Citizenship by Discretion

An Investigation at the Intersection of Law, Politics and Affect in Danish Naturalisation Exemption Cases

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Abstract

This thesis investigates how members of the Danish Naturalisation Committee navigate, exercise, and justify their discretionary power in exemption cases, and what this reveal about the intersection of law, politics, and affect in the governance of citizenship. While most countries treat naturalisation as an administrative procedure, Denmark stands out: citizenship is granted by parliamentary law, making decisions about one of the most consequential legal statuses inherently political. Exemption cases – where applicants seeks relief from requirements such as language, self-sufficiency, or employment due to illness, disability, or exceptional circumstances – are handled behind closed doors, without public reasoning, appeal options, or procedural safeguards.

Drawing on interviews with committee members, public statements, media debates, and legal documents, the thesis opens this "black box" to analyse how discretion operates in practice. It combines qualitative socio-legal inquiry with theoretical perspectives on bureaucracy, discretion, affective governance, and intersectionality to trace how disability, race, and religion might intersect in producing disadvantages within the system.

The analysis shows three central findings. First, members' self-understanding diverges: some act as gatekeepers protecting the state, others as advocates for applicants, and some as reluctant caseworkers uneasy with their role. Second, decisions are shaped not only by formal requirements but also by affective and moral reasoning: applicants are judged on gratitude, motivation, "Danishness", and cultural alignment. Furthermore, discrimination based on group-based assumptions is suggested. Third, even seemingly objective reference points such as medical certificates or international obligations are contested, reflecting tensions between legal rationality and political sovereignty.

Taken together, the findings show that citizenship in Denmark is governed not only as a legal status, but also as a political gift, embedded in cultural values, moral judgments, and affective performances. While discretion may enable case-by-case responsiveness, it also risks producing opacity, arbitrariness, and new barriers for the already vulnerable.

Keywords: *Danish Naturalisation Committee, citizenship, citizenship governance, discretion, affective governance, legal rationality, intersectionality, politicisation*

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1. Introduction

Citizenship is one of the most important legal statuses in a person's life. It defines who belongs in the political community and who does not, it grants access to rights, security and a political voice. In most countries, the granting of citizenship, also called naturalisation, is handled as an administrative procedure. Denmark, however, is an exception. Here, citizenship is granted by law (Lund, 2023a). Every applicant who qualifies must be individually named in a bill, which then is passed by the parliament, effectively making citizenship a political decision (Udlændinge og Integrationsministeriet, n.d.-a).

At the heart of this procedure is the Parliamentary Naturalisation Committee, *Indfødsretsudvalget*, a small political body of 17 MPs appointed to represent parliament. Their primary tasks are processing the bill for granting Danish citizenship and, central to this thesis, deciding on exemption cases (Folketinget, n.d-a). A citizenship applicant can apply for an exemption if they do not meet the standard requirements, such as language proficiency or self-sufficiency, usually because of either disability, illness, or other exceptional circumstances. However, the committee's handling of these exemption cases is entirely closed to the public. They are not required to explain their reasoning or justify their decisions, leaving applicants with nothing more than a simple *yes* or *no*. This makes the workings of the committee a black box, both in the eyes of the public and the applicants themselves.

The process stands in stark contrast to other interactions between the individual and the state. In most other areas where individuals apply for a benefit, right or status from public authorities – such as residence permits, social benefits, disability support, or building permits - decisions will be made administratively and subject to the Public Administration Act and principles of transparency, equal treatment, legal certainty, and the duty to state reasons, ensuring that two identical cases are treated the same. However, in the area of naturalisation, the Constitution stipulates that citizenship can only be granted by law, and therefore Parliament is exempt from such administrative safeguards (Mortensen, 2021, p. 26). This unique setup makes the Naturalisation Committee an exceptional socio-legal space. It brings up significant legal and democratic issues regarding the legitimacy, consistency and fairness of the granting of Danish citizenship.

Existing research on the Danish naturalisation process highlights the concerns of arbitrariness, inconsistency, lack of legal certainty, and the entrenchment of political preferences (Chandiran,

2016; Ersbøll, 2008; Mortensen, 2021). These risks are more pertinent for disadvantaged applicants who, due to disabilities, chronic illnesses, or precarious life circumstances, must apply for exemptions from the strict requirements. Recent developments have heightened these concerns. In 2014, 97% of applicants with a long-term impairment received an exemption. By 2022, this figure had fallen to only 6% (Institut for Menneskerettigheder, n.d.). Experts suggest that this shift is due to increased politicisation of naturalisation, with decisions increasingly reflecting ideological preferences rather than consistent legal standards (Ersbøll, 2023).

1.1 Research question and aims

It is in these muddy waters between law and politics that this thesis takes its point of departure. The thesis examines how members of the Danish Naturalisation Committee use and defend their discretionary power when evaluating exemption cases, and what this reveals about the interaction of law, politics, and affect in the governance of citizenship. It does this by drawing on socio-legal theory (Weber) and concepts such as discretionary governance (Davis, Lipsky), affective citizenship (Fortier, Kalm) and intersectionality (Crenshaw). By entering the black box of the committee through interviews, media, and legal documents, the thesis aims to understand how citizenship is governed in practice and the implications it has in relation to concepts such as legal certainty, fairness, and legitimacy.

The study aims to answer the following research question and sub-questions:

1.1.1 Primary research question

> How do members of the Danish Naturalisation Committee navigate, exercise, and justify their discretionary power in exemption cases, and what does this reveal about the interplay between law, politics, and affect, and ideals of fairness and legitimacy in the governance of citizenship?

1.1.2 Sub-questions

1. How do members of the Naturalisation Committee perceive and perform their roles within the naturalisation process, and how do these self-understandings shape their decisions?
2. What rationales, values, and affective considerations do members draw on when justifying or contesting decisions in exemption cases?

3. How does the exceptional legal structure of the Danish naturalisation – situated between legal rationality and political sovereignty – shape committee practices and wider notions of fairness, accountability, and legal certainty?
4. To what extent do exemption practices reinforce or challenge broader social hierarchies (e.g. disability, race, religion) and what kind of citizens emerge from this process?

The socio-legal significance of the thesis comes from examining how political actors negotiate the complex socio-legal space represented by the Naturalisation Committee, and how this influences the meaning and boundaries of citizenship. By analysing the interaction of legal criteria and political discretion, the thesis seeks to understand the Naturalisation process from the perspective of those who both create the rules and implement them in practice. The discussion addresses key socio-legal concepts, including legal certainty, fairness, and legitimacy, to explore their contested relationship within the politics of naturalisation.

1.2 Readers' guide

The thesis is structured into eight chapters. Following the introduction, the background chapter provides a contextual overview of the Naturalisation Committee's work, explaining the concept of citizenship, the Danish naturalisation process, exemption mechanisms, political developments, and major public and legal critiques. **Chapter three** reviews existing literature on citizenship and academic research on the Danish naturalisation process. It emphasises key debates around inclusion and exclusion, fairness, and the politicisation of citizenship that will be revisited later. **Chapter four** introduces theoretical frameworks that guide the analysis and discussion, including Weber's concept of legal rationality, Lipsky's theory of discretion, affective governance theories, and the concept of intersectionality. **Chapter five** describes the research design, detailing the qualitative approach, sampling methods, ethical considerations, limitations, and the epistemological and analytical perspectives. **Chapter six** presents the findings and analysis, organised into three subsections: *case intake and referrals, members' perceptions of their roles* and *discretionary logics*, integrating theories of discretion, affective governance, and intersectionality. **Chapter seven** contextualises the findings within broader theoretical and normative debates on fairness, justice, and legitimacy, ending with a discussion of potential alternative models. **Finally, the eighth chapter** concludes the thesis by revisiting the aims, theories, methodology, and key findings. It reflects on the study's conclusions regarding the governance of citizenship in Denmark and suggests directions for future research.

2. Background

2.1 Citizenship and why it's important

I will begin by outlining the overarching theme of this thesis: citizenship, and more precisely, citizenship through naturalisation. Becoming a citizen of a country can have several implications. In T. H. Marshall's seminal essay on citizenship, he describes it as a legal status characterised by a set of civil, political and social rights: "All who possess the status are equal with respect to the rights and duties with which the status is endowed" (Marshall, 1983 [1950], p. 253). In a Danish context, these formal rights include the right to vote in national elections, the right to diplomatic protection, eligibility for certain public positions, an unconditional right to reside in the country, and extensive freedom of movement. On a more informal level, however, citizenship can also carry significant subjective meaning, representing a person's sense of national belonging and forming an integral part of their identity (Juncker, 2020; Jensen et al., 2017). Additionally, on a more practical and tangible level, Jensen and Nielsen (2020) describe how several sociological and economic studies indicate that citizenship has measurable positive effects on political participation, social integration, and labour market outcomes (p. 105). Furthermore, the report *Fremmed I Eget Land* (2021), published by the Danish Institute for Human Rights, concludes that citizenship applicants feel alienated by the naturalisation process, which in turn weakens both their sense of attachment to Denmark and their integration (p. 13).

These insights underscore that citizenship, while formally defined by legal rights, also carries deep social, emotional and political significance. With this in mind, the following section will provide a more detailed account of the Danish naturalisation process.

2.2 The Danish naturalisation process 101

There are five ways to obtain citizenship in Denmark: 1) by birth, 2) by legitimisation (marriage), 3) by adoption, 4) by declaration, or 5) by naturalisation (Christensen et al., 2006, p. 604). The first three types of acquisition only apply to children. Whether or not they can acquire citizenship depends on the citizenship of their parents or adoptive parents. Citizenship for adults can be acquired either through declaration or naturalisation (Chandiran, 2016, p. 16). Only Nordic citizens can gain citizenship by declaration. People who are unable to acquire citizenship

through other means can become citizens by naturalisation (Christensen et al. 2006, p. 604). In sum, naturalisation is the only available way of acquiring Danish citizenship if you are not a child or from a Nordic country. This thesis focuses on citizenship by naturalisation.

2.2.1 Naturalisation

> *§ 44(1). No foreigner may be granted Danish Citizenship except by statute*
> (Folketinget, n.d.-b, own translation)

According to §44 of the Danish Constitution, Danish citizenship is only granted by statute. Therefore, the final decision on granting citizenship lies with the Danish Parliament, which ultimately and at its own discretion decides which foreigners may acquire Danish citizenship (Chandiran, 2016, p. 20). This setup is quite unique; in contrast to most other countries, which see naturalisation as an administrative process (Lund, 2023a), the Danish constitution excludes administrative authorities from making decisions regarding the granting of citizenship (Christensen et al., 2006, p. 607).

The naturalisation process is governed by the Circular on Naturalisation, which sets out specific requirements that have to be fulfilled to gain Danish citizenship (Udlændinge- og Integrationsministeriet, 2021). The Naturalisation Office conducts the initial assessment under the Ministry of Immigration and Integration. This office determines whether the applicant meets the official requirements for naturalisation and, if so, adds their name to a bill of naturalisation (Udlændinge og Integrationsministeriet, n.d.-a). The bill is then presented to Parliament. Only after the bill is passed, the applicant formally obtains citizenship.

2.2.2 Legal criteria for Danish naturalisation

Chapter 1 of the Circular on Naturalisation stipulates the citizenship requirements the applicant must meet. These include:

Table 1

Criterion	Requirement
Age	Applicant must be at least 18 years old.
Declaration of Loyalty	Must sign a declaration of loyalty to the Danish state and legal system
Residence	Permanent residence and continuous stay: 8 years for refugees/stateless persons, 9 years for others
Criminal Record	Exclusion if convicted to conditional or unconditional imprisonment or subject to measures under Chapter 9 of the Penal Code
Debt to Public Authorities	Applicants must not have outstanding public debt (e.g. child support, student loans, taxes, fines)
Self-Sufficiency	Must be self-supporting and not have received social benefits in the last 2 years
Employment	Must have been in full-time employment for at least 3 years and 6 months within the past 4 years
Danish Language Skills	Must document Danish language skills by passing the Danish Language Test 3 (Prøve i Dansk 3) or another approved test
Knowledge of Society	Must pass the citizenship test (Indfødsretsprøven) on Danish society, culture, and history.

(Source of data: Udlændinge- og Integrationsministeriet 2021)

These requirements are established by political agreement in parliament, and as a result, the granting of citizenship has historically reflected changing legal, political and moral values of the current politicians (Rytter, 2010, p. 305). The most recent revision, adopted 17 June 2021 (Circular no. 9432), reflects a strong emphasis on citizenship as a moral and political commitment, not merely a right.

As stated in the agreement:

> ”The granting of Danish citizenship is not a right. Danish citizenship is something that must be earned. The parties to the agreement therefore, fundamentally believe that the granting of Danish citizenship to foreigners represents a significant declaration of trust from Danish society. Citizenship should therefore be granted with consideration for social cohesion in Denmark and on the basis of strict requirements. It should be reserved for those individuals who have chosen Denmark and its fundamental values and legal principles, who have learned Danish, have not committed any crimes, and who have integrated into and wish to be active members of Danish society.”
> (Udlændinge- og Integrationsministeriet, 2021, own translation)

In conclusion, the Danish naturalisation system reflects both concrete, practical requirements and broader value-based expectations. While applicants must meet clear legal criteria such as age, residence, employment, and language skills, it is also expressed that citizenship is intended for those who have actively chosen Denmark and its foundational values. Naturalisation is thus framed not only as a legal status but as a reward for successful integration and a commitment to Danish society.

2.2.3 The Case of Exemptions

If the applicant does not meet one or more of the abovementioned requirements, they can apply for an exemption. Between 2018 and 2021, the Committee processed between 216 and 587 exemption applications per year (Lund, 2023a). In 2023, this number was 718, and in 2024, 477 (Udlændinge- og Integrationsministeriet, 2024, 2025). The Committee meets at least once a month, and one member reported having to consider up to a hundred personal cases in one meeting (Kronborg, 2024). In some cases, the Naturalisation Office will refer the case to the Naturalisation Committee either under the circular on Naturalisation or based on established practice (Institut for Menneskerettigheder, 2021, p. 25). A majority vote is then held on whether the applicant should be granted an exemption. If the Naturalisation Office does not refer the case, the applicant can contact a member of the committee directly and ask them to present their case to the committee. The member then decides whether to present the case at a committee meeting. They are entirely free to decline without reasoning. However, if they choose to take the case on, the Naturalisation Office will prepare the case files, including, for example, criminal records, traffic fines, payslips, AMU course certificates (for adult education), medical certificates, exam transcripts, statements from employers, etc., and send them to all the members for deliberation (Kronborg, 2024). The committee member will then present the case at a committee meeting, where a majority vote is held on whether to award the exemption and thereby citizenship. If granted an exemption, the applicant is added to the biannual naturalisation bill alongside those who met all requirements.

Examples of exemption cases include applicants with dyslexia who struggle with the language test, applicants with PTSD who do not have the capacity to work or be self-sufficient, or young people still studying, and therefore not able to meet the employment criteria. In 2024, the committee processed 477 exemption cases, in which 25 cases were referred by members themselves

(Folketinget, 2024). Out of these, 206 were granted exemption; the most significant part of these, 150, concerned young people and the employment criteria. In 271 cases, the application for exemption was denied. Out of these, 116 had to do with exemption from either the language requirement, the citizenship test, the self-sufficiency requirement and/or the employment requirement – all due to either sickness or handicap (Folketinget, 2024). Furthermore, 81 of the denials were concerned with young people and the employment criteria. The table below presents the types of exemption applications that were respectively approved and rejected.

Table 2

Requirement	Number of Cases in Which the Naturalisation Committee Granted an Exemption	Number of Cases in Which the Naturalisation Committee Did Not Grant an Exemption
Language requirement, naturalisation test and/or self-sufficiency demand and/or employment requirement due to sickness	15	116
Employment requirement (young applicants)	150	81
The documentation requirement regarding Danish language proficiency	8	8
Residence requirement	4	2
Criminal record requirement	8	41
Other issues	21	23

(Source of data: Folketinget, 2024)

These numbers indicate what case types are more likely to succeed than others, but they far from paint a clear picture. There is no way of knowing what makes 150 cases of exemption from the employment criteria succeed, and what makes the other 81 fail. The meetings are confidential, and the applicants do not receive a justification for the outcome of their case. The only information the applicant receives is whether an exemption has been given. This lack of transparency is both what guides my curiosity in understanding the committee members' decision-making in the analysis and something I will return to when discussing the fairness and legitimacy of the process.

2.2.4 Appeal options

Sine the exemption decisions are part of legislative preparatory work – and not administrative decisions – they cannot be appealed through normal legal or bureaucratic channels (Chandiran, 2011, p. 32). This means that applicants have no right to challenge or seek reversal of naturalisation decisions before the Parliamentary Ombudsman or any oversight body. However, an applicant can initiate a court case based on suspected violations of international human rights obligations, such as the UN Convention on the Rights of Persons with Disabilities (CRPD) or the European Convention on Human Rights (ECHR). A rare example of this is from 2017, where an applicant brought a lawsuit against the Ministry of Immigration and Integration and the Naturalisation Committee before the Copenhagen District Court, claiming discrimination in violation of the ECHR and CRPD (Mortensen, 2021, p. 20). The applicant had been denied naturalisation due to not meeting language and knowledge requirements, which she argued was directly related to her documented cognitive disabilities (Mortensen, 2021). The court found that the applicant met the treaty-based criteria and therefore had been subjected to discrimination on the grounds of her disability, thereby violating both the ECHR and CRPD (Mortensen, 2021). Regardless of the outcome of the case, the courts cannot require Parliament to grant citizenship to anyone, as this can only be done by the legislative power according to the constitution (Chandiran, 2016, p. 56). In practical terms, this means that the only way to have a naturalisation decision overturned is to persuade a member of the Committee to reintroduce the case – and hope that the committee's position has changed.

2.3 Critiques

The Danish Naturalisation procedure has been critiqued by several scholars and politicians (Ersbøll, 2023; Lund, 2023a; Skipper, 2023a, 2023b; Skærbæk & Kristensen, 2015; Skærbæk, 2025; Steenberg, 2023). Nielsen and Jensen (2020) argue that Denmark's naturalisation policies fail to meet standards of procedural fairness, as they disproportionately disadvantage vulnerable groups. They propose reforms to make the criteria more transparent and predictable, ensuring that citizenship is awarded based on objective criteria rather than political discretion. Senior Researcher Emerita at the Danish Institute for Human Rights, Eva Ersbøll, has done extensive research on citizenship legislation in Denmark. She raises concern over the politicisation of the committee's work, its adherence to international obligations and the lack of legal certainty in the processing of cases (Dahlin, 2024; Ersbøll, 2023). These concerns are shared amongst

several European scholars (Lund, 2023a). Furthermore, the chair of the Danish Disability Organisations, Thorkild Olesen, has argued that the politicisation leaves an already vulnerable group exposed to arbitrary treatment, amounting to harmful discrimination and undermining the principles of the rule of law (Lund, 2023b). I will go further into the critiques in the discussion, where I will focus on the questions of legal certainty, legitimacy and fairness.

2.4 The political development

Over the past decades, the naturalisation process in Denmark has become increasingly politicised. As Eva Ersbøll notes, it was not until the late 1980s that citizenship policy shifted from being seen as a primarily legal-administrative domain to a politicised one (Ersbøll, 2023). This political turn has intensified in recent years. According to the Human Rights Institute report *Fremmed i eget land* (2021), the committee´s practice regarding exemption cases has been tightened significantly after the 2015 and 2018 parliamentary elections (pp. 23-24). While the rejection rate for exemption from language and knowledge requirements was at just 3% in 2014, it rose sharply to 83% in 2016, 96% in 2017 and finally 98% in 2019 (Institut for Menneskerettigheder, 2021, pp. 23-24). The Danish Institute for Human Rights suggests that the change is politically motivated and tied to the composition of the parliamentary majority. This can also be seen in the way the political approach to granting exemptions for applicants with disabilities, such as PTSD, has shifted over time. A 2008 circular adopted by conservative parties excluded PTSD as grounds for exemption (Dahlin, 2015). In 2013, the government, led by the Social Democratic Party, softened the language, allowing applicants with long-term impairments to be considered for exemption if they could provide medical documentation. However, in October 2015, a cross-party agreement between the Liberals, Social Democrats, Conservatives, Liberal Alliance, and Danish People's Party once again tightened exemption practices, making it difficult for applicants with PTSD to get an exemption (Dahlin, 2015).

These political developments underscore how naturalisation in Denmark is not only shaped by legal frameworks but also by shifting political priorities, mirrored in the Naturalisation Committees decisions. Against this backdrop, the thesis investigates how committee members navigate the politicised space of legal ambiguity and discretionary power.

2.5 Mindset interviews

A recent development in Danish naturalisation practice is the introduction of the so-called *sindelagssamtaler,* or mindset interviews. In these, Danish Naturalisation Committee summons selected applicants to an interview to assess their "Danish mindset" – particularly their views on democracy and freedom of speech. The first, and so far only, such interviews were conducted in December 2024 with three applicants, sparking broad concerns about legal certainty, representation rights, and politicisation (Sodemann, 2024; Mansø, 2024). The applicants had fulfilled all formal criteria but were reported by an anonymous citizen due to statements on Facebook. The committee has since discussed the possibility of making this a permanent practice.

This thesis does not include the mindset interviews as an analytical focus. First, the extent of the new procedure remains extremely limited. Apart from the initial three cases, no further interviews have been conducted, making it difficult to draw systematic conclusions or treat them as a consistent institutional practice. Second, the scope of this thesis requires a clear delimitation. With the main emphasis on exemption cases, I concluded it to be more appropriate to exclude this uncertain development. Future research will be better placed to examine mindset interviews, once their role and scope within the naturalisation process become clearer.

3. Previous research

The following review outlines the central relevant debates and themes in the scholarship on citizenship and naturalisation. Together, this research demonstrates how citizenship functions not only as a legal status but also as a political instrument and a site of social struggle. Even though a great deal has been written about Danish citizenship, very little research has examined how it is negotiated and practised within the Danish Naturalisation Committee, particularly in exemption cases where discretion plays a defining role.

3.1 Citizenship as 'unfinished' concept and political instrument

The existing literature on citizenship is extensive and reflects a dynamic debate over who qualifies as a "real" citizen and on what grounds. Classical liberal theories understand citizenship

primarily as a formal bundle of rights that ensure equal participation in political life (Lazar, 2017, p. 1). In contrast to this formal view on citizenship, critical and constructivist approaches argue that understanding citizenship is not as simple as that but should instead be understood as a status embedded in social, cultural and political relations – a status given to individuals after meeting specific socially and politically determined criteria (Clarke et al., 2014, p. 1). Clarke et al. (2014) suggest that citizenship is an 'unfinished' concept: "as an object of social and political desire that is always 'under construction'" (p. 8). Rather than a fixed legal status, citizenship is seen as a constantly evolving site of cultural, political, and affective struggles. This view is supported by Bassel et al. (2021), who introduce the concept of "anxious societies" to explain how naturalisation is increasingly used as a tool to manage perceived threats to social cohesion, national values and state sovereignty. They identify three 'turns' within the past 20 years: (1) citizenship has become more *culturalised* with integration as a central concept, (2) citizenship has become more *marketised* through an increase in "the 'skilling' of citizenship", and that (3) citizenship has become more *securitised* with an increased focus on "border making to stem mobility and re-establish specific social orders" (pp. 260-261). In this way, naturalisation can be seen as a way of instrumentalising citizenship to serve the varied interests of the state. This perspective is echoed in much of the newer literature on citizenship. Jensen et al. (2017, p. 1) describe how, since the late 1990s, there has been an increased use of language, knowledge and economic requirements when it comes to obtaining citizenship in Western Europe. According to several scholars, this can be seen as an increased understanding of the good citizen as liberal-minded, autonomous and self-sufficient (Goodman, 2014; Jensen et al., 2017; Joppke, 2018). Jensen et al. present the term 'civic turn' to describe how states have intensified demands for language, knowledge, and economic self-sufficiency, thereby linking the notion of 'the good citizen' to ideals of autonomy and productivity (Jensen et al., 2017). Hedegaard and Larsen (2022) similarly propose the argument that citizenship is a club-good, where naturalisation is seen as a membership of an exclusive club or community accessible mainly to those who are economically productive, culturally similar and socially integrated. Olsen (2024) examines how militant democracy theory is used to justify exclusionary citizenship policies. The idea is that to protect democracy, the state must actively prevent individuals from obtaining citizenship if they are perceived as a potential threat to national cohesion.

The concept of *affective citizenship* has become increasingly central in critical citizenship studies, examining how emotions and moral evaluations shape the boundaries of national membership. This literature explores how citizenship is governed through expectations on how prospective citizens should feel, behave and relate to the nation (Fortier, 2010, 2013, 2016; Bassel

et al., 2021; Kalm, 2019; Somerville, 2005). Taken together, this body of literature highlights how citizenship is not a neutral legal status but a politically charged and socially constructed category. These insights become relevant later, when analysing the logics and justifications of committee members.

3.2 Citizenship as inclusion and (racial) exclusion

While citizenship can be framed as a vehicle for inclusion and equal rights, a lot of existing literature on citizenship argues that it is an inherently exclusionary concept. Citizenship distinguishes insiders from outsiders (Bauböck, 2006) and, as Bassel et al. (2021) note, it operates to exclude some people "just as much as it includes others" (p. 259). Recent naturalisation policies in Europe and North America tend to favour migrants who align with the wishes and needs of the nation state, and this is tightly connected to intersecting hierarchies of "race, gender and class" (Bassel et al., 2021, p. 261). Likewise, Clarke et al. (2014) argue that the European thinking about nations has long been influenced by the idea of racial/ethnic homogeneity: "Often, this identity has been racialised, mobilising ideas of a common stock, shared lineage or nation-as-race" (p. 119). In a Danish context, this racialised idea of belonging can be seen in the way Danishness and Danish values are often contrasted with Islam and Middle Eastern culture. Mouritsen (2012) describes how the idea of 'good citizenship' appeared in Denmark around 2000 "as a policy concept connected to Muslim integration" (p. 97). Muslim immigrants were seen as socially and culturally far from the idea of the Danish liberal and democratic civicness and constructed as threats to community cohesion (Mouritsen, 2012, pp. 95-99). In my thesis, I draw on these insights to examine whether such logics influence the discretionary practices of the naturalisation committee.

3.3 The Danish naturalisation system

> "Denmark is at the forefront among the countries that make the strongest demands on immigrants and descendants who apply for citizenship (Joppke 2008, 15f; Joppke 2013; Joppke 2010, 55, 61; Ersbøll 2013)"
> (Jørgensen, 2023)

Research shows that Danish naturalisation practices are more restrictive than in other countries (Adamo, 2022; Jørgensen, 2023). Since the mid-1990s, immigration and integration have

dominated the Danish political agenda, with policy becoming increasingly restrictive (Green-Pedersen & Krogstrup, 2008; Jensen et al., 2017). A recurring theme in the literature is the framing of citizenship as a *gift* rather than a right. Jensen et al. (2017) observe that the idea of citizenship as something to be granted only to the "most worthy" underpins the reasoning behind strengthened requirements (p. 6), while Olsen (2024) similarly highlights how citizenship is presented as a privilege reserved for those who have sufficiently internalised the right national values—another strand of research points to the dominance of right-wing parties in shaping this agenda. Jensen et al. (2017) note how the Danish right-wing bloc has dominated the public debate with a discourse centred on "deservingness, dismissal of multiculturalism, and veneration of Danish national (civic) culture as the foundation of the Danish welfare state and democracy" (p. 5). These developments echo what Bech et al. (2017) term the broader European civic turn in which citizenship policy is increasingly used to instil civic norms, competences and cultural adaptation among migrants (p. 228). In sum, current research on naturalisation in Denmark focuses on how inclusion into the national community is contingent not only on meeting formal criteria, but also on demonstrating 'the right' emotional, moral, and cultural conformity. This also raises broader questions about how the "ideal citizen" is defined, and by whom. In my analysis, I take up this question by examining how Committee members articulate and evaluate the figure of the "ideal citizen".

The academic literature concerning specifically the Naturalisation Committee is scarce. If you enter the word "Indfødsretsudvalg*" (or "Naturalisation Committee") in the Danish Library database, it shows you 14 news articles and two academic articles containing the word. Previous research on the Danish Naturalisation Committee has predominantly focused on legal research, either establishing the legal framework governing the acquisition of Danish citizenship through naturalisation (Chandiran, 2016; Ersbøll, 2008) or examining the Committee's work in light of international obligations (Chandiran, 2016; Mortensen, 2021). The literature concludes that the legal safeguards typically provided under administrative law do not apply in the handling of the cases, potentially leading to concerns about applicants' legal certainty (Chandiran, 2016; Mortensen, 2021).

3.5 Research gap

Despite extensive scholarship on citizenship and its entanglements with concepts such as politics, power, race, religion and emotions - and substantial work on citizenship in a Danish context - very little academic attention has been devoted to the Danish Naturalisation process and even less to the Naturalisation Committee. Furthermore, the previous research on the committee's work has been primarily legalistic. Notably, there is a gap in socio-legal research exploring how committee members negotiate the tension between political considerations and legal standards and how this shapes citizenship governance.

This gap is significant because the structure of the naturalisation process has been shown to increase the risk of unpredictable, arbitrary decisions and potential breaches of international conventions (Mortensen, 2021). While committee members wield wide discretion, little is known about how they perceive and exercise it. The confidentiality of council meetings and the absence of any obligation to justify decisions contribute to the committee's work as a kind of 'black box'.

This thesis seeks to investigate the concept of citizenship as a socio-legal arena by shedding light on the internal workings of the Naturalisation Committee through in-depth interviews and public statements from members. In doing so, it explores how committee members balance political, value-oriented, moral and legal considerations, contributing existing socio-legal research on citizenship governance.

4. Theoretical and conceptual framework

To analyse how exemption cases in the Danish naturalisation process are assessed and decided, it is necessary to situate the process within a broader theoretical framework. The following subsections present the key concepts that frame this thesis. Drawing on classical sociological theory, public administration theory and critical citizenship studies, they provide tools to understand how discretion operates, how fairness and legitimacy are negotiated, and how inclusion and exclusion are designed by both institutional design and social hierarchies.

4.1 Bureaucratic ideals and political decision-making

From a socio-legal perspective, the Danish naturalisation process sits at an unusual intersection of the legal and the political systems. In most areas where individuals apply for a legal status or benefit from the state, such as residence permits, social benefits, or tax decisions, decisions are made through bureaucratic procedures grounded in administrative law. These procedures exist to ensure equality before the law, transparency, and predictability. In the Danish naturalisation process, however, the granting of citizenship by exemption is not an administrative decision, but as earlier described, a parliamentary one. This makes the process an exception to the bureaucratic norm. To unpack the significance of this, I draw on German sociologist Max Weber's concept of legal-rational authority and his ideals of bureaucracy (Weber, 1946) to discuss how the process deviates from the bureaucratic ideals of consistency and neutrality.

Weber's sociology of law offers a lens for understanding the tensions between rule-based governance and discretionary decision-making. In his writings, Weber explored the nature of government and legitimacy, creating an ideal-typical model of bureaucracy characterised by impersonal rules, predictability, and expertise. According to Bernat et al. (2020), "Weber envisioned an ideal bureaucracy with a system of written rules enforced by qualified and trained individuals organised in hierarchy for proper, consistent, and systematic implementation and application of uniform and fair rules" (p. 8). Weber termed this ideal form *formal rational law* – a system governed by clear rules that apply equally to all cases, independent of personal, political, or emotional influences (Bernat et al., 2020, p. 8). In this understanding, authority and legitimacy are achieved through the enactment of established legal frameworks and the rule of law rather than in the will of individual leaders or traditional customs (Bernat et al., 2020, p. 9). Bureaucratic structures and formal rational law should serve to reduce arbitrariness by standardising decision-making. By contrast, where such structures are absent, decision-making may follow logics other than bureaucratic neutrality. It is precisely these other logics, which I will term *discretionary logics*, that this thesis seeks to investigate within the workings of the Naturalisation Committee.

The Weberian framework thus provides a conceptual lens for examining how the exemption process operates at the boundary between legal and political authority, and for assessing the extent to which it departs from the Weberian ideals typically associated with legal decision-making. The framework will further be used to discuss the implications of the institutional

design for predictability, fairness, and legitimacy – and whether it can, in fact, be taken for granted that such ideals ought to apply in the context of naturalisation?

4.2 Discretion

Discretion is a foundational concept in the study of governance, law, and public administration. At its core, discretion refers to the space for judgment that actors possess when rules do not strictly bind them or when rules are open to interpretation. In a legal-administrative context, discretion is often associated with bureaucrats who apply general norms to individual cases. Legal scholar K.C. Davis famously defined discretion as: "A public officer has discretion whenever the effective limits on his power leave him free to make a choice among possible courses of action or inaction" (as cited in Lewis, p. 166). In the context of the committee, the members' discretion is essentially unfettered: no strict legal standards constrain decisions, beyond basic statutory criteria and adherence to international conventions (and even this is challenged).

In his seminal work, Street-Level Bureaucracy, Michael Lipsky (1980) drew attention to how frontline public officials, such as teachers, police officers, and social workers, exercise significant discretion in their daily interactions with citizens (p. xi). He emphasised that the practices and judgments of those implementing the policy 'on the ground' have a central role in the outcome. At the same time, street-level bureaucrats are often restricted by a lack of time, information and other resources, and therefore are not able to perform "according to the highest standards of decision making" (p. xii). To "bridge the interminable client demands for their services and the limited resources available," street-level bureaucrats develop routines of practice and *coping mechanisms,* such as prioritising 'easy wins' and withdrawing from complex cases (Vedung, 2015, p. 16). I will return to these coping mechanisms in the analysis of case intake within the Naturalisation Committee. By using Lipsky's conceptualisation of discretion in my analysis, I do not suggest that the members of the Naturalisation Committee are traditional 'street-level bureaucrats', most importantly, because they, with their hybrid position as both lawmakers and caseworkers, are part of making the laws they themselves have to enforce. Nonetheless, I find Lipsky's framework analytically valuable for understanding the more practical micro-level of how the members navigate and make individual decisions about the applicants. Lipsky's insights that discretion is shaped not just by legal authority, but also by organisational realities and political pressures, resonate with the practices of the Naturalisation Committee, as I will later show.

Another aspect of discretion is its opacity. Recent extensions of Lipsky's theory, such as Vedung (2015), point to the capacity of discretion as being 'hidden from view':

> "Discretion is thus a key dynamic within grey areas of governance. Situated between policy intentions and their implementation, discretion denotes one form of opaque negotiation and translation between policy and practice." (p. 3).

This opaqueness creates room for inconsistent or biased practice, especially in highly politicised areas. In the context of the Naturalisation Committee, the opacity is extensive, as meetings are confidential and applicants cannot appeal decisions or access the reasoning behind them. I will later return to a discussion of how the discretionary practices might raise concerns about what some scholars suggest is a "strategic mobilisation of ignorance and ambiguity" within migration policy (Vedung, 2015, p. 2).

4.3 Affective citizenship

Another central concept I will investigate in relation to the practices of the Naturalisation Committee is *affective citizenship*. The "affective turn" in citizenship studies emphasises how emotions, feelings, and moral sentiments shape citizenship. It highlights how emotions such as pride, unease, fear, love, gratitude, and trust shape who is imagined as belonging to the nation and who is understood to be emotionally incompatible with it. The sociologist and citizenship researcher Anne-Marie Fortier (2010, 2013, 2017) has developed the concept of *affective governance*—a mode of governance in which citizens are expected to emotionally perform in a certain way to be included in the national community. Fortier (2013) further conceptualises naturalisation as a "site of affective power" where applicants' relationships to the country of immigration are sought to be altered (p. 699). This framework has been further developed in recent scholarship. Combining scholarship on emotions and politics with economic anthropology, Kalm (2019) introduces the concept of *affective naturalisation*: "the feelings of loyalty, obligations, and rightful claims that new citizens are encouraged to feel and enact toward the new state, fellow citizens, former conational and themselves, including through emotional forms of self-governance" (p. 141). I will return to the affective aspects of citizenship further on, when investigating how emotions influence committee decisions and how citizenship is intertwined with ideas of affective belonging and moral deservingness.

4.4 Intersectionality

To further understand how exclusion and inclusion affect applicants within the Danish naturalisation process, this thesis draws on Kimberlé Crenshaw's (1989) concept of *intersectionality*. Intersectionality highlights how overlapping systems of oppression (e.g. racism, ableism and sexism) can produce unique vulnerabilities and compounded forms of disadvantage. Crenshaw (1989) introduced the concept to describe how Black women's experiences of discrimination cannot be fully understood by looking at race or gender alone, since "the intersectional experience is greater than the sum of racism and sexism" (p. 140). In the context of naturalisation, this framework is particularly relevant when examining exemption cases, where applicants may be disadvantaged not only by illness or disability but also by other intersecting factors such as race, class, gender, or religion. By employing an intersectional perspective, I do not seek to simply add these different disadvantages together but also attend to how they interact in specific ways that shape outcomes in exemption cases.

In sum, the theoretical and conceptual framework enables an analysis on different levels. On a micro level, it helps me to understand the individual discretionary practices, on a mezzo level, it offers me insight into the societal and political factors guiding discretion, and on a macro level, it helps me to understand the implications connected to the blurring of law and politics. The following chapter outlines the methodology.

5. Methodology

5.1 Research strategy and design

This thesis employs a qualitative research design aimed at exploring the complex dynamics within Denmark's Naturalisation Committee. To answer my research question, I have focused on in-depth interviews, document and media analysis to grasp the broader socio-political and legal frameworks, as well as, and more centrally, the considerations and decision-making processes of the committee members. In this way, the study adopts a bottom-up approach to the

broader concepts of law and politics, as well as the politicisation of citizenship, by exploring them from the perspective of individual decision-makers within the Naturalisation Committee.

While the thesis engages with the theoretical perspectives already presented, the primary emphasis has deliberately been placed on the empirical material. The reason is that access to the Naturalisation Committee's inner workings is highly unusual, given the confidentiality of its meetings and the absence of public reasoning in its decisions. The rare empirical access provides a unique opportunity to shed light on a decision-making arena that is usually hidden from view. In this sense, the thesis prioritises depth of empirical insights, using theory as a framework for interpretation rather than as the main object of analysis.

5.1.1 Researching "the seemingly hidden"

The Naturalisation Committee operates as a confidential space, and its members are bound by a duty of confidentiality concerning the individual cases. Therefore, there are no transcripts or records of the meetings available. This means that the object of my study is obscured; I cannot directly know what is said and done within the Committee meetings. However, by speaking with the committee members and piecing together information from public statements, statements to the press and on social media, I adopt what Nancy Hiemstra (2016) has termed a "periscopic strategy". Hiemstra uses the periscope as a metaphor for an approach for researching otherwise hidden or unapproachable topics; a periscope is a tool "that uses a careful arrangement of mirrors and prisms to allow a viewer to see things out of her direct line of sight" (p. 1). Following Hiemstra, this method allows the researcher to identify "leaks in spaces that might at first glance appear contained and then pairing the reflections and refractions of those leaks with other sources of data to construct a coherent, if always incomplete, image of the cloistered space" (p. 2). In view of my research on the Naturalisation Committee, I have paired qualitative interviews with public statements, social media content and articles to create insight in an otherwise concealed space.

In addition to the interviews, which I will go further into in the next section, I have conducted a targeted document and media analysis to supplement my interview-based empirical findings. This includes an extensive review of public debates, media articles and social media posts where members and former members have expressed their views on the work in the Committee

and their role in the exemption process. To contextualise my research, I have also analysed legal texts, hearings, committee reports, and relevant legal documents to provide insight into the procedural and practical framework for naturalisation in Denmark.

5.2 Data collection and sampling

I have contacted all 17 current members of the Naturalisation Committee, including 10 former members. Initially, 9 of the current members replied that they would participate, but only five followed through, mainly due to unexpectedly busy schedules. If more people from the same party were represented in the committee, my request was referred to the party's spokesperson on naturalisation. The 17 members represent 10 political parties; I interviewed representatives from 5 parties, which account for 10 of the committee members. Interviews took place at Christiansborg (the Danish Parliament) between March and May 2025. For confidentiality, I have assigned the interviewees the pseudonyms: Jesper, Niels, Louise, Martin and Jakob. Throughout the thesis, references to these interviews will appear in-text using the assigned pseudonyms in parentheses.

I sought to ensure diversity in terms of political affiliation to capture a wide range of perspectives. Because of the relatively small number of members and the promise of anonymity, the specific parties are not disclosed; however, the sample ranges broadly across the political spectrum, with interviewees from both the far-left, left-wing, centre, right-wing, and far-right parties. Because of the difficulties of obtaining interviews, the sample size is admittedly smaller than I would have liked it to be, but I assess that it is sufficient for the purpose of this study, which is to gain insight into the discretionary leeway of the committee.

The interviews lasted approximately one to one and a half hours. I followed a pre-designed semi-structured interview guide with open-ended questions such as

- *What is most important to you when reviewing an application for exemption?*
- *How do legal principles and international obligations (e.g., CRPD) influence your decision-making?*

Early in the process, I recognised that the politicians are accustomed to a different interview format than the one I employed. They are primarily used in journalistic interviews, which tend

to be adversarial and focused on uncovering conflict within a given topic, maybe prompting the politician to give more defensive or closed answers. To counter this, I decided to use an open and transparent interview format, presenting a reduced version of my research question and inviting the interviewees to 'think with me'.

Given that the interviewees are all public political figures, I was aware of the risk of entering the interviews with preconceived expectations about their views and positions. To mitigate this potential bias, I chose to adopt a consistent interview approach, where I posed the same open-ended questions in the same order. This allowed the interviewees to articulate their perspectives on their terms and helped prevent me from prematurely confirming preconditioned assumptions. All interviews were conducted in Danish, and I have subsequently translated them into English. Translating carries the risks of subtle shifts in meaning, tone or emphasis, which may affect how statements are interpreted. I have therefore aimed to translate as faithfully as possible, striving to convey the original intended meaning. However, still, there is a risk that some culturally embedded expressions or nuances may be 'lost in translation' or affected by my personal interpretation.

5.3 Data analysis

All interviews and publicly available statements are transcribed and coded. I have chosen a thematic analysis method where both explicit themes and subthemes are teased out of the dataset (Tight, 2019). I have used both deductive and inductive approaches to the coding. Guided by the previous literature and theoretical framework, I have deductively identified themes such as "street-level bureaucracy" and "affective reasoning". But mostly the coding process has been inductive; by observing recurring themes in the conducted interviews and the additional media analysis, I have been able to identify differences and similarities across the committee members. This has led me to both overlapping and conflicting positionalities, such as the understanding of their role and the strategic aspects of the work in the committee. This combined approach of both inductive and deductive coding makes the following analysis both empirically grounded and theoretically informed.

Thematic analysis moves beyond a quantitative counting of particular words and ideas and instead focuses "on identifying and describing both implicit and explicit ideas within the data, that is, themes" (Guest et al., 2012, p. 10). Therefore, the analysis is strongly tied to the

researcher's capacity to identify these themes, their positionality and background. If another researcher were to analyse the same data, they would most likely end up identifying different themes (Tight, 2019). Given this interpretive nature of the analysis, it is essential to acknowledge its subjectiveness and reflect critically on my own role as a researcher. This includes considering how my background and positionality may have shaped the research process and the knowledge produced. I will expand on this in the following section.

5.4 Epistemological and analytical approach

The thesis employs a feminist approach, acknowledging the situated nature of knowledge and knowledge production. Feminist scholar Donna Haraway's (1998) concept of situated knowledges suggests that knowledge is never neutral or objective, but is instead shaped by the researcher's historical, social and embodied position. It is therefore important to acknowledge and investigate the position from which the researcher is speaking.

In my thesis, I take on a power-sensitive and critical position, in that I seek to interrogate what I, with formulations borrowed from Darling's work, will describe as the power relations and institutional obfuscation embedded in the "messy, everyday unfolding of institutional operations" (Billo and Mountz, 2016, as cited in Darling, 2022, p. 8). I follow American anthropologist Laura Nader's (1972) call to 'study up' by examining the practices and logics of those positioned to exercise power. Laura Nader critiques the longstanding tradition of almost exclusively 'studying downward' toward the marginalised and oppressed. Instead, she appeals for a reorientation of the analytical gaze: toward those who produce the policies and shape the norms that govern the lives of others (p. 1). This thesis follows that call by turning attention to the decision-makers within the Naturalisation Committee – the politicians whose discretionary judgements directly determine who may become Danish citizens. Instead of focusing on the experiences of applicants, I examine how political actors construct, interpret and justify their decisions for either inclusion or exclusion.

My inquiry into naturalisation is shaped by a concern for both the non-transparent and discretionary nature of citizenship governance. Davis (1979) underscores the duality of discretion: "the exercise of discretion can mean either beneficence or tyranny, either justice or injustice,

either reasonableness or arbitrariness" (p. 3). While I look for both dimensions of discretion, my analysis investigates power in the way that it places particular emphasis on the potential pitfalls, blind spots, and asymmetries that discretionary power can produce. This focus, of course, carries the risk of foregrounding problematic aspects at the expense of more well-intentioned practices. However, this should not be seen as an unintended bias. Instead, this critical orientation is a deliberate analytical choice grounded in the understanding that discretion, especially when exercised within opaque or politically charged institutional settings, demands close attention (Darling, 2022).

5.5 Ethical considerations

Steinar Kvale (2007) describes how interview inquiry is fundamentally a "moral enterprise" that requires several ethical considerations and measures, including obtaining informed consent and the anonymisation of participants (pp. 23, 26). Written informed consent has been obtained from all interviewees, outlining the general purpose of the study, how the data would be used, stored, and eventually discarded. The participants were informed that their participation was voluntary and that they had the right to withdraw from the study at any time (p. 27). Interview data and audio recording will be deleted when the project is completed, as agreed upon in the consent agreement.

Following Kvale, it is essential to consider the possible consequences of an interview study for the participants and, from this, take the necessary precautions (Kvale, 2007, p. 28). When asked, only one out of the five interviewees wanted to be anonymised. This interviewee reasoned that they did not want their political colleagues to be able to read about their personal case assessment and comments on committee work. I, of course, must respect this wish for anonymity and have chosen to anonymise all the participants. This is done so as not to make the one member who wished for anonymity identifiable, but also due to the generally sensitive nature of the topics discussed, including discretionary practices and personal assessments. Identifying details such as political party, gender, and specific quotes have therefore been modified or omitted to protect participants' confidentiality. The publicly available statements, such as op-eds or interviews given in the media, are cited with attribution, since they are already part of a public political discourse.

5.6 Limitations

This thesis, like any other project, has its limitations that define the kind of knowledge it can produce. As Laura Nader (1972) notes in her call to "study up", researching powerful actors often entails difficulties in gaining access to the field (p. 18). This has been true both because of the confidential nature of the committee work and the difficulty in setting up interviews with busy politicians. It has been difficult gaining access to the members of the Naturalisation Committee; several declined or did not respond to interview requests. This has inevitably shaped the scope of the empirical material, which may then reflect the perspectives of those who are more outspoken or engaged in the politics of naturalisation. I have tried to mitigate this by securing a broad representation across the political spectrum – including parties known for their commitment to migration issues, as well as parties that do not have it as a core political issue.

The thesis represents a snapshot of a particular political moment in Danish citizenship politics. As a result, my findings are inevitably shaped by the current political dynamics, public debates, and legislative frameworks at the time of data collection. While this temporal specificity may be seen as a limitation to long-term generalizability, it at the same time underscores the relevance of the study: citizenship governance is not static; it is deeply responsive to shifting political climates and ideological agendas. Rather than seeking a timeless conclusion, the study contributes to understanding how national membership is governed *in practice* — and how political actors respond to evolving tensions between law, politics, and affect.

6. Presentation of findings and analysis

The analysis examines how members of the Danish Naturalisation Committee exercise their discretionary authority and develop their own discretionary logics in exemption cases. Drawing on interview data, public statements, and relevant theory, I aim to unpack some of the often-opaque practices through which exemption within the citizenship process is granted or denied beyond a formal legal framework. The purpose is to examine how decisions are made, what logics are invoked, and how considerations of law, morality, politics, and emotion intersect in practice. What shapes an individual member's judgment? And what informal norms and internalised expectations guide their decisions?

6.1 Case intake: many calls and busy schedules

This first section of the analysis will focus on how committee members manage the informal and discretionary process of case intake – particularly those that are not referred by the Ministry but instead raised by members themselves. Because there is no standardised application form or formal route, applicants must personally appeal to a committee member and persuade them to take up their case. This informal and highly discretionary setup gives rise to a range of considerations, practical challenges, and elements of chance. In the following section, I explore how committee members experience and navigate this process, and how factors such as time constraints, emotional responses, and political priorities shape the outcome of this first frontier in the application process.

The number of applicants who contact members to request that their case be brought up for exemption varies greatly. One member receives "approximately ten requests each week" (Jakob), another describes being contacted "if not daily, then at least several times each week" (Martin) and yet another only "two to three times a month" (Jesper). The members themselves explain how this variation may be connected to their political stance, and thereby also the perceived likelihood of their response. Requests are sometimes made via personal email or phone to a specific member, and at other times, they are sent to the council as a whole (Martin). As one member states, the numerous ways of contacting members make it difficult to obtain an overview and "keep track" of the case inflow (Jakob). Several mention the heavy workload that this referral path creates, and that people will call and write at all hours of the day, making it impossible to answer all requests. A current member has publicly stated how he will receive requests, not only from the applicants themselves but also from others pushing their case forward:

> "It's a weekly occurrence… Sometimes it's not the applicant themselves but someone who knows them — it could be mayors or local council members who want to support a citizen's case. You get phone calls in the morning, in the evening, on weekends, and weekdays." – current member Anders Kronborg (S)
> (Kronborg, 2025, own translation)

A central issue that arose from my interviews was the lack of time and capacity that they had to engage with the incoming requests. One member stated that he only took up cases "if he had

time to do so" (Jesper). Another member even raised a concern about the element of randomness in case intake based on timing and workload:

> "I mean, there's a certain element of randomness to it, depending on how much time and energy you have. The past couple of weeks, I've said no to absolutely everyone, simply because I didn't have the capacity – there have been negotiations and so many other things taking up my time."
> (Jakob)

In conclusion, busy schedules, coupled with the lack of a formal entry point for exemption, appear to create a risk that some exemption requests may be lost even at this initial stage of case handling, due to simple timing and chance, regardless of the substantive merits of the case.

6.1.1 Strategical discretion and cherry-picking

While time pressure and overwhelming workloads inject an element of chance into case intake, members also describe a more deliberate filtering of cases. In Lipsky's work on street-level bureaucracy, he shows how discretion is often structured by organisational realities and pressures (Lipsky 1980). According to Lipsky, discretionary decision-making made under conditions of time and resource scarcity will lead to procedural shortcuts, case filtering, or prioritisation (Lipsky 1980). My interviews suggest that members of the Naturalisation Committee adopt similar strategies, selecting cases not purely on their merits, but also on their manageability, political feasibility and the likelihood of success.

One such strategy is suggested by one of the interviewees, who explains how he evaluates each request with his adviser, selecting cases based on the likelihood of success, particularly in light of the Social Democrats' pivotal role in determining outcomes. Since they are the party with the most members in parliament, they also have the largest number of members in the committee:

> "It's also the very special role the Social Democrats play. The Social Democrats have six members on the committee. So it means that if the Social Democrat spokesperson for naturalisation gives the thumbs up – well, then there's almost certainly dispensation; if the thumb is down, you're out. And therefore, because there's so much arbitrariness, part of the job is simply learning the Social Democrat spokesperson's preferences… And that's also down to a personal level."
> (Martin)

Given this power dynamic, Martin explains that he tends to focus on cases most likely to align with the Social Democrat position – often disability-related cases or those concerning employment requirements for young people who, because of their studies, have not been working. By contrast, he avoids bringing forward cases concerning criminal history because these are "almost always unsuccessful" (Martin). What stands out from the above quote is how much weight is placed on knowing other members' positions, sometimes down to a personal level; this includes understanding the members' personal interests and preferences. As Martin describes it, case intake becomes the first link in a chain of relations that needs to be set in motion: first, you have to convince a member to take on your case personally, and then that member must "begin to draw on their personal relations with others in the committee to get the case pushed through" (Martin). This emphasis on personal relations and strategic alignment with influential members suggests a type of case filtering reliant on the committee's internal dynamics.

Another member echoes the strategic approach, stating that he avoids bringing up "hopeless cases" knowing they are unlikely to gain support within the committee:

> "The big question is really: can I actually bring this case forward and win it? I also get applications from people who've assaulted someone, like 20 years ago, where you just know it's a total no-go, a waste of time to take that person up, and it also damages your credibility in the room"
> (Jakob)

There are several interesting aspects to be drawn out from this reflection. As formerly explained, Michael Lipsky argues that street-level bureaucrats often develop 'coping mechanisms' in order to bridge the gap between the high client demand and the limited resources available. One of these mechanisms is what can be termed "creaming" or cherry-picking: selecting only those clients that seem most likely to succeed (Vedung, 2015, p. 17). Applied to the context of the Naturalisation Committee, "creaming for success" means that politicians may prioritise applicants not because they are seen as most deserving, but because they are perceived as having the best chance of "succeeding" in front of the committee; this strategy is evident from both the statements of Martin and Jakob. Another interesting aspect to be gained from Jakob's quote above is his considerations about credibility within the Committee. During the interview, Jakob expresses that he cannot take up too many cases, as doing so might lead the other members to dismiss them all out of sheer annoyance or that it might damage his "credibility in the room". Martin echoes these considerations:

> "It's a matter of weighing things up – I can't just show up at every Naturalisation Committee meeting with 25 cases and say I want to bring them all forward as exemption cases, because then they'll just reject them and say: 'We're not doing that. You must be out of your mind. You're bringing way too many cases.' So it's about finding a balance: how many cases can I reasonably bring forward, and how confident can I be that they'll actually go through?"
> (Martin)

This statement again points to the possible risk of cases being filtered out not because of the merits of the case, but because of political calculation and relational navigation. It furthermore shows how the process of case intake departs from Weberian ideals of impersonal rule-bound administration. Instead, decisions about whether a case even reaches the table are shaped by resource scarcity, political alliances, and credibility management – factors that all highlight the political and relational nature of the process.

6.1.2 Emotional or value-based resonance

Another aspect that seems important in the initial phase of case intake is what I will term *emotional or value-based resonance*. One of the politicians highlights the emotional force of the personal narratives when deciding whether to take on a case or not: "It makes a difference to me if people reach out themselves. If they write a letter or call and tell their story, if I can *feel the case.*" (Louise, own emphasis). This statement is echoed in four of the interviews and points to how the emotional resonance of a case, the ability to 'feel the case', can shape the members' willingness to take up the case. A case is more likely to be raised if the applicant has told their story and made an impression.

Another member states how he, in the initial dialogue, assesses whether the applicant appears "Danish in mindset" (Jesper). He goes on to cite a case involving a British woman, married to a "well educated" Danish man, who failed to meet the employment requirement due to childcare responsibilities but was fluent in Danish and a long-term resident of Denmark: "Here I assessed that she was *so Danish*, that I felt I could justify bringing it before the Committee. But for me, it's the personal meeting that ultimately determines the decision" (Jesper, own emphasis). Again, the emphasis lies on personal contact as pivotal for deciding whether to advance the

case. Furthermore, in Jesper's considerations also lies the idea of 'Danishness' and being 'Danish in mindset', which he reviews in a preliminary personal meeting.

This suggests the aspect of value-based resonance, in which the applicant may be assessed on perceived cultural and emotional alignment. Such reliance on emotional connection illustrates a kind of subjective, discretionary filtering. The emphasis on emotional alignment with the national community and values echoes Anne-Marie Fortier's (2010) notion of affective citizenship, where inclusion hinges not only on compliance with official requirements but also on a particular kind of emotional performance that aligns with the politician's ideals of the good citizen. In conclusion, whether an applicant can evoke an emotional connection, perform belonging, or embody a recognisable version of "Danishness" may be influential in whether the case is brought forward.

6.1.3 Concluding remarks

Already before the case reaches a vote in the committee, a filtering process has taken place. As the analysis shows, whether a case is read, discarded, or brought forward within the committee can depend on informal factors: who happens to open an email, which party member is available and whether a member feels' the case and is compelled to act. The lack of procedural safeguards or clear administrative settings around the case intakes might risk creating both inconsistency and unpredictability, and applicants may become victims of chance if their application lands in the inbox of a busy committee member or one who has raised 'too' many cases lately.

We will now move on from the initial stage of case intake to the actual handling of exemption applications and the work involved in that process. How do the politicians perceive their role in the Committee? What considerations do they make when deciding whether to grant an exemption? And how do legal norms, political values, and personal judgements interact in these decisions? These are a few of the questions we look into in the following sections.

6.2 Roles and self-perception

The Naturalisation Committee is unique in that it is formally a legislative body, yet it also makes concrete decisions about individual applicants. In turn, Committee members are both politicians

and lawmakers, but also make individual decisions about people's lives. This hybrid role seems to create ambiguity in how members see themselves; are they political gatekeepers, advocates for individuals or more akin to public caseworkers? Understanding how committee members perceive their role is crucial to understanding the underlying norms and justifications that guide their decisions. I will argue that these self-perceptions are part of shaping how they interpret their mandate, and therefore, are important to investigate. Based on insights from the interviews, I have chosen to divide the members' self-understandings into three roles: The Gatekeeper, The Advocate and The Reluctant Caseworker. These roles are, of course, not mutually exclusive, exhaustive or necessarily representative of all members. Nonetheless, the typology offers a useful lens for understanding the diversity of perspectives and the varying ways members interpret their mandate within the committee.

a. The Gatekeeper

The gatekeeper understands citizenship as a conditional reward tied to loyalty, values and cultural compatibility. Jesper expresses this most clearly; he approaches citizenship as a form of national investment and sees his role as a protector at the border of the nation. He sees it as his political mandate to protect the state and rejects any notion that he should be a neutral decision-maker: "I do not in any way see myself as a case worker or public official. I am a politician elected to represent the interests of my voters" (Jesper). He finds his legal basis in this from Section 44 of the Danish Constitution:

> "It is the parliament that gives out citizenship. Each member represents a group of voters – or the interests of the Danish people – in the granting or non-granting of Danish citizenship. And that's precisely what we do"
> (Jesper)

He stresses that this vote must serve Denmark's interests:

> "When I grant citizenship, I only do so if I am convinced, and have a very strong and well-founded presumption, that granting the citizenship will be good for Denmark. Not good for the applicant, but good for Denmark."
> (Jesper)

While Jesper is the most outright fit for this role, other members have the same metaphor of safeguarding the state:

> "If we want to uphold our democracy, then we also have to consider who we are giving a democratic voice to. Because otherwise, if we give it to too many people who wish to dismantle democracy, then we're looking at a future where Denmark is no longer a democratic country"
> (Louise)

In sum, the Gatekeeper position holds the protection of Denmark and the Danish society very highly, to such a degree that what is 'good for Denmark' is valued more than what might be fair from the applicant's point of view.

b. The Legal Advocate

In contrast, The Advocate puts the applicant at the centre of their considerations and holds a critical position towards the system. Martin is an example of The Advocate; he states that he sees himself mainly as a *lawyer* and a *witness* – a role of "helping those who are, in completely unreasonable ways, placed in a position where they are denied citizenship" (Martin). He sees his role in the Committee as one of monitoring and challenging what he understands as an unjust and opaque system: "I simply don't think the way we treat people belongs in a state governed by the rule of law" (Martin). Within the Committee, he actively argues for the importance of upholding Denmark's international obligations and often questions whether the Committee is complying with the European Convention of Human Rights and the UN Convention on the Rights of Persons with disabilities. His self-understanding is grounded in legal-normative ideals such as equal treatment and procedural fairness. Another example of The Advocate is Helene Liliendahl Brydensholt, a former member of the Committee and member of Alternativet. In her time in the committee, she openly critiqued the "lack of demand for objectivity" and suggested that all applications be anonymised to avoid discrimination based on background (Brydensholt, 2023). Brydensholt eventually resigned from the committee in protest because of ethical and procedural concerns. In her public resignation letter, she described how the system encouraged "arbitrary and politically motivated decisions" instead of principled judgment (Brydensholt, 2024, own translation). Both Martin and Helene draw attention to what they perceive as a mis-match between Denmark's legal obligations and the discretionary practices exercised in the committee. Their role as Advocates is therefore not only one of individual case support but also of systemic critique.

In sum, The Lawyer is characterised by a rights-oriented and applicant-focused approach to the committee's work. Rather than seeing themselves as gatekeepers of the nation, members in this role understand their mandate as one of ensuring some kind of fairness within a system they find unfair.

c. The Reluctant Caseworker

Another type that emerges from the analysis could be described as The Reluctant Caseworker: a member who feels institutionally misplaced in the role of assessing individual citizenship applications without feeling properly equipped to do so. This role reflects a sense of role confusion and institutional mismatch. As one current committee member put it: "I really just get 'municipal caseworker vibes' (*kommunal sagsbehandler-vibes*). And I'm like, this is not what we should be spending our time on in Parliament." (Jakob). He goes on to suggest that exemption decisions would be more appropriately handled by civil servants operating under politically defined criteria: "It should be civil servants who took on this kind of job, guided by criteria that we as politicians had made. Also, just because of the unmanageable workload" (Jakob). The 'Reluctant Caseworker' strives to make a thorough and equal case processing, but this is hindered by both the workload and the lack of competencies or relevant expertise, exemplified in the statement: "How would I have the knowledge to assess people's values or know when someone is lying?" (Jakob). A similar critique is voiced by former committee member Ulla Sandbæk, who in a media interview questioned the very premise of politicians assessing medical claims in exemption cases: "I have absolutely no professional background to assess whether, for example PTSD is a condition that prevents someone from learning Danish – or whether Paranoid schizophrenia is an illness that makes it impossible to learn the language" (Skærbæk & Kristensen, 2015). One of the current members, who previously worked as a caseworker, underscores this point from an administrative perspective. She explains how she draws on her administrative experience when making decisions in the committee, but still often finds the provided case material "very thin" and insufficient to form a fully informed judgment. In her view, more comprehensive case material would be necessary to reach decisions with the thoroughness and confidence such matters deserve (Louise).

In sum, the Reluctant Caseworker role illustrates a broader ambivalence about the institutional design of the Naturalisation Committee. These members do not reject the idea of discretion

altogether, but they express discomfort with the dilemma of wanting to process applications competently, but without having either the qualifications or the time to do so satisfactorily.

These role perceptions, although overlapping and not necessarily exhaustive, reflect the hybrid and sometimes contradictory nature of the Naturalisation Committee's function. Some members embrace its political character, others attempt to impose legal-rational principles, while some question whether they should be in the room at all. Understanding these self-perceptions helps shed light on the broader logics of decision-making explored in the next section.

6.3 Discretionary logics

This final chapter of the analysis also forms its core. Here, I delve into the criteria – formal, informal, emotional, and moral – that committee members draw on when deciding whether an applicant deserves an exemption. While the earlier sections have focused on how cases enter the committee and how members perceive their role, this part explores the decision-making itself. What criteria, feelings, or assumptions guide the members when deciding whether someone should be granted citizenship despite not meeting the formal requirements? Drawing on the interview data and public statements, I identify and examine some of the underlying logics that shape these discretionary judgments. These include notions of cultural and emotional belonging, motivation and gratitude, and group-based assumptions. Each of these logics, at the same time, reflects broader ideas about what citizenship is and who deserves to be part of the national community. By tracing these different modes of reasoning, the section aims to show how political discretion is exercised in practice – and how it often extends beyond legal norms and even medical expertise.

6.3.1 Gratitude and the performance of deservingness

In my interviews, several members mentioned the importance of the applicant's attitude, particularly expressed through gratitude and motivation, as a factor in their decision-making. They revealed how they look for signs that the applicant genuinely wants to become Danish and appreciates citizenship as a privilege rather than an entitlement.

Most of the committee members who were interviewed framed Danish citizenship as a gift and not a right, with one member stating that it is not something to be "drawn in an automat at the border, but a great gift" (Niels). Louise explained that it was important to her that the applicant did not seem to assume that citizenship would be handed to them, but that she felt that they understood that citizenship was something Denmark grants them as an exceptional gift and "therefore something that is not just given" (Louise).

These framings align with what Olsen (2024) describes as a persistent political discourse in Denmark – namely that citizenship is bestowed as a privilege rather than a legal entitlement. Echoing this, Kalm (2019) argues that citizenship can be staged in several ways, and these different modes each have an affective dimension: if citizenship is understood as a gift, it demands "emotional returns" from the recipient, such as expressions of gratitude, desire and love (p. 143). According to Kalm, within the political governance of emotions, or what she also terms *affective naturalisation*, these emotions must not only be present but also expressed in the right way to convey that one is 'thankful enough' for the new status (pp. 141, 145). This is echoed in my interviews, where, for example, Louise claims that she "let it weigh heavily" whether the applicant seem to "respect" the fact that the Danish citizenship is something extraordinary, and demonstrate that they truly want it:

> "There are many people who take Danish citizenship far too lightly. They see it as: 'I have lived here for 20 years, so I have a right to it'. But I don't see it as anyone having a right to it if they were not born with it. In that case, you have to do something proactive to show that you actually want it. It is important that one actually shows: 'I really, really want this. It means so much to me"
> (Louise)

In short, in this discretionary logic, gratitude, conveyed through respect, great willingness and intentionality, becomes a measure for deservingness. Citizenship is conceived as a gift, and it therefore requires a certain kind of attitude or emotional performance to acquire.

Hand in hand with gratitude seems to be the expectation of a strong motivation. Several committee members state that they look for evidence that the applicant has worked hard and persistently towards meeting the requirements, even if they have failed several times. As one member,

Niels, explained, he takes special note when an applicant has *really tried,* especially in cases where applicants' cognitive abilities "aren't too good":

> "Even there, we have seen examples of people who have really tried, tried, tried, tried, tried, tried. I repeated it that many times because there are people who have made that many attempts to take the Danish language test and the naturalisation test, fully aware that they likely wouldn't be able to pass"
> (Niels)

Such repeated attempts, despite knowing their chances of success are slim, are something that signals to him that the applicant "really wants Denmark" (Niels). In these cases, Niels says he will "make a real effort to dig deeply into the case", because this shows extraordinary determination and motivation. In line with this, another member notes that it is essential for him that the applicant "truly has done everything they possibly can" to meet the requirements (Jesper). Borrowing the term from feminist scholar Sara Ahmed, Kalm describes how it is expected of new citizens to engage in a "labour of love" for the country, showing sufficient gratitude for the love the nation offers through the bestowal of citizenship (pp. 145, 147). In the case of the Danish Naturalisation Committee, this labour might be seen as translated into the demand for many attempts and applicants to "really try". This can also be said to align with what Kalm calls the "prize logic of naturalisation", where citizenship is staged as a reward that one must deserve through demonstrable effort, showing that "they desire us the way we want them to" (p. 147).

The emphasis on observable effort as a sign of willingness means that when applicants have legitimate barriers, e.g. a learning disability or a mental health condition that makes passing the tests very difficult, some committee members still expect to see that they did everything in their power to try to meet the requirements. This logic introduces a form of discretionary reasoning where the act of attempting, even when failure is expected, becomes a qualifiable act. This emphasis on observable effort is critiqued by another member, who reflects on the consequences:

> "It's a bit perverse and cynical, because it means that I sometimes have to advise citizens who have been rejected based on a medical certificate, because they are cognitively impaired or suffer from anxiety and therefore cannot attend a test, that the best thing they can do is to attempt the test anyway. Even if they know they can't pass. Even if they know it will be an extremely

> violating experience. Just showing up can help convince someone. And I don't think that's dignified."
> (Martin)

Here, Martin points to an ethical dilemma: when visible effort becomes a decisive criterion, individuals with serious impairments might be pressured to perform in ways they cannot to show motivation. This can lead to situations where people attend language or knowledge tests they cannot possibly pass, not to succeed, but to signal determination. For Martin, this puts him in a precarious situation of having to advise applicants to do something that he sees as undignified to better their chances in the committee. He concludes that "if there is a medical certificate stating that someone is cognitively too impaired, then the committee should respect that" (Martin). He gives an example of an older woman who was a torture victim and "needed help to get the food from table to mouth" (Martin). According to Martin, this woman had her exemption case dismissed because she could not pass the language test and the citizenship test. He then asks the rhetorical question: "So how much does one have to demonstrate their willingness, and what exactly is it that needs to be shown in such a case?" (Martin). Kalm (2019) likewise poses concerns about the possible consequences of both the gift and the prize logic, in that they privilege the most resourceful applicants who are able to express the necessary motivation, merits and gratitude (pp. 145, 148) – thereby creating a social and ableist bias.

This critique exposes a tension in the motivational-based logic of discretion: while observable effort might serve as a powerful expression of motivation and thereby deservingness, relying on it too heavily risks marginalising those whose conditions prevent them from performing it. It suggests that such a logic, while sometimes humanising and putting value on the individuals' efforts, may also introduce new inequalities, mirroring Davis's (1979) dualistic view of discretion as mentioned earlier. The expectation of motivation-as-performance may thus conflict with a more rights-based approach that recognises *inability* as legitimate and not as a lack of will.

6.3.2 Danishness and emotional and cultural alignment

The concept of "Danish values" and "Danishness" surfaces repeatedly in interviews with the committee members. When asked what he looks for when evaluating an exemption case, one of the committee members answered:

> "Danish citizenship is not so much about whether one meets a set of objective requirements. For me, it's more about the fact that if someone is to be invited into the Danish family, the Danish community in the form of citizenship, then they must have earned it by demonstrating through behaviour and initiative that they are Danish in mindset."
> (Jesper)

When asked, Jesper states that being "Danish in mindset" means "having Danish values, speaking the language and viewing Denmark as your homeland" (Jesper). Drawing on Grundtvigian[1] ideas, he links these values to patriotic devotion and linguistic affinity: "One must burn for the fatherland and speak the mother tongue before one can become Danish" (Jesper). This quote suggests that Danishness can be seen as a combination of both emotional alignment (burning for the fatherland, having Danish values) and a more concrete requirement of speaking the Danish language. The former member, Jan E. Jørgensen, likewise inspired by Grundtvig, articulates a similar view:

> "My guidelines for who I believe should be granted Danish Citizenship do not differ significantly from [Grundtvig]. […] Grundtvig described the connection between people and language in the song: 'All must now be of the people. To a people they all belong, who count themselves among it.' The most important thing is that one must feel Danish. No one is excluded in advance, and no one should be able to judge whether others feel Danish. But feeling is not enough – because Grundtvig continues the song with two requirements: 'Have an ear for the mother tongue, have a fire for the fatherland.'"
> (Jørgensen, 2019, own translation)

This highlights the difficulty in defining what Danishness really is. On one hand, the former member insists that Danishness is not a fixed identity and that no one can judge the inner emotional life of others – thereby presenting the national community as fundamentally inclusive. On the other hand, he immediately thereafter reintroduces clear affective and linguistic demands: "feeling is not enough," one must also perform language and patriotism or 'fire' for the fatherland. To sum up Danishness, in this definition, appears to be a triad of language acquisition, the feeling of being Danish, and patriotic 'fire'. At least two of these – feeling and fire – seem to be subjective and quite elusive. Only the individual can truly assess whether they feel Danish, and yet this becomes a criterion on which the member evaluates applicants.

[1] N. F. S. Grundtvig (1783-1872) was a prominent Danish bishop, author, politician and educational reformer. He was formerly vice chair of the Naturalisation Committee

When asked directly about the considerations he makes when evaluating a case, Jesper states unequivocally: “It's about values. It’s about culture. It’s about Danishness” (Jesper). Although he speaks as if these were objective categories, the interview data reveal that members emphasise different aspects when asked about what these concepts entail. Niels describes Danish values less in ideological terms than Jesper and more as practical, behavioural indicators. He highlights qualities such as community engagement, respect for the law and participation in civil society, and links these to a sense of ‘Danishness’ by pointing to applicants who “are active in community organisations, have passed their education, and had a student job” and suggests these are the people “who want the best for Denmark” (Niels). He explicitly lists values that “Denmark is built on”:

> “democracy, human rights, freedom of religion, the ability to speak the language, and knowledge of our national songs.” He adds: “I’m not saying you have to stand in the football stadium every single time, but there are some ingrained Danish traditions that are important to uphold”
> (Niels)

Niels’ perspective demonstrates that conceptions of Danishness can encompass both abstract principles and concrete acts of cultural participation. On the one hand, he stresses civic ideals (democracy, human rights, freedom of religion, etc.) and more basic measures (speaking the language, knowing national songs). On the other hand, he also alludes to taking part in cultural activities, like occasionally attending football matches and participating in civic society, as signs of belonging. This framing aligns with what Bech et al. (2017) describe as the ‘civic turn’ in European naturalisation politics, where citizenship is increasingly used as an instrument to instil civic norms, competences, and cultural adaptation that is desired by the receiving country (p. 228).

Other members point to the difficulty in measuring Danishness and belonging. Jakob argues that citizenship should require alignment with "basic societal values such as gender equality”, but admits that “checking people for Danish values is extremely difficult” (Jakob). Jakob expresses scepticism toward the feasibility and legitimacy of subjective testing for Danish values, exemplified in his ironic remark: “If you look at the comment sections on Facebook, it almost seems like speaking rudely is a Danish value” (Jakob). Similarly, Martin problematises the very notion of Danish values. He asks rhetorically: “What the hell are Danish values?” before

pointing out: “I don’t share many values with [other member], but I still consider him Danish. So do we both have Danish values? What are these? And how can we then set this as a requirement?” (Martin). Martin's critique of what he calls the “fluffiness” of the concept of Danish values underscores how the term can be seen as a floating signifier – deployed politically and lacking a stable or agreed-upon meaning.

Overall, the varying views and understandings underscore the blurry nature of the concept of Danish values and Danishness. Still, several members claim to use it to guide their decision-making. What counts as “Danishness” is often described as if it were obvious, yet in practice, it encompasses a range of intangible feelings and values, criteria that are not only diverse but also often subjective and open to interpretation. More importantly, the blurriness of the criterion makes it difficult for the applicant to tell what their exemption case is being judged on – I will return to the consequences of this opacity later.

6.3.3 Group-based assumptions

One prominent and controversial aspect of the committee’s work is the use of group-based assumptions, especially regarding the applicants’ religion or country of origin, as a basis for decisions (Bendixen, 2019; Clausen, 2021; Elmelund, 2023; Skærbæk, 2023).

When asked about what role background and religion played in his decision-making, one of the interviewees described relying on assumptions when information was scarce:

> ”For instance, we might have an applicant from Norway and one from Somalia. On an objective level, their applications may not look significantly different. Still, I would be considerably more inclined to grant an exemption to the Norwegian than to the Somali. Quite simply, because I don’t have the information or knowledge base available to make a well-founded assessment that granting citizenship to one of them would be a good investment. In that case, I would feel much safer granting it to the Norwegian than to the Somali."
> (Jesper)

Here, group-based differentiation is framed not as prejudice but as a coping mechanism to compensate for the lack of information and knowledge provided to assess the case. This echoes Lipsky’s insight that street-level decision-makers often fall back on intuition, patterns, or stereotypes when faced with limited information and high caseloads (Lipsky, 1980). Other

members, however, have articulated far more intentional exclusionary positions. Former committee chair and member of the right-wing party Dansk Folkeparti, Christian Langballe, admitted that he almost always voted no when the applicant "came from a distant Middle Eastern country", because he had a direct interest in reducing the number of Muslim citizens in Denmark (Bendixen, 2019, own translation). Likewise, former member Mette Thiesen from the nationalist party Nye Borgerlige announced on social media that her party would "vote no to all applicants who come from countries based on Muslim values" (Mette Thiesen cited in Bendixen, 2019, own translation). Likewise, Marie Krarup, former chair of the committee (2019-2022) and member of Dansk Folkeparti, has likewise stated that she would personally phone applicants to verify the applicant's religion and let it factor into her decisions (Skærbæk, 2023):

> "I vote no to people from Islamic countries, because I assume that they carry that culture with them. But I am willing to vote yes for Christians from those countries"
> (Marie Krarup, cited in Clausen, 2021, own translation)

These positions reflect the idea that Muslim or Islamic values are inherently different from and incompatible with Danish society. This mirrors what Mouritsen (2012) describes as the Danish discourse of national cohesion, characterised by scepticism toward cultural pluralism and Islam (pp. 97-98). Mikkel Bjørn, current committee chair and member of Dansk Folkeparti, has been making similar remarks. Upon becoming chair in 2023, he told the press that he would let applicants' nationality influence outcomes because he reasoned that there are significantly worse experiences giving citizenship to people from Islamic countries than others (Elmelund, 2023). He connects the exclusion not only to cultural differences and risks to social cohesion, but also to national security, by suggesting that some nationalities are more prone to crime than others (Elmelund, 2023).

Despite arguments of protection of the national cohesion and national security, it has been widely suggested that the filtering out of Middle Eastern applicants is a more intentionally discriminatory practice. Pernille Skipper, a former member of the committee and the left-wing party Enhedslisten, reported that specific applicants' religion was explicitly discussed during meetings she participated in, meaning that some members raised an applicant's faith as a factor for deliberation (Skærbæk, 2023). Skipper observed that "if you are Muslim or just have roots in an Arab country, your chances are markedly lower" than others (Skipper, 2023b, own translation). She recounts how two near-identical cases received very different treatment: an

applicant of Ukrainian origin received an exemption, while a man from Lebanon, despite having lived in Denmark for far longer, did not. Such examples suggest a *de facto* practice of group-based differentiation, which raises concerns not only about consistency but also about indirect discrimination and structural inequality. Skipper argues that the parliamentary majority "cunningly" has "exploited a constitutional provision to create a system where they, like little dictators, can sort out Muslims and Arabs" (Skipper, 2023b, own translation). In line with this critique, several scholars suggest that the lack of transparency in migration policies might be a "strategic mobilisation of ignorance and ambiguity", where the opacity enables discriminatory logics to be exercised under the guise of discretion (Darling, 2022, p. 1). The intentional ambiguity may provide governments with flexibility to pursue political goals while shielding themselves from accountability.

While the practice of letting religion and country of origin influence decision-making appears to be an open secret in the Danish Naturalisation Committee, apparent from members' public statements and confirmed by my interviews, far from all committee members engage in such bias. In my interviews, several members insistently stated that an applicant's origin or faith is irrelevant to them, as one put it, "I couldn't care less where on the globe they come from" (Niels). However, the indication of differential treatment by some is hard to deny, especially when the current chair admits to letting applicants' nationality influence the outcomes of his decisions. Political dynamics may also silence opposition. Skipper recounts how she sometimes refrained from opposing discriminatory remarks, such as when religion was invoked in deliberations, because of the potential consequences on her own cases:

> "Because the next item on the agenda was mine, where I had to present a number of cases, I was afraid that if I opposed and created a bad atmosphere, it would affect the attitude toward the people whose fate lay in the case folder in front of me."
> (Skipper, 2023b, own translation)

This illustrates how even members opposed to discriminatory bias may feel constrained from voicing their concerns due to the relational and political dynamics of the committee. Combined with earlier points on strategic considerations around case intake, it illustrates how committee members might not only be bound by their own beliefs but also by the relational dynamics and unspoken norms of the committee.

Taken together, the material suggests that assumptions about religion and nationality have become somewhat normalised and embedded in some members' discretionary logics. Some defend this practice as a way to make pragmatic decisions under conditions of limited information; others frame it as a means of 'protecting Denmark' from perceived threat. This last reasoning reflects broader trends described by both Olsen (2024) and Mouritsen (2012), and what Bassel et al. (2021) term "anxious societies", where naturalisation is increasingly used as a mechanism for addressing perceived threats to social cohesion and the nation's security.

Notably, such considerations only apply in exemption cases. Applicants who meet all formal requirements are not affected by their origin or religion. Therefore, the focus on background and religion within exemption cases disproportionately targets people with disabilities, either physical or mental, who cannot live up to the formal requirements. Drawing on intersectional theory, the intersection of race, religion and disability thereby creates an extra layer of marginalisation – making it more difficult for racialised subjects to become citizens if they have disabilities, and the other way around.

6.3.4 The politics of medical certificates

When a case is referred to the Naturalisation Committee either by the Naturalisation Office or raised by a committee member, it is prepared, and its documents are distributed to all members for consideration. In cases involving a request for dispensation due to illness or disability, medical certificates are provided. These medical assessments - often issued by specialists or general practitioners - outline the nature and extent of the applicant's condition and offer an evaluation of whether the individual is capable of fulfilling specific requirements, such as passing the Danish language test or the citizenship test. However, medical documentation does not carry decisive weight on its own. As this section will explore, committee members often exercise political discretion that overrides or calls into question medical expertise.

Jesper notes a shift within the committee over the last 10 years toward more critical examination of medical claims:

> "The committee has become more alert and attentive when looking into individual cases, assessing more carefully whether there is substance to the claims being made. And I think that is a positive development."
> (Jesper)

He argues that while medical certificates are essential, their quality and impartiality can be questioned:

> "There can be many things written in a medical certificate, and it can be more or less well-founded. At the very least, it is important that the certificate is not signed by a personal friend who happens to be a doctor."
> (Jesper)

In his view, relying uncritically on certificates risks opening the door to systematic misuse. Louise also maintains that a medical certificate is not sufficient on its own. She argues that even when a genuine health condition is documented, she expects applicants to explain clearly why they want Danish citizenship, showing both effort and intent:

> "If someone has a disability that prevents them from meeting a specific requirement, then of course that should be taken into account. But I also think it's important to ask: Why do you want Danish citizenship? What have you done to try to meet the requirements?"
> (Louise)

Where Louise and Jesper stress case-by-case scrutiny, Martin critiques the fundamental legitimacy of how some committee members handle medical expertise. He reflects:

> "It's completely absurd. What's so crazy about this is that we usually respect and trust our medical profession. If there are doctors we believe are giving false statements, there are authorities where they can be reported, like the Danish Agency for Patient Complaints. If it turns out the doctor acts unprofessionally, they can lose their authorisation. But normally, we don't just say, 'I don't think the doctor is right, I believe I'm better at diagnosing.' That's what's so strange about this committee. It creates a kind of sense of power without responsibility."
> (Martin)

In his view, the committee's practice amounts to being "above" the law, medicine, and governance norms. The distrust in medical and psychiatric assessments has also been a point of public controversy. In the Danish Medical Journal, doctors have expressed concern over how psychological diagnoses – especially PTSD – are dismissed in the citizenship process (Dyhr & Brøndum, 2007). Several doctors and psychiatrists point to the fact that politicians increasingly undermine the professional credibility of clinicians (Dyhr & Brøndum, 2007; Sodemann, 2025).

A significant drop in exemption rates may also point in this direction. In 2014, nearly all applicants with valid medical reasons were granted dispensation from the language and knowledge tests. But by 2021, only 2% received such exemptions, according to DR's reporting (Tvede, 2021). Several public articles (Christensen & Olesen, 2023; Dahlin, 2017, 2019; Tvede, 2021) have revealed how applicants with severe PTSD or psychotic disorders are denied citizenship despite specialist statements declaring them unfit to take the tests. Head of Equal Treatment at the Danish Institute for Human Rights, Nikolaj Nielsen, argues that this might be in violation of the UN Convention on the Rights of Persons with disabilities (Tvede, 2021).

Ulla Sandbæk, former member of the committee for Alternativet, summarised her experiences of treating these cases:

> "It is completely absurd that I, as a member of parliament, have to make decisions on hundreds of applications for dispensation. I have no professional background to judge whether PTSD is a condition that makes it impossible to learn Danish, or whether paranoid schizophrenia is a disorder that prevents one from learning the language" (Ulla Sandbæk, cited in Skærbæk & Kristensen, 2015, own translation)

She articulates a central point for discussion: whether elected politicians are qualified to make their own assessments on what constitutes a disability worthy of exemption. In an article from 2021, the case of Hial Hashem Jafar Al-Moussa is presented (Tvede, 2021). He has PTSD and has, despite his sickness, tried to meet the official citizenship requirements. He has only been able to pass the "Danish Exam 2" but needs to pass "Danish Exam 3" to fulfil the requirements. Furthermore, he has tried to complete the citizenship/knowledge test four times but has failed repeatedly. In 2018, he sent a request for exemption together with a specialist medical certificate stating, among other things, "It is not assumed that the patient, despite the above-mentioned functional impairments, will be able to attain the level required for the Danish Language Test 3 of the official Danish education programmes" (Tvede, 2021, own translation). Al-Moussa's request for exemption was denied, without any accessible reasoning. Tvede goes on to describe how she has gained insight into 20 of the 84 cases that were dismissed exemption in 2020, and in 19 of these "the doctor in question assess that the patient, due to their illness, is unable either to take the citizenship test, to acquire Danish at the level required to become a Danish citizen" (Tvede 2021, own translation). These cases include people with PTSD, schizophrenia and brain damage.

The handling of medical certificates in naturalisation decisions reveals a fundamental tension between professional authority and political discretion. On the one hand, committee members like Jesper and Louise emphasise the need for critical scrutiny and individual motivation, rejecting the idea that a doctor's note should automatically lead to exemption. On the other hand, critics such as Martin and Ulla Sandbæk raise concerns about the legitimacy of this scepticism, pointing to a lack of expertise and trust in clinical assessments. This critique is shared by a psychologist and specialist in psychotherapy at the clinic for PTSD and anxiety at Aarhus University Hospital, Bo Søndergaard Jensen:

> "There are politicians who overrule the assessments of professionals. The politicians do not have the competence to do so, and it's clearly a problem that this leads to a situation where professional expertise becomes secondary." (Bo Søndergaard Jensen, cited in Tvede 2021, own translation).

Because of their freedom to exercise judgment, it is formally within the rights of the members to disregard the medical certificates in their assessment of individual cases. But even though they are formally entitled to do so, the shift from near universal to highly selective acceptance of medical exemptions has raised questions not only about fairness, but about legal certainty, accountability, and potential violations of international disability rights (Tvede, 2021; Dyhr & Brøndum, 2007; Dahlin, 2020).

6.3.5 Assessing criminal offences

Another critical aspect of the committee's discretionary logic is how members interpret and weigh criminal offences or formal rule violations. Niels offers a hypothetical example of an applicant who once got a speeding ticket but otherwise lives "an integrated life"; works in Denmark and raises children here. According to Niels, it is "only fair" that this applicant get their case reviewed for exemption. But as Niels goes on to show, even a relatively objective criterion such as traffic offences can be subject to assessment and valuation:

> "And, it goes without saying, it is worse to be speeding 80 km/h on a school road than going 20 km/h too fast on a country road because you commute to work every day. In such a case, I would assess the whole case: has the person otherwise lived lawfully and taken part in the Danish society?"
> (Niels)

The quote reflects a broader pattern in the committee's practices, where formal rule-breaking is weighed against other indicators of integration and "Danishness" – but also that the severity of the offence is up for judgment. This is reflected in Jakobs statement:

> "If, for instance, you're convicted of something like advocating terrorism, even if the sentence is shorter than for, say, getting into a fight when drunk, then I think that the advocacy of terrorism actually represents a much more serious violation of Danish values than just... well, getting into a fight while drunk"
> (Jakob)

This kind of reasoning reflects how certain offences are not judged solely on legal severity, but rather on their relation to "Danish values". As Jakob explains, how he assesses the exemption cases regarding criminal offences will not necessarily correspond with the court rulings of the case; he makes his own judgment of the moral or ideological breach symbolised by the offence. This again highlights how discretionary judgments in the committee may be influenced by affective and value-laden distinctions that transcend formal legal frameworks. This moves the Committee further away from Weber's ideal formal rationality – and into a space where other logics seem to compete with legal norms by their own legitimacy.

6.3.6 Legal considerations and international obligations

A contested area of the committee's work and decisions is its relation to Denmark's commitments to international conventions, including the European Convention on Human Rights (ECHR) and the UN Convention on the Rights of Persons with Disabilities (CRPD). The interviews reveal that committee members interpret and relate to these obligations in very different ways. While some understand them as binding and important to uphold, others do not consider them relevant for their work within the committee.

In my interview with Jesper, he understands that international conventions like the CRPD have no binding force in his committee work because his party was not part of the political agreement that committed to them.

> "That agreement states that the parties who have entered into it will comply with various conventions. And therefore, by virtue of the agreement — not by virtue of the convention — they are, of course, obliged to comply with the agreement."
> (Jesper)

He repeatedly emphasised that only the Constitution and his personal conviction bind his decisions:

> "But we, the other parties, are only bound by the Constitution. And the Constitution says that members of parliament are not bound by anything other than their personal conviction. And that's what I rely on when I vote yes or no on citizenship laws or exemptions in general"
> (Jesper)

In contrast, Niels takes a more cautious stance. Although he claims his party is willing to "challenge" certain conventions, seeing some of them "are too restrictive in relation to Denmark", he is clear that "when we are part of an international cooperation, we must abide by them". He describes it as being very important to him to ensure that decisions do not breach the CRPD:

> "I have been involved in evaluations where I became so much in doubt – if we said no, would it then be against the handicap convention? So I've requested we get a legal opinion. We have deferred some cases and gotten an assessment."
> (Niels)

Louise also keeps the Disability Convention "in the back of her mind", particularly in illness or disability cases (Louise). However, for her, it does not necessarily overrule other factors such as the applicant's motivation and effort: "It's essential for me that the applicant shows both respect and will, and that's the field of tension that can sometimes be difficult in relation to the handicap convention" (Louise). For Louise, it becomes a balance of respecting the conventions but not letting it overwrite other, for her, important factors.

For Jakob, conventions influence his decision-making, even though he is not quite convinced that there is a legal requirement for the committee to follow them:

> "I think it's true that we're not bound by them when we grant citizenship… We can basically do whatever suits us, but we are a majority in Parliament that want us to be bound by those conventions, so it factors in for me."
> (Jakob)

At the same time, he, like Niels, describes how it can be difficult to judge whether a specific decision aligns with the Disability Convention: "I think it can be difficult to assess if saying no

to a case would violate the convention or not.". He describes frequent debates in the committee about such questions: There's always debate in there: some say, 'that clearly violates it' and others say, 'nah it just resembles something that would violate it'" (Jakob). According to him, the uncertainty makes it hard for members like him, who "want to stay within those conventions" to be confident that their votes are on the right side of international law.

Martin does not have the same uncertainty or doubt. He believes that the CRPD should directly guide decisions, and emphasises that denying citizenship to people whose disabilities make it impossible to meet formal requirements would violate Denmark's commitments:

> "People with disabilities should naturally not be discriminated against because of their handicap. If you meet the objective criteria except for example the Danish language requirement - and you have a medical certificate stating a valid reason for this - and you are nevertheless refused, then it is in conflict with the Disability Convention."
> (Martin)

There seems to be a disagreement or even confusion as to whether the CRPD and ECHR apply to the committee's work. Eva Ersbøll, senior researcher at the Danish Institute for Human Rights, argues that a memorandum from 2017 by the Ministry of Immigration and Integration states that the Naturalisation Committee, because of the CRPD, is obliged to

> "grant an applicant an exemption from the ordinary conditions for naturalisation if the Naturalisation Committee assesses that, due to the applicant's disability, they are unable to meet the requirements."
> (Ersbøll, 2023)

According to Eva Ersbøll, the committee members are obliged to comply with both the ECHR and the CRPD (Ersbøll, 2023). Even if so, as Martin describes it, it is difficult to challenge the committee's reasoning in practice. Despite the obligations, members can still refuse an exemption without disclosing the background for the refusal. In some disability-related cases Martin has raised, other members have argued that their refusal was "based on the disability", but instead argued that it was "due to something else," thereby claiming it was not in breach of the CRPD. The difficulty lies in the committee's confidentiality, and challenging such a decision would require an applicant with the resources to bring the case to court, where they could potentially win. Still, such a judgment would not itself grant citizenship.

In conclusion, the wildly differing attitudes mean that international obligations do not consistently influence outcomes. Where some members view the conventions as binding guidelines to be carefully observed, others regard them as optional reference points – or even irrelevant. In practice, this creates an ambiguous socio-legal space where potential legal obligations blur into political choice.

6.4 Concluding remarks

According to the analysis, the Danish Naturalisation Committee operates in an exceptional legal and political space, where members navigate between party-political values, personal moral assessments, and occasional reference to legal norms. In short, the granting of exemptions is subject to a high degree of discretion. The discretionary logics are numerous and varied; decisions can be influenced by factors such as the applicant's perceived gratitude, motivation, emotional resonance, and adherence to "Danish values". Applicants are judged on their "labour of love" towards the nation, which for some members becomes a defining factor for deservingness of naturalisation. Additionally, strategic and relational aspects within the committee appear to influence both which cases are taken up and how they are discussed. It can be to an applicant's advantage if their case is sponsored by a well-connected member who is familiar with the preferences of their colleagues. The analysis also suggests that the committee engages in discriminatory practices based on country of origin and religion.

From an intersectional perspective, these practices and discretionary logics create a compounded form of disadvantage where different vulnerabilities combined make citizenship difficult to obtain, and where you are judged on additional factors because of your disability or initial vulnerability. Lastly, the sections on medical certificates, criminal offences, and international obligations demonstrate that even seemingly objective reference points, such as medical expertise, court judgments, and international law, are subject to discussion and interpretation. In this way, the Weberian principles of formal rationality—predictability, consistency, and the impartial application of explicit rules—appear to be fundamentally challenged within the Danish naturalisation process.

Taken together, the varied and often opaque discretionary logics, combined with the absence of consistent criteria or procedural safeguards, raise fundamental questions about fairness and

legitimacy: what does equal treatment mean in a system where outcomes depend on subjective impressions and shifting political priorities? And how should we understand justice in naturalisation: through legal rationality and uniform rules, or through political sovereignty and discretion? The following discussion addresses these questions, situating the committee's practices within broader debates on fairness, accountability, and the democratic governance of citizenship.

7. Discussion

7.1 Fairness between legal rationality and political sovereignty

As previously noted, the Danish naturalisation process has shifted markedly away from the Weberian ideal of impersonal, rule-bound administration independently of personal sympathies or political motives. Rather than offering equal treatment based on transparent criteria, it involves significant discretion and political gatekeeping. This picture is reinforced by the earlier-described significant change exemption rates (for those with medical documentation) from around 98% in 2014 to just 2% in 2021 (Tvede, 2021). Official criteria and formal guidelines remained unchanged; only the committee's political composition had shifted. This suggests a highly politicised and volatile decision-making environment, where outcomes hinge less on fixed rules and more on who wields power.

Legal expert Eva Ersbøll has criticised this politicisation, stating that "cases are being treated differently – and according to coincidence" (Skærbæk, 2015). Former committee member Johanne Schmidt-Nielsen (EL) has likewise described the ad-hoc decision process as "pure bingo" (Skærbæk, 2015, own translation). Another former member, Lotte Rod (Radikale Venstre), commented that: "The way of doing it, where it is entirely up to each committee member's gut feeling, offends my sense of justice" (Dahlin, 2015, own translation). These critiques point to a central tension in the committee's work. For some, the idea that decisions about citizenship – the granting of a significant legal status in a person's life – can be based on individual 'gut feelings' or shifting political priorities, is seen as a violation of basic principles of fairness and legal certainty. For some, it even offends their sense of justice. Underlying these critiques are the Weberian ideals: the idea that a process such as the granting of citizenship should be a matter of objective, consistent administration according to clear rules, not subjective

judgment. Yet, one might ask whether it is self-evident that such Weberian ideals should be the benchmark of fairness in matters of citizenship? Is justice in naturalisation necessarily about treating all applicants in the same rule-bound way? There also seems to exist an alternative perspective – one that defines fairness and democracy not by uniform rules, but by the discretion to make case-by-case decisions.

Such a perspective is held by the current chair of the committee, Mikkel Bjørn. He sees the high degree of political and subjective discretion not as a flaw of a faulty system, but instead as a feature of a system working as intended. He cites the constitution as a legal basis for the political handling of citizenship and only finds it natural that politicians elected by the people also decide who 'we let in to the family' or, in other words, who becomes the people (Elmelund, 2023). According to Bjørn, differential treatment is not only inevitable but also desirable. When confronted in an interview with whether the committee treats applicants differently based on nationality and religion, he answered:

> "Yes! And that is the very premise of citizenship: when the Danish Constitution was first signed, the idea behind the article on nationality was precisely that we are supposed to treat people differently. […] The general aversion to the idea of treating people differently is completely absurd – because that is exactly the whole point of citizenship."
>
> (Mikkel Bjørn cited in Elmelund, 2023, own translation)

While critics point to structural inequalities, inconsistent standards, and the exclusionary impact of subjective judgments, Bjørn views differential treatment as a principled foundation of the citizenship system in Denmark and central in protecting Danish values and society (Elmelund, 2023). By this logic, the committee's role is explicitly selective: to use political judgment to decide who is fit to join the national community. A high level of discretion and subjective evaluation is therefore embraced as a virtue, not a vice.

This defence of differential treatment might be understood through what Olsen (2024) terms a *militant democracy* logic. In a militant democracy, the polity may protect itself from perceived threats by employing "means that may at first appear undemocratic" (p. 6). In other words, exceptions to general egalitarian rules are justified in order to safeguard the nation's cohesion and core values.

Bjørn argues that the current system is an "overly administrative" system, suggesting that it relies too much on formalities, potentially letting applicants through who should not have been (Mikkel Bjørn cited in Elmelund, 2023). He states that his party would prefer a system "with the possibility of more personal conversations, so we could dig deeper into issues that are not just about superficial parameters, but people's values, affiliations, and viewpoints." (Mikkel Bjørn cited in Elmelund, 2023). He argues that the granting of citizenship should benefit Denmark, and politicians must therefore be certain that the people they admit will do exactly that. This position also resonates strongly with what Bech et al. (2017) call the *association argument* (*foreningsargumentet*), which sees the national community like a kind of club whose members are free to determine the admission requirements for new members:

> "The association argument sees citizenship as a private good, allocated at the discretion of the members […]. The argument expresses a self-limiting understanding of democracy, in which the already constituted *demos* is free to restrict new individuals' access and to dominate them with legislation in which they themselves have no say (Schumpeter, 1942: 244–45; see also Dahl, 1989: 120–122)."
> (p. 231, own translation)

This line of reasoning underscores Bjørn's emphasis on political sovereignty in deciding who belongs, where it is perfectly legitimate for the democratic majority to select and exclude whom they please, because that is seen as an exercise of sovereign democratic rights. This stands in sharp contrast to the critiques outlined earlier and highlights a fundamental tension in how fairness and democracy can be understood in the context of naturalisation. On one side is the vision grounded in legal-rational fairness and an understanding of justice as equal treatment. This side stresses principles like the rule of law, predictability and protection of individual rights against arbitrary decisions. From this view, the recent politicisation of citizenship in Denmark appears to be a breakdown of fairness – a slide into inconsistency and bias, that undermines legal certainty and equality.

On the other side is an understanding of political sovereignty and the democratic right to select and exclude: the idea that justice includes the right of the existing community to decide its own membership. Proponents of this view argue that it is not only acceptable but also necessary to treat people differently in order to protect the national community. Here, fairness is conceived not as uniformity in procedure but as responsiveness to the community's concerns and values.

In other words, what the critics see as the breakdown of legal rationality and fairness, others might see as the rightful exercise of political sovereignty.

These opposing views illustrate the complex relationship between the political and legal dimensions of citizenship, and between different ideals and understandings of fairness, justice and democracy. They raise fundamental questions about the very nature of citizenship: is citizenship best understood as a legal status that must be granted on equal and predictable terms to all who meet the requirements? Or is it a privilege, allocated at the discretion of the existing community, to those deemed most compatible with its values and interests?

This tension also raises broader theoretical questions about the nature of justice, fairness and democracy: when is discretion experienced as democratic responsiveness, and when is it perceived as injustice? And in the specific context of naturalisation, what does fairness mean - equal treatment under uniform rules, or the discretion for elected representatives to make context-sensitive, value-laden decisions in the interest of the state?

7.2 Exemptions as corrective mechanism or intersectional barrier?

In their article "Fairness og Statsborgerskab" (*Fairness and Citizenship*), Kristian Jensen and Lasse Nielsen (2020) investigate the concept of fairness in relation to Danish citizenship policy. They explain how the strict requirements are often justified with an ideal to reward "personal commitment and individual responsibility" (p. 104, own translation). This ideal is reflected in my analysis, where several members appear to highly value motivation and commitment when considering exemption requests. According to Jensen and Nielsen, it is also the ideal that the Danish prime minister refers to when describing a "restrictive but fair immigration policy". They argue that it resembles the idea of luck-egalitarianism: "that a fair distribution of goods reflects people's individual responsibility and compensates for differences that are due to luck" (p. 105, own translation). They go on to argue that the current citizenship requirements cannot be considered fair, from a luck-egalitarian perspective, because they do not sufficiently distinguish between outcomes shaped by individual effort and those shaped by circumstances outside the applicant's control. For example, factors such as age, educational background, health status or exposure to trauma profoundly influence one's ability to learn Danish, succeed in the labour market, or pass the citizenship test. These are not matters of personal choice, but instead "bad

brute luck", and when the rules demand the same level of performance from everyone, they end up punishing individuals for circumstances beyond their responsibility (p. 107). In this sense, Jensen and Nielsen point to the exemption mechanism as the only current possibility for levelling the field and achieving fairness in a luck-egalitarian sense. However, when turning to the practical workings of the exemption system, my analysis reveals a more complex picture. Rather than compensating for unequal staring points, it seems exemptions themselves generate new barriers and exclusions. These include arbitrary and challenging access, added expectations such as showing motivation and gratitude, vague criteria like "Danishness" and, importantly, exclusions based on religion or country of origin. From an intersectional perspective, this means that individuals who are already disadvantaged also face additional demands. The exemption possibility thus functions both as a potential mechanism for creating greater fairness, by compensating for "bad brute luck", but also, as the analysis show, as a filter that imposes new forms of uncertainty and opacity on those already most vulnerable.

The consequence of such a filtering process is that the model of citizenship produced through this system is far from neutral. It actively privileges an idealised figure of the citizen that is productive in the labour market, culturally Western, healthy and able-bodied, while marginalising and excluding those who fall outside this norm: racialised minorities, people with disabilities or chronic illnesses, individuals with limited educational opportunities, and those with non-Western religious or cultural affiliations. In this way, citizenship is not only a legal status, but also a mechanism of social stratification, reproducing existing hierarchies of race, class and ableness.

7.3 Could it be different?

The way the current exemption system operates is often presented as unavoidable: first, it is said to be in line with the constitutional provisions; second, that citizenship is an exceptional status and therefore it requires an exceptionally strict process. But as I will go on to argue, it is not the only possible model.

Jensen and Nielsen (2020) argue that fairness could be better achieved if the requirements themselves were more differentiated so they "better reflect genuine effort rather than uncontrollable background factors" (p. 115, own translation). Instead of relying on the opaque exemption

process, requirements could be adjusted to account for relevant differences in applicants' circumstances, for example, health, age or educational background, thereby limiting the need for ad hoc discretionary decisions. Some of what today appears as an "exception" would then be recognised upfront as a part of a fairer system.

It is worth noting that the exemption system has not always been organised as it is today. Legal expert and director of the organisation Dignity, Rasmus Grue Christensen, explains how, until 2005, many exemption decisions were made administratively by the Ministry of Integration on the basis of clear, predefined criteria set out by parliament (Lund, 2023b). This provided applicants with more transparency and predictability about when exemptions would apply, and decisions were less directly tied to shifting political majorities. Christensen explains that it was a political choice that led to the transfer of responsibility to the Naturalisation Committee (Lund, 2023b). The current system, therefore, is not a matter of legal necessity but rather a political choice to embed discretionary judgments within the citizenship process. Rasmus Grue Christensen suggests that an alternative, more consistent and legally accountable model is both imaginable and historically grounded:

> "Back then, the politicians had set clear criteria for when exemptions should be granted, so the change we propose is not that dramatic. One could simply return to the practice that existed until 2005, which was in full accordance with the constitution. […] This would provide applicants with greater legal certainty"
> (Lund, 2023b, own translation)

In this sense, the primary barrier to change appears to be political resistance rather than constitutional limitations. These reflections shows that the current model, which the analysis shows is opaque, politicised, and reliant on discretionary filtering, is neither inevitable nor the only way to balance fairness and control. Both historical precedent and the arguments from Christensen and Jensen and Nielsen (2020) point to the possibility of a more consistent, legally accountable system that reduces arbitrariness and opaqueness. With this in mind, it can be relevant to ask if the current model does indeed constitute an intentionally ambiguous form of governance, where opacity is not a flaw or the only possible setup, but a deliberate tool that enables discretionary filtering while shielding political actors from accountability (Darling, 2022).

Such a reform as suggested above would help dismantle the double disadvantage currently produced by the system. Instead of forcing the most vulnerable to navigate opaque and politicised

exceptions, citizenship could be granted through transparent rules that recognise differences in opportunity. In this way, fairness would be anchored in equality of opportunity rather than arbitrary privilege, and naturalisation would move closer to functioning as a democratic right, rather than a political gift.

8. Conclusion

This thesis investigates how members of the Danish Naturalisation Committee navigate, exercise, and justify their discretionary power in exemption cases, and what this reveal about the intersection of law, politics, and affect citizenship governance. The study is motivated by the exceptional nature of the Danish naturalisation process, in which decisions about one of the most essential legal statuses in a person's life are made through a parliamentary process, and not governed by the usual safeguards of administrative law. Through the thesis, questions and concerns of notions such as fairness, accountability, and legal certainty have emerged.

Methodologically, this study seeks to open up an otherwise closed political space. By combining in-depth interviews with committee members and a periscopic use of public statements, media reports, and legal documents, I have been able to piece together an image of the discretionary logics shaping naturalisation decisions.

Lipsky's theories of street-level bureaucracy and discretion provide a vocabulary for understanding some of the everyday decision-making practices of the committee members, and to illuminate the practical and strategic aspects, especially concerning case intake. The theories of affective governance and naturalisation (Fortier, Kalm) have helped highlight how affective criteria, such as gratitude, emotional alignment, and resonance, as well as anxieties and fears of threats to national cohesion and security, become part of a discretionary logic governing who deserves the state's 'love'. Weber's concept of legal rationality provides an ideal type against which to measure the opaque and discretionary nature of committee decision-making. Together, these frameworks allow citizenship to be analysed not only as a legal status, but also as a political, moral, and affective practice.

The analysis produced several findings. First, regarding **sub-research question 1**, members perceive their roles in a wide range of ways, which shapes how they approach cases and justify

their decisions. Where some see their role as one of protecting the state against the individual, others see it exactly opposite. Second, the analysis, relating to **sub-research question 2**, shows that justifications are not only grounded in formal requirements but also in affective, subjective, and moral reasoning. Applicants may be judged on ther 'Danishness', their motivation, their gratitude, their 'labour of love' towards the nation or their adherence to ideals of civic participation. The findings align with the overall tendency in citizenship governance that Bassel et al. (2021) identify as an "entrenchment of citizenship as a 'privilege' that is granted based on increasingly selective processes" (Bassel et al., 2021, p. 262). Practical, strategic, and relational aspects within the committee, such as interpersonal dynamics and relationships, influence which cases are taken up and the willingness to engage with them. This raises questions about arbitrariness in decision-making as outcomes may hinge not only on applicants' circumstances, but also on shifting internal dynamics and personal alliances within the committee.

Third, relating to **sub-research question 3**, the thesis highlights how the exceptional legal structure of the Danish naturalisation process creates significant uncertainty. The principles of administrative law do not bind the committee, and even seemingly objective reference points such as medical certificates, court judgments, or international law can be subject to contestation and interpretation. This leads to a highly politicised decision-making marked by opaqueness and inconsistency. Echoing Davis' (1979) view on the dual potential of discretion as either 'beneficence' or 'tyranny', either 'reasonableness' or 'arbitrariness' (p. 3), discretion may in the context of naturalisation exemptions on the one hand enable responsiveness and case-by-case fairness, but it also carries the risk of creating vast opacity, inconsistency, and unfairness. This echoes what Vedung (2015) refers to as the hidden nature of discretion, a form of governance that operates in grey zones, thereby weakening accountability.

From a fairness perspective, relating to **sub-research question 4**, the findings are troubling. Drawing on Jensen and Nielsen's (2020) luck-egalitarian account, the system risks proportionately disadvantaging those who are already vulnerable. Instead of compensating for 'bad brute luck,' the exemption system appears to impose additional obstacles and expectations. While most applicants are assessed against clear and objective criteria, those unable to meet these are instead subjected to opaque and subjective judgments – reinforcing inequality at the very heart of the naturalisation process. In this way, the exemption possibility does not function as a levelling of the playing field, but actively compounds the disadvantages of disability, race,

religion, and social background. Simultaneously, it delineates the *ideal citizen* as being preferably Western, able-bodied, productive, and grateful.

Taken together, the results show a conflict between two opposing understandings of justice: one based on legal rationality and equal treatment under clear rules, the other on political sovereignty and the discretionary right to select and exclude. For the critics, the committee's work appears arbitrary and unjust; for defenders, it is a rightful expression of democratic decision-making. This ambiguity illustrates how citizenship in Denmark is not only a legal status, but also a political gift, embedded in cultural values, moral judgments, and affective performances.

In conclusion, Danish citizenship governance cannot be understood solely through law or politics, but rather through their interplay. Fairness, accountability and justice are negotiated through discretionary practices that are both political and personal. This raises broader questions about what citizenship should be in a democratic society: a right anchored in a legal process, or a privilege granted through political judgment?

8.1 Suggestions for Future Research

This study suggests a number of directions for future research. First, the recently introduced mindset interviews deserve close attention. Many of the concerns highlighted in my analysis – opacity, politicisation, unequal treatment and potential intersectional bias – are likely to apply if such interviews become a permanent part of the naturalisation process. Further insight into the discretionary nature of Danish citizenship governance may be gained ffrom examining how these interviews are designed, experienced, and legitimised.

Second, there is room for future research from the perspective of applicants themselves. Within the field of affective citizenship governance, Fortier (2016) calls us to consider how actors "variously experience, interpret, enact and feel those policies" (p. 1042). Such bottom-up perspectives would complement institutional analyses and offer insights into the lived effects of discretionary and politicised naturalisation regimes.

Word count: 21.920

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