention to transnational marriage patterns among ethnic minorities who are perceived as more likely to engage in arranged and forced marriages. Siim and Skjeie argue that Denmark views marriage as an immigration strategy and thus, "policy development is marked by a generalization from individual cases of forced marriage to the marriage practices of whole minority groups, where distinctions between arranged and forced marriages are blurred, and both practices tend to be regarded as equally unacceptable" (Siim and Skjeie, 2009, p.334). Essentially, the issue of arranged and forced marriage in Denmark highlights specific elements of the current anti-multicultural discourse. Specifically in this instance, "the argument that how immigrants establish and organise their family lives is not a private matter but necessarily one of public concern, because such practices are contrary to culturally legitimate and nationally embedded practices" (Schmidt, p.260).

Finally, a recent report conducted by the Integration Ministry in Denmark claims that the country has saved billions of dollars as a result of its strict immigration policies. According to the report, which was instigated by the populist right-wing party the Danish People's Party (DPP), not only have the laws reduced the flow of people into Denmark over recent years, but it also concluded that the country has saved \$10 billion, money that otherwise would have been used on social housing and benefits. The report stated that non-Western migrants who managed to get into Denmark cost the state nearly \$3 million, while western immigrants have contributed nearly \$400 million (Reimann, 2011). Opposition parties such as the Social Liberal Party dismissed the report as discriminatory and undignified. A Social Liberal Party spokesperson stated, "We cannot classify people depending on their value to the economy. That is degrading in a democracy that has a basic value of equality" (Reimann, 2011).<sup>2</sup> The report's findings resulted in elation among right-wing politicians, especially in the DPP, who now have further justification for their immigration directions and that the restrictions pay off (Reimann, 2011).

### **Section III – Theoretical and Policy Implications**

The following section explores the theoretical and policy implications of Denmark's restrictive immigration laws. Theory and policy are interconnected with respect to the anti-multicultural rhetoric, which uses liberal justification as grounds for discriminatory immigration policies in Denmark. Further, it reduces policy making and responses to

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<sup>2</sup> While the Social Liberal Party is critical of this type of points system, it is a practice that occurs in many immigrant-receiving nations, Canada included.

complex issues involving plural societies by focusing solely on culture, as opposed to other relevant variables identified by experts.

### **“Illiberal” Liberalism and Denmark**

*“Simply claiming that a policy has been enacted to preserve liberal values does not render it unproblematic – doubly so if the framers of the legislation belong to extremist parties long dedicated to the pursuit of ethnic homogeneity and nationalist exclusion. Liberal rhetoric should not mask what are, at heart, exclusionary moves”* – Triadafilopoulos, 2011, p. 873.

Denmark’s strong and growing focus on issues of culture and defining citizenship on a cultural basis, has created a dilemma “between securing the rights and freedoms of individuals and securing the boundaries of a national communal self” (Schmidt, 2011, p. 258). Liberalism is central to this dilemma and Denmark’s culturalization of immigration policy. Adamson, Triadafilopoulos and Zolberg (2010) argue that while it is regularly assumed that liberal norms and values foster greater inclusion, tolerance and pluralism in relation to minority rights and policies, lately, this assumption warrants re-evaluation. The recent policy measures undertaken by governments in Europe relating to the banning of religious attire in public areas, speech restrictions, mandatory integration classes, citizenship tests and strict controls on family and spousal reunification, all of which are defended on the grounds of preserving liberal principles, are actually undermining liberal values (Adamson, Triadafilopoulos and Zolberg, 2010). The use of liberalism for such exclusionary purposes reflects a “democratizing” of policy making in the area of immigration and integration policy, wherein policy reflects popular sentiment as opposed to embedded group interests (Adamson, Triadafilopoulos and Zolberg, 2010).

On one hand, the use of liberal norms can be perceived as progressive, designed to “protect and safeguard basic liberal values of liberty, equality and tolerance in European

societies” (Adamson, Triadafilopoulos and Zolberg, 2010, p. 846). Alternatively, it can also be considered a rise of “illiberal liberalism” that “draws boundaries against its ‘illiberal others’ in a fashion that fundamentally undermines core principles of pluralism and tolerance (Adamson, Triadafilopoulos and Zolberg, 2010, p. 846; Triadafilopoulos, 2011). This is evident in the Danish situation. Denmark argues that its attempts to stop arranged and forced marriage via immigration and integration policies are consistent with Danish liberal values, such as individual rights and gender equality, and are a means of upholding them within the Danish state. Also part of the Danish case is the issue of “Danishness” and “un-Danishness”, or upholding and protecting liberal values from the threat of the “illiberal other”. Denmark’s stance reflects a model of liberal nationalism or identity liberalism that refuses multiculturalism’s focus on values of compromise and accommodation in preference of a more “definitive assertion of defence of distinctly liberal ways of life” (Adamson, Triadafilopoulos and Zolberg, 2010, p. 846).

Scholars argue that combined, what is described above represents an aggressive civic integration or “illiberal” liberalism, “which aims to clarify the core values of liberal societies and use coercive state power to protect them from illiberal and putatively dangerous groups” (Triadafilopoulos, 2011, p. 863). This strand of liberal thinking is an alternative response to the challenges of pluralism. It rejects liberal multiculturalism because of its emphasis on compromise, negotiation, cooperation and accommodation for groups whose practices and religion deviate from the majority. Unlike multiculturalism, this alternative liberalism seeks to preserve western liberal civilization from “illiberal threats”, particularly fundamentalist Islam. This goal is evident in the anti-multicultural public and political rhetoric and discourse, which frames and addresses issues of pluralism

and preserving western civilization in both cultural and existential terms, thereby permitting justification for actions that would otherwise be considered unjust. This happens by creating an “us versus them” debate and implying that western civilization is at great risk from foreign and illiberal threats (Triadafilopoulos, 2011).

A significant problem with this strand of liberalism is that it is more likely to exacerbate and perpetuate the problems it seeks to solve. Its intense and unwavering emphasis on action, decisiveness and clarity to address the complexities presented by plural societies, as opposed to negotiation, compromise and patience, is more likely to intensify friction between groups and reduce opportunity for communication and dialogue (Triadafilopoulos, 2011). Further, the fervent attention it places on cultural homogeneity renders it an unsuitable tool for encouraging and developing integration and a weak substitute for multiculturalism if the goal of integration is to sustain stable and equitable liberal democracies (Triadafilopoulos, 2011). Due to its inherent illiberal qualities and rigidity, this liberalism is unlikely to exact significant change in terms of advancing harmonious and equitable relations in plural societies, specifically, in integration policy.

Using liberal norms and arguments as justification for exclusionary practices is unacceptable, as is this breed of liberalism’s tendency to “conflat[e] the pursuit of security with the objectives of immigrant integration policy” which, reduces a “complex and dynamic process into an uncomplicated two-sided relationship pitting a civilised and superior ‘us’ against a caricatured ‘them’ (Triadafilopoulos, 2011, p. 875). These actions do not promote unity among newcomers, but instead encourage them to look inward and feel alienated from the majority, which can lead to tension and unrest. The security-based agenda that this liberalism promotes, along with its reduction of complex issues

surrounding ethnic minority integration, ultimately works against the very goals it aims to achieve in terms of unifying society. A more effective approach, one that would exact more meaningful policy, would involve engaging many groups of immigrants who are committed to building a common society that is consistent with liberal and democratic values as well as be respectful of diversity and open to communication and dialogue (Triadafilopoulos, 2011). Denmark's response to diversity matches the alternative liberalism's reaction to multiculturalism. Rather than pursuing dialogue and facilitating negotiation and accommodation, the country has pursued a take-or-leave-it mentality that is manifested strongly in its immigration restrictions and its attempts to prevent arranged and forced marriage that disproportionately impact on ethnic minorities immigration and integration patterns. Further, its dichotomization of "us" and "them", which is value and culture based, ignores other factors that may be relevant in designing immigration policies and specifically in reducing cases of arranged and forced marriages. This information would be retrievable through the dialogue and communication that the more severe liberalism staunchly rejects. This brand of liberalism is fundamentally incompatible with the factors, such as negotiation and compromise, which are required in a plural society.

Another criticism of the liberalism advanced by the alternative strand of liberalism is that it ignores the historical work and vision that was required to build the foundations for western societies' current positive and pluralistic nature. The values of tolerance, inclusion and equity for all peoples have been hard won through movements that have taken generations to achieve, and must still be protected and further developed. Arguably, using and sustaining processes of dialogue, inclusion and accommodation are fundamental in a pluralistic society and over a period of time they are the tools to continue to develop

harmonious and diverse societies. Moreover, looking at the issues of multiculturalism from a global perspective, Denmark's policy approach appears both provincial and elitist; hardly the direction that can or should be adopted internationally.

### **Liberal Societies and Illiberal Practices**

A final and important question to be addressed under the auspices of liberalism is determining whether or not arranged and forced marriages are restrictive of autonomy, particularly for women. In addition, the question includes addressing if arranged and forced marriages are compatible with the values of liberal societies. As discussed earlier in the paper, scholars recognize a distinction between arranged and forced marriage that is central to this question. Forced marriages are characterized by coercion and lack the marrying parties' consent, especially women, and therefore violate liberal principles of autonomy and gender equality. Arranged marriages, however, usually involve both parties' full and free consent and therefore are less restrictive toward liberal principles of autonomy and gender equality (Chantler, Gangoli and Hester, 2009). This distinction between arranged and forced marriage, while possibly blurry at times, is what makes the former practice compatible with liberalism and latter in violation of liberal values. Indeed, liberal societies, which are accepting of pluralism and value tolerance, at times have to permit some minimally illiberal practices, such as arranged marriage. According to Rawls, political liberalism, "emerges out of conflicts between competing moral doctrines" and begins with the "recognition that such disagreement is an enduring feature of contemporary societies and hence an ineliminable element of their political institutions" (Bohman, 1995, p. 253). According to Rawls, pluralism is inevitable in modern liberal democracies. Plurality, consisting of "reasonable comprehensive doctrines, religious, philosophical and

moral” is the consequence of a “culture of free institutions” (Rawls, 1999, p.131). Often, people are not capable of reaching mutual agreement based on their divergent comprehensive doctrines. However, people do have the capacity for tolerance and respect in order to live harmoniously and safely. Rawls devises the concepts of “reasonable pluralism”, consisting of diverse moral, religious and philosophical viewpoints that are tolerated and accepted and “public reason”, which “specifies the deepest level of moral and political values that are to determine a constitutional democratic government’s relation to its citizens and their relations to one another” (Rawls, 1999, p.132). Citizens recognize that mutual tolerance and respect, including for different cultural practices, are essential to a liberal democratic society. Further, no specific comprehensive doctrine, such as a Catholic or Islamic religious doctrine, can serve as the basis of political power and authority because they are not mutually agreeable doctrines for all people (Rawls, 1999). Citizens that understand at the most basic level the value of living in a liberal democracy, accept that such societies, in order to be fundamentally just for all, necessarily includes tolerance of diversity. Therefore, while it may not resemble today’s understanding of most marriages in liberal societies, arranged marriage is not necessarily wrong or problematic in terms of an overall liberal commitment to gender equality or individual autonomy. It represents one of the inherent and challenging features of living in a liberal plural society. Forced marriage, however, is problematic in liberal societies because of its coercive nature, which significantly restricts liberal commitments to individual autonomy and gender equality.

Further to liberalism and pluralism, both Kukathas and Kymlicka advance arguments in support of pluralism and liberalism through analysis of group rights and individual rights in liberal societies. Each scholar interprets liberalism in relation to

diversity differently. However, both recognize rights of minority groups, including certain cultural practices. Kukathas emphasizes the significance of individual rights and Kymlicka advances the need for group-based rights. However, both acknowledge that pluralism is consistent with liberal principles (Kukathas, 1992; Kymlicka, 1992). Kukathas argues that liberalism focuses on the rights of the individual and is not, nor should be, modified to include group rights:

Liberal theory is individualist in asserting or assuming the moral primacy of the person against the claims of any social collectivity; second, it is egalitarian because it confers on all such individuals "the same moral status and denies the relevance to legal or political order of differences in moral worth among human beings"; and third, it is universalist because it affirms the moral unity of the human species and accords "a secondary importance to specific historic associations and cultural forms." (Kukathas, 1992, p.108).

While he is concerned about minorities, Kukathas rejects any modification of liberalism to incorporate group or communal rights because the rights already provided for individuals are sufficient. Further, Kukathas describes cultural communities as private associations that individuals, based on their freedom to associate, preserve, reform, or leave. Cultural communities are not necessarily voluntary, but they are to the extent that members recognize the group as legitimate and uphold it. The individual has one important right against the community, which is the freedom to leave the group, the fundamental right of association. The rights of the individual give significant authority to cultural communities, which are not required to integrate or assimilate into the mainstream society. Further, the mainstream has no right to impose certain standards on cultural communities if the members of those communities desire to live life a particular way (Kukathas, 1992). "By

seeing the right of association as fundamental, it gives considerable power to the group, denying others the right to intervene in its practices” (Kukathas, 1992, p.117-118).

Kymlicka takes a different approach by advancing the case for and importance of group rights. He argues that special group rights are consistent with liberalism and its commitment to individual autonomy (Kymlicka, 1992). He argues that individuals’ capacity to form different conceptions as well as make choices throughout life, are all based on the specific options provided by cultural membership. Therefore, certain minority cultures require protection from the economic and political decisions made by the majority culture. For instance, such protections include authority over different language, religious and other cultural requirements that the Aboriginal and the francophone currently have in Canada. While these special group rights may seem discriminatory, they are compatible with liberal principles of equality:

[Special rights] are indeed required by the view, defended by Rawls and Dworkin, that justice requires removing or compensating for undeserved or "morally arbitrary" disadvantages, particularly if these are "profound and pervasive and present from birth." Were it not for these special rights, the members of minority cultures would not have the same ability to live and work in their own language and culture that the members of majority cultures take for granted (Kymlicka, 1992, p.140).

Liberal societies can accept special rights for minorities against the majority community in order to ensure the equality of circumstances between all groups. However, there is no justification for special rights for a culture to use against its own members. Liberalism is committed to individual autonomy and to allow individuals the freedom and capacity to question or revise certain elements of their cultural groups (Kymlicka, 1992). For example, Kymlicka notes that restricting religious freedom or denying education to girls violate

liberal principles and breaches “one of the reasons liberals have for wanting to protect cultural membership – namely, that membership in a culture is what enables informed choice about how to lead one’s life” and, therefore, “a liberal conception of minority rights will condemn certain traditional practices of minority cultures just as it has historically condemned practices of majority cultures and will support their reform” (Kymlicka, 1992, p.143). Liberal understandings of special rights will support special minority rights, but not against a minority groups’ own members.

Kukathas and Kymlicka’s interpretation of minority and individual rights, though contrasting, both support pluralism and accepting and accommodating certain cultural practices among minorities. As long as an individual retains their autonomy and has the capacity to question, reform, or leave their cultural groups, certain practices within those groups are consistent with liberal pluralism. In terms of arranged and forced marriage, the former would be acceptable due to consent, whereas the latter is inconsistent with liberal principles.

### **Ineffective Public Policy**

*“When cultural diversity is ignored or denied, there is a danger that public policy will write in the practices and assumptions of majority groups as unquestioned norms” - Phillips and Dustin, 2004, p. 531.*

In addition to the theoretical challenges discussed above, there are also policy problems associated with Denmark’s immigration laws designed to prevent arranged and forced marriage. Critical to the policy implications of Denmark’s restrictive immigration policy is the pattern to dichotomize “us” and “them” along cultural lines. Operating within this sort of dualism, Razack argues that when violence against women stemming from arranged or forced marriage is conceived of as originating completely within a culture, it

ignores a number of other relevant factors that lead to violence against women (Razack, 2004). In this case, arranged and forced marriage is conceived of as the product of backward cultural practices that harm women, yet, ignore variables that would be useful in understanding and approaching the policy challenges associated with arranged and forced marriages that go beyond culture. Such variables include gender roles and equality, language, poverty and socio-economic status and the availability and access to social services for families. Thus, framing forced and arranged marriage in culturalist terms negates the gendered and socio-economic aspects of arranged and forced marriage. It obstructs and limits responsive policy and law and leads to interventions that are usually based on cultural assumptions about various communities, as well as the stigmatization of ethnic minorities (Chantler, Gangoli and Hester, 2009; Fekete, 2006; Liversage, 2009; Razack, 2004). Adding a layer of complexity to the analysis is that further justification to prevent arranged and forced marriage, connected to the liberal defences, is based on assisting women escape violent relationships. However, like the laws designed to prevent arranged and forced marriage, the justification for ending violence against women is also flawed because of its incorporation of cultural assumptions. For example, Razack discusses violence and murder committed against women in the context of arranged marriage. She identifies a culturally based distinction where “honour killings”, when women are killed for having been perceived as dishonouring their families in some way, are not considered an example of generic violence against women. Instead, “minority culture assumes a pre-eminence that is discernable in the efforts made in legal documents and reports to distinguish honour killings from other instances of violence against women” (Razack,

2004, p. 151). In other words, honour killings are conceived of as being rooted in culture, as opposed to other factors that causes and sustain violence against women.

From another policy perspective, Denmark's immigration laws and regulations that allege to prevent arranged and forced marriage, according to some scholars, do not actually accomplish that objective. UK scholars Chantler, Gangoli and Hester argue that forced marriage is complex and multidimensional and that the current policies in Europe designed to prevent it, specifically those that focus on increasing the age of sponsorship, do not inhibit the phenomenon (Chantler, Gangoli and Hester, 2009). In survivor accounts, factors such as poverty, sexuality, gender inequalities, violence, child marriages, and immigration and asylum "featured strongly as conduits into forced marriage," perhaps more so than imposed age restrictions (Chantler, Gangoli and Hester, 2009, p.607). Therefore, for meaningful and effective policy-making, these variables are fundamental to both understanding why women enter into forced and arranged marriages and what sort of policy instruments would help them avoid such circumstances as well as leave them. One study conducted among immigrant women in Britain found that rather than a policy focus on age, participants favoured responses including the availability of adequate support services for victims, community education, better training and development for front-line workers, and strong strategic planning at the local level (Chantler, Gangoli and Hester, 2009, p.608).

The study also found that present understandings of forced marriages focus too heavily on entry and consent into the marriage, as opposed to exiting the marriage (Chantler, Gangoli and Hester, 2009; Phillips and Dustin, 2004). Consent can be difficult to establish and there may still be cases where marriages take place despite refusal. Thus, given the complexity of entry and consent, equal attention must be paid to exiting a

marriage. In particular, this focus should include designing policy responses relating to the availability and accessibility to necessary support services and strategies. These can include financial support and stability, educational and health services, living accommodations, child custody, and citizenship status that impacts on employment opportunities and legal status in the country for women attempting to exit marriages (Chantler, Gangoli and Hester, 2009, p.608). In many cases, uncertainty for women around these issues limits their capacity to leave non-consensual and abusive relationships. Further, in relation to factors of poverty, sexuality, gender inequalities, violence, child marriages, and immigration and asylum, forced and arranged marriage needs to be understood more broadly “in relation both to the communities it occurs in and to the structural inequalities (nationally and internationally) which generate the conditions in which forced marriages flourish” (Chantler, Gangoli and Hester, 2009, p.608). All of these combined factors require an evaluation of the causes and responses to arranged and forced marriage that go beyond a culturally based understanding, that on its own too often leads to ineffective policies based on inaccurate assumptions.

Another policy shortfall is that instituting an age increase on sponsorship is a discriminatory act and a violation of human rights. Indeed, as discussed above, the restrictions contravene several international agreements that protect the right to family life that Denmark is signatory to (Fair, 2010). Further, with respect to both the age and the attachment component of Denmark’s immigration laws, the restrictions actually function as a strategy to reduce immigration, particularly among ethnic minorities, and do not prevent forced marriage. Having to prove one’s attachment to Denmark is a subjective task, and therefore certain groups will have an advantage over others in terms of proving their

connection and attachment (Schmidt, 2010). It is inherently more difficult for newcomers, particularly visible minorities, to prove such an attachment compared to native Danes.

If Denmark truly wants to prevent arranged and forced marriages from occurring within its borders, then it must locate more appropriate avenues in which to do so, such as providing accessible educational and healthcare provisions for newcomers so that they can have improved access to new opportunities, including labour market inclusion (Chantler, Gangoli and Hester, 2009; Fair, 2010; Schmidt, 2010). Assistance in these areas has the potential to trump some of the key motivations identified by for peoples' entry into forced marriage. One such motivation is the threat of poverty and other financial pressures. When the educational opportunities for women and their families, and subsequent learning opportunities, are limited, the security that marriage can provide can be a significant pull factor. (Chantler, Gangoli and Hester, 2009).

## **Conclusion**

The paper has illustrated that the recent backlash against multiculturalism in Europe has to a large extent revolved around of a series of tactical and culturally based reactions and rhetorical arguments put forward by politicians and commentators. The backlash and rhetoric, citing the failures of multiculturalism and “too much diversity” has influenced and motivated a turn in immigration and integration policies across Europe and in Denmark. The goal, in some cases, is to curb immigration, and in most cases, it is to take a more hard lined approach to immigrant integration, what many scholars call aggressive civic integration or even assimilation. An examination of Denmark's immigration laws, the twenty-four-year law and the attachment law, which are designed to both prevent forced

and arranged marriage as well as limit immigration through family reunification – which itself has questionable impacts on achieving successful integration – has revealed several theoretical and policy-related limitations behind their motivation and efficacy based on a limited focus on culture.

The twenty-four-year and the attachment laws are disproportionately targeted to ethnic minorities in Denmark, who have argued that the laws are coercive, violate their human rights and separate them from other Danes. Certainly, this is not conducive for successful or thoughtful social integration. From a theoretical perspective, the laws, while justified on the basis of upholding the liberal values and traditions of Denmark, fundamentally undermine core liberal values of tolerance, equality, accommodation and inclusion. These “illiberal means to a liberal end” are illegitimate, particularly in the context of dealing with the complexities that are inherent in liberal democracies.

From a policy perspective, enforcing stricter immigration and integration via family reunification laws does not necessarily prevent arranged and forced marriages. As the anti-multicultural rhetoric is framed within a cultural lens only, so too is Danish immigration policy. The limitations of short-sighted basis for the family reunification laws ignore major economic and social variables that influence the phenomenon of arranged and forced marriage such as gender inequality, family violence, socio-economic status, poverty, sexuality, immigration and asylum. These are the areas of focus Denmark should alternatively pursue. Instead, focusing on culture, with a tendency to dichotomize cultures, facilitates a narrow and inadequate policy and program response. It also ignores the people, specifically, ethnic minority women, who the twenty-four-year law and the attachment laws are allegedly intended to protect. Gender equality is a crucial to Denmark’s liberal identity,

yet the policies intended to preserve it have not actually addressed this concern in an effective way.

What is required for the complexity that plural societies present is a multifaceted policy approach that addresses a wide array of social, political, cultural and economic factors. Examples of policy focus areas are: high quality education; labour market access and inclusion; political representation and engagement; gender relations; poverty alleviation; intercultural dialogue; and, access to and education for family planning and safety. Denmark has a strong record on social policy issues so including ethnic minority needs into these areas should not be difficult. By ignoring complexity, the current policy directions are punitive and are neither “liberal” nor effective in addressing and minimizing arranged and forced marriages among ethnic minorities.

Finally, Denmark has historically been a country of significant social policy leadership in terms of healthcare, education and welfare provisions. Indeed, it is a model for western countries in the Organization for Economic Cooperation and Development. Thus, it is disappointing to observe a country so renowned for socio-economic leadership appear to take such a small-minded, colloquial position regarding a complex global issue such as immigration. It appears that Denmark is failing to see the “big picture”, as a global citizen in a global community. Grasping and understanding the complexities and diversity of the global context is fundamental, today, in developing strong and effective public policy. To ignore, turn inward and delimit the scope of understanding of diversity demonstrates an exclusionary, elitist and almost nativist mentality that is counterproductive, exclusive, and inconsistent with informed global citizenship and policy-making.

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