

Identity and Immigration: The inconsistency of liberal nationalism

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Abstract

In this paper, I set out to argue that liberal nationalism offers an incoherent perspective on the ethics of migration. Because of its emphasis on the value of national cultures (both majority cultures and minority cultures), liberal nationalism fails to justify an alleged “duty to integrate” on the part of the migrants, and it also fails to justify the limits on immigration for cultural reasons.

Keywords: liberal nationalism, ethics of migration, value of culture

Introduction

In this paper, I set out to argue that liberal nationalism offers an incoherent perspective on the ethics of migration. Because of its emphasis on the value of national cultures (both majority cultures and minority cultures), liberal nationalism fails to justify an alleged “duty to integrate” on the part of the migrants, and it also fails to justify the limits on immigration for cultural reasons.

The liberal-nationalist position can be briefly summarized as follows:

- 1) Liberal nationalists reject ethno-genetic conceptions of nationhood. Instead, they seek to understand the nation in terms of culture.
- 2) National cultures are “imagined communities.” The belief of the members of these communities that they share a certain cultural identity is itself constitutive of this identity. National identity can therefore not be reduced to a set of objective, i.e., belief-independent, criteria, such as a shared language, shared customs, and so forth (even though these objective criteria will support the belief that the members share a certain cultural identity).
- 3) Liberal nationalists accept that national identities will change over time. In accordance with liberal ideals of rationality and democracy, national identities should be open to rational scrutiny and public debate.
- 4) Liberal nationalists hold that it is a proper task of nation-states to protect and promote their national cultures. As part of this task, nation-states may place restrictions on immigration and naturalization, if the national culture is under serious pressure from immigrant cultures.

Liberal Nationalists like David Miller, Yael Tamir, or David Kymlicka have been suggesting for years now that restrictions on immigration may sometimes be justified in order to protect the “national culture” of the host country. David Miller even suggested that “if there was no distinct culture to protect, there would be no reason for the state to exist as an independent entity.”¹ In this kind of argument, the “national culture” of the host country becomes the central value of immigration policy. It is easy to see how this idea influences the political discourse about immigration in the European Union, the United States, and other (relatively) affluent countries that attract large numbers of immigrants. Alongside complaints about the alleged negative economic impact of immigration, anti-immigration politicians often voice concerns about its alleged cultural impact, viz. that the presence of immigrants “dilutes” the national culture, and that immigrant groups who are large enough and cohesive enough fail to “integrate” into the host country’s mainstream culture, with negative consequences for both the immigrants and the natives.

Liberal nationalists realize that national identities are always developing and that national traditions are and should be open to rational scrutiny, and thus they see the integration of migrants as a process of mutual accommodation of national culture and immigrant culture(s).² David Miller asserts that a liberal nationalist would resist immigration only in two circumstances:

- 1) “[The] rate of immigration is so high that there is no time for mutual adjustment to occur [...]”³
- 2) “[The] immigrant group is strong and cohesive enough to constitute itself as an independent nation.”⁴

¹ David Miller, *Immigrants, Nations, and Citizenship*, p. 375.

² Cf. Miller, *On Nationality*, pp. 125-128.

³ Miller, *On Nationality*, p. 128.

⁴ Miller, *On Nationality*, p. 129. This fear of segregation and secession also seems to be in the background of

This seems straightforward enough in theory, but as we will see, this position offers little normative guidance in practice.

My critique will proceed in three steps. First, I will scrutinize the assumption that national identities play a special role in the formation of personal identities, and that they ought to be protected for that reason. Second, I will show that the liberal-nationalist argument, insofar as it entails special rights for national minorities, has the—for the liberal nationalist, undesired—conclusion that firmly established immigrant groups ought to count as national minorities. And third, I will briefly point out how the liberal-nationalist argument is open to abuse in political discourse.

Formative Identities

I do not doubt that cultural differences are real,⁵ nor do I doubt that nations are real—though they certainly are not real in the sense in which we think of material things as real.⁶ But in a political sense, they are indeed real: Nations—or rather, their spokespeople—declare independence and enter into agreements with other nations, they claim to act in the interest of their members, and they erect walls around their borders. The global political and legal order *is* a system of sovereign nation-states. A person's nationality defines, among other things, the rights and liberties she will likely be granted, her chances of earning a decent income in her adult life, and it circumscribes the area in which she can move about without any restrictions. Thus given the sheer political and legal weight of the concept of nationality, it would be too quick and easy to dismiss nationality as a fictitious concept.

My issue with the liberal-nationalist position is that it tends to overstate the normative implications of cultural differences. The liberal nationalist needs to say more than that there are cultural differences, and that these differences matter to people—these are uncontroversial descriptive claims, but taken by themselves, they do not imply that these differences *ought to matter*, and that they justify unequal treatment based on cultural membership. The liberal nationalist needs to show why cultural membership in a nation is such an important good that it justifies the exclusion of would-be immigrants from different cultures. And this is, I believe, the problematic step of the argument.

Yael Tamir argues that “the justification of the right to national self-determination [and thus the right to exclude] rests on six counts.” I quote here three of Tamir's “counts,” because they are, in my view, the crucial steps of her argument:

“1. Membership in a nation is a constitutive factor of personal identity. [...] The ability of individuals to lead a satisfying life and to attain the respect of others is contingent on, although not assured by, the ability to view themselves as members of a worthy community. A safe, dignified, and flourishing national existence thus significantly contributes to their well-being.

2. Given the essential interest of individuals in preserving their national identity, it is justified to grant them a set of rights aimed at the protection of this interest. [...]

Will Kymlicka's argument for the distinction between immigrants (“polyethnic groups”) and national minorities (see *Multicultural Citizenship*, pp. 13-17). Kymlicka points out that some immigrant groups, namely European colonizers, have indeed become “nations”.

⁵ That is to say, I don't submit to the strong position of the cultural cosmopolitan who claims that there are no significant differences between cultures. I do, however, submit to a weaker position of cultural cosmopolitanism which holds that these differences carry little normative weight. For a classic, strongly-worded espousal of this weak cultural cosmopolitanism, see Waldron, *Minority Cultures and the Cosmopolitan Alternative*.

⁶ Cf. Miller, *On Nationality*, p. 17. The difference between nations on the one hand, and volcanoes and elephants on the other is that we think that the latter's existence does not depend on belief.

4. The existence of a shared public space is a necessary condition for ensuring the preservation of a nation as a vital and active community. [...]"⁷

Tamir's first point actually contains two separate claims: the first is the claim one's national identity is an essential aspect of one's personal, i.e., socio-cultural identity. The second is the claim that having one's national identity respected and recognized by others contributes significantly to one's well-being. On a modest reading, these two claims are relatively uncontroversial. Our national identities do have a significant influence on our socio-cultural identities; they shape our customs, our preferences, and our beliefs. The fact that I grew up in Germany, for instance, may explain my reluctance to jaywalk even when there is no car approaching. It may explain my taste for kale. It may even account for my belief that universal health care systems are in general a good and just thing.⁸ And despite the fact that I haven't been living in Germany for seven years, I may experience a sincere feeling of loss if the option of returning to Germany and building a life there was not open to me. That is to say, I value the opportunity to return to a social environment that I am already familiar with.

But many social networks other than nations shape our identities: Our families, our schools and teachers, the social class we were born into, the religious sect we belong to (or the fact that we belong to none), our friends and sexual partners, our professional community. Any of these can have as profound or more profound an impact on the way we navigate the world than the national culture we were socialized into. And for some of these, it can have a severe impact on our well-being if legal and moral authorities deny the importance of these social networks. Religious communities and their members suffer if local authorities deny them a place of worship. Gays and lesbians suffer if they face the choice to either deny or hide their sexuality or to face persecution. Members of some professions, e.g., undertakers, prostitutes, sewage and garbage workers, suffer from the social stigma attached to their professions.

So if nations and other social networks and cultural groups are similar in these important respects, then why should national identity enjoy a special status among these "formative identities"? Will Kymlicka has argued that national identities provide us with a context of choice, in which other formative identities become meaningful. Kymlicka suggests that "people's capacity to make meaningful choices depends on access to a cultural structure."⁹ Without the "anchor" of a national culture, family ties, professional ties, and relations to friends and sexual partners lose their focus. Joseph Raz and Avishai Margalit make the even stronger claim that

"[family] relations, all other social relations, careers, leisure activities, the arts, sciences, and other products of 'high culture' [...] all *depend* [...] on the sharing of patterns of expectations, on traditions preserving implicit knowledge, [and on] tacit conventions regarding [...] what is appropriate and what is not."¹⁰

What distinguishes national cultures from other social and cultural groups on this view is that national cultures supply the overarching structure in which groups and individuals pursue

⁷ This and the previous quote: Tamir, *Liberal Nationalism*, p. 73.

⁸ Notice also that my moral belief about the goodness and justice of universal health care is not entitled to respect or approval merely because it has been shaped by a particular culture. It is entitled to respect and approval, if and only if I can produce good, context-independent reasons which support the belief. Consider also the case of a gay rights lobbyist. The fact that she holds the firm belief that gays and lesbians are entitled to the same legal and moral rights as straight people, in particular the right to marry, may be explained by the fact that she is a lesbian. But the fact that she is a lesbian does not entitle her belief to respect and approval. Her belief deserves approval, if and only if she can support it with good, context-independent reasons.

⁹ Kymlicka, *Multicultural Citizenship*, p. 84. Tamir's appeal to the nation as a "public space" employs a similar idea. Tamir emphasizes the notion of the "contextual individual"—it is the cultural context that allows people to become "strong evaluators" and make autonomous and reflective choices, see, *Liberal Nationalism*, p. 36.

¹⁰ Raz/Margalit, *National Self-Determination*, p. 447-448. Emphasis mine.

their specific goals. This image is of course open to the objection that many nations severely limit the choices of some their citizens: They persecute gays and lesbians, discriminate against women, suppress certain religious groups, or, to take a less drastic example, refuse to fund the arts and sciences. Kymlicka recognizes this objection and counters it with a reminder that we must be careful to distinguish between liberal and illiberal societies, and should encourage illiberal cultures to adopt liberal values.¹¹

However, the more serious problem with the context-of-choice model, at least for my purposes here, is that it fails to distinguish nations from non-nations. Some religious communities structure the choices and activities of their members in a pervasive manner (and pious members of these communities may experience these restrictions as a form of freedom). Living an openly gay identity may be a strong influence on career choices—i.e., it would seem unreasonable to choose to work in a homophobic area or industry, if indeed you have a choice. Academia offers a whole wealth of “shared patterns of expectations, traditions preserving implicit knowledge, and tacit conventions about what is appropriate.” And thus it may be the religious, sexual, or professional identity of a person which “anchors” her choices, including, for instance, the choice to move to another country with the intention of obtaining citizenship there. The view then that national cultures are the only type of community that offers a “context of choice” is simplistic.

The fact that the context-of-choice model is simplistic, however, does not by itself constitute a good reason to reject the liberal-nationalist position. I have suggested that the liberal nationalist, in her emphasis on nationality, overlooks many other “formative identities.” But this may imply merely that her argument is incomplete: rather than demanding special rights just for nations, she should demand special rights for any group that is similar to nations in providing a context of choice for its members and shaping their socio-cultural identity in a deep way.

Groups that demand special rights frequently appeal to the idea that they offer belonging, meaning, and guidance to their members—that is to say, they offer the very same things that are thought to make national identities valuable.¹² Religious groups offer these goods, so they would be entitled to special legal-political recognition on these grounds. And indeed, states may recognize this entitlement in various ways: They can declare one religion as the official state religion (such as the Church of England); they can support the two main religions on their territory by allowing them to collect a “church tax” (as Germany does), or they may exempt some religious groups from some laws (e.g., they may allow Jews and Muslims to slaughter their animals in the traditional manner, even though this practice violates laws against cruelty to animals). Families—functional ones, at least—are also thought to be an important source of meaning, belonging, and guidance. And indeed, virtually all states offer special legal protection to families by privileging marriage over other forms of cohabitation and mutual care. The point here is not to argue for or against these practices. The point is to show that philosophers as well as politicians and legal practitioners recognize that non-national groups may be entitled to special legal and political recognition on the exact same grounds that nations supposedly are.

Once we recognize this point, it becomes clear that the difference between nations on the one hand and churches and families on the other hand lies in the fact that these groups claim different kinds of rights. Churches, families, and other “identity groups” usually place fairly specific demands within an existing legal and political framework. Nations, on the other hand, demand political and legal self-determination, i.e., they desire to set up their own legal and political framework. To rephrase this point in Yael Tamir’s terms: Nations demand their own

¹¹ See Kymlicka, *Multicultural Citizenship*, p. 94.

¹² Raz and Margalit (*National Self-Determination*, p. 448, emphasis mine) describe nations as “encompassing groups [in which individuals] find a culture which shapes to a large degree their tastes and opportunities, and which provides an anchor for their self-identification *and the safety of effortless secure belonging.*”

“shared public space” while other “identity groups” seek recognition within a given public space.

But to say that this is the crucial difference between nations and other “identity groups” yields an odd result: The defining feature of nations is that they aspire to be politically and legally self-determining—but this aspiration would itself constitute the reason why nations, in contrast to other groups, are entitled to self-determination. Yael Tamir appears to endorse this position when she writes: “Hence, when members of a particular group sharing some identifying national characteristics define themselves as a nation, they ought to be seen as one, lest they become victims of a needless injustice.”¹³ In the absence of any clear set of “identifying national characteristics,”¹⁴ Tamir’s claim in fact implies: Any group that declares itself to be a nation is one. This may seem like a harmless circularity; or even a useful circularity in cases where the members of the national group in question had been victims of oppression and injustice. But for most well-established nation-states, it will imply that their justification for promoting and protecting their national culture depends on the mere fact that they are well-established nation-states.

The liberal-nationalist position is philosophically appealing in cases of national groups, especially autochthonous minorities, which have been victims of the “needless injustices” invoked by Tamir. Its appeal weakens considerably, however, when we shift the focus to powerful nation-states with a long history of political “soul-making.” In these cases, the justification for the protection and promotion of their national culture becomes one with the fact that these states have in the past been successful in protecting and promoting their culture—often at the expense of minority cultures. This then is the major internal weakness of the liberal-nationalist position: It implies, at least for some cases, that cultural might makes cultural right. I will now consider this weakness in the context of immigration and argue that liberal nationalists cannot, in fact, offer a coherent approach to this issue.

Immigrants as National Minorities?

Let us reconsider now to Miller’s two reasons for restricting immigration on liberal-nationalist grounds: the immigration rate is too high for mutual adjustment to occur, or the immigrant group is strong and cohesive enough to constitute a separate nation. I shall discuss these points from the perspective of Will Kymlicka’s distinction between polyethnic and multinational states, i.e., between states with immigrant groups and states with national minorities. The rationale for choosing Kymlicka’s perspective is that his distinction between immigrant groups and national minorities spells out an assumption which, although implicitly, is also present in Miller’s, Tamir’s, and Raz and Margalit’s arguments.

Kymlicka draws a strong distinction between nations (or national minorities) and immigrant groups. He justifies this distinction with an appeal to the fact that national minorities—e.g., the First Nations in Canada, the Texan Chicanos, the Australian Aborigines—were often forcibly incorporated into a larger state, while immigrants came voluntarily.¹⁵ As a recognition of this forcible incorporation, national minorities are entitled to self-determination rights while immigrants are not.

In response to this claim, we should note first that the argument from voluntariness only works in the case of first-generation immigrants. Second- and third-generation immigrants, if their immigrant communities retain their cultural heritage, are simply born into an immigrant network on the one hand and a national culture on the other hand—and they will often experience conflict between these two unchosen affiliations.

¹³ Tamir, *Liberal Nationalism*, p. 68.

¹⁴ That is to say, in the absence of a clear set of characteristics that would distinguish nations from non-nations.

¹⁵ Cf. Kymlicka, *Multicultural Citizenship*, pp. 20-21

Kymlicka acknowledges that immigrants can over time become “national minorities, if they settle together and acquire self-governing powers. After all, this is what happened with English-speaking colonists throughout the British Empire, Spanish colonists in Puerto Rico, and French colonists in Quebec.”¹⁶ Traditional immigrant societies like Canada or the United States usually operate on the assumption that immigrant groups will blend into the mainstream culture in the second or third generation. But what if this does not happen?

It seems to me that in such a case, the liberal-nationalist position must recommend that these immigrant groups be treated as national minorities. These groups have settled down, they reproduce their own cultural patterns, they form “parallel societies.” But of course, even liberal nationalists see such “parallel societies” as a failure of integration policy, and not as an important source of belonging. In fact, the political controversy in liberal democracies today revolves around the worry that certain immigrant groups will be cut off from mainstream society and its opportunities precisely because they have retreated—or have been pushed—into such “parallel societies.”

Giving up their Commitments

Can the liberal nationalist offer any good reason to oppose this development once it threatens to occur? It seems to me that there are two possible ways to preclude the formation of “parallel societies”: to set extremely strict quotas on immigration, so that few people with the same cultural background settle in the nation; or to prevent immigrants with the same background from settling in the same areas. Neither of these is in accordance with the commitments of liberal nationalists. The second way would require the complete, and potentially forcible heterogenization of areas where immigrant groups tend to concentrate—e.g., by up-scaling neighborhoods with many poor immigrant families. It would thus deny these groups the kinds of social networks they rely on for emotional, practical, and financial support when they first come to a foreign country. This practice would undercut the very commitment to community and cultural identity that liberal nationalism relies on.

Simply restricting immigration from certain cultural backgrounds would seem to reproduce illiberal notions of racial and cultural superiority by effectively branding certain groups as unfit to participate in the “open discourse” that it is supposed to be central for the revision and development of a liberal national identity. Miller’s claim that liberal nations may restrict immigration when they lack the resources to ensure mutual accommodation between immigrants and host society implicitly shifts the blame to the immigrants: *They* fail to integrate because *their* culture is too different, and they are perceived as being too numerous to allow successful integration.

My goal in pointing to these potential illiberal implications is not to support a strong version of multiculturalism against liberal nationalism. I am not claiming that immigrant groups ought to be regarded as national minorities. I am claiming that liberal nationalists, if they were consistent, ought to regard them in this way. But if I am right about this, then liberal nationalists face a dilemma in which they are forced to abandon their basic commitments. Either they give up their communal commitments and deny that immigrants may have a right to their cultural networks; or they give up their liberal commitments and resist immigrant influences on their own national culture. Liberal nationalists usually mask this inconsistency by talking about “mutual accommodation” and “democratic identities” which are open to revision and debate. But just what does mutual accommodation imply? The political reality in immigrant countries is, in any case, far from being accepting of immigrants groups as a welcome influence on the national culture—the immigrants are expected to assimilate to the predominant culture, but native citizens are not expected to accommodate or even know anything about immigrant

¹⁶ Kymlicka, *Multicultural Citizenship*, p. 15.

culture. Moreover, immigrant groups seem to be generally underrepresented in the political and cultural elites of immigrant societies, meaning that their actual influence likely does not match their demographic weight. As an example of mutual accommodation, liberal nationalists are prone to point out specific concessions for immigrant group, e.g., permission to set up religious schools or build houses of worship, if the immigrants are of a different religion. However, it seems to me that actual accommodation implies more than this, it implies, for instance, the social and political representation of these groups in accordance with their demographic influence.

I want to close with a few remarks on the relation between philosophy and politics. Liberal nationalists denounce what we could call “biologicistic nationalism”—the idea that people have special value in light of their ancestry and genetic heritage—while endorsing a “cultural nationalism” which is not supposed to be tied to racial or ethnic categories. In fact, this distinction is what supposedly gives liberal nationalism its liberal character. However, if we observe the anti-immigration discourse in politics today—in the European Union as well as in North America—we find that often the cultural differences that are emphasized in this discourse are tied to racial categories. It is assumed or implied that certain groups, due to their ancestry and heritage, are incompatible with the so-called values of the host country. In Europe, we find this trend in particular in the discourse about Muslim immigration.

Now, the fact that these racial categories are being used in political discourse is certainly not the fault of philosophers. But I would want to suggest that these philosophers should be somewhat uncomfortable, if their ideas are so close to the slogans of politicians and propagandists that they are easily twisted and exploited.

Conclusion

I have argued that the liberal-nationalist approach to the ethics of migration is inconsistent and hence untenable. This does not mean that the theory of liberal nationalism should, as a whole, be rejected for this reason. On the contrary, the basic commitments of liberal nationalism capture some essential insight on the value of cultural belonging and the value of national identities. What I have argued here is that these insights, despite their merits, fail to give us guidance on today’s moral questions regarding the treatment of immigrants in modern nation-states.

My argument also does not imply a strong endorsement of open borders. Although I do, as a matter of fact, cautiously endorse open borders, I have only discussed here one possible argument against them. Other, stronger arguments may be available and would have to be contended with in a comprehensive defense of this stance.

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