

citizenship arises from birthplace and residence rather than from parentage.⁴³ It would be arbitrary because it is no longer plausible (if it ever was) to argue that there is a deep public interest in preventing dual citizenship. By contrast, it is clear why individuals have a deep interest in acquiring citizenship in the place where they are born and raised as well as in the state(s) where their parents hold citizenship. Democratic states are not morally free to do whatever they want to the populations they govern. For a public policy to be justifiable, there must be some genuine public interest at stake and there must be some proportionality between whatever burden a policy imposes on individuals and the public good that the policy achieves. That is not the case if the children of immigrants are denied birthright citizenship to prevent their acquiring dual citizenship. The legitimate interest that the children of immigrants have in being able to possess dual citizenship clearly outweighs whatever interest the state may have in trying to restrict it.

3

Naturalization

Milikje Arifi is in her fifties. She was born in Macedonia, but she has lived in Switzerland since she was 18 and she raised a family there. Arifi applied for Swiss citizenship three times. Each time the town council of Adliswil, the Zurich suburb where Arifi lives, rejected her application, most recently in the spring of 2008, despite the fact that Arifi is fluent in German and had passed an exam on the history and government of Switzerland (and the local area, as well) at the time of her first application. The town council offered no public explanation for its decision not to approve Arifi's application for citizenship, but one member told a reporter: "It is not a matter of insufficient language ability or that they are a public threat. It is that their environment is not so good... We are hearing people in the vicinity of the Arifis who don't want us to do it!"

In the previous chapter I explored the moral claims of the descendants of immigrants to gain citizenship automatically in the country in which they are born. Now I turn to questions about access to citizenship for those who arrive after birth. Was the Swiss decision to deny citizenship to Arifi morally justifiable? The term for the acquisition of a new citizenship after birth is naturalization. What moral principles govern naturalization in liberal democratic states? Do immigrants like Arifi have any moral claims to naturalization or is this something that is entirely at the discretion of the states where they live? Are democratic states entitled to require immigrants seeking access to citizenship to meet certain conditions before gaining citizenship, and, if so, what sorts of conditions may they require?

In this chapter, I will build on arguments advanced in the previous chapter to defend the view that democratic principles severely limit the conditions which a democratic state may impose as prerequisites for citizenship. While states may exercise some discretion in the rules they establish for naturalization, they are obliged to respect the claims of belonging that arise from living in a political community on an ongoing basis. Policies that permit the exclusion of long-term legal immigrants like Milikje Arifi from citizenship are unjust. Keep in mind that in this chapter I am only talking about immigrants who have official permission to reside in the state on an ongoing basis.

Young Immigrants

Let's begin by considering immigrants who arrive as young children. From both a sociological and a moral perspective, these children are very much like the children born in the state to immigrant parents. They belong, and that belonging should be recognized by making them citizens.

Children who arrive in a state after they are born had no moral claim to gain citizenship in that state at birth because there was no reason at the time of their birth to expect that they would grow up there. They do have a moral claim to acquire citizenship after they have settled in the state with their parents, however. All of the reasons why children should get citizenship as a birthright if they are born in a state after their parents have settled there are also reasons why children who settle in a state at a young age should acquire that state's citizenship. The state where an immigrant child lives profoundly shapes her socialization, her education, her life chances, her identity, and her opportunities for political agency. Her possession of citizenship in another state is not a good reason for denying her citizenship in the state where she lives, and for reasons we have just seen in the discussion of dual citizenship there is no good reason to require her to give up any other citizenship as a condition of gaining citizenship in the place where she lives. The state where she lives is her home. She has a profound interest in seeing herself and in being seen by others as a member of that political community, and the state has a duty to respect that interest because it has admitted her.

The state's grant of citizenship to immigrants who arrive as young children should be unconditional and automatic, just as birthright citizenship for the children of resident citizens and settled immigrants is unconditional and automatic. By unconditional, I mean that an immigrant who arrives as a young child should not be subjected to any tests of knowledge or culture or values or any standards of behavior as a condition for her acquisition of citizenship. The state is responsible for those aspects of her social formation that are relevant to citizenship. It is morally wrong to make an immigrant child's acquisition of the legal status of citizenship contingent on what she learns or how she behaves for the same reasons that it would be wrong to make the citizenship of children born in the country (whether to immigrant or citizen parents) contingent upon what they know or do.

Let me emphasize this point about unconditionality by taking up the hardest case: those who become criminals. Many states make the absence of a criminal record a condition of access to citizenship. That has some plausibility when it concerns immigrants who have arrived as adults, though even there it should be less absolute than people sometimes assume as we will see below. But when it

concerns immigrants who have arrived as young children, their behavior, criminal or otherwise, should be treated as irrelevant to their acquisition of citizenship. Some children of citizens become criminals but we do not strip them of their citizenship for doing so (even if they have another citizenship and would not be rendered stateless as a result). However popular such an idea might be in some quarters, it is incompatible with our basic understanding of citizenship in contemporary democracies to make the continued possession of citizenship status contingent on good behavior.² For the same reason, the acquisition of citizenship by immigrants who arrive as young children and grow up in the society should not be contingent on their good behavior.

In saying that the grant of citizenship should be automatic, I mean that it is not sufficient merely to give these children a right to citizenship, leaving it optional as to whether they take up that right or not. Citizenship is not optional for the children of resident citizens, and it would be wrong to make it so. It is simply conferred upon them at birth, officially recognizing the reality of a relationship. I argued in the previous chapter that the same principle applies to children born to resident immigrants. For the same reasons, the state should simply confer citizenship automatically upon an immigrant who arrives as a young child and grows up in the state.

In saying that citizenship for children should not be optional, I am not denying the right of expatriation. The right to leave any state, including one's own, and the right to change nationalities are basic human rights. The point is that there is no reason of principle to treat either the acquisition or the renunciation of citizenship as more optional for the children of resident immigrants than it is for the children of resident citizens.

While I think that there are good reasons in principle not to make citizenship for children optional, the extent to which the acquisition of citizenship is something optional admits of degrees and sometimes the degrees matter much more than the question of whether citizenship is (technically) optional. France has a policy that grants citizenship automatically at age 18 to immigrant children born and raised in France, unless the children explicitly choose not to accept French citizenship. Conservatives have accepted the principle that these children have a right to French citizenship, thus implicitly endorsing a version of my social membership account, but they have argued that the children should receive citizenship only if they actually ask for it, thereby demonstrating that they want to be French. The conservatives managed to implement this policy of requiring an affirmative declaration for a few years in the 1990s. It dramatically reduced the number of these children who acquired French citizenship. The Mitterrand government restored the old rule in the late 1990s, making automatic acquisition the default rule but allowing for an opt out.³

Both sides in the French debate agree that it is important to allow the children of immigrants the freedom to choose whether or not to be French. So, from a theoretical perspective, there is a disagreement in principle between the shared French view (i.e., that the children should have an option) and my own view (i.e., that citizenship acquisition should not be optional for these children). I note in support of my position that no one in the French debate seems to think it is important to grant the same freedom to choose whether or not to be French to the children of French citizens, even if the children have inherited another citizenship from one of their parents. Nevertheless, I think that the debate over how the default rule is constructed is much more important than this disagreement over the principle. Under the current rule, very few children of immigrants opt out of French citizenship. From my perspective, the traditional rule that grants citizenship automatically unless someone explicitly rejects it is a satisfactory arrangement, despite its theoretical defects. It is so close in practice to the ideal of simple automatic acquisition that it is not worth fighting about. As in many areas of public policy, the key question is not whether there is a formal option but whether there is a default position and how the default is constructed. Here and elsewhere, we should temper the desire for theoretical clarity about principles with attention to the question of what issues really matter morally. Sometimes, as is the case here, the design of a policy may be more important morally than its underlying principle.

When should the state confer citizenship on children who immigrate at a young age? I feel uncertain about how to answer this question. On the one hand, there is a case for bestowing citizenship as soon as the child is settled in the state under terms that permit her to reside there on an ongoing basis (even if this involves renewable permits rather than formal permanent residence). That fits well with the logic of expectations that governs birthright citizenship. Remember that expectations are the basis for the claims of the children of citizens as well as for the children of settled immigrants. On the other hand, one could argue that once the moment of birth has passed, immediate recognition is less crucial and it is permissible for the state to wait until the child has actually become firmly rooted in the community before granting citizenship. I favor the former view, but I don't think this is an issue of vital importance if people accept the principle that a child who grows up in a state is morally entitled to automatic and unconditional citizenship in that state.

I have been speaking of immigrants who arrive at a young age, without specifying how young that age was. Clearly, the children who are most like those born in the country are those who arrive as infants and who undergo their entire social formation within the state where their parents have settled. So, one might say the earlier their arrival, the stronger their claim to citizenship.

However, in many ways, the strongest claim to membership in a political community derives from the fact of having undergone one's social formation within that community. From this perspective, the time spent between the ages of six and eighteen, when children are in school, is the most crucial period. It is possible to develop policies that recognize the relevance of these sorts of variables, specifying the number of years of residence or the number of years of schooling in the country required to establish a right to naturalization. I won't pretend that there is some philosophical basis for choosing a specific number of years. There is no way to eliminate the gray areas, but that does not mean that one cannot make confident judgments about the extremes. There is a big difference between someone who arrives as an infant and someone who arrives as an adult, both with respect to time spent and with respect to social formation.

Adult Immigrants

Let's turn now to the question of naturalization for adult immigrants. What conditions may a democratic state require adult immigrants to meet before granting them citizenship?¹ Let's first consider the reasons why adult immigrants have strong moral claims to citizenship and then see whether there are countervailing moral considerations that make it justifiable for states to require immigrants to meet certain standards before gaining citizenship.

In elaborating my answer, I mean to focus only on conditions that are constructed as formal, legal requirements in the naturalization process. It is important to distinguish between such formal requirements and other ways of influencing immigrants and integrating them into the political community. Formal requirements are legally enforceable standards like length of residence, demonstration of a certain level of language proficiency, passing a test in the country's history and institutions, and so on. Every political community also uses social expectations and incentives to affect the way immigrants engage with the political community. Social expectations and incentives have effects on people but they do not rely upon the force of law.

Many of the things that people sometimes say should be conditions of naturalization might be acceptable if they were encouraged through incentives or even pressed as social expectations but are not morally permissible if they are imposed as requirements. In the next chapter, I will consider questions about the extent to which it is legitimate for states to try to shape immigrants' behavior, values, and identities. In this chapter, I focus exclusively on formal, legal requirements for the acquisition of citizenship.

Social Membership and Democratic Legitimacy

The moral claims that adult immigrants have to citizenship rest on two distinct but related foundations: social membership and democratic legitimacy.⁵ Consider their social membership claims first. Immigrants who arrive in a state as adults have received their social formation elsewhere. For that reason, they do not have quite as obvious a claim to be members of the community as their children who grow up within the state and may even be born there. Nevertheless, undergoing one's original social formation in a community is not the only path to social membership. Living in a community also makes people members. As adult immigrants settle into their new home, they become involved in a network of relationships that multiply and deepen over time. They acquire interests and identities that are tied up with other members of the society. Their choices and life chances, like those of their children, become shaped by the state's laws and policies. The longer they live there, the stronger their claims to social membership become. At some point, a threshold is passed. They have been there long enough that they simply are members of the community with a strong moral claim to have that membership officially recognized by the state by its granting of citizenship, or at least a right to citizenship if they want it.

The principles of democratic legitimacy give rise to a second basis for adult immigrants to assert a moral claim to citizenship. It is a fundamental democratic principle that everyone should be able to participate in shaping the laws by which she is to be governed and in choosing the representatives who actually make the laws, once she has reached an age where she is able to exercise independent agency. Full voting rights and the right to seek high public office are normally reserved for citizens, and I will simply assume that practice in this chapter.⁶ Therefore, to meet the requirements of democratic legitimacy, every adult who lives in a democratic political community on an ongoing basis should be a citizen, or, at the least, should have the right to become a citizen if she chooses to do so. Prior to this point, I have not emphasized the democratic legitimacy argument because I have been talking about the citizenship claims of young children who are not old enough to vote or to participate formally in politics, though they have the same sort of claim prospectively, as it were, and the claim would have force if they reached adulthood without receiving citizenship.

The Limits of Discretion

These arguments about the moral claims that immigrants have to citizenship enable us to see what was so problematic about the decision to deny Swiss citizenship to Milkijie Arifi, the woman of Macedonian origin whose story opened

this chapter. Arifi had lived in Switzerland for over thirty years when she applied for citizenship. She had passed tests of her linguistic competence and civic knowledge. By any reasonable standard of social membership, she was clearly more a member of Swiss society than of any other and she was entitled to participate in the democratic process that generated the laws that she was expected to obey. The local town council seemed to think that it had no obligation to justify its decision to exclude Arifi from citizenship on the basis of reasons that might make sense to a wider public. Indeed, the local authorities explicitly acknowledged that the sorts of considerations that some people might find persuasive—a threat to public order or a failure to learn the language—did not apply to Arifi. The reasons given (“their environment is not so good . . . We are hearing people in the vicinity of the Arifis who don't want us to do it”) were highly subjective. To defend the exclusion of Arifi from citizenship, you would probably have to think that a state is morally free to do whatever it wants in granting or withholding citizenship.⁷ That position essentially gives no weight to the moral claims that immigrants have to citizenship. I do not see how it is possible to reconcile that position with a commitment to democratic principles.

Arifi's story may seem like an extreme case, because she was so clearly integrated into Swiss society by any reasonable measure of integration. Would the social membership and democratic legitimacy arguments seem as strong if we were dealing with immigrants who did not fit in quite so well? Are there standards of social integration that are less subjective and arbitrary and that it is reasonable to impose as requirements for naturalization? For example, the state clearly has a responsibility to maintain the democratic regime that is the framework within which citizens are able to exercise their rights. Many people would argue that the state cannot and should not be indifferent to questions about whether those seeking citizenship accept the state's commitment to a democratic order.

Consider in this context the case of Faiza Silmi, the niqab-wearing Moroccan woman whose story appeared at the beginning of chapter 1. To recall, Silmi had a French husband and four French children, had lived in France for several years, and spoke French. She was denied French citizenship because, in the words of France's highest legal authority, “She has adopted a radical practice of her religion, incompatible with essential values of the French community, particularly the principle of equality of the sexes.”⁸ Although the decision was not based exclusively on the fact that Silmi wears a niqab, it seems clear from the public discussions about the case that this was a major consideration.

This is a harder case than Arifi's because the French authorities who denied citizenship to Silmi offered explicit reasons for their refusal and appealed to a principle (namely, gender equality) that is a fundamental part of the public normative framework of all contemporary democratic states. So, the decision about Silmi does not seem as capricious or subjective as the decision about Arifi. In

addition, many people who are not at all troubled by most forms of religious dress are disturbed by the niqab (and other versions of dress that cover most or all of the face). In all honesty, I must admit that I find myself among them. Nevertheless, I think that the decision to deny Silmi French citizenship was unjust.

It would be possible to object to the decision to exclude Silmi from citizenship from many perspectives. For example, one could ask whether the evidence, including her wearing of the niqab, really proves that she is not an autonomous agent as the government alleged. The *New York Times* interview with her seems to reveal a person of strong convictions and one should not underestimate the courage it takes to wear a form of dress that the vast majority of people find objectionable. One could also argue that the French state is being discriminatory in excluding a Muslim woman from citizenship for views about gender relations that are quite similar to ones held by conservative Catholics, fundamentalist Protestants, orthodox Jews, and others who would never be subjected to this sort of scrutiny in a citizenship application. And one could argue that the state's policy is hypocritical in focusing on this particular manifestation of gender inequality while tolerating and even supporting the many other, much more pervasive forms that gender inequality takes in France and in other democratic states, from social norms regarding women's responsibilities for child-rearing and housekeeping to practices in advertising, fashion, and commerce that rely upon the presentation of the female body in ways that are pleasing to the male gaze.

I will leave these criticisms aside, however. I will focus on the issue that is most relevant to my central argument about access to citizenship. In my view, it is not morally permissible for a democratic state to make access to citizenship contingent upon what a person thinks or believes. The normal freedoms of a democratic society—the right to freedom of religion and conscience, the right to freedom of speech and association, the right to privacy and the general right to live one's life as one chooses so long as one does not violate the laws—set severe limits to what the state may demand of those subject to its control, whatever the state's goals. A democratic state may not use its coercive power against people simply because of what is in their hearts and minds.⁹ That is true even when what is in their hearts and minds is antagonistic to democracy. Thus, for example, a democratic state may not take away someone's citizenship status because she professes ideas hostile to democracy, even if she has another citizenship and would not be rendered stateless by this deprivation.

The same principle applies to the naturalization process. To deny citizenship to someone who seeks it is an exercise of the state's coercive power. Of course, if the person seeking citizenship had no strong moral claim to it, the exercise of the coercive power could be easily justified, but that was not the case with Silmi. She had lived in France for several years. She spoke French. She had French

children and a French husband. She was clearly a member of French society in many important respects. So, she had a claim to citizenship on the grounds of her social membership and she had a right to participate in shaping the laws to which she was subject. Just as the state should not take away a citizenship acquired at birth because of what that person thinks or feels, the state should not refuse to grant citizenship to someone who has a strong moral claim to it because of what that person thinks or feels.

Remember that we are speaking here of legal residents and legal requirements. I am not saying that the state may not use its coercive power to restrict behavior (including, perhaps, some forms of speech) nor am I saying that the state must be indifferent to what settled immigrants think or that it may not promote certain values, attitudes, and commitments.¹⁰ On the contrary, as we will see in the next chapter, a democratic state has a duty to create a certain kind of political culture and to foster certain attitudes and dispositions. However, the state may not use coercion against people who do not adopt the attitudes and dispositions it is seeking to foster, and it may not punish people for behavior that is legally permitted. For the same reasons, the state may not exclude a settled immigrant from full membership in the political community because her views and her legally permitted behavior do not conform to the community's normative standards.¹¹ Denial of citizenship on that basis is morally unacceptable.

If a democratic state should not refuse to grant citizenship to an adult immigrant either on the basis of some official's purely subjective assessment of the immigrant's integration or on the basis of information about what the immigrant thinks and feels, what about more objective measures of civic integration? There are three other sorts of conditions besides an extended period of residence that some democratic states commonly require applicants for naturalization to meet: the renunciation of other citizenships, evidence of good behavior, and passing tests of linguistic and civic competence. Let's consider each of these in turn.

Dual Citizenship (Again)

Some states insist that applicants for citizenship renounce any other citizenship as a condition of their naturalization. Many states do not require this, and even more do not enforce the requirement. In the United States, for example, immigrants are required to swear an oath to "absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty."¹² As a matter of law, however, it is clearly established that the United States permits dual citizenship for naturalized citizens. So, this rather imposing,

old-fashioned oath has no actual legal consequences in the United States (though it probably does deter some immigrants from naturalizing).

In practice, the prohibition on dual citizenship is probably the biggest formal obstacle to naturalization for immigrants in the states that do require effective renunciation of a previous citizenship. Immigrants often have good reasons to want to leave open the possibility of returning to live in their country of origin at some point in the future, and keeping their original citizenship is the only way to guarantee that this will be possible. They may want to pursue economic opportunities there at some later stage in their careers. They may want to be able to return if they have to care for elderly parents. They may want to go back to retire. (Many more immigrants imagine they will return to their country of origin than actually do so in the end, because most immigrants establish families in the state where they settle, and their children and grandchildren tie them to that place.) Sometimes keeping the citizenship of origin protects important economic interests in states that limit the rights of noncitizens to inherit property or to operate businesses. And sometimes immigrants still feel a strong identification with and attachment to the country they left, and they associate that identity and attachment with their continued possession of the country's citizenship. For all these reasons, immigrants are often reluctant to naturalize if this requires them to give up their original citizenship.

Too bad, some will say. They have to make a choice. They have to decide where their primary loyalty lies. But why? Why should the state be able to force immigrants to choose? What interest does the state have in insisting on such a decision? Of course, the state wants its citizens to be loyal, but as we have already seen in the discussion of dual citizenship at birth, people can be loyal to two states just as they can love both of their parents. Indeed, almost all of the arguments that I presented in favor of permitting dual citizenship at birth for the children of immigrants are also arguments for permitting adult immigrants to retain their original citizenship in the course of naturalization. The state has no serious interest at stake in getting those seeking naturalization to give up a previous citizenship. The fact that almost all democratic states permit dual citizenship for the children of citizens when the children acquire both citizenships at birth confirms this. By contrast, immigrants often do have a vital interest in keeping their citizenship of origin, for the reasons laid out above. Remember, too, that we are talking about immigrants who have a strong moral claim to their new citizenship on the basis of their social membership and their right to participate in democratic decision making in the political community where they live. Under these circumstances, to require immigrants to renounce their original citizenship as a condition of naturalization is unjust. Sovereign states may have the power to enact prohibitions on dual nationality for naturalized citizens, but democratic states are morally obliged not to use that power.

Good Behavior

Sometimes states want evidence that immigrants have behaved well during their period of residence prior to naturalization. This takes various forms.

Many states impose a requirement that the person being naturalized not have a criminal record. Given the background assumption that states are morally entitled to control admissions, it seems reasonable to say that states should be able to deny entry to those with serious criminal records and to expel recently arrived immigrants who are convicted of serious crimes, although as we will see in later chapters, this principle is subject to some qualifications. If the immigrant's criminal record is not significant enough to warrant deportation, however, it should not warrant permanent exclusion from citizenship either. It might justify a delay in naturalization but not an absolute barrier.

Some states have a good character requirement in addition to the absence of a criminal record. This is an invitation to discretionary abuse.

Some states require proof of a certain level of income or the absence of reliance upon social assistance. This is a form of discrimination against the poor. If people are entitled to some form of social assistance, they should not then be penalized politically for taking advantage of it. The status of citizenship should not be contingent upon money.

Tests of Civic Competence

As part of the naturalization process, democratic states often require immigrants to pass some sort of test of their knowledge of the dominant language (or at least of some official language) and of the state's history and institutional arrangements and perhaps its culture. I will call these combined requirements "tests of civic competence" because the justification for such tests is that immigrants must acquire certain kinds of knowledge in order to perform their roles as citizens. The tests assess whether they have the requisite knowledge. Many people think that such requirements are perfectly reasonable.¹³

I disagree, but I do not want to overstate the importance of that disagreement. The crucial claim that I am making in this chapter is that citizenship should be easily accessible as a matter of right to immigrants who want it after they have been in the country for a few years. That is largely compatible with tests of linguistic and civic knowledge, if the requirements for passing the tests are set at appropriately modest levels so that most immigrants can pass the tests without difficulty. Reasonable tests of civic competence do not pose a substantial barrier to naturalization for most people.

Even though reasonable tests are generally compatible with my main claim in this chapter, they are objectionable in principle. I think it is worth explaining why.

The first and most important point to note is that we are talking about a *requirement* for naturalization. The question is not whether it is desirable for immigrants to be able to use the local language and to learn about the state's history and institutions and culture. Of course, this is desirable. States should give immigrants opportunities, support, and encouragement to acquire this sort of knowledge. Understanding the local language and learning about the country where they have settled is good for the immigrants and it is good for the community as a whole. The question is whether it is morally permissible to pursue this desirable objective by requiring immigrants to pass certain tests as a condition of naturalization.

The fact that a goal is worthy and legitimate does not automatically make the means used to pursue that goal morally acceptable. Recall the distinction that I drew at the beginning of this section between requirements, on the one hand, and social expectations and incentives, on the other. It would be fine to create incentives for immigrants to learn the dominant language and to learn about the society (though there are strong incentives for them to do so even without state policies creating additional ones). To establish something as a formal requirement for naturalization is another matter. It entails the consequence that those who do not meet that requirement will not become citizens. That is what I want to challenge. Even if tests of civic competence improve the civic capacities of those who prepare for them and so enhance the overall quality of democratic participation, they are not justifiable because they inevitably deny citizenship to some people who have a moral right to be citizens.

When I was first asked to reflect about these tests fifteen years ago, I asked my son Michael (who was then 10 years old) what he thought about the issue. He responded almost incredulously, "You mean someone wouldn't be allowed to be a citizen because he didn't pass a test? That sucks! People who do not have a good education or who are just not good at taking tests have the right to be citizens too." I think that Michael's reaction was entirely right. It is unjust to make access to citizenship contingent on whether or not someone passes a test.

Let me unpack that claim a bit. Even those who defend using tests as part of the naturalization process acknowledge that some European states like the Netherlands have developed tests that are far too difficult.¹⁴ These tests are a lot like the literacy tests that African Americans were required to take in some southern states in the United States in the first half of the twentieth century. Their goal is not really to test knowledge but to exclude. Everyone agrees that tests that are designed to exclude are unjust (even if people sometimes disagree about whether or not a given test belongs in that category).

Let's leave this sort of problem to one side, however. Let's focus instead on tests that most people would regard as reasonable (if they accepted the idea of tests at all). These are tests that only require a modest level of linguistic ability and the sort of civic knowledge that ordinary people can acquire without too much effort. The information to be tested is readily accessible so that it is easy to prepare for the tests, and applicants can take the tests over as often as they want if they fail. There is no cost to take the test, or, at most, a modest one. These are the sorts of tests that have long been used in countries of immigration like the United States and Canada.¹⁵ Most immigrants who take such tests pass them. Similar tests have recently been introduced in some European states. Immigrants who take these tests often say that they find the experience of preparing for them to be very valuable. Some feel that they have earned their citizenship by studying for the test and passing it. What's wrong with that sort of test?

In my view even reasonable and apparently beneficial tests rely implicitly on a morally problematic conception of citizenship that was widely embraced in earlier times but that has now generally been rejected. In that earlier approach, democratic states divided the citizenry into two groups: those capable of participating in politics and those not capable of participating. In the immediate aftermath of the French Revolution, for example, the French Republic distinguished between active citizens and passive citizens. Other democratic states drew similar distinctions, excluding some segment of the citizen population from the political participation on grounds of competence. Sometimes the assessment of competence was based on unchanging, ascriptive characteristics like gender and race, but sometimes it was based on contingent and changeable features of individuals like economic resources and education.

The criterion of education, in particular, was often defended in the late nineteenth and early twentieth century in terms that are remarkably similar to the ones used today as justifications for the tests imposed on immigrants. Doesn't it make sense to require voters to pass a literacy test (or perhaps something more demanding) for the same kinds of reasons that we require drivers to pass a driving test? They are engaged in an activity with important consequences for others and they should be obliged to demonstrate that they have the basic knowledge required to carry out this activity responsibly.

Then, as now, those defending such tests were, for the most part, not using these requirements as pretexts for exclusion. They were genuinely concerned with the quality of democratic politics. Nevertheless, almost no one today would defend the idea of requiring citizens to pass a test to vote. That is not merely because we now have compulsory schooling and can safely assume that people have learned what they need to know in school. As an empirical matter, we know that some students don't learn much, that some even emerge from the educational process as functional illiterates. But we don't deny them the right to vote.

We have come to see that, for adult citizens, making the right to participate in the democratic process contingent on any test or measure of competence is unjust, in part because such screening will always reflect class and other biases, whatever the intention of those designing the screens; and in part because we have come to recognize that the right to have a say in how one is governed should be regarded as something fundamental, not easily subject to qualification. However desirable it may be to have an educated electorate—and I think that it is very desirable—we cannot pursue that goal by excluding a subset of the citizenry from participation.

The most important qualification to this general principle that we no longer accept competency restrictions on political participation is the age requirement for voting. Everyone recognizes that very young children are not capable of exercising political agency. So, children are not allowed to vote, even though they are citizens, on the grounds that they are not competent to participate. But note that, as part of our commitment to the ideal of equal citizenship, we treat every citizen in exactly the same way in imposing and then removing this competency requirement. We establish an age requirement for voting. As an empirical matter, we know that individuals mature at different rates. If we were only concerned with the individual's capacity to participate, it might make sense to design tests that could reveal whether or not a young person was sufficiently mature and knowledgeable to vote. Of course, it is completely predictable that the capacity to pass such tests would correlate with class, and perhaps with other socioeconomic variables as well. To permit formal access to voting to depend on tests that correlated with such socioeconomic characteristics would violate our understanding of democratic equality. That is why no democratic state would seriously consider such a measure.

The same democratic logic should preclude us from subjecting adult immigrants to competence tests as a requirement for citizenship. Someone will object that the immigrants are not yet citizens and so this bar on using competence tests does not apply to them. The objection depends on a circular argument. The immigrants are not yet citizens only because we require them to pass these competence tests. Remember that we are talking here about adult immigrants who are settled members of society. They have been present long enough to have established claims of social membership and they are subject to the laws on an ongoing basis. In other words, they possess the very sorts of claims to belong that are the basis upon which the democratic state where they live granted citizenship to all of its current citizens. I am assuming here that they want to become citizens, and that they would be citizens if they did not have to pass these tests. The justification for the tests is that they need to prove their competence to participate. But, as I have been arguing, we no longer think it is morally appropriate to require people who would otherwise be entitled to

participate to prove their competence to do so. Citizenship is not something that normally is earned or that ought to be earned. People acquire a moral right to citizenship from their social membership and the fact of their ongoing subjection to the laws.

I suspect that many people will resist this line of argument, so let me offer another angle of vision on the case I am making. Suppose we have some adult immigrants who are otherwise qualified for citizenship but who have not passed these civic competence tests. Why don't we grant them citizenship but not let them vote until they pass their tests? What would be the point of that? Well, they would be officially recognized as members of the political community. They would enjoy the greater security and protection that comes with the status of citizenship. Even if gaining citizenship did not affect many of their legal rights within the state, it would be a tremendous practical advantage for many immigrants to have the passport of the state where they live and it might matter a great deal to them emotionally.

In practice, this kind of change would be unthinkable (or, at least, I hope it would). We can no longer seriously entertain the possibility of severing the legal status of citizenship in a state where you live from the right to participate in that state's political process, once you are an adult.¹⁶ But what it would be unthinkable to do openly, we do covertly. Instead of denying the right to vote on grounds of competence to people who are citizens, we deny citizenship on grounds of competence to people who qualify for and deserve citizenship in every other respect. That is why I say that the test requirement relies upon a (disguised) version of an outmoded conception of democratic citizenship.

Let me add one final point. Tests of civic competence never actually test civic competence. The tests that assess a person's knowledge of various facts about the history and institutions of the country tell us nothing about a person's civic capacities. Citizens have to make political judgments. The knowledge required for wise political judgment is complex, multifaceted, and often intuitive. It's not something that can be captured on a test. Think realistically about the kinds of questions that voters have to ask themselves about parties and candidates. Do I share their values? Do I trust them to take the country in the right direction? These are the crucial sorts of questions that citizens have to ask themselves in deciding how to vote, and knowing when the constitution was written or how parliament is organized is won't help.

But isn't it at least reasonable to insist that immigrants have some knowledge of the language of public life before they become citizens? I readily grant that competence in the language of public life is the most plausible requirement for naturalization. Knowledge of the language facilitates interactions with others in civil society and makes it easier to engage in public discussions. So, it is directly relevant to the political competence that citizens need in a democracy.

Even if we accept the relevance of this consideration, however, it is important not to use a romanticised conception of public deliberation as a justification for depriving people of access to citizenship. One may wish and hope that citizens will be well informed, but it is unreasonable to insist on knowledge of the dominant language for the sake of an idealized form of political information that typical native citizens do not possess.

Even the legitimacy of any linguistic requirement fades over time. It is hard to learn a language as an adult and harder as one grows older. Some states, like Canada and the United States, recognize this by granting exemptions to the language requirements for naturalization to people over 60. It's highly desirable that immigrants learn the language of public life, but people do sometimes get by without it. People who have functioned in civil society for several years without knowing the dominant language should be presumed to be capable of participating in the political process as well. They will have many forms of information available from friends and neighbors and media in their native language, and that should be enough. In fact, many of those who pass the modest language requirements of reasonable competence tests actually rely on sources in their native language for most of their political information, since their knowledge of the dominant language is limited. In this respect, they are not greatly different from citizens who grow up in the society. The political knowledge of most citizens is always heavily filtered through friends and neighbors and other trusted local sources, regardless of the language they speak.

Perhaps it is reasonable to offer accelerated naturalization to those who can pass tests of civic competence as an incentive to immigrants to acquire this sort of knowledge. But the linguistic barrier to citizenship should not be absolute. After several years of residence, ten at the most in my view, any language requirement should be set aside. *Requiring* immigrants to pass tests of linguistic capacity and civic knowledge as a condition of naturalization is ultimately unjust.

Does it follow that we should criticize such requirements wherever we find them and seek to abolish them? Not necessarily. As I noted in the previous chapter, the meaning of particular policies depends in part on context. Some European states are moving away from the idea that citizenship is a privilege, not a right, and away from the idea that the state is entitled to exercise complete discretion in deciding whether to grant an immigrant citizenship. As part of that transformation of the conception of citizenship, these states have sometimes replaced a subjective and intrusive assessment of whether an immigrant seeking naturalization is sufficiently integrated with an objective measure of integration as measured by tests of linguistic capacity and civic knowledge that are set at reasonable levels and ask reasonable questions. In that sort of context, the new test requirement may actually represent a reduction in the demands being made of immigrants in the naturalization process. The test can be a significant step in

the right direction, and it is important to recognize that. Furthermore, as I noted earlier in this chapter in my discussion of the French policy of optional naturalization for children who grow up in France, sometimes the crucial moral question is how a policy is designed rather than whether it satisfies a formal principle. If tests of civic competence are inexpensive and easy to pass, they may not constitute a significant barrier to naturalization. That is more important in practice than the question of whether such tests are morally permissible in principle. As I observed in the previous chapter in my discussion of the reform of *ius soli* laws, we cannot leap directly from analysis of principles to prescriptions for policy.