

# Chapter 5

## Consultative Commissions and the Rethinking of Integration Policies in the Netherlands and Germany: The Blok Commission and the Süßmuth Commission Compared

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### 5.1 Introduction

Both Germany and the Netherlands have over the past decade established consultative commissions in an effort to rethink their policies on immigration and integration. In response to growing pressure over the framing of Germany as ‘*Kein Einwanderungsland*’ (i.e. ‘Germany is not an immigration country’), the German government established an Independent Commission on Migration in 2000, led by the former President of the Bundestag Rita Süßmuth. The findings from this commission sparked fierce public and political controversy, revealing how deeply the then prevailing German belief of not being an immigration country was embedded in German society and politics. In the Netherlands, in response to a broadly supported parliamentary motion that stated that the Dutch approach to integration had thus far been ‘insufficiently successful’, a parliamentary investigative commission on integration was established in late 2002. Yet, even before this commission, named after its chairman Stef Blok, could present its findings, the commission itself became fiercely contested in public and political debate.

These commissions, calling on various established researchers and experts in both countries, faced the challenge of rethinking national models of integration that are deeply entrenched innational public and political discourses as well as

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77

in specific policy institutions. Both commissions presented findings that became fiercely contested in public and political debate: the German commission concluded that Germany should prepare for permanent immigration and that it should develop a coordinated policy aimed at integration; and the Dutch commission concluded that a new approach to integration was needed because of the supposedly adverse effects of the Dutch multiculturalist model of integration. In addition to controversies over their findings, both commissions also faced fierce controversy about why they had been established in the first place, how they organised their proceedings and the type of expertise that they managed to mobilise. In fact, both commissions were blamed for being elitist, technocratic and out of touch with public sentiments about migration and integration.

We will study these two cases as examples of research-policy dialogues and more particularly as potential opportunities for ‘frame reflection’ in intractable policy controversies. We have taken this perspective from Schön and Rein (1994). In their view, intractable policy controversies are characterised by a multiplicity of ‘frames’, in this case fundamentally different ways of defining and interpreting immigrant integration. In fact, both commissions were established because of growing pressure on the prevailing frames of integration in these countries, or more specifically, serious challenges to the German differentialist model of integration (Brubaker 1992) and the Dutch so-called multicultural model of integration (Sniderman and Hagendoorn 2007). The resolution of such intractable policy controversies requires ‘critical frame reflection’, in other words an open and critical debate not just as regards factual information but also as regards the different ways of naming and framing integration (Schön and Rein 1994).

The aim of this paper is to analyse and compare the extent to which the Süßmuth Commission in Germany and the Blok Commission in the Netherlands have been effective, in the short- or long-term, in triggering critical frame reflection. Have these commissions been successful in terms of rethinking and setting into motion policy frame shifts in Germany and the Netherlands, and how can the effects of these commissions on the rethinking of these models be explained? To this aim, we will analyse not only the impact of these commissions on policy discourse in Germany and the Netherlands, but also how, why and in what context these commissions were established and how they proceeded in terms of their operations, networks, mobilisation of research and formulation of their findings.

Our analysis is based on empirical research both on the proceedings of the Blok and Süßmuth commissions and on the follow-up to both commissions (see Schneider 2010; Scholten 2011). This includes interviews with key actors – both experts and policymakers – that were somehow involved in the commissions, as well as content analysis of available records and minutes, relevant policy documents and parliamentary records, and media coverage that provides insights into the how the commissions were followed up in both countries.

## 5.2 Consultative Commissions and Policy Framing

### 5.2.1 *Consultative Commissions*

Throughout Europe there have been many instances of governments or parliaments establishing consultative commissions on issues that are high on the political agenda. In the context of this chapter we define consultative commissions broadly as commissions that have been established as a political initiative from either parliament or government on a temporary basis with an explicit assignment to reflect on a specific policy topic and advise government and/or parliament in terms of policy formulation. As such, these consultative commissions constitute a very specific form of boundary organisation that connect the realms of policy and research in specific ways, as well as often drawing in non-academic sources of expertise such as practitioner knowledge and civil society representatives as well.

Besides the Süßmuth commission on immigration and integration in Germany and the Blok commission on migrant integration in the Netherlands, similar initiatives have been taken in France and the UK amongst others. France has had many consultative commissions set up by government on issues related to migrant integration, such as the 2003 Stasi commission that focused on the specific French concern over *laïcité*. The UK has even developed a tradition of establishing ad-hoc expert commissions under the leadership of authoritative figures when politics is faced with contested issues: take for instance the influential Cattle report in 2001 on community cohesion, the 2003 Crick report on citizenship, or the Commission on Integration and Cohesion in 2007 (see also Chap. 13 on the UK in this chapter, and Boswell and Hunter 2014).

The establishment, composition and proceedings of such consultative commissions can differ strongly between countries (as well as within countries between different cases). In the Netherlands, consultative commissions can be established both by government and by parliament. The Second House of Parliament can establish investigative commissions to research a topic as well as inquiry commissions that even have the right to summon people to testify under oath (Andeweg and Irwin 2005: 144). This power is one of parliament's tools to counterbalance its information asymmetry in relation to government, and therefore is a tool for controlling government.

Besides the political profile of consultative commissions, it is important to recognise that they often have a strong media profile as well. On the one hand it could be argued that establishing a consultative commission can be a means for temporarily taming a policy issue by removing it from the political agenda for some time. On the other hand, both the proceedings of a commission and (especially) the presentation of its findings are usually high-profile events that stir significant public and political attention.

### 5.2.2 *Frame Reflection and Intractable Policy Controversies*

Consultative commissions are often set up in response to issues that defy resolution through established governance channels. As such, we can expect that consultative commissions are established with the aim of doing more than just providing instrumental policy suggestions. Rather, we expect consultative commissions to reflect more fundamentally about how problems are defined and what policy paradigm should be adopted.

Thus, we hypothesise that consultative commissions are especially fit for inducing frame reflection on so-called intractable policy controversies. The social scientists Rein and Schön have posed the question of how critical dialogues on such unstructured policy problems or ‘intractable policy controversies’ can be organised in such a manner that agreement can be reached on the level of problem framing and subsequently first steps can be made towards problem resolution. Intractable controversies involve situations that are characterised by a multiplicity of frames or ‘multiple social realities’ (1994: 4). This means that within the context of a problem situation there are actors that carry different frames: they name the problem in different terms, they have different ways of categorising and labelling groups, they explain the phenomenon in different ways, and also carry different normative ideas about it (Scholten 2011). Consequently, intractable controversies bring about ‘frame-conflicts’, or ‘struggles over the naming and framing of a policy situation, (...) symbolic contests over the social meaning of an issue domain, where meaning implies not only what is at issue but what is to be done’ (Schön and Rein 1994: 29). Such frame-conflicts differ fundamentally from disagreements about more structured problems, or situations in which the framing of the problem is relatively uncontested (Hisschemöller and Hoppe 1995).

Migrant integration can clearly be identified as an intractable policy controversy in most European countries. In spite of policy efforts, fierce public and political debate persists on what approach would be effective in promoting immigrant integration. This has led to fierce controversies in various European countries, such as the controversies over multiculturalism in the Netherlands, but also to sharp differences between various national approaches, such as the French colour-blind Republicanist approach and the British colour-oriented race-relations approach (Bleich 2003; Favell 1998).

In problem situations that are characterised by a multiplicity of frames, like migrant integration, the involved actors tend to disagree about the nature of their disagreement. As long as actors remain unconscious of their usually implicit or tacit frames or unwilling to critically reflect on their own frames, these situations will lead to dialogues of the deaf rather than rational controversy resolution (Van Eeten 1999). Actors will often be disinclined to become aware of their frames, as these are ‘taken-for-granted’ or naturalised in everyday discourse and are often also strongly embedded in the actors’ normative perspectives.

Nevertheless, Schön and Rein (1994) argue that critical reflection on problem frames is possible. Building forward on a tradition in sociological thinking on

‘reflectivity’ as developed by scholars as Bourdieu and Giddens, Rein and Schön conceptualise ‘frame reflection’ as the capacity of actors to reflect upon their usually tacit frames in actual social practices (Schön and Rein 1994: 37). Such frame reflection would involve critical reflection on a frame’s internal consistency and coherency, on its relation to developments in a problem situation and its relation to larger developments in society (ibid). This means that actors would be able to reflect critically to what extent their frame offers a convincing story about a problem situation, whether it fits the evidence (as selected based on the frame itself) and whether it fits with ones broader normative perspective.

The central concern in this paper will be to examine, based on empirical analysis, the extent to which frame reflection has been achieved or induced by the consultative commissions on immigrant integration policies in Germany and the Netherlands, and to examine the extent to which this has contributed to the ‘situated resolution’ of the controversies in this field. Both commissions faced situations characterised by frame conflict and fierce political controversies. Both commissions also faced the difficult task of rethinking the prevailing framing of integration in both countries and contributed to a rethinking of policy for the future. This makes these commissions ideal cases for studying the opportunities and threats in reflecting on the policy framing of immigrant integration.

### **5.3 The Independent Commission on Migration to Germany: The Süßmuth Commission**

The first case to be examined involves the Süßmuth commission, or formally the Independent Commission on Migration to Germany (ICM).

#### **5.3.1 *Background to the Süßmuth Commission: ‘kein Einwanderungsland’***

Germany was one of the last Western European countries to formulate immigration and immigrant integration policies. This was due to the normative belief that Germany was not and should not be a country of immigration, i.e. ‘*Kein Einwanderungsland*’ (see also Heckmann, this volume). It was not until the end of the Millennium that the coalition government of Social Democrats (SPD) and the Green Party introduced draft legislation for a fundamental reform of citizenship law, introducing *ius soli* elements and the possibility for children born to foreigners in Germany to hold two citizenships. Two migration-related topics came up in public discourse at the turn of the millennium. The first was the demographic ageing of the German population and the associated risks for social security systems. As early as 1994, a group of scholars had suggested that immigration might balance the

demographic problem at least to some extent (Bade 1994: 30). In the same vein, a parliamentary commission had investigated the issue since 1992 and stated that in the long run Germany might be in need of several million immigrants. A policy would therefore have to be formulated (Schneider 2010: 169). Secondly, employers' associations and stakeholders in information and communication technology pushed the issue of labour shortages onto the agenda, lobbying for a more liberal approach to admitting qualified personnel from third countries.<sup>1</sup>

When this window of opportunity opened, Chancellor Schröder announced in February 2000 the introduction of a 'Greencard', allowing for labour migration of up to 20,000 high-skilled specialists in areas such as the IT sector. The new Greencard recruitment scheme envisaged temporary work and residence permits only, and received overwhelming support. However, it proved to be successful as symbolic politics only: as a matter of fact, administrative regulations created by the Ministries of Interior and Labour, pragmatically implemented 'backstage' by bureaucrats, turned out to be more effective and sustainable in facilitating labour mobility (Kolb 2005).

As the Greencard had provided vital momentum to the politicised migration discourse, Schröder and Interior Minister Otto Schily took a pro-active stance by appointing an 'Independent Commission on Migration to Germany' (ICM), evading the risk of yet another defeat by 'passing the buck' to 21 external experts and stakeholders.<sup>2</sup> The Commission received the task to work out concrete recommendations for future immigration policy and, among other things, to present a concept of integration (ICM 2001: 20). The composition, agenda and budget of the ICM were predominantly government-controlled, with the Ministry of the Interior being the driving force. Schily landed a brilliant coup by getting CDU member and popular former President of the German Bundestag Rita Süssmuth to chair the commission. Highly esteemed elder statesman Hans-Jochen Vogel, former Federal Minister of Justice and parliamentary party leader of the SPD, became deputy chairperson. Beyond this, a well-balanced cast of public figures from political parties, foundations, trade unions, industry associations, religious communities, municipal associations and academia promised to provide what the government asked for: a consensus concept able to reframe public discourse, bind opponents and substantiate reform.

The initiative was acclaimed by the Green coalition partner, within the scientific community and in most op-ed pages. Moreover, opposition parties found themselves placed in a tight spot as Schily had managed to include renowned members from both the CDU and the FDP. However, the CDU did not really adopt a constructive position, as it instantly established its own alternative commission on migration.

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<sup>1</sup>Interview with Director General, Confederation of German Employer Organisations, 26 July 2004.

<sup>2</sup>The ICM was second in a series of high-ranking consultative bodies installed to support policymaking in various areas by the Schröder administration – a hallmark pattern identified by Dyson (2005) as 'binding hands through government by commission'.

This was not solely due to the fact that, at the time, reformist and liberal politicians had internally gained the upper hand when it came to conceptualising migration policies. It was also because of the potential risks to a centre-right party's legitimacy, which are associated with anti-immigrant mobilisation in a period of relative societal receptiveness towards immigration – jeopardising conservative values, internal policy coherence and credibility among constituencies due to gaps between restrictionist rhetoric and political realities (Boswell and Hough 2008: 333 et seq.). As the ICM started its deliberations over all aspects of migration policy after the summer break, so did special task commissions and working groups set up by almost all political parties, forming a genuine rivalry of advisory bodies, and at the same time operating as internal policy formulation tools (Schneider 2010: 221–229, 234–237).

### 5.3.2 *Engineering Consensus*

The Süßmuth Commission, endowed with substantial political capital and wide media interest, attempted to fulfil its mission to engineer a broad consensus by following a clear strategy. First, it rejected the attempts of the Interior Ministry – which hosted and partly staffed the commission's secretariat – to influence the Commission's agenda or the contents of its upcoming report, thus actively guarding its independence. In fact, it was agreed at an early stage that all discussions would remain closed and confidential, and that only occasionally the chair would release information to the media (Schneider 2010). Second, as many external stakeholders and experts as possible were to be consulted, in order to gather relevant knowledge and safeguard the commission's legitimacy and approval of its results.<sup>3</sup> A total of 143 representatives from ministries and bureaucracies, scholarly and advisory institutions, as well as practitioners and experts from schools, the civil service, social partners, NGOs and the EU gave testimony in front of the commission; 18 expert opinion reports were solicited from a number of institutes and academics; and seminars were held with the Commissioners for Foreigners' Issues of the Federal States (*Länder*), with representatives of the political parties, and with judges from the Federal Constitutional and Administrative Court (ICM 2001: 290–306).

The commission itself gathered for 13 plenary sessions and a total of 27 meetings in three separate working groups. The first group looked into legal aspects of migrant and asylum policies, the second debated future immigration policy from demographic and labour market perspectives, and the third dealt with the variegated issues pertaining to integration and social inclusion. In their internal proceedings, commission members performed an almost exemplary consensus building process (Susskind 2006: 284 ff) by deliberating extensively and deciding unanimously.

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<sup>3</sup>Interviews with Commission Chairperson, 2 March 2004; Manager of the Secretariat, 2 May 2005.

Despite initial controversies and differing viewpoints, explicit minority reports were avoided. Externally, the commission was successful in its mediating function, integrating and binding stakeholders (Zinterer 2004: 299). On the eve of the commission concluding its work, even a broad cross-party political consensus along the lines of the draft report seemed possible (Schneider: 2010: 269). The other competing forums and commissions had more or less terminated their work in the summer of 2001, and the Süssmuth Commission promised to provide an overall synthesis in July 2001.

### 5.3.3 *A New Integration Policy and an Immigration Strategy*

‘Germany needs immigrants’ was not only the first stark sentence of the commission’s report, but also the most explicit message conveying to the public what was deemed a consensus among key political and societal actors. Under the heading ‘Structuring Immigration, Fostering Integration’, the commission presented in more than 300 pages a thorough account of past policies and empirical evidence and statistical data on the impact of immigration in Germany. The suggestions in the areas of immigration, asylum and integration formed an overall plan that was embedded in an evolving European migration system. The key feature of this *Gesamtkonzept*,<sup>4</sup> which the commission hoped to transpose into a ‘Federal Immigration and Integration Act’ (ICM 2001: 266–270), was the strategy for immigration geared to meet future demographic and labour market needs, thereby ‘securing long-term prosperity’ (ibid).

Under the main heading ‘Living in harmony with one another’, the commission propagated a new integration policy, conceding that the former policy of ‘pragmatic improvisation’ had led to significant successes. Yet, the absence of a systematic and comprehensive approach was deemed responsible for difficulties in integrating immigrants into the host country (ICM 2001: 195).

Rhetorically, the commission came up with nothing less than a new frame for integration that implied a balanced precept for action, dovetailing formerly incongruous positions: ‘For a long time, Germany held the one-sided view that, as the host country, it could expect ethnic and cultural assimilation from its immigrants. We speak of something different when we discuss integration today. [...] In modern usage, the term integration describes a process that depends on reciprocal contributions that both the host and the immigrant society make. [...] The principle of ‘promoting and demanding’ demonstrates the reciprocity of this relationship. While the host country is required to provide sufficient opportunities

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<sup>4</sup>For the commission’s proposals in the areas of improving international protection, accelerating asylum procedures, safeguarding return, as well as humanitarian and historically founded migration see ICM 2001, pp. 119–194; for a discussion see Klusmeyer and Papademetriou 2009, pp. 248–250; Schneider 2010, pp. 319–333.



for integration, the immigrant must endeavour to learn the German language and become integrated' (ICM 2001: 196, 254). Thus, the report took position between two perceived extreme scenarios – the chimera of increasing cultural fragmentation through the emergence of separatist ethnic groups in 'parallel societies' as a result of a laissez-faire form of multiculturalism, and the strongly assimilationist *Leitkultur* model of integration, demanding from immigrants a unilateral adaptation to the values and culture of the German host society.

The Süßmuth Commission held that migrant and host society expectations were equally important: those who have newly arrived need to feel accepted and welcome, and mere toleration will have negative effects. On the other hand, recognition of the constitution and immigrants' willingness to learn the language and integrate were considered indispensable prerequisites. In general, however, the new frame set out for integration was both more inclusive and universalist. The latter could be depicted, for instance, through the fact that the report 'made clear that promoting integration was the driving consideration in its approach towards citizenship policy, and stressed that a policy aimed at this goal must be treated as part of any immigration strategy.' (Klusmeyer and Papademetriou 2009: 248). Thus, in order for immigrants to acquire political rights, the commission favoured a more generous approach to awarding German citizenship and accepting dual nationality (ICM 2001: 244). In a similar vein, granting municipal voting rights to third-country nationals was proposed.

In total, there were about 50 individual recommendations for a new integration policy. With many of these, the commission borrowed from Swedish and Dutch integration policies.<sup>5</sup> Of greatest salience, both for newcomers as well as for longer-term residents without sufficient language competencies, the commission suggested uniform integration courses of at least 600 h. Besides the primary goal of fostering language acquisition, these courses were to provide an introduction to the legal-political system as well as employment and training.

### 5.3.4 *Swansong for Policy Reform?*

The authors of the ICM report, as well as an influential background report, had called for better policymaking through the use of statistics, evidence and evaluation, particularly with regard to demographic trends and future labour shortages. The commission report with its *Gesamtkonzept* was a straightforward expression of this endeavour, which immediately took root in media, public discourse and among policymakers. When Interior Minister Schily presented a first draft of a new Immigration Act in August 2001, taking on board several (though far from all) of the commission's proposals, this was at odds with almost all of the actors

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<sup>5</sup>The report contained two chapters describing the Dutch and Swedish approaches in detail (ICM 2001: 247–251).

involved (Green 2004: 123). Schily found himself caught between two camps. He had to please both the Greens as coalition partner in the Bundestag and the State Governments represented in the Bundesrat for later approval. In the latter, however, the parties forming the Federal Government coalition did not have a clear majority. Furthermore, the timing of the Süßmuth report and Schily's draft bill proved unfortunate, with the events of September 11 complicating and setting back governmental as well as parliamentary negotiations over the Immigration Act. Anti-terror legislation in the form of 'Security Packages', which anticipated some of the highly controversial aspects to be regulated in the new Immigration Act, absorbed lawmakers' time and capacities. Thus, as time wore on, the chances for consensual legislation dwindled as parties began to prepare their campaigns for the Federal parliamentary elections in the autumn of 2002.

In January, the conservative parties selected CSU leader Edmund Stoiber as chancellor candidate. He advocated a much stricter line in relation to migration and integration, falling short of the positions manifested via the CDU commission (Green 2004: 123–124; Hell 2005: 155). The Christian Democratic opposition soon rejected the bid to discuss migration policies on a more technocratic, rationally informed basis (Boswell 2009: 169). Rather, they picked up on diffuse anxieties within the majority population, which involved a degree of scepticism towards any new channels for immigration.<sup>6</sup> When it came to negotiating with the government, the Christian Democrats, who gradually came under the aegis of the Bavarian CSU and its designated chancellor candidate Stoiber, distanced themselves from former positions and shifted to straightforward opposition, 'flagrantly slapping their own concepts in the face'.<sup>7</sup>

After intensive negotiations and in view of the parties' preparations for the election campaign, the Bundestag had to quickly pass a much-revised bill, with the Bundesrat approving the act in a furious and controversial vote in March 2002, which was later declared unconstitutional by the Federal Constitutional Court (ibid.: 126). Thus, the 2001/2002 Immigration Act, which had omitted the commissions' proposals in a number of areas already, failed as it never came to force and had to be reintroduced to the parliamentary process after Federal elections (with SPD and Greens forming a second coalition government) in early 2003.

In the negotiations over the second Immigration Act, which stretched over yet another two years, the report of the Süßmuth Commission ended up playing barely any role at all. Instead, policymaking followed a familiar path with the main actors retreating to their 'old' frames on immigration and integration.<sup>8</sup> This was well epitomised by one of the respondents' observation that drafting a compromise act on immigration was challenging as trying to 'rewrite the Criminal Code into the

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<sup>6</sup>Bundestag, Plenary Protocols 15/31, 13 March 2003, p. 2321C/D, and 15/44, 9 May, 2003, p. 3666C.

<sup>7</sup>Interview with Süßmuth Commission Member, 26 November 2003.

<sup>8</sup>For a thorough analysis of the whole process see Schneider 2010, pp. 277–308.

Civil Code'.<sup>9</sup> In the view of Klusmeyer and Papademetriou (2009), the second Immigration Act, which eventually passed in the summer of 2004, failed both to break with the exclusionary model of immigrant integration and to reconceptualise the German migration policy framework: the new law neither created a system to facilitate the immigration of those wishing to work in Germany whose skills were needed, nor established a system that would sufficiently integrate new immigrants or those already living in migrant communities (ibid.: 255).

### 5.3.5 *Immediate Frame-Setting, Medium-Term Reframing*

The internal frame reflection performed by the Süßmuth Commission was to rub off on the general discourse and create momentum for a new balanced frame and a general political consensus on migration policy reform. This turned out to be a perspicuous misconception. The commission's reframing of integration was largely overshadowed by unresolved underlying frame conflicts over immigration and asylum, causing severe political controversy. The rational socio-economic focus of the Süßmuth commission was at odds with the much more socio-cultural focus of the CDU/CSU that articulated public concerns about the societal impact of migration and the preservation of German '*Leitkultur*' (Boswell 2009; Green 2004). Also problematic was the commission's inclusive, recognition- and rights-based frame on immigrant integration, which had never been embraced by the Christian Democratic parties or much of their support base.

Rather than triggering a process of critical reflection about these different frames, the commission had chosen a specific frame, thereby dissociating itself from the multiplicity of frames present in both political and scientific debates. When the commission's frame came to blows with the realities of the policymaking process in a competitive system of party politics, particularly around the general election of 2002, the rational-positivist reasoning of the commission lost its appeal as a guide for policy re-design. At the same time, the political system displayed patterns of path dependency by demonstrating that final approval of a contested policy issue like immigration and integration can only be reached through mediated compromises within an informal 'grand coalition'.

Nevertheless, the commission's deliberations and the much broader public and political debate over migration policy marked a significant shift in the history of German *Ausländerpolitik*, as Simon Green concluded already at the end of the year 2002 (when the Federal Constitutional Court had just prevented the first Immigration Act from coming into force): 'Politically, the emphasis is no longer simply on the blanket restriction of immigration, but on the management of immigration and integration to Germany's best interest. For a country whose

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<sup>9</sup>Interview with desk officer for interior affairs of the CDU/CSU group in the mediation commission, 19 July 2004.

government was, as late as mid-1998, arguing that Germany was not a country of immigration, this has represented a remarkable turnaround.’ (Green 2004: 128/129).

As regards immigrant integration, the Immigration Act of 2004/2005 implemented the language and orientation courses that had been outlined by the ICM. Thus, the promulgation of a new frame on immigrant integration by the Süßmuth Commission can be traced not only to a number of practical measures, but also to the general approach towards the issue. As Klaus Bade has pointed out: ‘When it comes to the conceptual fostering of immigrant inclusion, government did not awake from the dead but through the preparatory considerations by the Independent Commission on Migration.’ (Bade 2007: 37). Yet such frame shifts towards a new overall and comprehensive integration policy that the Süßmuth Commission had favoured occurred only gradually. Thus, the regulations that had materialised in the Residence Act were merely one building block in a set of further integration concepts, which were only drafted in the years following legislation. Since March 2005, an inter-ministerial working group has met to ‘coordinat[e] federal policy projects in the area of integration [...] and to further develop these into a comprehensive concept.’ Preparations for a Federal Integration Programme resumed in 2003 and the 2005 coalition agreement of the CDU/CDU and SPD (forming the first Grand Coalition at the federal level in decades) declared integration as a ‘cross-cutting task involving many areas of policy’.<sup>10</sup> New forums aiming to facilitate consultation, frame reflection and discussion included the so-called integration summits, organised by the Federal Chancellery, and the German Islam Conference under the direction of the Federal Ministry of the Interior (Musch 2011).

The Süßmuth Commission was not fully successful in its attempts at frame reflection. It did, however, trigger different individual processes of questioning, debating and adapting frames within a new discourse culture on migration issues. One example is the CDU, which was entrenched behind the distorted frame of ‘*kein Einwanderungsland*’ until the end of the 1990s. Apparently, a process of internal frame reflection had been initiated within the CDU at an early stage, paralleling the work of the Süßmuth Commission. A ‘major revision of their positions’ was undertaken by stating, as a result of internal deliberations in a separate commission, that there was a need for controlled immigration to Germany (Heckmann 2003: 53). And members of the CDU commission on immigration themselves gave discursive meaning to the establishment of the Süßmuth Commission and the other consultative bodies at the time: ‘This was probably the most important result of all this commission work: Removing the taboos from the issue – eventually one was allowed to say that indeed there were substantial deficits in integration, that there are ‘imported’ problems with regard to domestic security. Eventually one was allowed to say, [...] that immigration to Germany of people from other cultural

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<sup>10</sup>‘Working together for Germany – With courage and compassion’, Coalition Agreement between the CDU, CSU and SPD, pp. 112 [http://www.bundesregierung.de/Content/EN/Artikel/2006/01/\\_Anlagen/coalition-agreement951220.property=publicationFile.pdf](http://www.bundesregierung.de/Content/EN/Artikel/2006/01/_Anlagen/coalition-agreement951220.property=publicationFile.pdf)

backgrounds differs from immigration we had after the Second World War. What is most interesting was that this debate was quite sober and down-to-earth.’<sup>11</sup>

However, new frame conflicts evolved and fierce negotiations are on the agenda time and again in German immigrant integration policy. In the years preceding the Süßmuth Commission, such conflicts appeared intractable. In the aftermath of the ‘commissions galore’ phase, policies have undergone reframing and are frequently debated based on a common rationale (or issue consensus). To quite some degree, the prevalent divergences between political camps over integration boil down to continuously contradicting frames with regard to citizenship, loyalty and inclusion: ‘According to conservative positions, naturalisation was (and is) a final and formal step at the end of the process of integration: integrate first, then apply for naturalisation. For liberals and the left, naturalisation should not be withheld until immigrants prove worthy of it; naturalisation might considerably facilitate integration: naturalise, then integrate.’ (Davy 2005: 141).

Furthermore, one should never neglect the institutional and discursive opportunity structures. In the German case, frame conflicts over immigration and integration could not be resolved as political actors proved unable to perform thorough frame-reflection on the spot. Being in a situation of practically constant electoral campaigning due to varying election days across Federal and State (*Länder*) levels (Wewer 1999), political parties have a hard time following two of the key imperatives as pinpointed by Rein and Schön: the willingness and capability to adapt one’s frame if necessary, and the ability to put trust into a communicative situation and towards one’s argumentative counterpart (be it a parliamentary debate or ‘behind-closed-doors’ negotiations during high-level talks).

## 5.4 The Parliamentary Investigative Commission on Integration: The Blok Commission

### 5.4.1 *The Installation of the Parliamentary Investigative Commission on Integration Policy*

The Netherlands is a key international reference in terms of its allegedly multicultural model of integration (see also Chap. 4 on national models of integration and Chap. 12 on the Netherlands). This approach to immigrant integration reflects a rather uncontested acceptance of the transformation of Dutch society into a multicultural society (see Duyvendak and Scholten 2011). However, around the turn of the millennium, the idea of a national multicultural model became central to debates on the alleged failure of Dutch immigrant policies. In 2000 a public debate emerged on the so-called ‘multicultural tragedy’ (see also Verbeek et al.,

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<sup>11</sup>Interview with Deputy Chairperson, CDU Commission on Integration, 22 October 2004.

this volume). A key claim in these debates was that the failure of the integration process was at least partly attributable to the lack of attention to culture and history in integration policies. In 2002 the failure of the integration process became the most important political topic during the parliamentary election campaigns. In these elections, preceded by the murder of the populist politician Pim Fortuyn, a direct link was constructed between the failure of integration policies and the dominance of the Dutch multicultural model of integration. According to Koopmans, the multicultural model produces adverse effects since it reifies rather than bridges ethno-cultural cleavages in society: it gives ‘new ethnic and religious groups a formal and symbolic form of equality, which in practice reinforces ethnic cleavages and reproduces segregation on a distinctly unequal basis.’ (Koopmans 2006:5).

This controversy over the Dutch multicultural model provided the backdrop for the installation of a ‘Temporary Parliamentary Investigative Commission on Integration Policy’. This commission was named after its chairman Stef Blok from the Liberal Party (VVD). The parliamentary motion that parliament adopted to establish this commission already included a conclusion that the integration policy had become a fiasco. It stated: ‘Concluding that the integration policy has thus far been insufficiently successful, (. . .) it would be desirable to evaluate what the cause of this have been’ (Parliamentary Documents, TK 2002–2003, 28600, nr. 24). However, the working group that was established after this motion had been accepted, reformulated the research question in a more open manner, making the evaluation of policy success or failure a part of the research problem. The aim was to enable parliament to assess the integration policy of the previous decades, including the intended policy goals and actual policy results, as well as the consistency and coherence of policy in various domains. The domains selected as relevant included housing and recreation, income and labour, and education. The terms of reference of the research commission were eventually formulated as ‘To enable the Second House of Parliament to evaluate the integration policy of Dutch government over the past 30 years, to evaluate the intended effects and factual results of this policy and to evaluate the coherence of policy in various policy terrains’ (Parliamentary Documents, TK 2002–2003, 28689, nr. 1).

On the commission were representatives from political parties with different views on immigrant integration. Besides the three main political parties, the Liberal Party (VVD), Christian-Democrats (CDA) and Social-Democrats (PvdA), the commission also included representatives from the progressive Green Left party, from the Socialist Party that had taken the initiative for the commission, and the Pim Fortuyn Party that had been established after the rise of Pim Fortuyn in the political arena some years before.

The commission proceedings involved an extensive literature study, a series of closed and open interviews with various persons that had been involved in the national and local integration policy over the past decades, and a series of ‘hearings’ in four cities that were open to the public. Importantly, an extensive literature review had to provide a provisional answer to all the commission’s research questions, provide factual information on policy developments, and address issues such as goal-attainment and effectiveness. This study, which had to be completed in no more

than two and a half months, was commissioned from the Verwey-Jonker Institute. This institute was selected in an open competition, and chosen for its expertise in this area. An extra argument was that the institute was not involved in the design of the policy under scrutiny (Blok 2004: 17).<sup>12</sup> For the Verwey-Jonker Institute, an important condition for accepting the request was that the research assignment was open, without any prior conclusion about policy failure or success (see Scholten 2011).

#### 5.4.2 *The ‘Relative Success’ of Integration in the Netherlands*

The Verwey-Jonker Institute was asked to do an evaluative study of the goals and results of the integration policy over the past decades in specific domains and to determine the extent to which policy had been consistent and coherent.<sup>13</sup> Moreover, it was asked to determine to what extent the integration policy ‘could be qualified as successful.’ In particular, this latter question was related to the framing of immigrant integration. The frame of the Verwey-Jonker Institute was manifest in its assumption that ‘success in one domain can be of higher importance than that in others’ (Verwey-Jonker Institute 2004: 196). The ‘success in the domain of education appears [to be] the key for the further success of the integration process’, meaning the results in this domain are of extra importance. Based on this assumption, the Institute eventually came to the conclusion that the integration policy had been ‘relatively successful’ (ibid). Furthermore, it concluded that ‘some of the intended goals have been realised (. . .) especially in the domain of education’, as well as in the domain of housing, whereas the goals in the domain of income and labour ‘have been less clearly achieved’ (ibid.).

This stress on education and labour as key domains of integration reveals that the Verwey-Jonker Institute used a specific frame of immigrant integration, one that did not focus so much on socio-cultural issues but rather on socio-economic aspects of integration. It thus based its conclusion about the relative success of the integration policy on this particular frame. The institute also put its conclusions in a broader perspective, providing an incentive for critical reflection about this problem frame. It argued that, especially in the socio-cultural dimension of immigrant integration, policy was not entirely successful because of the inconsistency of policies. It concluded that ‘especially in the socio-cultural domain there is a certain gap between formulated objectives and results that have been attained thus far’ (Verwey-Jonker Institute 2004: 197). It warns against an ‘anachronistic evaluation’ of policy results that have accumulated over the past based on policy objectives

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<sup>12</sup>Several other experts and institutes did not participate in the open competition because they felt that they had been too strongly involved in policy developments themselves or because they felt that the time period allowed for the research was too limited for any significant research.

<sup>13</sup>Parliamentary Documents, TK 2003–2004, 28689, nr. 11: 5.



that have been set only recently; '[R]esults are lagging mainly in areas where only recently new and sharper goals have been formulated' (ibid).

The Blok Commission itself concluded that 'the integration of many immigrants has been a total or partial success, and (...) this is quite an achievement for the immigrant citizens concerned as well as for the host society' (Blok 2004: 105). How the commission substantiated this conclusion revealed a similar framing as the Verwey-Jonker Institute report. It attributed the success of the integration process especially to the progress that was made in the domains of education, labour, housing and women's emancipation (ibid: 522). These domains concern mainly individual participation of migrants, regardless of gender, rather than group emancipation (as in multiculturalism) or socio-cultural integration (as in assimilationism).

An important difference with the Verwey-Jonker Institute was that the Blok Commission did not conclude that the integration *policy* had been successful, but rather that the integration *process* as such had been successful. The commission observed that 'causal relations with the general integration policy are difficult to prove (...)' (ibid: 522). The success of the integration process would have been especially affected by general developments in society and by the efforts of those migrants involved. In this respect too, the Blok Commission seems to have followed a socio-economic frame in which government had only a supportive role in the integration process.

### 5.4.3 *Credibility on the Line*

The Blok Commission and the Verwey-Jonker Institute did what could be expected from policy evaluation studies, which is evaluating policy effects based on formal policy goals. It adopted the problem frame of the integration policy of the 1990s, and based on this frame both actors came to the conclusion that integration had been rather successful. They pinpointed education and labour as the key sectors of integration. The Blok Commission even concluded that it was the integration *process* itself, rather than necessarily integration *policy* per se, which had been relatively successful, based on progress achieved in the sectors that were considered vital from a socio-economic frame of immigrant integration.

However, even before the commission had published its findings, it became the object of fierce public and political controversy. Internal disagreements in the commission received public attention when one of the commission members decided to leave the commission, through pressure from his own party (i.e. the Socialist Party, which led the initiative for the parliamentary motion in 2002). This triggered controversy over the commission's research approach, in particular about the Verwey-Jonker report and over its tentative conclusion that policy had been relatively successful (which had already been leaked to the press). One of the central claims of the dissenter from the Socialist Party was that the commission should not have commissioned the literature review from the Verwey-Jonker Institute, as



experts involved in this institute would have been too closely involved with policy developments themselves in the past.<sup>14</sup> The authority of this institute was further questioned due to the alleged political connections of one of the main authors of the study for the Blok Commission (who also happened to be a director of the Institute). In addition, the conclusion that the integration policy had been relatively successful triggered negative responses from public intellectuals as well as politicians who discarded such a conclusion as 'naïve'.<sup>15</sup>

In the evolving debate on the commission's findings, the credibility of the researchers involved was clearly on the line. Issues of credibility were clearly connected to alleged bias in terms of framing immigrant integration, namely a bias in favour of the multicultural model of integration that was now so fiercely rejected in public debate. In parliamentary hearings, debate emerged about whether the Blok Commission had 'measured' what it was supposed to measure. Questions arose about the usefulness of an evaluation study when there is no consensus on the definition of integration. Member of Parliament, Hirsi Ali, claimed that because 'there has never been a consensus on a definition of the word integration, parliament has given the research commission an assignment that was too vague.'<sup>16</sup> Other parties argued, based on their frame of integration, that the commission report provided a thorough analysis of all the problems, 'but was too reserved when it comes to drawing the proper conclusions from all this.'<sup>17</sup> Based on their frames about integration, various parties pointed to alleged 'blind-spots' in the commission report, such as the role of religion in general and Islam in particular, criminality and the lack of attention for cultural issues in general. In addition, a representative from the Socialist Party asked how the commission could have come to its relatively positive conclusions about policy when it had been given the assignment to investigate why policy had failed.<sup>18</sup>

#### ***5.4.4 Missed Opportunities for Critical Frame Reflection?***

What has been the impact of this parliamentary investigative commission on integration policy in terms of critical frame reflection? The motivation of parliament to establish this investigative commission – which was to provide a new impulse to the integration policy – may in itself be seen as an indication of willingness to reflect on the level of policy framing. However, this opportunity for frame reflection failed already in the early stage of formulating the research problem.

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<sup>14</sup>Interview with the parliamentarian concerned, NRC Handelsblad, 20 September 2003, p. 29.

<sup>15</sup>'Harde kritiek uit Kamer op 'naïef' rapport', NRC Handelsblad, 19 January 2004, p.6.

<sup>16</sup>Parliamentary Hearings, April 2004, 63-4102.

<sup>17</sup>Parliamentary Hearings, 6 April 2004, 63-4094.

<sup>18</sup>Parliamentary Hearings, 6 April 2004, 63-4127.

In the parliamentary motion, empathy and critical reflection towards alternative frames were subdued by a reference that concluded beforehand that policy had been 'insufficiently successful.' This substantive conclusion indicates that there was already a particular problem framing for establishing the commission; the implicit frame that asked the commission to examine why policy had failed and become such a fiasco and how 'building blocks' for a new policy could be developed.

A tension developed between the parliamentary commission and the new centre-right government established sometime after this parliamentary motion had been accepted. In its attempt to improve its relative information position vis-à-vis government, parliament went beyond this, taking a more substantial initiative in terms of policy development. On the one hand, this provided an indication of the broad parliamentary commitment to policy change in this domain. On the other hand, it created a tension with the new centre-right government, which included parties that had campaigned and presented substantial new plans on immigrant integration policy during the elections.

Furthermore, the parliamentary working group that reformulated this motion into the formal research questions for the Blok Commission did in fact broaden the research questions in terms of allowing for an evaluation of policy success or failure. It also adopted an implicit problem frame in its selection of mainly socio-economic domains that should be involved in the parliamentary investigation. As observed earlier, this selection of domains revealed a socio-economic frame, leaving out the socio-cultural issues that had become prominent in public and political debate at that time, the latter being more in-tune with an assimilationist frame. This selective formulation of the research questions showed that the commission was not aiming to reflect on alternative frames, but instead to evaluate policy and contribute to policy development based on a specific (socio-economic) frame.

Another element of the research design that constrained the opportunities for frame reflection concerned the study of scientific sources commissioned from the Verwey-Jonker Institute. As observed above, the Blok Commission delegated all questions to the Verwey-Jonker Institute, including the normative question concerning policy success or failure. Based on its frame (also socio-economic), the Verwey-Jonker Institute examined scientific sources and concluded that policy had been relatively successful. The exclusive role of the Verwey-Jonker Institute meant however that only one frame was included in the analysis of sources and the evaluation of policy success or failure. Had the Blok Commission asked for advice from several institutes, or from one institute with the explicit instruction to use various alternative problem frames, it would have been able to reflect (better) upon these alternative frames within the commission. In that case, the role of scientific research would have been to facilitate frame reflection within the politically constituted Blok Commission. The broad political composition of the commission could have enabled frame reflection by a type of scientific involvement that articulated diverse possible frames.

The immense political pressure on the Blok Commission obviously formed a further impediment for frame reflection. This political pressure involved sharply diverging views on immigrant integration as well as political incentives for party representatives to seek publicity for themselves. Asking for expert advice initially

seemed to offer a way of coping with this political pressure, but eventually appeared to be at odds with the growing questioning of scientific authority and expert involvement in problem framing. Furthermore, this political pressure contributed to the immense time pressure on the commission in general and, more specifically, on the Verwey-Jonker study. These time constraints clearly limited the possibilities for including more frames in the sources study.

In spite of the multiplicity of frames and the expansion of the scale of the debate, the political conditions during this period simply did not allow for critical frame reflection. Frame conflicts (such as the controversy over policy success or failure surrounding the Blok Commission) often decayed into dialogues of the deaf in which actors with different frames selected different data or interpreted data differently, rather than leading to a critical debate at the level of problem framing. These frame conflicts often also shifted attention from the frames involved to the credibility of the actors involved. Finally, this case revealed a powerful disinclination on the part of actors to critically reflect on their own frames. By implication, the case shows that the policy frame shift that was to be codified in the years following the Blok commission was not a product of critical frame reflection.

## **5.5 Conclusions: Rethinking Integration Policy Frames?**

This chapter has revealed some of the powerful constraints in rethinking deeply entrenched policy domains with the help of expert advice. Our analysis has revealed that both the Süssmuth and Blok commissions did not (immediately) resolve the policy controversies that led to their establishment in the first place. In fact, rather than resolving these controversies, both commissions evidently became part of the ongoing controversies themselves. Especially in the Dutch case, the experts who had advised the Blok commission were placed under scrutiny through a broad national debate over their credibility and alleged normative (multiculturalist) bias. Where the Dutch multiculturalist model was once blamed for the Dutch multicultural tragedy, now migration scholars were blamed for creating this multiculturalist model. Though such controversies never became as heated in the German case, here too it was not just the findings but also the proceedings and the authority of the Süssmuth commission that was put on the line (for instance, with Süssmuth's own CDU party even establishing another commission to mobilise counter-expertise).

That the authority of both consultative commissions was contested clearly marks a key difficulty in treating intractable policy controversies such as immigrant integration: they cannot simply be resolved merely by studying 'the facts', as the selection and interpretation of these facts is bound to the different frames that give rise to the intractable controversies in the first place. Even as in the case of the Süssmuth Commission, where the 'down-to-earth' approach within the commission seems to have provided an arena for critical frame reflection, the results of such insulated efforts of frame-reflection are not necessarily accepted in a broader policy and political setting. Despite a seemingly widespread 'climate of consensus', frame

reflection performed internally and by involved actors could not be transposed to the competitive venues of party politics and legislation – which might be due not least to ‘external perturbations’ causing a reinforcement of politicisation (see also Entzinger and Scholten 2014). For instance, the Dutch case reveals how the Blok Commission ended up choosing a particular frame of immigrant integration itself, stressing the socio-economic character of integration rather than the socio-cultural character that had acquired prominence in political debates since 2000. It seems that in situations characterised by a multiplicity of frames, the selection of one specific frame is an inherently political choice, and that given the political nature of frame controversies, expert advice should not be considered a tool for resolving such frame controversies. In other words, commissions which are entrusted with tackling intractable policy controversies by government or parliament cannot be expected to succeed in terms of constituting a new and undisputed frame in the short term. They are likely to ‘fail’ in the sense that only very few of their practical recommendations (predominantly those which are all but consensual anyway) are put into practice in the subsequent policymaking process.

However, our analysis has revealed two specific ways in which the commissions contributed to a reframing of national policies on immigrant integration in their respective countries. First of all, both the Blok commission and the Süßmuth commission did function in such a way that they added emphasis, lent expert support to, and bolstered government in undertaking certain small-scale reforms on a more practical level. Hence, there was a more immediate, but relatively modest effect, at a more concrete level of changing and adopting new policy measures (that often relied on relatively broad political support in any case). Take for instance the recommendations on stepping up Dutch civic integration programmes or introducing a systematic (and formerly unknown) approach by enshrining in law a claim for language and civic orientation courses for new immigrants. In fact, analysis has shown that almost all the instrumental recommendations of the Blok commission were eventually adopted in government policy (Scholten and Van Nispen 2008); only its more conceptual conclusions (concerning the relative success of the integration process) were rejected. Similarly, the Süßmuth Commission’s factual suggestions on integration policy were controversial to only a minor degree, and thus were largely transposed into policy. Yet even with regard to the highly disputed suggestions in the areas of asylum and labour migration, the Commission yielded several ‘long-term consequences’, as a thorough implementation analysis several years later shows (Schneider 2010: 311–329, 371–373).

Secondly, beyond this more instrumental effect, both commissions did have a more indirect and discursive impact on frame reflection in both countries. Especially in the Süßmuth case, the commission successfully fostered public debate and loosened the political deadlock on the German differentialist model: it lifted taboos on discussing this model and raised alternatives that provided arguments for a variety of policy stakeholders in a subsequently more gradual process of frame reflection. Even in the Netherlands, the Blok commission did have a discursive effect in triggering reflection on how the Dutch were to frame immigrant integration if the multiculturalist model was to be abandoned; it helped clarify a frame that did not

define education and labour as key areas of integration (as did the Blok commission), but spurred government to be much more explicit in its more culturalist framing of immigrant integration.

The strength of the similarities between the Dutch and German cases examined in this paper supports our claim that rethinking integration policies with the help of expert advice will in general be very difficult. Governments should not initiate investigative commissions to resolve political controversies, nor should experts (especially scientific experts) have themselves tempted to define policy frames themselves. Nonetheless, the contribution of investigative commissions can be fruitful in other ways; they can provide initiatives for policy changes on a more instrumental level but they can also function as discursive triggers for critical frame reflection (rather than as sources of new frames themselves). However, our analysis has also pinpointed some differences between the Dutch and German cases. In particular, the long-term discursive effects on frame-shifts seem more significant in Germany as compared to the Netherlands. The findings from the Süßmuth Commission are nowadays broadly considered a key impetus for current German policies, whereas the findings from the Blok Commission have largely been forgotten. This may be related to differences between the two countries in terms of the degree of politicisation of migrant integration and the rise of anti-immigrant discourses.

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