

Immigrants, Nations, and Citizenship*

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IMMIGRATION, on a significant scale, is now and will continue to be a significant feature of political life in Western liberal democracies. The intense desire of the migrants to make a better life for themselves (often against the background of intolerable conditions in their home countries) combines with the economic needs of public and private sector employers in the receiving states to defeat populist agitation for highly restrictive immigration controls. But if the fact of ongoing immigration is indisputable, the normative implications of that fact, both for the immigrant groups and for the societies they enter, are much less clear. In particular, what can either party legitimately expect of the other? How far is it reasonable to expect immigrants to adapt to existing conditions in the host society, and how far must citizens in the host society bend to accommodate ‘the strangers in our midst’? These are the questions that have prompted the present article.

I shall approach it by thinking of the relationship between the immigrant group and the citizens of the receiving state as quasi-contractual. In other words, each side claims certain rights against the other, and acknowledges certain obligations in turn. These rights and obligations are not to be understood exclusively in legal terms. The quasi-contract I am envisaging will have legal components—for example, I will argue that immigrant groups should acknowledge a general obligation to keep the law of the states they enter—but it will also include normative requirements that cannot sensibly be cast in legal form.¹ The underlying issue is what constitutes a fair balance of rights and obligations on either side. This issue is far from being settled in political debate in Western democracies. At one extreme, we have those who would impose on immigrants a very strong obligation to assimilate to the cultural patterns

*Earlier versions of this paper were presented to the CRASSH conference on *Migrants, Nations and Citizenship*, New Hall, Cambridge in July, 2004 and to the SIAS Summer Institute on *Citizenship and Migration*, Berlin, June–July 2007. It has been extensively revised following helpful comments and sessions from these two audiences, and from two anonymous referees for this *Journal*. I thank Alexa Zellentin for invaluable research assistance in preparing the final version.

¹Joseph Carens has suggested a threefold distinction between requirements, expectations, and aspirations, with requirements corresponding to the formal, legally sanctioned aspect of the quasi-contract. See J. Carens, ‘The integration of immigrants’, *Journal of Moral Philosophy*, 2 (2005), 29–46.

prevailing in the host society, a position that in Britain has historically been associated with the celebrated ‘Tebbit test’, named after a former Conservative Party Chairman who demanded that immigrant groups from Commonwealth countries should cheer for the English team and not for their countries of origin when watching cricket matches. At the other extreme, immigrant partisans have been known to argue that even the expectation that immigrants should learn the public language of the host society is a piece of neo-colonial oppression. This debate has recently been intensified by the introduction, in several countries, of citizenship tests that demand quite high levels of cultural immersion on the part of the applicant, and that therefore seem to shift the balance away from multiculturalism and towards assimilation. Although these tests are not the focus of this article, a broader account of fairness in the relationship between immigrants and host society should provide a vantage-point from which their legitimacy can be judged.

The suggestion that we should think of this relationship as quasi-contractual is not new: Kymlicka, for example, uses the phrase ‘multiculturalism as fair terms of integration’, which expresses a similar idea, to describe his approach.² It might be challenged, however, on the grounds that much immigration is not voluntary—people are forced to move, either to avoid persecution or to escape economic conditions which prevent them from leading a minimally decent life—so it is inappropriate to think of the immigrants as entering into a contract with the receiving society when they are admitted. This, however, misunderstands the idea that is being applied. The issue is not what different groups of immigrants might agree to if they were obliged to contract with the receiving state: presumably they would agree to enter on any terms that promised a significant improvement on their previous conditions of life. The issue is one of fairness: given that immigration typically confers benefits and imposes costs on both parties—the immigrant group and the host society—where should the balance be struck? If an answer can be found, it will apply equally to a highly skilled professional who moves of her own volition in search of a better job or a higher wage, and to a refugee whose migration is driven by fear and has no chance to return safely to his country of origin. Despite the different baselines from which they start, both people, by virtue of the fact that they are now members of the society they have joined, are subject to fair terms of integration.³ The approach is *quasi-contractual*, in the sense that it searches for norms of fairness to set the

²W. Kymlicka, *Politics in the Vernacular: Nationalism, Multiculturalism and Citizenship* (Oxford: Oxford University Press, 2001), ch. 8.

³On the assumption that they are indeed long-term members of the society in question. Different considerations apply to those who join on a temporary basis—e.g. migrant workers who come on temporary contracts and then return to their own political communities. There are issues of fairness here too, but the principles are not the same as for permanent residents. For a discussion, see J. Carens, ‘Live-in domestics, seasonal workers, foreign students and others hard to locate on the map of democracy’, *Journal of Political Philosophy*, this issue.

terms on which immigrant groups and host societies should interact without regard to the particular circumstances of any individual immigrant or category of immigrants.

These terms, I shall argue, depend on the character of modern democratic nation-states. Migration itself is an omnipresent feature of human societies, and in a longer historical perspective it has not been regarded as posing any general problem requiring action on the part of the state. If the British experience is typical, controls on immigration have been sporadic, and imposed only in response to specific concerns—for example Elizabeth I introduced some entry controls following complaints about economic competition from indigenous artisan groups, there were restrictions on incoming Catholics during the Napoleonic wars, and so forth.⁴ But there was no general immigration *policy* prior to the twentieth century. Once they had entered, immigrant groups were expected to get on with their lives without either help or hindrance by the state (the rules governing naturalisation changed from time to time). In other words, the state's attitude to immigration has generally been one of indifference, an attitude nicely summed up by a Chartist commentator in 1848: 'The exile is free to land upon our shores, and free to perish of hunger beneath our inclement skies'.⁵ Likewise, there is no systematic treatment of immigration in the classic texts of political theory, taking immigration to refer to people moving into established European states (there is, by contrast, some discussion of emigration, and specifically of colonisation). We find only remarks in passing about the state's duty towards those we would now describe as refugees.⁶

When immigration first began to be debated as a general policy issue, which in Britain occurred in the closing years of the nineteenth century, the arguments for and against seemed comparatively straightforward: on the one hand the general value of liberty coupled with the economic benefits bestowed by the newcomers, on the other the assumption of state sovereignty coupled with anxiety about the moral character of the potential migrants. It is worth consulting Sidgwick's *Elements of Politics*, which gives an excellent overview of the state of liberal

⁴See A. Dummett and A. Nicol, *Subjects, Citizens, Aliens and Others: Nationality and Immigration Law* (London: Weidenfeld and Nicolson, 1990). Note also that controls on some groups might exist alongside policies designed to encourage other groups, seen to possess economically valuable skills, to settle. On the Tudor period, see, for example, R. Winder, *Bloody Foreigners: the Story of Immigration to Britain* (London: Little Brown, 2004), ch. 4.

⁵Joshua Harney, cited in Winder, *Bloody Foreigners*, p. 118.

⁶Thus Pufendorf argued that the state had a duty of humanity to admit 'strangers who have been driven from their former home' so long as they were prepared to recognize the established government of the country and adapt to local mores. Apart from this, the state should have a free hand to decide who to admit, and how many to admit, depending on its domestic circumstances. See S. Pufendorf, *De Jure Naturae et Gentium Libri Octo*, vol. 2, trans. C.H. and W.A. Oldfather (Oxford: Clarendon Press, 1934), Book III, sect. 10. Kant asserted the stranger's right to hospitality—the right of someone who arrives on the territory not to be treated with hostility—but he added that such a person could be turned away 'if this can be done without causing his death'. See I. Kant, *Perpetual Peace in Kant's Political Writings*, ed. H. Reiss (Cambridge: Cambridge University Press, 1971), pp. 93–130 at pp. 105–6.

political theory at the end of the nineteenth century, to see how radically the debate over immigration has changed in the course of the last hundred years. In contrast to earlier liberal authors, Sidgwick's text does include a brief discussion of the immigration question, which takes the following form: first, it is taken as axiomatic that states have the right to decide whether to accept any immigrants in the first place, the only qualification to this applying to states that happen to own large tracts of unoccupied land; second, the state also has the right to impose whatever conditions it chooses on would-be immigrants. As Sidgwick puts it:

A State must obviously have the right to admit aliens on its own terms, imposing any conditions on entrance or tolls on transit, and subjecting them to any legal restrictions or disabilities that it may deem expedient. It ought not, indeed, having once admitted them, to apply to them suddenly, and without warning, a harsh differential treatment; but as it may legitimately exclude them altogether, it must have a right to treat them in any way it thinks fit, after due warning given and due time allowed for withdrawal.⁷

Sidgwick returns to the issue in a later chapter of the *Elements*, where he presents it as a striking instance of the conflict between what he calls 'the cosmopolitan and national ideals of political organisation'. From a cosmopolitan perspective, the state would be under a duty to consider the interests of all human beings equally when deciding on its immigration policy. But though this might be 'the ideal of the future', in present circumstances states are bound to give priority to the interests of their own members, in which case they must balance the potential economic advantages of admitting immigrants against the potential social costs, for instance the fact that 'the governmental function of promoting moral and intellectual culture might be rendered hopelessly difficult by the continual inflowing streams of alien immigrants, with diverse moral habits and religious traditions'.⁸ In short, then, the state has a clear right to decide who, if anyone, to admit to its territory, and it should frame its policy by considering the interests of its present members. Sidgwick gives us an elegant version of the mainstream liberal position on immigration at the turn of the twentieth century.

I.

So what has changed so much over the last 100 years to turn immigration from the comparatively straightforward issue it was for Sidgwick to the much more agonised issue it is for us today? Not just the growing numbers of people who wish to move, or the cultural backgrounds of the people who wish to move, although these factors have no doubt served to intensify the problem, but primarily some fundamental changes in the make-up of the modern nation state.

⁷H. Sidgwick, *The Elements of Politics*, 2nd edn (London, Macmillan, 1897), p. 248. Sidgwick does, however, go on to say that the State must refrain from *injuring* the aliens it has admitted, or allowing them to be injured by private individuals—in other words it has a duty of care towards them.

⁸Sidgwick, *Elements*, p. 308.

The two key developments, I believe, that have changed the terms of the immigration debate are our commitment to the idea of equal citizenship, and our conception of the nation-state as a culturally self-determining political community. Let me consider each of these two ideas in turn.

Equal citizenship means that every adult member of the political community must enjoy equal rights and responsibilities which together make up the single status of citizen. This is a one-class status—when we talk about people as second-class citizens, we do so in order to draw attention to the fact that something has gone wrong, that our institutions are not performing in the way that they should: no one can legitimately be a second-class citizen. Once the idea of equal citizenship becomes entrenched, it places considerable demands on public policy. For example, it requires the state to ensure equality of opportunity in various spheres (education, employment, etc.) for people with different characteristics, personal beliefs, and so forth; it demands constant monitoring of patterns of public expenditure by social class, geographic area, and so on; it requires efforts to get people to take their political responsibilities seriously, so that elections are representative, local offices are filled, etc. When immigrants are admitted as permanent residents to a political community that has this commitment, they are admitted on the basis that they are citizens in the making. This implies that they should be granted a wide range of rights straight away, and the rest will follow as soon as they have fulfilled whatever residence requirements and citizenship tests the state imposes.⁹ In other words, they are not just left to their own devices, as earlier cohorts of immigrants were, but they are granted extensive rights, including the so-called social rights of citizenship, and are expected to assume the corresponding obligations—so inequalities, either of opportunity or of contribution, are seen as a problem that state policy needs to address.

This problem might of course be avoided by dropping the assumption that immigrants are citizens in the making, and giving them a quite distinct social status, as denizens say. There would then be no inbuilt commitment to equality of rights or opportunity. I will shortly ask whether this represents a feasible solution. But first I want to comment on the second feature of the modern nation-state, its claim to be the embodiment of a distinct set of cultural values. The legitimacy of the modern state derives in part from its role as protector and promoter of the national culture of its people—if there was no distinct culture to protect, there would be no reason for the state to exist as an independent entity. In itself, this was as true at the time that Sidgwick wrote as it is today. What has changed, however, is the rise of a global culture which makes preserving distinct national cultures an increasingly precarious business, and gives the state a greater responsibility for the self-conscious defence and reproduction of national culture. Moreover it must do this at a time when the nation-building

⁹This position is well articulated in Carens, 'The integration of immigrants'.

techniques that were successfully applied in earlier periods—for instance the forcible imposition of linguistic or religious uniformity—are outlawed by liberal principles. Whether they admit it officially or not, modern democratic states are multicultural: they are committed to tolerating or even encouraging the co-existence of different cultural groups within their borders, and this ties their hands when it comes to promoting a common national identity across the various groups. Since new immigrants are likely to arrive as bearers of cultural values distinct from those of the receiving community, the question arises to what extent, and by what means, the state may attempt to integrate them into the existing national culture. Where should the line be drawn between matters of private culture, where immigrant groups can legitimately expect both to practise and to try to preserve their ancestral cultures, and matters of public culture, where they can be expected to adopt and follow the social and political norms of the host society? If integrating immigrants into the public culture is a legitimate goal, how can this be achieved in a way consistent with liberal principles of personal freedom—what can immigrants actually be *required* to do by way of integration, and what can they only be *encouraged* to do, for example by way of providing incentives to learn a new language or to educate their children in a certain way? And, on the other side of the bargain, how far can native citizens be asked to modify their practices and their public culture to accommodate the new arrivals?

These are the reasons, I believe, why admitting immigrants poses greater problems for contemporary states than it did for liberal states a century ago: they have to be admitted as equal citizens, and they have to be admitted on the basis that they will be integrated into the cultural nation. These are both potential obstacles to admission, insofar as they impose costs and constraints on the receiving state. On the other side, the cause of the immigrants is aided by the fact that our political morality has moved some distance away from the nationalist ideal and towards the cosmopolitan ideal of political organization, to use Sidgwick's terms. In particular, the idea of human rights has become central, and among these rights are the right to free movement, which, if interpreted in the strongest way, would imply that would-be immigrants have a right to be admitted to any state of their choice. Clearly such a strong interpretation is not now accepted by liberal states and their citizens, nor is it likely to be.¹⁰ Nonetheless, our political morality does not regard state sovereignty as a trump card in the way that it was for Sidgwick—states do not have an unconstrained right to decide whom to take in and whom to exclude. We have to *justify* refusing admission to

¹⁰I have examined the right of free movement, and explained why it cannot ground an unrestricted right to migrate, in 'Immigration: the case for limits', *Contemporary Debates in Applied Ethics*, ed. A. Cohen and C. Wellman (Oxford: Blackwell, 2005), pp. 193–206 and in *National Responsibility and Global Justice* (Oxford: Oxford University Press, 2007), ch. 8. Bilateral or multilateral agreements to allow free movement between particular liberal states are of course possible, but these may be combined with greater restrictions on those attempting to migrate from elsewhere. The EU's commitment to freedom of movement between member states is the most striking example.

those who want to come in, in the face of their sometimes urgent demands to be admitted. By the same token, the receiving state cannot follow Sidgwick by treating those it chooses to admit 'in any way it thinks fit'. The terms of admission have to be justified as fair. So the modern democratic state is exposed to contradictory pressures in its treatment of immigrants: the normative force of human rights combines with the economic demand for immigrants with particular skills to push states towards an open door policy, while the higher costs of receiving immigrants—the costs of admission to full citizenship, together with the costs of cultural integration—push in the opposite direction, towards a highly selective and restrictive admissions policy.

Might the pressure be eased by making immigration less costly for the receiving state? One possibility here would be to abandon the expectation that immigrants should be admitted to equal citizenship—they would be taken in as denizens rather than as potential citizens. In other words, they would be allowed to work, given the general protection of the laws, and granted certain welfare rights, but not the full panoply of rights enjoyed by citizens such as voting rights, rights guaranteeing equal opportunities, and so forth. Many countries have made arrangements to allow people of working age to enter for what are supposed to be relatively short periods of time on the understanding that they will later return to their countries of origin—the best known being the guest-worker schemes introduced in the second half of the 20th century in Germany, Switzerland, and elsewhere. However the shortcomings of such schemes, except where they are set up in such a way as to have a fixed termination point, such as the British scheme for seasonal workers and 'working holidaymakers' or the Canadian Live-in Caregivers programme,¹¹ are easy to detect. It seems socially unjust to have, for example, an extensive welfare state that operates on the basis that everyone inside a given geographical area has equal access to its services, and then to exclude one category of people on the grounds that they have a different legal status. It seems anomalous to have equal opportunity programmes that try to end direct or indirect discrimination on grounds of gender, race, ethnicity, etc., but not to extend these to cases of discrimination on grounds of nationality. On democratic grounds, it appears wrong for someone whose interests are chiefly impacted by the policies of a particular state to have no say in determining those policies. In other words, the whole logic of the democratic welfare state points towards inclusiveness, and as a result guest-worker schemes like the German one have evolved into citizenship schemes, with more rights being awarded to the denizens, until eventually they are given the opportunity to naturalise as full-blown citizens.¹² The logic is particularly powerful in the case of second- and

¹¹The latter is discussed in some detail in Carens, 'Live-in domestics'.

¹²For the German case, see the analysis in C. Joppke, *Immigration and the Nation-State* (Oxford: Oxford University Press, 1999), ch. 6. For a more general study, which traces both the increasing liberalisation of access to citizenship and a shift in its content away from redistributive social rights

third-generation guest-workers who of course have made no choice to immigrate and whose unequal treatment relative to natives presents itself as a blatant injustice.

So international human rights norms combine with domestic principles of social justice to exclude the creation of a class of long-term resident non-citizens, the modern equivalent of the metics in ancient Greece. Although states have some leeway in deciding on the conditions that must be fulfilled before the full rights of citizenship are granted, they are compelled by their own principles to leave the path to citizenship open, and this in turn constrains the way that incoming groups, even those admitted formally on short-term schemes, must be treated. *Pace* Sidgwick, the modern state can no longer subject immigrants 'to any legal restrictions or disabilities that it may deem expedient'. What now of the second feature of the modern state, its national basis, and the problems this poses for the admission of immigrants whose cultural backgrounds are different? Might this be resolved by moving away from nationality and substituting an idea of multicultural citizenship, where the source of unity would simply be common membership in a particular state with no attempt at cultural integration?

The big question here, hotly disputed among political theorists, is whether citizenship alone is a sufficiently strong cement to hold together a democratic welfare state, whose successful working depends upon relatively high levels of interpersonal trust and co-operation, or whether it is also necessary for the citizens to share a cultural identity of the kind that common nationality provides.¹³ This is ultimately an empirical question, and we are hampered in answering it by the fact that all actually-existing democratic states do have such a national basis, despite also being in varying degrees multicultural. In other words, we have no examples of successful democracies with extensive welfare states where nothing holds the citizens together beyond their allegiance to the state itself, or what is often referred to as 'constitutional patriotism'. In the absence of decisive evidence that might confirm or refute the nationalist thesis, we have to make do with less direct but still suggestive indicators. There is evidence, first of all, that cultural heterogeneity does lead to lower degrees of trust between the culturally differentiated groups,¹⁴ and also that this lack of trust may take the form of unwillingness to support policies that are seen to benefit the other groups. Studies of public policy have found negative correlations between ethnic

towards minority rights (such as anti-discrimination rights), see C. Joppke, 'Transformation of citizenship: status, rights, identity', *Citizenship Studies*, 11 (2007), 37–48.

¹³I have argued for the second position in D. Miller, *On Nationality* (Oxford: Clarendon Press, 1995), chs. 4–5 and D. Miller, *Citizenship and National Identity* (Cambridge: Polity Press, 2000), ch.4. For a critical response see A. Abizadeh, 'Does liberal democracy presuppose a cultural nation? Four Arguments', *American Political Science Review*, 96 (2002), 495–509.

¹⁴See A. Alesina and E. La Ferrara, 'Who trusts others?', *Journal of Public Economics*, 85 (2002), 207–34; R. Putnam, 'E Pluribus Unum: Diversity and Community in the Twenty-first Century', *Scandinavian Political Studies*, 30 (2007), 137–74.

diversity and the level of expenditure on forms of public provision that are potentially redistributive across ethnic lines, such as education and welfare, between American cities and states.¹⁵ Cross-country studies point in the same direction: a comparative study aimed at explaining why public welfare provision is much less generous in the US than in Europe found that about one-half of the difference in levels of expenditure can be explained by the degree of racial fractionalization in the US (other cleavages, for instance linguistic and religious cleavages, had weaker, but similar, effects).¹⁶ These findings need to be treated with some caution, because the causal mechanisms at work are not obvious.¹⁷ Nevertheless, the evidence is sufficient to justify the basic claim that a culturally divided society without a source of unity to hold its constituent groups together would be unlikely to support a democratic welfare state.

We should also consider here the evidence about the impact of immigration, specifically, since although immigration will often contribute to increasing ethnic diversity, it may have an independent effect on levels of welfare expenditure, if native citizens are distrustful of the incoming groups simply because they are newly arrived. Recent immigration has occurred over a period in which welfare expenditure has risen across the Western world, so the question is whether its effect has been to slow the rate of growth rather than to reduce absolute levels of expenditure. An analysis of social spending in 18 OECD countries concludes that:

International migration does seem to matter for the size of the welfare state. Although no welfare state has actually shrunk in the face of the accelerating international movement of people, its rate of growth is smaller the more open a society is to immigration. The typical industrial society might spend 16 or 17 percent more than it does now on social services had it kept its foreign-born percentage where it was in 1970.¹⁸

So far I have been looking at evidence to suggest that societies with significant levels of ethnic diversity and/or relatively high rates of immigration may face a problem in sustaining democratic citizenship, where this includes redistributive policies that sustain the social rights of citizenship. But to say that there is a problem is not to say that the problem cannot be overcome. The second piece of evidence that I wish to highlight is that multicultural democracies have always

¹⁵See A. Alesina, R. Baquir and W. Easterly, 'Public goods and ethnic divisions', *Quarterly Journal of Economics*, 114 (1999), 1243–84; R. Hero and C. Tolbert, 'A Racial/ethnic diversity interpretation of politics and policy in the states of the US', *American Journal of Political Science*, 40 (1996), 851–71.

¹⁶See A. Alesina and E. L. Glaeser, *Fighting Poverty in the US and Europe: A World of Difference* (New York: Oxford University Press, 2004), ch. 6.

¹⁷For a more sceptical reading of the evidence, see K. Banting and W. Kymlicka, 'Multiculturalism and the welfare state: setting the context', *Multiculturalism and the Welfare State: Recognition and Redistribution in Contemporary Democracies*, ed. K. Banting and W. Kymlicka (Oxford: Oxford University Press, 2006), pp. 1–45.

¹⁸S. Soroka, K. Banting and R. Johnston, 'Immigration and redistribution in a global era', *Globalization and Egalitarian Redistribution*, ed. P. Bardhan, S. Bowles, and M. Wallerstein (Princeton and New York: Princeton University Press and Russell Sage Foundation, 2006), pp. 261–88 at p. 278.

pursued policies of national integration alongside other policies designed to create equal opportunities for cultural minorities—in other words, multicultural policies have gone hand-in-hand with other policies whose aim is to incorporate immigrants and others into the national culture. The main source here is Banting and Kymlicka's study of multicultural policies, where they provide good evidence that societies that pursue these policies have not done so at the cost of social spending or of redistribution from rich to poor.¹⁹ But they importantly note that multicultural policies have always in practice been pursued alongside others whose aim is to strengthen national solidarity. As they put it:

... it is a mistake to view MCPs [multicultural policies] in isolation from the larger context of public policies that shape people's identities, beliefs and aspirations. Whether or not MCPs encourage trust or solidarity, for example, will heavily depend on whether these MCPs are part of a larger policy package that simultaneously nurtures identification with the larger political community. In the absence of appropriate nation-building policies, a particular MCP may reduce solidarity and trust, by focusing exclusively on the minority's difference. But in the presence of such nation-building policies, the same MCP may in fact enhance solidarity and trust, by reassuring members of the minority group that the larger identity promoted by nation-building policies is an inclusive one that will fairly accommodate them.²⁰

In support of this they point to the nation-building aspects of the citizenship policies adopted in recent years by countries such as Canada, the Netherlands, and Britain, countries otherwise marked by relatively high levels of multiculturalism. If cultural diversity posed no problems for social integration, then these policies have been unnecessary and misguided, and we would have to regard them as fuelled by false beliefs on the part of democratic politicians and their advisors. If democratic states require nothing more of their citizens than subscription to some formal set of constitutional principles, then citizenship programmes which include, for instance, learning the national language and some aspects of the nation's history and political culture would amount to a misguided attempt at cultural integration where none is needed.

II.

It is, however, one thing to say that some level of integration is required if culturally-diverse democracies are to work successfully; it is another to set out the terms on which integration is to proceed. So now let us return to the idea of a quasi-contract between immigrant groups and the nation-state they wish to join.

¹⁹See especially K. Banting, R. Johnston, W. Kymlicka, and S. Soroka, 'Do multiculturalism policies erode the welfare state? An empirical analysis' in Banting and Kymlicka (eds.), *Multiculturalism and the Welfare State*, pp. 49–91.

²⁰K. Banting and W. Kymlicka, 'Do multiculturalism policies erode the welfare state?', *Cultural Diversity versus Economic Solidarity*, ed. P. Van Parijs (Brussels: Deboeck Université Press, 2004), pp. 227–84 at pp. 251–2.

What demands could each party legitimately make of the other, and what responsibilities would each have to acknowledge in return? In other words, what are reasonable terms of entry, in the case of immigrants who will be admitted as future citizens and not merely as temporary residents?

Let's begin with the idea of citizenship itself. As I have stressed, this is an equal status, which means not only that each citizen should enjoy a formally equal set of rights, but also that the state should seek to ensure that these rights are equally protected and equally able to be exercised. In certain circumstances, this may mean directing extra resources to safeguard the rights of immigrant groups, for instance higher levels of police protection in cases where immigrants are exposed to attacks by racists or others prejudiced against them. Citizenship also entails an equal claim to public goods—where the state provides goods like public spaces, recreational facilities, and cultural events, it should do so on the basis that as far as possible the benefits of such provision should be spread evenly across the community. This is, of course, hard to achieve precisely.²¹ Nevertheless, when immigrants bring with them new demands for public goods, the equality principle requires the state to respond. If the present policy of the state is to subsidise churches, for example, it may now have to start subsidising synagogues, mosques, and temples. Or, at a more mundane level, if sports facilities are provided for natives, and immigrants prefer to play different sports, then these preferences should be taken into account when decisions about future provision are made.

On the other hand, immigrants have to be willing to accept the responsibilities of citizenship. The difficulty here is to specify more precisely what these responsibilities amount to, given public disagreement about how far the obligations of citizenship extend.²² It is common ground that citizens must accept the authority of the law, and most would add a moral obligation to take part in democratic politics, at least in the form of voting in national and general elections. But clearly our understanding of what it means to be a good citizen goes well beyond this, encompassing such matters as helping the police to maintain public order by supplying information when asked, taking part in civil society activities such as neighbourhood associations, conservation groups and the like, and engaging in political protest when the government embarks on some wrongful venture. Nobody needs to engage in all these activities, but unless there is a sufficient level of citizen commitment overall, democracy suffers. So it would be reasonable to expect immigrant groups to act as citizens in this wider sense, without assuming that their pattern of engagement will precisely mirror that of longer-established groups.

²¹I have set out some principles to govern the production and allocation of public goods in 'Justice, democracy and public goods', *Justice and Democracy*, ed. K. Dowding, R. Goodin, and C. Pateman (Cambridge: Cambridge University Press, 2004), pp. 127–49.

²²For evidence of this disagreement see P. Conover, I. Crewe, and D. Searing, 'The nature of citizenship in the United States and Great Britain: empirical comments on theoretical themes', *Journal of Politics*, 53 (1991), 800–32.

One particular area where the rights and obligations of citizenship remain controversial is the right to a subsistence income and the corresponding obligation to find paid work and be self-supporting. Political theorists notoriously disagree about whether the right should be conditional on the performance of the obligation, or whether citizens have a right to state support at a basic level whether they choose to work or not—what is often called the right to an unconditional basic income.²³ However, the second view has yet to win much support outside of academic circles, and meanwhile the belief, whether true or false, that immigrant groups are over-reliant on state welfare without having made the contribution to society that entitles them to it is a major source of anti-immigrant sentiment.²⁴ Provided opportunities are equal—see below—a contributory obligation in return for the rights and other benefits of citizenship will for the foreseeable future be a necessary part of the immigration contract I am outlining.

The deeper question is how far immigrant groups can be expected to make the nation-state they move to their primary object of political allegiance. It is very common for members of such groups to retain a strong emotional attachment to the country they have left, and therefore to feel some loyalty to it. This may be formally recognized through the increasingly widespread institution of dual citizenship. There is clearly nothing objectionable in this: the idea that immigrants must identify exclusively with their new homeland becomes anachronistic once the multicultural character of the receiving state is recognized.²⁵ But what should we say when loyalties conflict, in the extreme case when an immigrant's adopted homeland finds itself at war with the country he has emigrated from? Can a person in this position be compelled to support the war? May he even be drafted, or would his conflicting loyalty serve as a conscientious reason for refusing the draft? These are difficult questions, and we should keep in mind that any citizen may justifiably oppose, and refuse to serve

²³The best discussion of this question can be found in S. White, *The Civic Minimum: On the Rights and Obligations of Economic Citizenship* (Oxford: Oxford University Press, 2003).

²⁴Asylum seekers and recent immigrants were the two groups most likely to be picked out as getting 'unfair priority over you when it comes to public services and state benefits' in a MORI poll, reported in B. Duffy, 'Free rider phobia', *Prospect* (February 2004), 16–17. The more general theme emerges in an informal study of popular attitudes by the Labour MP John Denham. He found that his constituents were strongly wedded to a 'fairness code' that is 'concerned with what rights you have earned, not just what your needs are today. The assessment of someone's needs should take into account the effort and contribution he or she has made in the past and will make in the future. Public services should be for people who are entitled to them, need them, and use them responsibly'. See J. Denham, 'The Fairness Code', *Prospect* (June 2004), p. 29.

²⁵Compare the position advanced by Woodrow Wilson addressing newly-arrived citizens during World War I: '[Y]ou can not dedicate yourself to America unless you become in every respect and with every purpose of your will thorough Americans. You can not become thorough Americans if you think of yourselves in groups. America does not consist of groups. A man who thinks of himself as belonging to a particular national group in America has not yet become an American, and the man who goes among you to trade upon your nationality is no worthy son to live under the Stars and Stripes.' Quoted in D. King, *Making Americans: Immigration, Race, and the Origins of the Diverse Democracy* (Cambridge, Mass.: Harvard University Press, 2002), p. 124.

in, a war that he reasonably believes to be unjust. If, however, the war is a war of defence against external aggression, then every citizen whatever they feel about the conflict is obliged to offer support and participate as required. Citizenship is among other things a compact for mutual protection, and so by entering a political community and taking the path to citizenship status a person acquires the obligation to contribute to the community's defence.

Once again the coin has two sides to it, and the same reasoning shows why state authorities act unjustly when they simply assume that immigrants are untrustworthy, as happened, for instance, when people of German origin in the UK and people of Japanese origin in the US, were rounded up and detained in World War II. These indiscriminate arrests are now widely condemned—and compensation payments have been made to the Japanese—and the reason is clear: many of those interned were in fact strongly committed to their adopted countries, and equally antagonistic to the countries they had left. The state should act towards immigrants on the basis that they are committed citizens, until in the case of any particular individual there is clear evidence to the contrary.

Let me turn now to a more specific corollary of equal citizenship, equality of opportunity, which has become one of the guiding principles of the modern democratic state. The opportunity structure that members of such a state enjoy is determined to some extent by assumptions contained in the dominant culture—to take an obvious instance, by assumptions about the pattern of the working week or the school year. The effect is that immigrants whose cultural background is different may have opportunities that are nominally equal but in reality more restricted—it may be impossible for them to take jobs that are formally open to them because doing so would require them to violate religious requirements. I assume here that to have an opportunity means more than not being legally or physically prevented from achieving some goal—it means being able to achieve that goal without incurring excessive costs.²⁶ So to achieve equality of opportunity in a culturally plural society, it is not enough to have a strong anti-discrimination policy, important though that is. It will also be necessary to change the opportunity structure so that it is more neutral between cultures—for instance to encourage jobs to be specified in such a way that they can be held by people whose pattern of work has for cultural or religious reasons to be different.

Creating an equal opportunity society must involve a process of give-and-take between cultural minorities and those who represent the dominant culture, since it involves working out which cultural commitments are open to revision under changed circumstances and which are not, and on the other side determining which aspects of the existing opportunity structure can be altered without imposing excessive costs. So one important aspect of citizenship in a multicultural

²⁶See further here my 'Liberalism, equal opportunities and cultural commitments', *Multiculturalism Reconsidered*, ed. P. Kelly (Cambridge: Polity, 2002), pp. 45–61, esp. pp. 49–52.

society is the willingness to engage in good faith in democratic deliberation to settle such issues.

What if an immigrant group wishes to isolate itself in an enclave so as to preserve as much as possible of its existing culture, which it believes will be eroded by frequent contact with outsiders, in the manner of earlier generations of Amish and Mennonites in the US? Under these circumstances equality of opportunity as conventionally understood will be impossible to achieve—children in these communities won't be educated in a way that will allow them to take advantage of many opportunities in the wider society. Should a liberal democracy tolerate such a state of affairs? Only, it seems to me, with considerable reluctance. Communities who are living physically within the boundaries of the state, but who do not wish to participate in the rights and responsibilities of citizenship, are an anomaly, and should be accepted only because, for example, their members are fleeing from persecution in their countries of origin and the costs of integrating them are judged to be too high (these factors seem to explain the exceptional treatment afforded the Amish and Mennonites). More generally, equality of opportunity gives us reason to look sceptically at proposals to educate the children of immigrant groups in separate schools, particularly in schools where the main language of instruction is not the national language. We have other reasons, too, for doubting the wisdom of educational separatism, which I will come to shortly, but here the point is that separate schooling is consistent with equality of opportunity only if what is taught in minority schools opens as many doors as what is taught elsewhere, and is not being advocated primarily as a means of inducting the rising generation into the traditional culture.

III.

I have been looking at what equal citizenship might imply for the terms of the contract I am imagining between immigrant and nation-state. What, next, does our concern about cultural identity imply, if it is indeed the case that a shared national identity is necessary to the successful functioning of such a state? What can the receiving state demand of immigrants in cultural terms, and what can they demand from it in return?

The first demand the state can make is political: it can demand that immigrants accept the basic principles of liberal democracy, as these are instantiated in the laws and practices of the state in question (in a constitution, for example). Acceptance here means something less than belief. Liberal states do not require their citizens to *believe* liberal principles, since they tolerate communists, anarchists, fascists, and so forth. What they require is that citizens should conform to liberal principles in practice and accept as legitimate policies that are pursued in the name of such principles, while they are left free to advocate alternative arrangements. The same must apply to immigrant groups, who can legitimately be required to abandon practices that liberalism condemns, practices

involving the oppression of women, intolerance of other faiths, and the like. They are not required to give up their beliefs in gender inequality, or the desirability of establishing the one true religion, if these are indeed among the beliefs that some immigrants bring with them: liberals can hope that the experience of living in a liberal democracy will erode such beliefs over time, but meanwhile all that can be asked of immigrants is that they should not attempt to impose such beliefs by, for example, refusing to educate their female children.

Can the state go further than this, by requiring immigrants to absorb some aspects of national culture as a condition of being admitted to citizenship? It is often argued that immigrants will in any case want to learn the national language, understand the legal and political system of the society they are moving to, and so forth, for reasons of simple self-interest, and it is undoubtedly true that for most immigrants cultural integration of this kind is likely to happen spontaneously. On the other hand, many liberal democracies now place greater emphasis on teaching citizenship formally to native-born children, and this is because of a concern that people won't understand what's expected of them as citizens unless they are given some guidance and encouragement—too few are willing to be active citizens, as shown by declining rates of political participation, the difficulty of finding people to serve on local councils, etc. It would be anomalous to make citizenship education a requirement for native-born future citizens, but to assume that nothing similar need be asked of immigrants, who in general will have less in the way of relevant background culture. Furthermore, the argument that immigrants will have a sufficient incentive to become acculturated without compulsion ignores the fact that the interests of men and women, and parents and children, may not coincide, since access to the national culture typically creates greater freedom of choice, which may undermine traditional family structures. So the policy recently implemented in a number of countries of making access to citizenship conditional on passing a test, that requires, for example, a working knowledge of the national language, and some familiarity with the history and institutions of the country in question, can be defended on these grounds.

Citizenship tests become objectionable, however, when they overstep the line that divides private from public culture by requiring immigrants to engage with cultural matters that have no intrinsic connection with citizenship itself—for example, the test recently proposed in the German state of Hessen which among other things asked candidates to name works by Goethe and Schiller, and to identify the central motif in a landscape by the painter Caspar David Friedrich. Furthermore, policies whose aim is to induct immigrants into the public culture of the host society should be accompanied by others that recognize and support the native cultures of the incoming groups.²⁷ Some of these have already

²⁷This is the obverse of Banting and Kymlicka's point that multicultural policies have been, and should be, accompanied by nation-building policies.

been touched on in my discussion of equality of opportunity, but two further points are worth adding. First, insofar as the state already offers support to certain cultural activities—subsidises opera or art galleries, for instance—it ought to be willing to offer similar support to cultural forms that immigrants bring with them, in line with the general principle of justice in the provision of public goods that I outlined earlier. Obviously, since some incoming cultural groups will be small in numbers, there can be no guarantee that equal treatment will ensure the survival of any particular cultural form. The principle is not that immigrant cultures should be preserved regardless, but that the state should act fairly in its treatment of group-specific cultural demands. Second, since citizenship will form part of the educational curriculum, it is also reasonable that other parts of the curriculum should reflect the distinct cultural backgrounds of the pupils, so where a school draws many of its children from the same immigrant group, room should be found for teaching the history, literature, etc. of their country of origin alongside national history and literature.

Educational separatism is another matter. In Britain, and no doubt in other societies which have not institutionalised strictly secular education, there is currently strong demand, from several directions, for state-funded faith schools. Consider, for example, a recent report from a group of Muslim associations recommending a number of changes in the pattern of education for Muslim children in Britain, including increased state funding of Muslim faith schools.²⁸ Although parts of the report address failures in existing multicultural state schools—inadequate attention to the special needs of Muslim children in matters such as dietary requirements and the availability of prayer rooms, and insufficient resources for teaching Islam and Muslim culture more generally—its underlying philosophy is that the cultural integrity of Islam requires separate schooling for Muslim children. Thus, the report is sceptical of proposals to encourage cultural exchanges between schools via twinning programmes, or to require faith schools to admit a certain percentage of pupils from a different cultural background. What is striking about the report is that it focuses on the need to provide a form of education that satisfies Islamic requirements, and the preferences of Muslim parents,²⁹ at the expense of the larger political context in which education occurs. It has nothing to say about the importance of common schools—schools in which children from different social and cultural backgrounds meet on a daily basis—in fostering understanding and trust between ethnic and religious groups.³⁰

²⁸*Muslims on Education: A Position Paper* (Richmond: The Association of Muslim Social Scientists, 2004).

²⁹It includes the remarkable claim that ‘Muslims give over to the school an implied responsibility for monitoring and enforcing their children’s adherence to Islamic norms. An understanding of this responsibility is particularly important in schools where opportunities to engage in un-Islamic activities are freely available’; *Muslims on Education*, p. 26.

³⁰For supporting argument, see E. Callan, *Creating Citizens: Political Education and Liberal Democracy* (Oxford: Oxford University Press, 1997), ch. 7; S. and M. Levinson, ‘“Getting religion”: religion, diversity, and community in public and private schools’, *Wrestling with Diversity*, ed. S. Levinson (Durham, N.C.: Duke University Press, 2003), pp. 94–123.

How damaging educational separatism will prove to be to the integration of cultural minorities depends upon whether the same dividing lines are replicated in other areas of social life. This issue was raised in Britain by an influential report commissioned in 2001 in response to a series of violent clashes between ethnic groups in cities such as Oldham and Burnley. The so-called Cante Report highlighted the damaging polarisation that is likely to occur when there are no points of contact between different communities. As the report puts it:

Separate educational arrangements, community and voluntary bodies, employment, places of worship, language, social and cultural networks, means that many communities operate on the basis of a series of parallel lives. These lives do not touch at any point, let alone overlap and promote any meaningful interchanges. . . . There is little wonder that the ignorance about each others' communities can easily grow into fear; especially where this is exploited by extremist groups determined to undermine community harmony and foster divisions.³¹

Such concerns about social cohesion mean that there cannot be an unconditional right for religious minorities to have faith schools. Where such schools would simply reinforce other forms of segregation, believers' wishes to have their children educated in a way that reproduces their own religious commitments is outweighed by the importance of fostering social contact and mutual understanding across the cultural divisions. Since some dimensions of segregation are difficult or impossible to combat—residential segregation, for instance, or religious segregation—it is doubly important to promote integration in those areas that are directly influenced by public policy, and education is the prime example here. Provided schools deal with religious and cultural issues, both in the curriculum and in the way that they organize themselves, in a way that is sensitive to the differing cultural backgrounds of their pupils, they can provide the common ground on which lessons of religious tolerance and inter-community trust can be learned.

Furthermore, they can also contribute to the gradual reshaping of the national culture that is both inevitable and desirable as a consequence of the cultural diversity brought about by immigration. In arguing that immigrants should be expected to integrate culturally and accept elements of the existing national culture, I do not mean to exclude their contribution to the reshaping of that culture, a process that happens in any case, but ideally should do so through open debate between different sections of the national community.³² As we argue about the kind of history that should be taught in schools, about what languages should be taught in addition to English, about the form that religious education should take, and so on, we are also defining ourselves for the future. Of course we never begin with a blank slate. National culture is embedded in our institutions and in

³¹*Community Cohesion: A Report of the Independent Review Team* (London: Home Office, 2001), p. 9.

³²See Miller, *On Nationality*, esp. pp. 39–41, 68–70, 126–30.

the shape of the physical environment that we inhabit, and it is desirable, therefore, that there should be a large degree of continuity in its substance. It is nevertheless easy to overlook how much has changed even in the course of a single generation, and immigration has contributed significantly to this change, along with external forces that are often global in scope.

IV.

If we think of immigration as involving an implicit two-way contract between immigrant groups and the receiving state of the kind I have sketched, how might this shape our understanding of the decision to admit immigrants in the first place? I leave to one side here the hotly debated issue of refugees and the extent of any one nation's responsibility to admit them, in order to focus on immigration policy more generally.³³ Even if states are not obliged to pursue an open door policy with respect to potential immigrants who are not refugees, they are bound to adopt an immigration policy that is fair, in the sense that it gives good reasons for allowing some but not others to enter. Can the approach to integration developed above be used to guide the formulation of such a policy?

It might be argued that preference should be given to those applying for admission who are most likely to keep the terms of the envisaged quasi-contract. Popular attitudes towards immigration appear to follow this logic. A recent study of Dutch attitudes found that people were more favourably disposed to admit immigrants who, on the one hand, were 'highly educated and well suited for well-paying jobs' and, on the other, were people who 'speak Dutch fluently and have a very good chance to fit in smoothly with the Dutch culture', with the cultural fit criterion weighing more heavily than the economic contribution criterion.³⁴ But on reflection use of such a criterion does not seem justifiable, except in special circumstances. It tilts the quasi-contract too far in the direction of the host community and its interests. For one thing, it overlooks the potentially greater need of immigrants who may be less well-qualified, educationally and culturally, to enter the society, but who would benefit more if they were allowed to do so; such immigrants may also serve the cause of global justice by transferring remittances and other resources back to their countries of origin. For another, it relies implicitly on a too-rigid conception of national culture, underplaying the degree to which immigrant groups can contribute positively to a refashioning of that culture, as described above.

The exceptional cases are those in which the national culture is already weak, and therefore needs shoring up if it is to survive in the face of cosmopolitan

³³I have discussed the refugee question in 'Immigration; the case for limits' and in *National Responsibility and Global Justice*, ch. 8.

³⁴See P. Sniderman and I. Hagendoorn, *When Ways of Life Collide: Multiculturalism and its Discontents in the Netherlands* (Princeton, N.J.: Princeton University Press, 2007), pp. 96–7.

influences. A clear example would be one in which the national language is being displaced by English or some other international language, and where efforts to protect it would be hampered by taking in large numbers of immigrants who do not speak that language, and who as a result would be likely to speak the international language by default. This gives reasonable grounds for an immigration policy designed to favour speakers of the national language, such as that pursued in recent years by the provincial government in Quebec, where extra points are awarded to applicants who speak French.

It is problematic, however, to extend this argument to cultural features other than language. Were states today to try to select immigrants on grounds of ethnicity, as many states have done in the past, they would be seen to violate the equal citizenship status of their existing ethnic minorities. By giving preference to those of a particular ethnocultural background, the state unavoidably declares that the culture in question is superior, thereby undermining its attempts to treat all cultures even-handedly in its domestic policy.³⁵ This would not of course apply to selection on the basis of strictly political values, such as a commitment to toleration or to democratic norms. But a policy of admitting migrants according to their political values runs into two obvious objections: first, political values are more malleable than other cultural commitments, so immigrant groups could reasonably argue that whatever ideologies they had embraced up to now, they would learn to be good democrats in a short space of time; and second, from a practical point of view, immigrants would only need to know the 'correct' answers to the various test questions that might be put to them before they were admitted, concealing their underlying beliefs. So, although national values and national priorities can reasonably be invoked when deciding how many immigrants to take in over any given period of time, when it comes to selecting among the applicants, only 'neutral' criteria such as the particular skills a person has can legitimately be used.³⁶

I have tried in this article to steer a mid-course between two positions on immigration that can both be described as liberal, but that have sharply contrasting outcomes. The first is the traditional idea of the sovereign state that, as an element of its sovereignty, has a completely free hand in deciding which immigrants to admit, and on the terms under which they are admitted, subject only to a weak rider about its duty of care towards those under its authority. The second position starts with the human rights of the immigrants, which include a strong right of free movement, and concludes that people who join a political community thereby place themselves under no obligations other than the

³⁵See further the analysis in C. Joppke, *Selecting by Origin: Ethnic Migration in the Liberal State* (Cambridge, Mass.: Harvard University Press), esp. ch. 5.

³⁶I put 'neutral' in scare quotes because of course when economic or professional criteria, say, are used to select immigrants, the outcome may be biased towards particular cultural groups. But so long as the policy is introduced and applied in good faith, it cannot reasonably be seen as devaluing the cultures of the groups who fare less well under it.

reciprocal obligation to respect the (human) rights of those around them. In contrast to both of these, I have begun with the idea of citizenship in a nation-state, with its accompanying rights and obligations, treated immigrants as citizens in the making, and then gone on to ask what they can fairly ask of the host community, and what they can fairly be required to do in return. We shouldn't expect easy answers to these questions, but I hope that the framework I have sketched will at least tell us where we should look.