

Immigration and Muslim Immigrants: A Comparative Analysis of European States

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Abstract

Immigration policies serve a number of functions for states. Governments may use policies as instruments of foreign policy, economic growth, population growth, and/or national security. In this post-September 11, 2001 global environment, integration policies have become more assimilationist and immigration restrictions toward nationals from Muslim countries of origin have increased in the name of national security. While this trend is common among many Western states, Britain's immigration stance toward Muslim migrants remains unchanged. This study examines changes in policies toward immigrants—changes that make these policies de facto immigration policies though they may not have been conceived as such—in the Netherlands, Germany, France, and the absence of this change in the UK. It seeks to answer the question: what explains reforms in the Netherlands, Germany, and France while British immigration policy remained unchanged? In this effort, the article emphasizes the impact of these changes on potential migrants from predominantly Muslim countries of origin. Based on a comparative case study analysis using process tracing, findings indicate that Dutch immigration/integration policy choices influence government policy changes in other

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West European countries. Through a learning process, governments experiencing similar socio-political challenges observe overlapping societal responses to them and optimize in creating policy alternatives by using short-cuts and adopting policies implemented in comparable states and situations.

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Introduction

The immigration and integration of existing Muslims are major concerns of European governments. The antagonism between Muslims and European societies is long-standing. Large numbers of Muslim immigrants arrived and settled in European cities during the post-war economic boom in Europe when governments implemented various forms of guest worker programs to fill labour shortages. Today, estimates indicate that there are 16 million Muslims living in Western Europe, constituting the region's largest religious minority. The failure of European societies to integrate Muslim migrants has created deep political cleavages and "fear" (Fukuyama 2006). The attacks on September 11, 2001 in New York, and the bombings in Madrid and London in 2004 and 2005, respectively, have only magnified these fears of Muslim immigrants (Warner and Wenner 2006).

In efforts to boost national security, many states around the world have altered their immigration and integration policies to diminish the terrorist threat. Other states, namely the United Kingdom, however, have kept their immigration policies largely unchanged. In those states that have significantly changed their policies, changes have been mostly directed toward Muslim foreign nationals and reflect Islamophobia (Fekete 2004). Political debates have shifted from concerns about "infrastructure and Muslim customs" to issues of extremism and terrorism in some Western European polities (Dolezal et al. 2010: 186). More interestingly, there is a marked shift from national models to common approaches among distinct European states (Joppke 2007a and 2007b). What explains the policy transition to a more far-reaching approach to immigration in the Netherlands, Germany, and France while British immigration policy remained unchanged? Furthermore, what explains the movement toward the Dutch model? In the context of Europe, Joppke (2007b) attributes the convergence to the Dutch model to Europeanization, that is, best practice emulation and the implementation of European Union mandates. This study extends Joppke's analysis by disentangling

the processes underlying this convergence in the context of Muslim immigrants. The goal of this paper is to contribute to advancing the literature beyond the dominant, traditional perspective regarding immigration policymaking by demonstrating that policymaking is not void of international influences: external models influence immigration policymaking in different polities.

We conceptualize immigration policy to encompass more than states' explicit criteria denoting *who* and *how many* are permitted entry from abroad. That is, immigration policy in the context of this study includes policies that are not specifically or intentionally designed for selection among migrants but nonetheless have unintended consequences for who can enter. The Civic Integration Abroad act clearly exemplifies this as, though created for the purposes of integration—to assimilate the immigrants already residing in the Netherlands—it selects in home countries potential migrants that meet Dutch language requirements. Likewise, the German Immigration Act has similar provisions and it too has unintentional effects as acting as an “immigration” policy, although in the non-traditional sense, and selects potential migrants with German language skills.

Theoretically, we account for this trend by examining policy transitions among European states using frameworks of diffusion. Findings suggest that learning drives policy adoption. We argue that in a Western, and in particular a European, environment of Islamophobia, states are seeking conceivably successful measures from other states with similar experiences to stem and cope with this perceived threat to social cohesion and liberal values. In doing so, they eliminate trial and error of home-grown policies and thus optimize use of resources. Although EU directives stipulate integration efforts by member states, it is a secondary source of motivation for policy change. Rather, domestic functional needs are the proximate triggers of policy searches and subsequently, policy diffusion. The adoption of radical policies by Germany and France is thus an interdependent process in which foreign models, that is, the Dutch model, influenced policymaking. This study supports recent research (e.g. Joppke 2007b; Duncan 2010) which suggests that immigration policymaking is not simply a function of domestic political economy, path dependency, or insular as put forward by traditional accounts.

Using process tracing in a comparative case study design, we examine the dynamics underlying policy responses by the Netherlands, Germany, France, and the UK towards migrants from predominantly Muslim countries of origin. The cases are interesting for study because before the early 2000s, they each had distinct national approaches for managing immigration and the integration of immigrants. For

example, though they share a similar history regarding the arrival of Muslim migrants, Germany and the Netherlands diverged in their approach to accommodating these migrants: the Dutch practiced a multicultural model, while the Germans sought policies to encourage return and limit further immigration. Process tracing permits an explanation of specifically why the departure from individual models and how and why external examples influence the policy decisions of other governments. This paper relies on analysis of governmental reports, legislative records, scholarly books, and journal articles for data. By using qualitative methods, this study joins the few research endeavours applying this methodological approach to studying diffusion (Weyland 2005; Duncan 2010); and so it complements the rich literature on policy diffusion which comprises primarily quantitative analyses.

The paper is organized in four parts. Following this introduction, section two situates the study in the diffusion literature and discusses the frameworks of competition, emulation, and learning. Section three presents case studies on the Netherlands, Germany, France, and the United Kingdom and examines the key factors underlying the adoption (or lack thereof) of the Dutch model. The final section is a discussion of findings and conclusion.

Literature Review

The Dutch civic integration policy has been dubbed “a model for Europe” (Michalowski 2004) as many European states have adopted some version of this policy since its debut in 1998 and “evolution” in 2006. What explains this policy transition? The immigration literature, dominated by studies attributing immigration policymaking to domestic political economy (Freeman 1995) or institutions and path dependency (Tichenor 2002; Togman 2002), provides an inadequate account for this policy convergence. Immigration, based on this view, is individualistic and solely an outcome of domestic forces. The pattern evident among European states paints a different picture, however. It suggests a movement toward convergence and away from distinct, idiosyncratic integration policies. Joppke (2007b) argues that this pattern is a result of “legal mandate, and ... cultural standardization” (247). In other words, European Union directives which compel policy harmonization among member states and voluntary emulation of the best practices of other states account for this convergence. Although Joppke (2007) accurately identifies the pattern, he is less convincing in explaining the process driving this convergence.

Diffusion theories provide a good framework for analyzing the policy adoption of the Dutch model by other European states. Policy diffusion refers to an interdependent

process in which policy adoption is the result of the influence of external models and the policy choices of other states. Based on this perspective, domestic politics and functional needs explanations are inadequate to explain the adoption of a common policy by various governments elsewhere (Weyland 2005). We evaluate three frameworks of diffusion: coercion, emulation, and learning. The fundamental difference among these three processes is their assumptions regarding the source of incentive (internal or external) and the motivation underlying policy adoption, that is, whether policy adoption was due to changes in material or reputational payoffs or information (Simmons and Elkins 2004).

Coercion connotes vertical and asymmetrical diffusion such that the coercive power creates the incentive for policy adoption. The fundamental assumption is that policy transition is driven by power asymmetries between stronger and weaker actors. The latter adopts a policy because of the potential punishment from the former. In other words, a negative change in material payoffs for weaker actors can be induced by stronger actors. Though coercion usually occurs directly when strong states coerce dependent or weaker states to adopt a policy, these pressures can be produced indirectly as well by the strong state pursuing its goals through third parties such as international financial institutions, intergovernmental organizations, or non-governmental organizations.

The coercion dynamic is equally evident in instances of a central authority issuing directives to subordinates as in the case of the European Union and its member states. In this instance, member states are legally mandated to implement policies formulated by the EU in their national setting. At the Tampere summit in 1999 and again in 2004, the European Council recognized integration of third-country nationals as a priority. Responsibility to design and implement national, individual measures, nonetheless, is with member states but the Council established some basic principles (Federal Office for Migration and Refugees 2010).

In addition to its so-called “hard” form, coercion operates in its “soft” variety as well. From a Gramscian perspective this occurs when dominant states support and promote a hegemonic ideology regarding a particular policy innovation. The soft-coercion perspective has been applied frequently to studies on the spread of political and economic liberalization, as when states dependent on foreign aid conform to conditionalities of international financial institutions or donor countries. Overall, under conditions of coercion, the inducement of policy adoption originates externally as dominant powers manipulate incentives for adoption (Simmons et al. 2006). Thus, *based on the coercion logic, policy transition to the Dutch model should be*

the result of a coordinated process in which a coercive actor compels implementation or in the context of this study, EU directives instructing the adoption of the Dutch model (or its basic features) should be the primary basis of policy adoption.

Unlike coercion theories which assume that policy transitions are externally driven, the learning framework assumes a domestic incentive. External models provide new information in policy searches which are triggered by a functional need, usually an absence of a policy or a failure at home (Elkins and Simmons 2005; Weyland 2005). This new information influences extant beliefs by changing or reinforcing them (Simmons et al. 2008). One's past successes or failures or others' positive or negative experiences with a policy provide information on policies (Cornelius and Tsuda 2004; Goldsmith 2005; Reiter 1996).

Learning theories emphasize the rationality of actors in policy adoption: states observe the performance—costs, benefits, and longevity of a policy—of external models as they contemplate policy solutions for domestic crises (Shipan and Volden 2008). Not all models are followed but an example's perceived success is imperative for its selection by governments in other polities. Governments then use this information for creating policies at home instead of engaging in trial and error with home-grown policies. Based on the learning framework, policy diffusion via learning occurs when actors look to external sources for information on tried and proven policy alternatives.

Information gathering, however, may be biased as states employ shortcuts in the process by turning to their peers for information. In other words, there might be channelled learning such that states evaluate the experiences of reference groups, that is, other governments with which they interact often or with which they share cultural or political similarities. Commonalities may indicate the appropriateness of policies in other polities. According to the learning logic, if learning is driving the diffusion of the Dutch model, states with domestic pressures for immigration or integration policy change and unsuccessful experiences with immigration policy (or lack thereof) should conscientiously examine countries with successful experiences with immigration. Thus, *we expect information about the efficacy (success) of policy adoption by other governments to influence the likelihood of policy adoption by another.* A corollary is that *channelled learning would occur as governments look for information from their European counterparts with similar experiences and socio-political dynamics in regards to immigration.*

Similar to learning, emulation assumes that new information drives policy transitions except when incentives for adoption originate externally. In instances of

emulation, international norms and identities motivate policy adoption. Unlike the learning logic, however, there is an absence of rationality in the emulation process such that states adopt external models because they are concerned about altered pay-offs—in this case, reputational pay-offs. As such, governments adopt policies even without a domestic functional need (Finnemore 1996b). What motivates adoption is a government's desire to meet an international standard or keep up with the practices of their peers. Emulation is primarily driven by concerns about *by whom* rather than *what* (Lee and Strang 2006). As Simmons et al. (2008) discuss, "it is often the rhetorical power of a new policy approach, rather than hard evidence ... that matters" (34). Therefore in understanding policy transitions via the process of emulation it is important to identify how it becomes socially accepted within the international community or among a group of states. Here, epistemic communities and peer groups play critical roles in transmitting information on policy practices and norms of appropriate behaviour elsewhere (Finnemore 1996a; True and Mintrom 2001). Thus, we can conclude emulation occurs *if reputational concerns or international norms drive governments' adoption of the Dutch model*. As such, pronouncements by governmental officials to this effect would indicate emulation. Additionally, if there is an absence of a real need for integration policy, yet such policy is adopted, then emulation can be inferred.

Methodologically, we analyze and compare the sequence of events in the Netherlands, Germany, France, and the United Kingdom as predicted by each logic of diffusion. Keeping in mind the different relationships and processes that each theory infers should drive the diffusion of the Dutch model, we then analyze the available data in each case for evidence of these patterns.

Cases

The Netherlands

Before the turn of the 21st century, the Netherlands had a reputation for tolerance toward diversity and was the epitome of multiculturalism in Europe. Since the 1990s, however, rather than celebrate diversity, the Dutch now promote conformity—giving up multiculturalism and placing the responsibility of integration on immigrants. The main immigrant group targeted by this change is Muslims, whose identity has been conflated with extremism and argued to be incompatible with Dutch values (Entzinger 2006).

The presence of Muslim immigrants in the Netherlands has its roots in the guest worker program, common among Western European states in the post-war era, as

workers were recruited from Turkey and Morocco. The 1974 oil crisis brought an end to guest worker programs across Europe, including the Netherlands. The Dutch reaction to the ban separated the Netherlands from the rest. While other European governments sought to return guest workers, the Dutch were accommodating and facilitated their settlement and family reunification. The general sentiment was that it was “inappropriate to encourage the return of these people, to whom the Dutch economy owed so much” (Entzinger 2006: 125), earning them the reputation of tolerance. However, the approach taken with immigrants in the post-war period was *laissez-faire*, leaving integration up to them.

In the post-war period, there was no government-assisted integration for two reasons. First, among the immigrants arriving were expatriates that settled in the Dutch East Indies who returned to the Netherlands in the wake of independence of those states. As such, the general sentiment was that these migrants were already familiar with Dutch culture; expatriates will reintegrate readily. Second, workers recruited to fill shortages in the post-war economic boom were expected to be guests and thus stay temporarily. In this situation it was thought that integration programs were unnecessary because guest workers would return home after the end of their employment contract.

In 1979, a groundbreaking report on ethnic minorities by the Scientific Council for Government Policy highlighted the need for an integration plan and prescribed an abandonment of the misperception that former guest workers were temporary. The report advocated for privileges for immigrants—rights which are widely viewed as an extension of Dutch pillarization to immigrants. The Minorities' Policy encouraged a separate existence of immigrants, following the practice of pillarization, thus permitting immigrants to maintain their identity. Pillarization permitted various groups to operate separately under their own institutions funded by the state and was the basis of Dutch multiculturalism.

By the late 1990s, however, the Dutch approach began to shift, moving away from multiculturalism and the celebration of diversity to mandating assimilation. One landmark change is the repeal of dual citizenship privileges in 1997. Furthermore, in 1998, the parliament introduced the Law on Civic Integration of Newcomers which compels the “self-sufficiency” of immigrants residing in the Netherlands. Laws were further tightened in 2006 with the introduction of the Civic Integration Abroad act, targeting would-be immigrants before they enter the Netherlands. This Act allows for the restriction of family reunification (the largest stream of immigration) and for discrimination among potential migrants, facilitating the entry of those

familiar with Dutch culture and language. More specifically, the Act (intentionally or unintentionally) impacts immigrants from Turkey and Morocco as approximately 60 per cent of the first and second generation Turks or Moroccans seek spouses in their parents' home countries (Joppke 2007; Vink 2007: 347). Additionally under the 2006 Act, so-called old-comers, long-time Dutch residents and even some naturalized citizens are mandated to complete an integration course and accompanying exam. Since the introduction of these policies, the Netherlands is a net exporter of migrants, contrasting with earlier migration trends which reflected a net importation of migrants.

From Multiculturalism to Anti-immigration: Before the 1990s, the Netherlands was a beacon of multiculturalism, if only on the surface. As such, the transition to a negative reception of Muslim immigrants in Europe over the past two decades has been the most dramatic in the Netherlands compared to their counterparts (Entzinger 2006; Vasta 2005). The Netherlands effectively descended in the ranks from one of the top countries for multiculturalism to one of the worse; their traditional policy stance has changed to embracing what many call a coercive and assimilationist policy stance (Joppke 2007; Entzinger 2006). Multiculturalism, as Doomernik (2005) puts it, "is relegated to the dunghill of political history" (35).

The precipitous shift away from multiculturalism stems from a combination of factors, including a perceived failure of multicultural policies and the so-called rejection of Dutch culture by immigrants. Together these two factors resulted in the failure of integration of immigrants, and arguably Muslims in particular (Vasta 2007). A general perspective among the majority population is that cultural diversity is permissible only if a majority of the various minority groups share a common understanding of the society's fundamental values. To many this connection to the majority culture is absent among immigrant groups. They view the small number of immigrants that speak Dutch and immigrant groups' use of the quintessential satellite dish as the symbol of segregation (Entzinger 2006).

What was once a non-existent debate in the public realm, immigration and integration took center stage in the 1990s aided by vociferous opposition to immigration by prominent individuals. Historically, in Dutch society, public discussion or criticism of immigration was deemed as racist or politically incorrect. The shift in policy accompanied this change in public discourse such that the "Minorities' Policy was rebaptized as Integration Policy" and immigrants' social participation rather than distinctiveness was emphasized (Entzinger 2006, 25).

A few actors were crucial in elevating immigration and integration issues on the Dutch political agenda. The pronouncements of Labour Party member, Paul

Scheffer in 2000 was a watershed (Entzinger 2006). He argued that multiculturalism was unsuccessful and advocated for a more aggressive approach to compelling the integration of immigrants. His rhetoric was infused with stereotypes that all immigrants are Muslims, and as Muslims, are fundamentalist in their orientation—clearly associating the perceived ills of immigration with Muslims. In the public debate, the distinctiveness within and among immigrant groups was lost.

It is commonplace for politicians to conflate individual issues of security, immigration, and Islam—a practice that only breeds negative affect toward Muslim immigrants among the public (Entzinger 2006). Along with Scheffer were other harsh and vocal critics of immigration, and Muslims in particular. Later, populist leaders such as Geert Wilders and Pim Fortuyn espoused anti-Islam rhetoric similar to Scheffer. These negative feelings were echoed by films such as Wilders' *Fitna*, and *Submission* by Theo Van Gogh with politician Ayaan Hirsi Ali portraying and rebuking the subjugation of women as is said to be promoted by Islam.

Beyond domestic actors, the international climate played a role in inducing this change away from multiculturalism. The level of insecurity currently pervasive in the international system is conducive to politically expedient policies emphasizing assimilation, rightly or wrongly so (Vasta 2007). Escalating the public debate were the attacks on September 11, 2001 and the murder of filmmaker Van Gogh in 2004 by a second generation Moroccan. The 9/11 attacks perpetrated by extremists lent support to assimilationist and anti-Muslim rhetoric and legitimacy to populist leaders.

Pim Fortuyn, known for his anti-immigrant and anti-Muslim views, rose to prominence following the attacks. Fortuyn's particular concerns centred around Muslims and their so-called assault on Western, democratic values. To quell this problem, Fortuyn advocated for limiting immigration (Entzinger 2004). Fortuyn's rhetoric resonated with the Dutch public as reflected in the support he received in the 2002 elections in which his party, List Pim Fortuyn, won 26 out of 150 seats in the Dutch parliament, despite his radical views on immigration. Public support for List Pim marks a noted shift to the right in Dutch politics (Joppke 2007a).

The success of these figures relates to the rise in the number of minorities and the resonance of this in the Dutch public. An increase in the number of minority groups influences the public's acceptance of immigrants. It is the case that "promoting cultural diversity and even institutionalizing it may be acceptable as long as minority cultures remain *minority* cultures" (Entzinger 2006, 11 emphasis in original). The growing presence of minority groups, which in some cities account for nearly 50 per cent of inhabitants, changes the acceptance of cultural diversity. These demographic

shifts reconstruct the minority-majority dynamic and the subsequent acceptance of cultural diversity. Institutional arrangements were created with a belief that these groups were in the minority (Entzinger 2006).

As anti-immigrant and anti-Muslim rhetoric ramped up, so too did austere policy measures aimed at restricting immigration. By 2003, family reunification and naturalization became more difficult with the introduction of the Civic Integration Act. Civic integration was promoted as policymakers blamed immigrants' lack of integration on their unfamiliarity with Dutch language and culture. As such, study of Dutch became mandatory for third country nationals.

A Model for Others: The Dutch provided two models to governments elsewhere. Both its multiculturalism and civic integration policies (were) are considered exemplary. The multiculturalism policy stressed diversity and tolerance—attributes which “characterized the ‘Dutch model’ as it was understood abroad” (Michalowski 2005, 2). The Dutch multicultural model earned a reputation for the successful incorporation of diverse immigrant groups among their European peers, especially with the Germans (Michalowski 2005, 1).

Similarly, the model of civic integration—the antithesis of multiculturalism—is a model for Europe that emphasizes conformity and places the responsibility of assimilation completely on the immigrant (Joppke 2007b; Michalowski 2004). The success of the integration program is yet to be established (Vasta 2007; Vink 2007) but has been adopted by governments throughout Europe as the Dutch are regarded by their peers as exemplary in the area of immigration policy and “Dutch scientists and policy-makers are quick to refer to Dutch immigration and integration policies as exemplary” (Koopmans 2007, 1).

Germany

The German experience with immigration started long before World War II. Until the 1970s, unskilled labour was recruited for seasonal, temporary employment to fill labour shortages (Sassen 1999; Martin 1994; Joppke 1999). The industrial economic miracle in the 1950s and 1960s fostered a boost in the demand for guest workers to fill vacancies in manufacturing. In response to employers' demands, the government turned to recruitment agreements with Spain, Italy, Greece, Portugal, and Turkey. Guest worker programs were initially designed to facilitate the rotation of immigrants; however, in reality, these programs did not operate as planned. Workers settled instead of returning home, while more workers entered. The year of the oil embargo in 1973, however, was a turning point. A ban was implemented to

stop the recruitment of foreign workers. While the ban decreased the number of new workers coming in, it did not suppress the number of foreigners living in Germany.

By the early 1990's, Germany was the largest per capita immigration country in the OECD, even surpassing the traditional countries of immigration combined (Kurthen 1995). Muslims represent the third largest religious group of which 26.1 per cent originate from Turkey (Federal Office for Migration and Refugees 2010). Despite this fact, the prevailing perspective was that Germany was not a country of immigration. This perspective is grounded in what Boswell and Hough (2008) call cultural conservatism—stemming from the view that the infusion of non-European, non-Judeo Christian cultures seeks to undermine conceptions of German identity and the cohesion of society. Throughout the 1980s, various administrations were concerned with maintaining the identity that Germany is not a country of immigration by seeking to decrease the number of foreigners in the country and preventing any new inflows (Boswell and Hough 2008; Martin 1994).

From as early as 1980, when it became evident that guest workers became permanent settlers, controls were implemented to curb the number of Turks entering Germany by requiring entry visas for this group of asylum applicants (Martin 1994). Among guest workers, Turkish immigrants were perceived as a unique case. They were “the last, poorest, and most visible migrants to arrive in Germany” (Martin 1994, 206). Many saw Turkish and German culture and values as largely disparate and thus the Turks as the hardest immigrant group to integrate.

Before 2004, Germany had no immigration or integration policy. For about two decades, German authorities stressed return migration, zero-immigration, and integration of extant immigrants. Evidently, the latter and the former goals contradict. As a consequence, there was no formal policy in place to address the immigration realities with which Germany was faced. By the end of 1990s, the SPD and the Greens saw this policy crisis as an opportunity for Germany to revamp its immigration laws and establish a veritable immigration system.

The introduction of a formal integration policy occurred during a period described by elites as a paradigm shift; so described because of the new public conversation about immigration and governmental recognition of Germany as a country of immigration. The change came during the coalition government formed by the Social Democrats (Red)-Alliance 90/The Greens (Green). As one of the conditions in the founding contract of the coalition, the Greens demanded immigration reform. Calls for reform also came from civil society groups. The Greens favored immigration reform which would facilitate the entry of asylum seekers and to address integration

and citizenship of immigrants already in Germany (Duncan 2010).

In response to demands for immigration reform, the Interior Minister established the Süßmuth Commission in 2000 to evaluate and recommend prospects to reform Germany's approach to immigration. A government official notes, "I said if you want to reshuffle legislation, then we have not only to look at our country but we have to look at other countries—what has happened in the United States, European countries" (quoted in Duncan 2010, 150). The Commission addressed all fronts of Germany's migration concerns including humanitarian (refugee and asylum), economic, demographic, and integration. As part of the process, the Commission gathered information on and assessed foreign models. Lacking substantive experience of their own on which to draw, the Commission acknowledged that their European counterparts' experience served as a good testing ground and their experiences would provide information on the efficacy of their policy approaches (Independent Commission on Migration to Germany 2001).

Among the foreign models observed was the Dutch integration policy. The Commission concluded that many features of the Dutch policy "can serve as a model for German integration policy" (Independent Commission on Migration to Germany 2001: 254), albeit not having definitive evidence regarding the success of the policy in assimilating immigrants. Germans regard the Dutch "as a model country for integration policies" (Thranhardt 2000: 1) as the Netherlands had a well-established integration policy for nearly 20 years.

In 2004, the Immigration Act was enacted and with it came "a radical change in German integration policy ..."—a significant change that initiated a "systematic and strategic integration policy" (Federal Office for Migration and Refugees 2010). Third-country nationals and Aussiedler are required to complete 600 hours of language courses. Also spouses outside of Germany intending to migrate to Germany must demonstrate basic German language competency at the point of application for a residence visa in the home country. Highly skilled spouses, spouses of refugees and scientists, and those originating from a select few countries, including EU member states, the United States, Canada, Australia, New Zealand, Israel, Japan, and South Korea, however, are exempt from these requirements. While the intended goal is "to achieve a situation where migrants are able to participate in society as soon as they arrive in the country" (Federal Office for Migration and Refugees 2010), this requirement has implications for individuals immigrating to Germany. As noted, a high percentage of first and second generation Turks (the second largest immigrant group and the largest source of Muslims in Germany) and Moroccans often choose

spouses in their or their parents' country of origin, requiring demonstrated language competency as a condition of immigration may adversely affect this group. The far reach of this integration policy and its influence on immigration are elements resembling features of the Dutch model.

France

France does not officially recognize any racial differences among its citizens. It does not keep racial data, institute racial quotas or affirmative action programs, or allow any religious or (non-French) cultural dress in schools. These general policies (or policy absences) are also present in the case of French immigration policies.

Primarily due to its overseas territories, France has had substantial percentages of immigrants even at the end of the 19th century. Its history of immigration depicts a complex constellation of colonization and economic pull and push-factors. The 1911 Census recorded more than one million immigrants in France, making up less than three per cent of the total population and concentrated mainly in Paris. Despite its immigrant population, France did not have an official immigration policy until 1945 (LaSaout and Kadri 2002). The post-World War II reconstruction efforts led to the establishment of the National Office of Immigration (ONI) in 1945, followed by the Act of 1945 that offered legal limits for immigrants, regardless of their profession (LaSaout and Kadri 2002).

The Social Action Fund (FAS) was established in 1958. It started by directing social action towards Algerian immigrants, but quickly took over all the immigrant workers in France. The 1945 Act remained unchanged until 1974—a year which constitutes “a turning point in French immigration policy” because a new ministerial decision, mainly driven by the downturn of the economy due to the 1974 OPEC oil crisis, “barred immigration in cases where the immigrant is motivated by economic crisis in his or her country of origin” (LaSaout and Kadri 2002: 79). After this point, immigration became limited to certain groups of foreign workers, and action to encourage immigrants to leave was taken in 1977. All unemployed immigrants who agreed to return home were granted 10,000 French francs.

Starting in the 1980s, policy started shifting towards the stabilization of immigrants. A number of laws were introduced and agencies established to manage immigration. The Questiaux Law of 1981 set out a list of foreigners who were not to be expelled, and the Dufoix Law of 1984 simplified the administration of immigration affairs. From this point on, France's immigration administration was handled primarily by two agencies, the National Immigration Office, and the Office

for the Protection of Refugees and Stateless Persons (Hollifield 2004). Annual target immigration numbers were set on the advice of economists at the General Planning Commission (Hollifield 2004: 189).

In 1991, the president, Mitterand, claimed that immigration was getting out of control and something had to be done about it. During this period, France had passed the Dublin and Schengen Agreement, where “France committed itself to refuse entry to any asylum seeker who passed through a ‘safe third country’” (Hollifield 2004: 198). Mitterand’s remark that every society “has a threshold of tolerance for immigration, beyond which instances of xenophobia and racism are likely to increase,” was a suggestion that France had passed this threshold. As unemployment soared over 10 percent, immigration was linked to recession, further exacerbating social tensions.

In 1993, with a new parliament in control, immigration effectively stopped. From this point, laws like the Pasqua Laws were passed to limit the rights of foreigners residing in France. The French Immigration Act of 1998 is the underlining French policy on immigration and it seeks to “integrate foreign nationals into the French culture. This act states that children of foreign nationals would be given French citizenship when they reach adulthood. This event is subject to the children residing in France for longer than five years and this five year period only begins after the age of eleven” (French Advisory Immigration Service 2011).

French immigration policy began to shift considerably in the twenty-first century with sweeping legislations enacted in 2003, 2005 and 2007. Nicolas Sarkozy, as Minister of the Interior, stated in 2003 that “legal immigration consisted only of those forms France is forced to accept – family and asylum – and he went on to complain about the low proportion of selective immigration. He floated the idea of quotas and a point system but this was unlikely in France to be accepted” (Kofman et al. 2010, 6). By 2005, Sarkozy focused heavily on baseless asylum applications (*bidon*), sham marriages (*mariages blancs*), and out-of-date tourist visas. He stated that “it should be understood that if France wants to remain a generous and welcoming country, it must demonstrate its firmness to those who abuse and undermine its generosity” (11 June 2005 to the executive of the UMP). Likewise, he was quoted in an interview saying,

It’s up to the government, the legislator, to decide under what circumstances the right to personal and family life applies in France (having previously incorporated this from the ECHR Article 8 into French legislation). There will not be an absolute and unconditional right for all the families of the world to settle in France, without plans for integrating, without work, without proper housing, without a future. It is within this perspective that I see the reform of family reunification (Interview with

Sarkozy in the journal *Réforme*, 4 May 2006).

According to Chou and Baygert (2007), “The 2006 French Immigration and Integration Law restructured existing French legislation concerning immigrants and their integration” by promoting “a strategy consisting of ‘selective immigration,’ mandatory integration for long-term residents and ‘co-development’” (1). Chou and Baygert (2007) also argue that domestic factors, in particular the approaching 2007 presidential election and Nicolas Sarkozy’s candidacy, were largely responsible for the introduction as well as the passage of that law (1). The 2003, 2006, and 2007 French immigration laws have also sought to curtail the steady increase in family reunification immigration. According to Kofman et al. (2010), the numbers of immigrants “entering to join those with French citizenship and settled status has decreased but [...] visitors have increased dramatically” (6). Furthermore, “the shift away from what has been called *immigration subie* (endured or imposed migration) to *immigration choisie* (selective in France’s economic interests) follows from low levels of economic migration” (Kofman et al. 2010, 6), for France’s labour migration at seven per cent is one of the lowest in Europe.

The changes in French and German immigration policies that took place after 2003 followed the policy shifts in the Netherlands as demonstrated by the timing of policy changes: occurring in a short window after the shift in the Dutch policy, the scope of the policy (stricter immigration policies framed as integration), and the specific content of how to achieve the specified policy goals.

Britain

Britain has a large immigrant population primarily because for a long time there were no borders between any of the British Commonwealth countries – anyone living in India was free to immigrate to Britain. Until the late 1980s, “Britain was a country of net emigration” (Clayton 2010: 7). The beginning of modern day immigration control can be traced back to the persecution of Jews in the late 19th century in Eastern Europe, many of whom took refuge in Western Europe, including England (Clayton 2010: 7). The Aliens Act of 1905 was the first major piece of modern immigration reform. This Act essentially created the immigration system and the appeals process. It set up an inspectorate at ports of entry to the UK where officers were given the power to deny entry to anyone they deemed “undesirable” which meant “lacking in means to support oneself and dependents, and lacking in the capacity to acquire such means” (Clayton 2010: 8). The Act also marked the beginning of an appeals system, by providing for an Immigration

Appeals Boards (Clayton 2010: 8). During World War I, the Aliens Restriction Act of 1914 gave the Secretary of State power to regulate immigration and deportation of aliens, and the Aliens Restrictions (Amendment Act) of 1919 “extended these wartime powers to apply at any time, subject to a yearly review” giving extensive powers to the Secretary of State to make rules as he/she saw fit (Clayton 2010: 9). The 1919 Act was followed by the Aliens Order of 1920, which laid out a more detailed control of Aliens, and began today’s familiar system of work permits which remained unchanged until 1948 (Clayton 2010: 9).

Introducing a change in the underlying premises of the immigration regulations, the British Nationality Act of 1948 essentially defined nationality. It labelled people instead of directly dealing with immigration in an effort to lay the foundation for the later development of immigration control. It basically separated citizens of independent Commonwealth countries and other British subjects. The Commonwealth Immigrants Act 1962 restricted the rights of some Commonwealth citizens. During this time, many politicians emphasized the idea that only a finite number of immigrants could successfully immigrate into society, after that point they were inassimilable (Clayton 2010: 10). This was the first time that Commonwealth immigration was restricted in the UK. The Act distinguished between citizens based on parentage – those who were born in the UK or Ireland or who held a passport issued by the Government would not be subject to immigration control (Clayton 2010: 11). The Immigration Act of 1971 remains the “source of Home Office and immigration officers’ powers to make decisions on entry, stay, and deportation” (Clayton 2010, 13). The Immigration and Asylum Act 1999 “continued the trend by, according to Statewatch, ‘hugely increasing surveillance, monitoring, and compulsion.’ Registration of births, marriages, and deaths were brought into the internal control system” (Clayton 2010: 16).

There have been three immigration statutes, and two anti-terrorism acts in the twenty-first century. The two anti-terrorism acts were the Anti-terrorism, Crime and Security Act, 2001, which was later replaced by the Prevention of Terrorism Act 2005, which according to Clayton (2010) is “one of the most severe statutory curtailments of civil liberties seen in Great Britain since wartime internment” (17). The three immigration policies are the Nationality Immigration and Asylum Act 2002, the Asylum and Immigration (Treatment of Claimants) Act 2004, and the Immigration, Asylum and Nationality Act 2006. These bills proposed:

- the introduction of a points system that privilege the most skilled
 - ending settlement rights for the low skilled
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detaining failed asylum seekers
giving recognized refugees only temporary leave
abolishing appeals against work and study immigration decisions
increasing use of new technology and intelligence co-ordination at borders
reinstating exit monitoring (Clayton 2010: 24).

Yet with the introduction of the new statutes, none emphasized integration nor deemphasized multiculturalism notwithstanding the increase in the number of Muslims in Britain. The Office for National Statistics says that “the Muslim population in Britain is rising ten times faster than the rest of society” (UK Visa Bureau 2011). David Coleman, professor of Demography at Oxford University, said the government would need to increase its efforts at better integrating the Muslim society into the British community.

The implications are very substantial. Some of the Muslim population, by no means all of them, is the least socially and economically integrated of any in the United Kingdom... and the one most associated with political dissatisfaction. You can't assume that just because the numbers are increasing that all will increase, but it will be one of several reasonable suppositions that might arise (UK Visa Bureau 2011).

Discussion and Conclusion

What explains the radical reforms in the Netherlands, Germany, and France while British immigration policy remained unchanged? As stated earlier, governments utilize immigration policies as instruments of foreign policy, economic growth, population growth, and/or national security. In this post-September 11, 2001 global environment, immigration restrictions toward nationals from Muslim countries of origin have increased in the name of national security as most Western European countries face similar challenges with home-grown and transnational terrorism. Yet one of the main research puzzles that drives this study is the relative stillness in Britain's immigration stance toward Muslim migrants. This comparative study helps reveal the circumstances in which transnational policy-learning occurs and the factors that hinder the process. Why did policy-learning occur in the cases of Germany and France, yet it was fairly limited in the case of Britain? Some explanatory factors and hypotheses that might account for this variation are as follows:

Style of secularism: laicism is likely to lead to more restrictive policies towards Muslims than Anglo-Saxon secularism.

Primary reason for arrival: if the initial large waves of the immigrant group

immigrated as “temporary guest-workers” upon invitation by the host country and with the anticipation that they will return, then their continuous stay and continued immigration is likely to lead to increased support for restrictive immigration policies.

Opt out option in the European Union: the ability of national governments to opt of European directives, particularly in the area of immigration, may inform attitudes and policy choices.

Anglo-Saxon secularism, otherwise known as *passive secularism* (Kuru 2007) allows for more freedom for the expression of religious beliefs and practice in the public sphere (compared to *laicism*, the French version of *assertive secularism*), hence creating less friction between British Muslims, British society at large, and the state. Britain has also jealously guarded its sovereignty in the area of immigration and opted out of many EU directives in this area.

Alternative explanatory variables that require further inquiry are:

Per cent immigrant: a higher immigrant per cent in the population may either increase support for restricting immigration policies or as the population becomes more heterogeneous, it also becomes more accepting of immigrants, hence decreased support for restrictive immigration policy.

Per cent Muslim: a higher Muslim percentage is likely to lead to increased support for restrictive immigration policies towards Muslims.

Public opinion towards Muslims: a higher negative public opinion towards Muslim is likely to lead to increased support for restrictive immigration policies towards Muslims.

Public opinion towards all immigrants: a higher negative public opinion towards immigrants is likely to lead to increased support for restrictive immigration policies towards all immigrants including Muslims. Although “as part of a rising Islamophobia many Europeans also no longer differentiate between Islam, fundamentalism, and even terrorism” (Dolezal et al. 2010: 174); the impacts of this trend and how it translates into tangible policies varies.

Economic strength: if the country is in economic downturn (especially high unemployment) and immigrants are seen as a contributing factor, then support for restrictive immigration policies towards all immigrants is likely to be higher.

Socioeconomic status of Muslims (income, unemployment, education): a higher socioeconomic status of Muslims is likely to lead to decreased support for restrictive immigration policies towards Muslims.

Per cent right wing seats in parliament: a higher proportion of right wing seats is likely to lead to increased support for restrictive immigration policies towards all immigrants including Muslims.

Per cent Muslim members of parliament: a higher per cent of Muslims in elected office is likely to lead to decreased support for restrictive immigration policies towards Muslims.

In conclusion, this comparative study illustrates that transnational policy learning takes place particularly in times of, and in response to, perceived threats, yet its occurrence is not a given but is contingent upon various domestic factors. Governments that experience similar sociopolitical “problems” and observe overlapping societal responses to them, optimize in creating policy alternatives by using short-cuts and adopting policies implemented in comparable states and situations. However, policy-learning does not happen in a vacuum or without informed and purposeful decision-making. Domestic and international environments either facilitate the adoption of policies that have been tried elsewhere, as in the case of Germany and France, or hinder it, as was the case with Britain. These contingencies do not deemphasize the significance of transnational policy-learning but rather lead to further questions and factors (the contingency factors that played a role in Britain’s decision of inaction) that need to be researched. One of the most intriguing research questions that emerge from this study is the impact of the adoption of controversial policies by one state on others. In other words, how and why does the adoption of discriminatory immigration policies by one state make it easier for other states to adopt similar policies that they might not have otherwise justified to their public? What is the mechanism that opens this window of opportunity for governments?

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