

Refugee Integration and Competing Conceptions of Justice and Order

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Employing the methodology of Critical Discourse Analysis, this paper examines the concept of 'integration', which may be described as something of a 'black box' within political discourse and European migration policy. In response to the lack of clarity, a corrective intervention is proposed in the form of a conceptual distinction between the procedural and substantive elements of integration. Whereas the former relates to the adoption of policies and interventions, the latter pertains to the local social arrangements, relations and cultural norms associated with the practical attainment of integration. There are manifold reasons (e.g., war, displacement, inequality, marginalised sub-populations, mass-migration) for seeking to develop a greater understanding of substantive integration at the micro, meso and macro levels. This analysis draws upon previous sociological research related to the reintegration of trafficking victims, and the social philosophy of Axel Honneth, as related to the social foundations necessary for the promotion of human freedom and the maintenance of modern democratic life. Greater cognisance of these social and cultural foundations, it is argued, will allow Nation States to more strategically plan their particular approaches to integration, and the protection of refugees, and of the polity more generally.

This presentation compares how the concepts of "re/integration" and "integration" are constructed within two related fields of social policy and debate: trafficking and protection, and EU migration policy. My analysis demonstrates how within both of these fields, the concept of integration is dually constructed as comprising both procedural and substantive elements, and yet also, how the discourse gives precedence to a "procedural" conceptualization. Accordingly, it is my aim to bring the substantive (i.e. the social and the cultural) back into focus within policy discourse. I argue that a

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procedural/substantive framework provides policymakers, practitioners and academics with a bi-focal lens which is useful for keeping in focus both ideals, aims and targets (as related to procedural integration), and the local social arrangements and cultural norms (as related to substantive integration), as relevant to the promotion and evaluation of integration, and the aims of social justice more generally.

The term “re/integration” is polysemic – it means different things to different people in different contexts. Indeed, some object to it outright because it still seems too connected with “assimilation”. Nevertheless, within the context of migration and protection assistance, this designation is generally employed in reference to those who are seeking to “reintegrate” into their former community or place of origin, or those seeking to “integrate” into a new community or location (Surtees 2008, 2013a, 2014). Furthermore, this term is often employed in two senses: on the one hand it is understood that people can, without any formal assistance, potentially seek reintegration within a former community or group that they have left, **or** integration within a new community. The re/establishment of these relationships is enabled by social relations and cultural norms (or for Durkheim, the social cement), that binds people and social groups together. I call this *substantive integration*. Yet on the other hand, the term re/integration is also employed as an ideal aim or a goal. For example, the policy of promoting greater European integration, or of promoting greater integration between ethnic groups within our city, or indeed of promoting the re/integration of a particular person. This, I call *procedural integration*.

When it comes to the provision of protection assistance, the prevailing policy guidelines tend to confuse these substantive and procedural aspects of integration. More than this, they not only confuse them, but they also tend to emphasise procedural integration, at the expense of substantive integration. Another way of putting this is to say that the guidelines promote a *top-down procedural*, rather than a *bottom-up substantive* view of how integration works. The result is a potential loss of connection with the socio-cultural realities of those people, groups, communities and Member

States, that are the primary aim of integration policies. Top-down procedural integration becomes something that policymakers define, transform into outcomes, and then assess according to arbitrarily assigned indicators. Yet when policymakers make integration something that is primarily procedural, there is a tendency for a wholly different and rational set of evaluative standards to come into play. For this reason, it is important to bring the substantive back into focus.

This conference paper is divided into four sections. The first outlines the methodology and theory, as applied to my conceptual review of "reintegration" within trafficking and protection policy (Bearup 2016) (Section Two), and within EU migration policy (Section Three). I finish in Section Four by comparing these findings and proposing a procedural/substantive framework for conceptualizing integration within policy discourse.

One: Methodology and Theory

In order to undertake a conceptual review of "reintegration" within the field of human trafficking and protection, my data corpus encompassed relevant international laws, policies, project models, guidelines and corresponding literature (Bearup, 2016). Within EU migration policy, I have similarly focused upon the core policy documents, especially the common basic principles (CBPs) (Council of the European Union 19 XI 2004), the official EU Handbooks on Integration (Niessen & Huddleston 2010; Niessen & Schibel 2004; Niessen & Schibel 2007), and related monitoring and evaluation guidelines (Niessen, Huddleston & Tjaden 2013; OECD/European Union 2015). Within both of these fields of policy, tensions are identified between "procedural" and "substantive" conceptions of integration and a general emphasis upon the former at the expense of the latter. In terms of limitations, it is acknowledged that the scope of my analysis with regards to EU migration policy, is restricted to the examination of core policy and guidance on programming and monitoring and evaluation. Only very general criticisms are offered in regards to the challenges faced by theorists aiming to promote normative or a-normative models of integration (e.g., Ager & Strang 2008; Penninx & Garcés-Mascreñas 2016).

Both of the studies I am describing employed critical discourse analysis (CDA) (Fairclough 2010) from a sociological standpoint (Herzog 2016). My analysis draws inspiration from the works of Durkheim, Weber and Marx, including an awareness of the integrative role of cultural norms and values within social groups (Durkheim), a sensitivity to the effects of modernity and processes of rationalisation in challenging and uprooting traditional values (Weber), and a concern for the project of human emancipation (Marx) (Durkheim & Emirbayer 2003; Kalberg & Weber 2005; Morrison 1995).

Moreover, the more normative aspects of my critique are indebted to the social philosophy of Axel Honneth (Honneth 1995, 2007, 2012, 2014). Drawing in particular upon Hegel, but also Durkheim and others, Honneth sees the basis of our freedom as residing within our inter-dependence, and the establishment of recognitional relations in accordance with cultural norms, within social groups and institutions.

Two: Reintegration within the Field of Trafficking and Protection

Within the field of human trafficking, numerous commentators have observed that the emphasis upon prosecution and individual perpetrators tends to disguise the systematic and endemic forms of globalised exploitation (e.g. Brennan 2014; Suchland 2015). It has similarly been observed that victims of human trafficking tend to be singled out from others who may have also suffered exploitation and rights violations, and provided with specialised treatment (Brennan 2014; UNICEF 2007). It is interesting therefore, that within the community of people working within the field of trafficking and victim protection, there has emerged an increasing emphasis upon promoting the “reintegration” of trafficking victims as a primary protective aim. (Bearup 2016). In response to this rising emphasis, a range of policies have been developed, as described for example, within Gallagher’s comprehensive overview of human trafficking law (Gallagher 2010). Nevertheless, despite their various strengths and contributions, I argue that these models and guidelines share a common deficiency (IOM 2007; Reimer et al. 2007; Surtees 2010, 2013b, 2014; TAF 2005).

My primary criticism of these predominant approaches to “reintegration” is their failure to maintain a procedural/substantive distinction, thereby leading to conflation, obfuscation and distraction from socio-cultural life. For example, Surtees and Brunovkis claim that ‘reintegration refers to a broad range of measures over an extended period of time that aim to support and assist...’ (Surtees and Brunovkis 2012, 11). Such articulations direct our focus upon the provision of assistance, at the expense of attention to local social and cultural processes. Obviously persons who have previously left their communities sometimes choose to return and to seek reintegration on their own accord – clearly local level social arrangements and cultural forces come into play. Therefore, when the concept of reintegration is co-opted to become the provision of assistance itself, it is a very short step to then propose that the achievement of reintegration (which now constitutes the delivery of assistance) be assessed according to process level indicators, or alternatively, against outcomes or domains that align with procedural aims, at the expense of attention to substantive social realities.

When policy discourse on integration gives precedence to the procedural at the expense of the substantive, it inflicts a subtle form of symbolic violence (Bourdieu et al. 1999 [1993]). Accordingly, the emphasis is directed away from local, substantive evaluative criteria, thereby making it possible for (procedural) reintegration to be evaluated against externally adopted standards. For example, within Surtees’ model of reintegration, independence and self-sufficiency have been identified as central aims and proxy standards for evaluating ‘reintegrative success’ (Surtees, 2013a, 38). Yet there is no empirical basis for making independence central to the achievement of social integration – indeed this runs counter to core claims of sociology, social psychology and anthropology, which emphasise our social inter-dependence. At this juncture, it is clear that these findings intersect with works of a range of critical scholars within the field of human trafficking, who have contested the relevance and alignment of trafficking policy aims with the local realities or best interests of the so-called victims, children, or ‘Others’ whom they purport to serve (e.g., Andrijasevic 2010; Boyden & Howard 2013; Gozdzia 2010; Molland 2012; Sharapov 2015).

Three: Integration within the field of EU Migration Policy

Building on the previous study, I argue that within EU policy there may similarly be identified both 'procedural' conceptions of integration (as normatively informed by human rights standards, European values and political aspirations), and substantive conceptions of integration (as dependent upon local level socio-cultural processes). Again however, just as within the field of trafficking and protection, I argue that within EU migration policy, the procedural has been emphasised at the expense of the substantive.

The foundations for a concept of "integration" within EU migration policy, are evident within the 'Tampere Agreement', as forged at a meeting held in 1999, in the relatively populous inland city of Southern Finland, of the same name. The Presidential Conclusions derived from this summit give emphasis to the concept of integration on several occasions. In the foundational first paragraph, it is pronounced that:

'From its very beginning European *integration* has been firmly rooted in a shared commitment to freedom based on human rights, democratic institutions and the rule of law. These common values have proved necessary for securing peace and developing prosperity in the European Union. They will also serve as a cornerstone for the enlarging Union.'

(Unspecified 1999 15-16 October 1999[1] emphasis mine)

The concept of integration next appears in the fourth paragraph where international human rights and the Geneva Convention are promoted as a basis for EU solidarity in responding to humanitarian crises and promoting a 'common approach ... to ensure the integration into our societies of those third country nationals' (Unspecified 1999 15-16 October 1999[4]). Finally, the Presidency Conclusions proclaim that a

'more vigorous integration policy should aim at granting them [third country nationals] rights and obligations comparable to those of EU citizens [and] ... should also enhance non-

discrimination in economic, social and cultural life and develop measures against racism and xenophobia' (Unspecified 1999 15-16 October 1999[18]).

In the first instance, 'integration' is constructed as a normative, supra-national political project. In the second, it pertains to the granting of rights and obligations to third country nationals at both the supranational and the national level. In the third, it refers to the development of policies which discourage discrimination and xenophobia within the local communities of EU Member States. This third construction concerns promoting cultural changes within social life; it is therefore more aligned with a substantive conception of integration (as it is assumed that the integration of third country nationals is more likely attainable in communities that are not racist and xenophobic). Within the Tampere agreement, it may therefore be observed that integration is constructed as a both a 'procedural' aim (at the supranational, national, and local level) and as a process that is substantively achievable within social relations as guided by cultural norms (which may be more or less accepting of outsiders).

These procedural and substantive conceptions of integration are further evident within the EU's Common Basic Principles (CBPs) (Council of the European Union 19 XI 2004). According to the *EU Handbook on Integration*, these CBPs constitute the conceptual basis and the point of 'reference for the implementation and evaluation of current and future integration policies' (Niessen & Schibel 2007, p. 7). The CBPs identify several areas as important to 'integration', which may be generally identified as: values (CBP2); employment (CBP3), cultural knowledge (CBP4), education (CBP5); equality of access/inclusion (CBP6); inter-cultural relations (CBP7); protection of cultures and religions (CBP8), and, active citizenship (CBP9). The remaining CBPs (1, 10 and 11) respectively construct integration as a two-way process of accommodation involving all residents and migrants within the union(!)², and as a social policy to be mainstreamed throughout the EU, and evaluated

² I contest the meaningfulness of the assertion that every resident and third country national are involved in a process of integration. Indeed, some residents and third country nationals are actively engaged in seeking to undermine the moral basis of integration between EU Member States. See Section Four.

according to clear goals and indicators (European Council 19/11/2004, pp. 19 - 24). Absent however, is a coherent model of how these procedural and substantive conceptions of integration relate, or of how these principles and domains of importance may be prioritized or evaluated.

In order to gain some insight into the practical challenges of applying these principles, analytical focus is now given to the *EU's Handbook of Integration*, and its three editions which have been translated into each of the EU's official languages. Accordingly, within the first two editions of the *Handbook*, only limited attention is afforded to the central task of defining the concept of integration, whereas in the third edition, this aim is completely abandoned. Instead an explanation is provided of the over-arching purpose of 'integration policies'. The various definitions provided are outlined on page eight within each of the *Handbook's* editions:

'While a single exact definition of integration may prove to be too narrow, the identification of core integration dimensions can serve as a useful 'working definition'. The overall goal of integration is often considered to be self-sufficiency: governments seek to enable immigrants to lead an independent life concerning housing, job, education, social networks, and participation in society' (Niessen & Schibel 2004, p. 8).

'While the question [of what integration means] might be expected to trigger familiar debates about assimilation or multiculturalism ... [the] participants at the technical seminars preparing the handbook hardly used these terms. As policy-makers and practitioners working with immigrant integration on a day-to-day basis they took a rather more practical approach, focusing on outcomes in terms of social and economic mobility, education, health, housing, social services, and societal participation. Two processes are critical to improving immigrants' outcomes: the elimination of inequalities, and the acquisition of competences. These challenges are at the heart of integration policies in Europe' (Niessen & Schibel 2007, p. 8).

'Integration policies aim to bring about, over time, a convergence of societal outcomes for all. This requires the active involvement of all citizens and residents; those with and without an immigrant background. They can contribute to the social, economic, cultural and civic life of society by using their skills and competencies. Individuals develop a capacity for lifelong learning and are empowered as agents of change for integrating societies. Comparable rights and responsibilities make participation possible, as does the opening up of mainstream institutions' (Niessen & Huddleston 2010, p. 8).

These definitions reveal a shift in focus away from the dual procedural/substantive conception of integration (as promoted at Tampere and within the CBPs), towards a singular procedural emphasis upon the 'goal of integration' (*Handbook 1*), the 'processes [which] are critical to improving

immigrants' outcomes' (*Handbook 2*), and finally, '[the aim of] integration policies' (*Handbook 3*). Additionally, these definitions variously reflect a focus upon self-sufficiency and independence, or upon overcoming barriers and promoting skills or competencies, which it is presumed, provide a basis for participation. Such assumptions, I would argue, tend to construct migrants as atomistic individuals whose freedom is presumed *a priori*³.

The procedural emphasis evident within the three *Handbooks* has further been incorporated within EU level efforts to monitor progress on integration. These efforts demonstrate an emphasis upon procedural integration, and "core integration outcomes" including employment, education, social inclusion, and active citizenship⁴ (Niessen, Huddleston & Tjaden 2013; OECD/European Union 2015). My criticism of these studies does not relate to the rigor of their statistical modeling, or their exemplary efforts to compare migrant outcomes in terms of employment status, educational attainment, social inclusion and active citizenship. My objection is that the challenge of promoting and assessing integration has been subverted and transformed into the task of assessing and comparing migrant outcomes in key policy areas. This bypasses the challenge of evaluating substantive integration as a social and cultural process or achievement, whether at the local, national, or international level. This singular procedural focus, strips the concept of integration of its social foundations and its normative content, at a time when, many are calling for the EU to more intentionally hold on to its core values⁵.

It is beyond the scope of this conference paper to provide an overview of the academic literature on 'integration' within the context of refugees and migration. Indeed, this is partially because this

³ I will return to elaborate upon this contention in the fourth and final section.

⁴ A corresponding range of indicators was developed within the Zaragoza Declaration, and approved by the Justice and Home Affairs Council in June 2010.

⁵ For example, consider the statement of Catherine Woollard, Secretary General of ECRE, as released on the 9th of May, the Day of Europe: "We are living at a time of historical importance for the European project. Our leaders have the chance to show that the founding values of the EU are not lost. It is time to correct the imbalance between interests and values: repeal deals that trade in people and focus on maximising protection for refugees and asylum seekers. Let's remember Europe's legal and moral obligations towards those seeking protection on our shores." <http://www.ecre.org/europe-day-let-us-be-proud-of-the-european-union-once-again/>

literature has become so expansive: 'integration' has become largely synonymous with 'the process of settlement, interaction with the host society, and social change that follows immigration' (Penninx & Garcés-Masareñas 2016, p. 11). I oppose the tendency to conflate social integration with resettlement policies and programs more generally. Similarly, I question the utility of both the predominant two and three-way constructions of integration within the field of migration studies, which respectively emphasise the integratee and receiving society (two-way), or the integratee, receiving society, and sending state (three-way)⁶. Moreover, I would argue that both normative, and non-normative attempts to develop a model of integration reflect the same core deficiency (e.g. Ager & Strang 2008; Penninx & Garcés-Masareñas 2016). Both, in fact, end up imposing a set of externally developed evaluative standards (procedural), which lack sufficient regard for the role of local cultural norms and the social arrangements in which they inhere (the substantive).

Four: Concluding reflections

Within these related fields of trafficking and migration policy, I have identified a tendency to emphasise "procedural" at the expense of "substantive" conceptions of integration. This has the effect of marginalising the role of social arrangements, values and cultural norms (contested or otherwise), as relevant to substantive social integration and the procedural challenge of promoting and evaluating integrative success. In the place of an emphasis upon social interdependence and shared norms, these procedural conceptions of integration seem to focus upon promoting independence and self-sufficiency as the overarching aim and standard for assessing integrative success. How ironic for the achievement of social integration to be evaluated by the extent to which an individual has achieved independence and self-sufficiency.

I would argue that the procedural bias within the discourse on integration reflects the disabling influence of technical experts who, often unwittingly, impose their power/knowledge within their

⁶ My objection here concerns the imposition of these static two or three-way theoretical constructions upon social life, thereby mistaking the things of logic, for the logic of things, as Pierre Bourdieu was fond of saying.

chosen domains (Illich 1977). These effects are particularly evident within the field of development and humanitarian assistance (Escobar 2012). Furthermore, the structuring influence of neoliberalism is evident, to which an emphasis upon social groups, communities and cultural norms is anathema⁷. When migrants or trafficking victims are abstracted and then constructed as atomistic individuals, there is a tendency for their freedom to be presumed *a priori* (as presumed within traditional legal and economic discourses). From such a perspective, all that justice requires is the removal of the external barriers that are impeding them from pursuing their chosen aims, and perhaps the provision of goods or the promotion of specific skills or abilities (Honneth 2012, 2014). Instead, if we understand the construction of our own aims and the realisation of human freedom as possible only through social and cultural means (i.e. via our interdependence with others), then it becomes clear that the fulfilment of justice not only relies upon the protection of human rights, but further rests upon thoroughly social and cultural foundations (Honneth 2012, 2014).

I have identified both procedural and substantive conceptions of integration within these related policy discourses, and the tendency for the former to overshadow the latter. I have argued that a procedural/substantive distinction may be of utility to understanding and seeking to promote and assess re/integration, as related to the aim of protection and the promotion of social justice more broadly. This distinction reminds us that integration is not only about the 'Other' and the aim of assessing their access and challenging the barriers to accessing social goods. Integration is also about 'Us', the receiving social groups and institutions, and our shared and contested cultural norms. From this more reflexive basis, we are better equipped to consider the role of values and cultural norms in regards to the construction of the Other, the development of migration, security and integration policy, and the promotion of social justice more broadly.

⁷ For reading on neoliberalism and Cambodia in particular, see (Springer 2010)

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