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1

Liberal Nationalism on Immigration¹

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I: Introduction

Liberal nationalists such as David Miller and Will Kymlicka have claimed that liberal principles have implausible implications with regard to the issue of immigration. They hold that nationality should play a normative role in this regard, and that this is necessary in order to justify restrictions on immigration. The present chapter discusses the envisaged role for considerations of nationality with regard to admission and residence, and examines the actual implications of arguments advanced by liberal nationalists as to why nationality should play this role. It is argued that the connection between nationality and immigration on liberal nationalist premises is not as straightforward as one might expect, and that the addition of considerations of nationality to liberal principles makes no practical difference with regard to reasons for restricting immigration or criteria of selection among applicants for entry, as assumed by liberal nationalists.

In ordinary political debate in Europe, immigration is currently the most important impetus for articulation of nationalist views and legislation regulating the various stages of immigration, that is, entry and residence ('first admission'), naturalization and integration, provide an institutional avenue for expressions of nationalism. Conversely, some of the most obvious implications of nationalism as a normative position seem to concern these 'membership practices'. Nationalism is, in the most general formulation, the view that nationality should have positive political significance; that is, that it is a normatively relevant factor. One of the most basic nationalist claims is that the *borders* and *membership* of states should be determined with reference to nationality. This claim presupposes that 'state' and 'nation' are *not* equivalent.² For the

purpose of the present discussion of immigration, in which territorial borders are not the issue, nationalism is the view that all members of the state should also be members of the nation, where ‘membership of the state’ is understood as *the legal right to residence*, whereas ‘membership of the nation’ is understood as a *social*, rather than legal or political, *identity*.

Different kinds of nationalism understand nationality in different ways, and different conceptions of the nation have different implications regarding the possibility of becoming a member of the nation. In this chapter, ‘liberal nationalism’ will be taken to denote versions of nationalism that seek to be *compatible* with liberal values and requirements, and which attempt to *justify* nationalist claims with appeal to liberal concerns or principles. In order to secure compatibility, liberal nationalism places *constraints* on the conception of the nation, as well as on permissible ways of furthering the nationalist aim.³ One consequence of the constrained conception of the nation is that immigrants can become members of the nation, which implies that immigration of people who are not already members of the nation might be permissible on liberal nationalist grounds.⁴ Simultaneously, liberal nationalism argues that the flow of immigrants must nevertheless be restricted out of concern for the time and resources required for securing the integration of immigrants into the nation.⁵

The present chapter concerns the implications of liberal nationalism for immigration. After considering one justification for according nationality normative significance, which appeals to its function as determinative of the *scope* of the institutional implementation of liberal principles, focus is shifted to *instrumental* arguments based on liberal concerns for individual autonomy and social justice. The strategy of argument is not to assess these arguments for liberal nationalism but, rather, to discuss what they establish, if taken for granted.⁶ It is argued that, although the instrumental arguments do provide reasons for restrictions, similar – and normally stronger – reasons are already available based on the liberal concerns on which the arguments are premised. Even though this claim is formulated in comparative terms, it is not argued for on the basis of a comparison between the implications of liberal nationalism and a ‘pure’ form of liberalism considered as independent positions. One reason for this is that there is considerable disagreement as to what liberalism implies with regard to immigration. The main reason, however, is that the discussion concerns the structure of arguments for liberal nationalism that seek to justify the importance of considerations of nationality with some reference to liberal values.

This means that *whatever* the respective implications of liberalism and liberal nationalism might be, there is an intrinsic relationship between the two positions due to the role of the former in the justification of the latter. The main claims of the chapter are based on considerations of the character of this intrinsic relation and of the liberal constraints that liberal nationalists accept.

II: The scope argument for liberal nationalism

Liberal nationalists advance a number of reasons for their endorsement of the basic nationalist claim that all members of the state should be members of the same nation, but one is especially interesting and pertinent in relation to the immigration issue. According to many liberal nationalists,⁷ nationality must be invoked in order to justify the *borders* and *membership* practices of liberal states; that is, the *scope* of the main institutional implementation of liberal and democratic principles. This ‘scope argument’ is interesting because it promises to deliver a justification for liberal nationalism without assuming the value of nationality – whether instrumental or non-instrumental – beforehand, but solely by reference to shortcomings internal to liberalism. If the scope argument holds, it would establish a version of the basic nationalist claim regarding borders and membership and, as such, settle the immigration issue directly.

There are two formulations of the scope argument. In one formulation, the claim is that liberal principles are *indeterminate* with regard to the specification of boundaries and membership.⁸ According to the other, liberal principles imply that borders should be completely *open* or even *abolished*.⁹ According to the indeterminacy formulation, additional principles are needed in order for liberalism to address the scope issue at all, which is reasonably assumed to be a central task of political principles, and a principle of nationality is then proposed for this purpose. The second formulation takes the fact that liberal arguments are concerned with *persons* conceived of as equals to be sharply at odds with any restrictive membership practices in a way that furthermore threatens to make liberalism practically irrelevant.¹⁰ Either way, liberal nationalists conclude that nationality must be a relevant factor in relation to scope. According to the first formulation, a principle of nationality *supplements* liberal principles, whereas, in the second formulation, it must have *priority* over liberal principles, at least in this regard.¹¹

In response to the indeterminacy formulation, one might claim that liberal principles are not supposed to ‘determine’ borders or, more

generally, to directly *imply* specific institutions or policies. Liberalism, rather, provides standards for *assessing* institutions and policies.¹² But even on such a modest interpretation of liberalism, liberal principles at least have negative implications due to various constraints and requirements of justifiability. If these negative implications extend to issues of boundaries and membership, the indeterminacy claim is false. So, the question is whether liberal principles have implications in these regards and, if so, whether they require open borders, as claimed in the second formulation of the scope argument.

The second version of the scope argument is based on the claim that, since liberalism considers all *persons* as morally equal and requires institutions to treat them according to this status, *any* form of restrictive membership practices, and perhaps any borders at all,¹³ are unjust because they institutionalize differences in treatment.¹⁴ Liberals disagree, however, as to whether equal respect for all persons irrespective of nationality or citizenship implies equal concern; for instance, with respect to ascription of rights.¹⁵ For present purposes, it will therefore be useful to distinguish between two conceptions of liberalism. Both agree that all persons, *qua* persons, are morally equal and have a claim to have this status respected by others, irrespective of nationality or citizenship. But they disagree as to what such respect requires and, in particular, as to the nature of the normatively relevant properties that ground the extension of the rights normally defended by liberals to particular individuals. This difference leads to different implications for the issue of immigration.

Global forms of liberalism ground ascription of the standard set of liberal rights, including social rights of distributive justice, solely on features of *persons* that are independent of membership of states and nations and, accordingly, argue that the reasons for defending the standard liberal rights and principles of equality within states also hold across borders.¹⁶

Statist forms of liberalism, most of which are elaborations of Rawls's theory of justice understood as only applicable to closed societies,¹⁷ include features that are peculiar – at least, to a significant degree – to membership of states among the grounds for ascription of the full set of liberal rights, especially social rights of distributive justice and, accordingly, limit the scope of full liberal justice, especially egalitarian distributive justice, to states. The point – and burden – of statist liberalism is to identify features of state membership that are:

1. Clearly normatively relevant, and
2. Not present (to a comparable degree) across borders or in the absence of states, and to argue that

3. These features are a necessary part of the justification for the standard set of liberal rights.¹⁸

A prominent candidate for this role as a special feature of state membership is the subjection to a coercively imposed system of law of which citizens are expected to consider themselves as part-authors;¹⁹ another is the special cooperation among citizens that constitutes social primary goods through participation in social institutions.²⁰

The distinction between the two positions is not exhaustive or systematic in other regards than the ones noted, but will do for the purposes of the present discussion. What is at issue here is not the correctness or plausibility of either of the two positions, only their respective significance in relation to liberal nationalism and immigration. The first position has been termed 'global' liberalism rather than 'cosmopolitan' liberalism for two reasons: Firstly, Both positions are versions of so-called *moral* cosmopolitanism, in the sense that all that matters is the interests of *individuals*, who are to be respected as *equals* within a *global* scope.²¹

Secondly, there is another distinction between 'cosmopolitan' and 'social' liberalism that concerns whether principles for international relations should be based on considerations of the fundamental interests of *persons* or of those *societies* to which the principles apply, respectively.²² Cosmopolitan liberalism in *this* sense might be what has here been termed "global liberalism" applied to the issue of international relations', but it is also compatible with statist liberalism. As understood here, the latter is not committed to the view that societies are what matter in international relations; only that state membership is normatively relevant for the ascription of rights to individuals. Statist liberalism accepts that principles for international relations should be based on considerations of the fundamental interests of persons, but merely limits the relevant interests; for instance, to basic conditions for developing autonomy,²³ the moral powers characterizing the political conception of the person,²⁴ or basic needs and human rights.²⁵ So, the difference, according to statist liberalism, between domestic (social) justice and international relations is not that individuals matter in the first regard whereas societies matter in the second, but that the claims of individuals depend on the political context.²⁶

Even though statist liberalism implies the existence of special, political or associative, duties, it is not 'particularist' in any useful sense and does not endorse 'partiality' at the level of fundamental principles.²⁷ It is not based on the assignment of special value to the relationship in which citizens stand to their states, neither is it based on a fundamental

claim that this licenses differential treatment, but, rather, on the claim that certain rights and duties only arise, in certain contexts.

The purpose of the present chapter is not to discuss the plausibility of global versus statist liberalism or specific versions of either. For present purposes, it is sufficient to note that statist liberalism requires differential treatment and can accordingly justify restrictions on immigration in an apparently liberal way.²⁸ The second version of the scope argument was premised on a global liberalism according to which equal respect for all persons is incompatible with any restrictions on immigration, together with a claim that open borders are implausible.²⁹ Statist liberalism simply denies the incompatibility claim, as well as the indeterminacy claim, thereby undermining the case for liberal nationalism based on the scope argument. This leaves liberal nationalists with two options: either to take on the argumentative burden of refuting *all* possible forms of statist liberalism, or to offer *positive* arguments for the normative relevance of *nationality* in relation to borders and membership. The former strategy is difficult, to say the least, and, in any case, liberal nationalists have opted for the latter, which is the subject of the following sections.³⁰

III: Instrumental liberal nationalism

The positive arguments provided by liberal nationalists for why nationality should determine borders and membership are primarily instrumental.³¹ They appeal to common nationality as a source of social trust and solidarity, and to national culture as a context of choice.³² As such, common nationality facilitates democratic deliberation and the provision of social justice, and a secure national culture is claimed to be a precondition for meaningful choices.³³ These arguments take liberal political ideals or concerns – democracy, distributive justice and individual autonomy – that do not themselves involve nationality³⁴ as goals the state is obliged to secure or promote, and argue that a sense of common nationality or participation in a common national culture is nevertheless of instrumental value in this regard. The arguments are normally worked out in relation to national self-determination and territorial borders, in relation to which it is claimed that ‘it is *valuable* for the boundaries of political units (paradigmatically, states) to coincide with national boundaries’³⁵ and that states ‘are likely to *function most effectively* when they embrace just a single national community’.³⁶ With regard to immigration, liberal nationalists have taken the instrumental arguments to

justify restrictions on the *numbers* of immigrants³⁷ as well as *criteria of selection* informed by considerations of nationality.³⁸

There is a sizeable debate on the plausibility of the *empirical* premises on which the arguments rely that primarily concerns whether it is correct to consider nationality a *necessary* condition for the attainment of the liberal ideals.³⁹ But even if nationality is not a necessary condition, it might still be a facilitating condition of some sort – at least, in some contexts and under some circumstances – and the arguments might therefore still provide some weaker support for the nationalist conclusion. For present purposes, however, the instrumental arguments will simply be taken for granted in order to discuss the non-empirical question of what an instrumentally justified concern with nationality might add to a liberal view of immigration. This also means that, for the sake of the present argument, any non-instrumental liberal ideals to which the instrumental arguments for liberal nationalism appeal will also be taken as given, since these ideals are not nationalist, and the purpose of the discussion is to consider what difference the specifically nationalist components of instrumentally justified liberal nationalism might make with respect to the immigration issue.

The instrumental justification for why nationality should play a role in relation to membership further undermines the version of the scope argument claiming that nationality has to take *priority* over liberal principles with regard to the determination of borders and membership. Because the positive reasons provided by liberal nationalists as to why nationality should matter concern its instrumental functions in relation to more basic liberal ideals, nationality cannot have priority over the liberal principles in relation to which it is invoked as a means. Nationality can only be instrumentally justified as an additional political concern to the extent that common nationality is *compatible* with these liberal principles, and any policies justified with reference to the nationalist aim must respect whatever liberal constraints flow from these concerns. An instrumentally justified liberal nationalism must therefore prioritize liberal concerns over concerns of nationality, which is to say that nationality can only be allowed to play a role in justifying restrictions on immigration and to determine the selection of immigrants within relevant liberal constraints.⁴⁰

This claim squares well with the fact that prominent liberal nationalists endorse a number of clearly liberal constraints on permissible conceptions of the nation and on nationalist membership policies: a common nationality promoted by the state cannot legitimately be based on common ethnicity.⁴¹ Even though liberal nationalists accordingly

conceive of the nation in *cultural* terms, the national culture and identity must be compatible with cultural pluralism.⁴² It must therefore be 'thin' and limited to 'public' matters such as a shared language, history and public culture.⁴³ A common national identity must furthermore be the subject of continual public debate, re-evaluation and redefinition in democratic processes that include immigrants and allow them to influence and contribute to its reformulation.⁴⁴

With respect to membership practices, liberal nationalists accept obligations to receive refugees⁴⁵ and a requirement of non-discrimination with regard to selection among applicants for admission,⁴⁶ as well as the importance of admitting long-term residents to full citizenship.⁴⁷ With respect to cultural integration, liberal nationalists accept that this cannot be pursued by means of coercion.⁴⁸ Although the state can encourage, support and provide reasonable incentives to facilitate it, cultural integration cannot be a requirement backed by sanctions.⁴⁹

IV: National culture and immigration

According to the instrumental argument based on the liberal value of personal autonomy and free choice, a shared national culture is important as a 'context of choice'.⁵⁰ Given this, a liberal state is not required to be culturally neutral but is permitted to be *partial* with respect to the national culture;⁵¹ it can, for instance, base public institutions on a national language, support cultural institutions and education and, in general, promote a particular national culture.⁵² This concern for the national culture as a context of choice is among the reasons adduced by liberal nationalists for why liberal states might restrict immigration.⁵³ At the same time, however, some also claim that the right to restrict immigration is *conditional* on fulfilment of obligations of international distributive justice.⁵⁴ The reason for the latter claim is that these liberal nationalists are also cosmopolitans about distributive justice, and think that, in restricting immigration without sharing their wealth with poorer countries, rich states are 'hoarding an unfair share of resources'.⁵⁵

Whether or not this response is otherwise plausible, it is not clear that it is one that liberal nationalists can make if they also base restrictions on the context of choice argument. To make the right to restrict immigration in order to secure the national culture as a context of choice conditional on the fulfilment of obligations of distributive justice conflates two different kinds of normative considerations that liberal nationalists themselves are at pains to distinguish; namely, issues

of *cultural* and *distributive* justice. Those liberal nationalists, who are cosmopolitans about the latter, are emphatically anti-cosmopolitans about the former,⁵⁶ since they precisely argue for partiality with respect to national culture. But if states may restrict immigration to protect their national culture, such restrictions are not properly conceived of as 'hoarding an unfair share of resources' – they might be this as well, of course, but this should not, on the liberal nationalist view, affect the *prima facie* right of states to restrict immigration. The concern for the national culture might, of course, be *outweighed* by the concern for international distributive justice. But there are still problems with this: a secure cultural context of choice and material resources are different kinds of goods, and it is not clear how they should be weighed against each other.⁵⁷ And, even if the latter outweighs the former, open borders might not be an effective means for rectifying the distributive injustice, if the poorest people cannot migrate anyway.⁵⁸ So, the conditional position responds to distributive injustice by taking away a right unrelated to distribution, thereby allowing cultural injustice to arise, even though this is neither an effective nor a logical way of rectifying the initial distributive injustice.⁵⁹

Irrespective of this possible incoherence, there is a more fundamental question as to whether the concern with the national culture as a context of choice can justify restrictions on immigration at all. The relevant context of choice is defined as the *public institutions* of the society *operating* in the national language and according to cultural norms and expectations.⁶⁰ Immigration only becomes relevant to the context of choice thus conceived if it *undermines* either (a) this way of *operating* of the public institutions, or (b) the institutions *as such*. My claim is that the kind of immigration that would undermine the ability of the public institutions to operate in the national language and according to cultural norms and expectations (a) would probably have to be so massive that it would entirely undermine the ability of the society in question to *uphold* the public institutions as well (b). The reason for this factual conjecture is that in order for the relevant kind of context of choice to break down, it is not sufficient that public institutions might be forced to *change* in significant ways by the fact of immigration, for instance to become bilingual in order to cater for large groups of immigrants that do not understand the national language, such as Spanish speaking immigrants to southern California. Such possibly quite drastic changes do not undermine the relevant context of choice for the national majority, if the institutions in question still operate in the national language and, therefore, still provide options that are meaningful to members of

the nation in the relevant sense. So, what is needed for the context of choice argument to yield restrictions on immigration is that immigration not only changes institutions in ways such as these, but also makes it impossible for them to continue to operate in the national language. It simply seems difficult to think of a situation where this is the case that is not a situation in which immigration completely disrupts the ability of the society to uphold the public institutions at all. If, indeed, this is the case, then the context of choice argument for restrictions on immigration only applies to situations like this.⁶¹

But this conclusion threatens to make the context of choice argument for restrictions *redundant*, as such. This is so because there already are reasons – for instance, deriving from a ‘concern’ with public order and institutional stability – for restricting this kind of massively disruptive immigration.⁶² This concern is not specifically nationalist and it is, furthermore, both practically and logically more fundamental than the nationalist concern, since the prescription that public institutions operate in the national language and along the lines of the national culture *presupposes* that there *are* functioning public institutions. So, in the kinds of situations where the context of choice argument provides reasons for restricting immigration – that is, where immigration threatens the public institutions that provide the context of choice – there are *already* non-nationalist reasons for restrictions that are *prior* to the nationalist concern with a context of choice; in other words, the concern with public order and institutional stability. These reasons only justify restrictions on immigration that are *necessary* in order to protect the ability of the state to uphold its public institutions, but this is sufficient to rule out as irrelevant the only scenario in relation to which the context of choice argument has any implications for immigration. Note that this conclusion follows independently of any assessment of the actual plausibility or strength of the reasons provided by either the context of choice argument or arguments based on a concern with institutional stability or public order, since the former *presupposes* that there are functioning public institutions and, hence, that any kind of immigration that would undermine this is ruled out.

So, even if one grants the context of choice argument, it does not carry any relevant implications for immigration. This is so irrespective of how costly immigration might otherwise be to members of the nation, since the argument only permits partiality with regard to national culture, not with regard to the material interests of the members of the nation as such.⁶³

V: National solidarity and immigration

Unlike the context of choice argument, the instrumental argument linking common nationality to social justice might seem to ground an obvious case for restrictions. This argument relies on the claim that institutions of social justice do not 'secure their own support'⁶⁴ but depend on an external sense of solidarity motivating people to comply with their distributive duties to each other, and invokes the sense of common nationality as a source of such solidarity.⁶⁵

Given the noted priority of liberal constraints over nationalist concerns, instrumentally justified liberal nationalism only grounds restrictions on immigration if the liberal ideals on which the instrumental arguments are based *permit* such restrictions. This suggests that the liberal account of distributive justice must be of the statist variety, since global liberalism has problems with accepting such restrictions. Some proponents of global liberalism, who are cosmopolitans about distributive justice, have argued, however, that states have the right to restrict immigration on the condition that they fulfil duties of global distributive justice.⁶⁶ But even if this is accepted, global liberalism and the resulting cosmopolitan view of distributive justice sit uneasily with the instrumental argument for liberal nationalism with reference to solidarity and social justice.⁶⁷ The instrumental argument is that the members of a state should share a sense of nationality, since this generates the solidarity that motivates them to comply with their distributive duties to one another. If the relevant distributive duties are *global* in scope, then it is doubtful whether *national* solidarity will support the requirements of justice. In fact, national solidarity might, to the contrary, present an obstacle to global justice in the form of illegitimate partiality.⁶⁸

For these reasons, the distributive duties in question cannot be general global duties but must, rather, be *special* duties holding only among members of a *state*. Otherwise, it would be unclear why it is members of a state who should share a sense of nationality, and how nationality can provide a *relevant* kind of motivation to comply with the distributive duties. And, unless the distributive duties hold only among members of a state, the argument would furthermore not provide a reason for restrictions on *immigration*, which concerns entry into and residence in states. So, in order for the argument to work, the account of distributive justice on which it is based must tie full distributive justice to membership of the state; that is, be a statist rather than global liberalism. It is, therefore, quite proper that this instrumental argument for liberal nationalism is formulated in terms of 'social justice', since this

is commonly understood as referring to distributive duties that apply only *within* a bounded society.⁶⁹

But, if the instrumental argument from social justice requires that liberal nationalism be based on a statist form of liberalism, the significance of the resulting kind of nationalism for the issue of immigration is seriously weakened. This is so because statist liberalism not only *permits* restrictions on immigration; it *provides* positive reasons for them. Statist liberals argue, in various ways, that full distributive justice is tied to membership of states, and that the concern for existing members justifies restrictions on the entry of new members.⁷⁰ For present purposes there is no need to discuss whether statist liberals are *correct* in making these claims; all that matters is that instrumentally justified liberal nationalism *presupposes* a kind of statist liberalism that permits restrictions, and that the reasons why such positions supposedly can accept restrictions are also reasons requiring them.

The instrumental argument from social justice does justify restrictions if based on statist premises but, in that case, there will already be *non-instrumental* reasons for restrictions that are *logically prior* – due to the more fundamental status of the principles of social justice relative to the instrumental concern with solidarity and common nationality – and *less contingent* – because they are not based on a merely empirical link between social justice, solidarity and nationality. This does *not* show, however, that there are *no* nationalist reasons for restrictions.⁷¹ The empirical claims on which the instrumental argument is based have been taken for granted for the sake of argument, so it is assumed that the solidarity needed for effective implementation of distributive justice requires common nationality, and this does provide a reason for restricting immigration. But this reason is not *necessary* in order to justify restrictions,⁷² since the liberal premises of the instrumental argument generate prior and stronger reasons that already do this.⁷³

The conclusion that the instrumental arguments make no practical difference with regard to the justification of restrictions should be specified in relation to particular aspects of immigration policy. Restrictions on immigration might limit the quantitative number and flow of immigrants, on the one hand, and select among immigrants according to qualitative criteria, on the other. Given any restriction on numbers, it is necessary to select among applicants for entry. Liberal nationalism is not the only alternative to open borders. But, even if restrictions on numbers of immigrants are justifiable on non-nationalist – for instance, statist liberal, grounds – liberal nationalism might still make a difference with regard to the *criteria* of selection. The picture would then be this: although

the instrumental arguments for liberal nationalism do not add anything to the justification of restrictions on numbers already accepted (for the sake of argument) on the basis of statist liberalism, they might affect the criteria of selection, so that immigrants are selected on the basis of how close their cultural background and values are to those of the national culture in which they are expected to integrate.⁷⁴

VI: Immigration, integration and the conception of the nation

The potential problem with immigration, according to liberal nationalism, concerns the subsequent integration and acculturation of immigrants.⁷⁵ Immigrants are expected and encouraged to become members of the nation after admission⁷⁶ and, insofar as this happens, immigration poses no problem from the liberal nationalist point of view. The point of liberal nationalism is not to protect the 'purity' of the nation or to preserve the national culture as it is⁷⁷ but, rather, to ensure that there will continue to be a sense of common nationality providing social trust and solidarity among *all* members of the state. The kind of integration relevant to liberal nationalism is, accordingly, that which is required for immigrants to become members of the nation.

The liberal conception of nationality is heavily constrained, as already noted, in order to secure compatibility with the ethnic, religious and cultural pluralism of liberal societies. The result is a 'thin' conception of national identity focused on a common public language, institutions and a 'public culture' comprising a set of understandings about how people are to conduct their life together, including political principles such as democracy or the rule of law and certain social norms.⁷⁸ This constrained conception of nationality makes the requirements for successful integration less demanding, the learning of the national language probably being the most exacting. Besides the attainment of basic proficiency in the national language and some rudimentary knowledge of the workings of the society and political system, integration cannot, for instance, require more than compliance with the law and general liberal political principles said to be part of the public culture; in a liberal state, what people believe is not a legitimate (or a feasible) object of political regulation, and specific beliefs are therefore not a legitimate requirement for integration.⁷⁹

Might the ability of immigrants to become members of the nation, their 'integration potential', 'assimilability'⁸⁰ or 'linguistic and cultural compatibility'⁸¹ inform selection criteria?⁸² It might but, if integration in the nation as conceived by liberal nationalists only requires

familiarity with the public language and political structures and not, for instance, sincerely held beliefs in specific political principles or substantial cultural assimilation, this concern is *practically indistinguishable* from what can be (and is, in fact) expected of immigrants on purely liberal grounds.⁸³ As conceived of in liberal nationalism, a concern with integration in the nation would seem to be a *merely nominal* addition to the selection criteria that are independently justified on purely liberal grounds:⁸⁴ one might *say* that integration concerns ‘membership of the nation’ – but this makes no difference for the *actual* integration requirements – and derived criteria of selection.^{85,86}

In summary, the significance of instrumentally justified liberal nationalism for immigration, then, is that:

- It does provide reasons for restrictions on the *numbers* and *flow* of immigrants, but these are *secondary* to accompanying reasons flowing from the more basic concerns on which the instrumental arguments are premised, and which make the nationalist reasons irrelevant.
- The only justifiable criterion of selection among immigrants related to the cultural aspects of nationality is proficiency in the *national language*; for both principled and practical reasons, immigrants’ ‘cultural values’ cannot normally serve as selection criteria.
- This means that liberal nationalist requirements for integration, and the resulting reasons for restrictions, are *practically indistinguishable* from those endorsed on purely liberal grounds.

VII: Conclusion: Liberal nationalism at home rather than abroad

The upshot is that, even granted the instrumental arguments for why a common national identity and culture are valuable, liberal nationalism cannot depart significantly from the immigration policies that are permitted (and in fact required) on statist liberal grounds. This holds no matter the exact the implications of statist liberalism with regard to immigration. While acknowledging that the concern with nationality cannot take priority over liberal constraints, liberal nationalists do not recognize the implications; in other words, that instrumental considerations of nationality are not necessary for justifying restrictions on the numbers of immigrants and do not make any significant difference with respect to criteria of selection.⁸⁷

Does this mean that liberal nationalists are wrong in stressing the importance of nationality in relation to justifications of the bounded and

particularist nature of liberal states? Not necessarily. But it does mean that, even if the instrumental arguments succeed in establishing the normative importance of nationality, this importance does not primarily concern immigration. Nationality might have normative significance as a source of identity and cohesion for the political community *without* informing immigration policy, and a state can be a nation-state in a real sense *without* enlisting its membership policies among the primary means for enforcing or reproducing its national particularity. A state can be a nation-state in the sense of embodying a unique history and collectivity, and can uphold this identity through its educational and cultural policies, while only limiting its membership in ways permitted by statist liberalism. Not only is this a logical possibility; it also seems to be more or less what most western liberal states are, in fact, doing.⁸⁸ If this is so, liberal nationalists need not invoke nationality in relation to immigration to be able to justify the actual membership practices of liberal states. At the same time, they can hold on to the claim that a shared sense of nationality and a common national culture serves valuable instrumental functions that justify internal nation-building policies.

To sum up: an instrumentally justified liberal nationalism has no significant implications for the issue of immigration beyond what already follows from the statist liberalism on which it must be premised. The primary focus for the concern with common nationality must, instead, be the less basic areas of policy not involved in the distribution of membership; for instance, educational and cultural policy. Far from making liberal nationalism a practically irrelevant and theoretically uninteresting view, this might, to the contrary, ward off the oft-made charge that any kind of nationalism is bound to be illiberal due to its exclusionary implications with regard to membership. Instrumentally justified liberal nationalism need not be more exclusionary than any kind of liberalism that accepts the distinction between members and non-members, and permit restrictions on the access of the latter to the state. But it can still be a kind of nationalism due to its concern with securing a common national identity among members.

Notes

1. Thanks to Simon Caney, Andreas Føllesdal, Nils Holtug, Kasper Lippert-Rasmussen, Anne Phillips, Mathias Risse and Daniel Weinstock for comments.
2. Miller (1995: 18f.), in contrast, for instance, with the use of 'nationalism' in Pogge (2002a: ch. 5).
3. Kymlicka (2001b: 39ff.).

4. Cf. Miller (1995: 26, 128f.).
5. See Miller (1995: 129, 2005a: 200); Kymlicka (2001b: 219, 2001c: 263f.); Banting and Kymlicka (2006: 292f.); Tan (2004: 124). 'Liberal nationalism' is sometimes discussed as a form of *minority* nationalism – that is, as a position concerning the self-determination rights of national minorities – and has been formulated in ways that do not link *state* and nation (for example Tamir 1993). The present chapter, however, concerns *majority* nationalism regarding membership of *states*.
6. For a critical discussion of these liberal nationalist arguments as formulated by David Miller, see Lægaard (2007a).
7. Miller (1995); Canovan (1996) and Kymlicka (2001c).
8. Tamir (1993: 121); Miller (1995: 163); Canovan (1996: ch. 3).
9. Tamir (1993: 127); Kymlicka (1995: 124f., 2001c: 250) and Canovan (1996: 128); cf. Carens (1987).
10. Kymlicka (2001c: 249f.).
11. A third possibility is that liberal *principles* combined with *factual information* justify special duties among members of a nation as the most *effective* way of discharging *general* obligations, as what is termed by Miller as a 'useful convention' (Miller, 1995: 51f.). The problem with this approach, from a liberal nationalist point of view, is that the addition of the actual facts to principles prescribing general obligations is quite unlikely to result in special obligations among members of *nations* (as distinct from states), due both to the dispersed location of co-nationals, and the inequality among nations (Miller 1995: 62ff.). Something similar might be expected with regard to borders and membership.
12. Cf. Pogge (2002a: ch. 7); Tan (2004: 150).
13. Canovan (1996: 128).
14. Kymlicka (2001c: 249f.); cf. Carens (1987).
15. See R. Miller (1998), on the distinction between equality of respect and concern, and Tan (2004: 151–6), for a criticism as to whether equal respect can be secured without equal concern under unjust conditions. This criticism does not undermine the fundamental distinction, however, and relies on, rather than grounds, a cosmopolitan theory of justice.
16. See Caney (2005: chs 3 and 4), on the cosmopolitan implications of standard liberal arguments for equal rights.
17. Rawls (1971/1999: 8–7, 1996: 12, 1999b).
18. Reciprocity or cooperation in the form of interaction and trade within the state do not fulfil these conditions, as often pointed out by cosmopolitans, cf. Caney (2005: 108ff., 134f) and Tan (2004: 172–7).
19. Blake (2001); Nagel (2005); Risse (2005); see Abizadeh (2007) and Sangiovanni (2007), for criticism.
20. This latter sense of cooperation or reciprocity is special in the sense that the goods in question – such as legal powers and the resulting system of law – not only do not exist independently of it, as might also be the case for some material goods produced cooperatively, but are *constituted* as goods by the social institutions in question. See Føllesdal (2000b, 2006a, 2009), and his contribution to the present volume; see also Sangiovanni (2007).
21. *Moral* cosmopolitanism is contrasted to *institutional* or *legal* cosmopolitanism, the point being that the equal *moral* status of all persons need not

imply identical *legal* rights or anything approaching a ‘world state’, cf., for example, Beitz (2005: 17f.), Caney (2005: 152), Pogge (2002a: ch. 7, 2002b: 86) and Tan (2002: 440f., 2004: 80f., 94f.). According to Miller (2007: 27), the *moral* claim is ‘almost platitudinous’ and no *institutional* claims for equal treatment follow from it. Beitz (2005: 21f.) notes that statist liberalism might be consistent with moral cosmopolitanism.

22. Beitz (2000: 677), on Rawls (1999b).
23. Blake (2001).
24. Risse (2005).
25. Føllesdal (2009).
26. Statist liberalism, therefore, qualifies as a ‘modest’ form of cosmopolitanism, insofar as it affirms global principles, but refrains from the further ‘ambitious’ claim that these principles *exhaust* justice, cf. Caney (2005: 105, 269f.). Note that statist liberalism might support *substantial* international distributive justice, as long as it does not include the *full* set of rights ascribed to citizens, and thus need not be committed to the minimal position of Nagel (2005).
27. See, for example, Miller (1995: ch. 3) and R. Miller (1998: 202) on ‘particularism’ as opposed to ‘universalism.’ Bader (2005a) applies this distinction to immigration, but vacillates between understanding it to concern *basic principles*, reasons or arguments, on the one hand, and *political implications* in terms of special duties and restrictions on immigration, on the other (similarly Bader 2005b). See Blake (2001: 260f.) and Føllesdal (2000b and 2009), on ‘partiality’ versus ‘impartiality.’
28. Perry (1995); Weinstock (1996: 94f.); Blake (2003).
29. Kymlicka (2001c: 250).
30. The appeal to statist liberalism as a possible justification of restrictions does not settle whether the *actual* membership practices of otherwise liberal states can be justified in this way. Although statist liberalism can justify some restrictions, it might take more to justify the more exacting restrictions currently imposed by most states, and nationality might be necessary and/or sufficient for this purpose. But, in that case, another question arises; namely, whether the actual restrictions are liberally *acceptable*, which they might not be if they cannot be justified on the basis of statist liberalism. This question is taken up as part of the discussion of the positive instrumental arguments for liberal nationalism.
31. Some liberal nationalists also claim that nationality has non-instrumental value; for example, as an independent source of special obligations (Miller, 1995: ch. 3, 2005b, 2007: 37ff.). One view is that such considerations of nationality must be weighed against liberal principles, in a compromise or as independent factors in a pluralistic view (Miller 2005b; Tamir 1993). Another view is that the resulting kind of nationalism is simply not *liberal* if such special obligations are assigned any priority over the general obligations specified by liberal principles (Tan 2002: 456; Bader 2005b).
32. Kymlicka (2001b: 224–9); Tan (2005: 54).
33. Margalit and Raz (1990); Tamir (1993); Miller (1995: ch. 4, 2005a: 199f); Kymlicka (1995: ch. 5, 2001b: chs 10 and 11, 2001c: 265f., 2004).
34. Although he subscribes to a liberal egalitarianism according to which the rights of equal citizenship are requirements of justice, Kymlicka (2003:268f.)

- also considers T. H. Marshall's model of citizenship as the extension of equal civil, political and social rights to all as a means of nation-building and not only as a requirement of justice.
35. Miller (1995: 82, emphasis added).
 36. Miller (1995: 90, emphasis added).
 37. Miller (1995: 128f., 2005a: 200); Kymlicka (2001c: 263).
 38. Miller (2005a: 204), but see Miller (2007: 228f. and 2008: 19).
 39. Weinstock (1996: 92ff., 2002: 264f); Moore (2001: ch. 4); Caney (2005: 174ff.).
 40. For a related point, see Tan (2004: 101, 2005: 57f).
 41. Miller (1995: 20); Kymlicka (2001b: 40, 2001c: 259); see Joppke (2005a: 7f.) for a critique of the assumed notion of ethnicity.
 42. Miller (1995: 137, 142, 172, 179f.).
 43. Miller (1995: 26, 87, 158, 172); Kymlicka (2001b: 40, 2001c: 258, 259).
 44. Miller (1995: 26, 129f, 179f.).
 45. Miller (2005a: 202f., 2007: 224–7).
 46. Miller (2005a: 204, 2007: 228f., 2008: 18f.).
 47. Miller (1995: 72, 2005a: 204, 2008: 7f.); Kymlicka (2001c: 249f.).
 48. Kymlicka (2001b: 39, 2001c: 258).
 49. It can at most be an 'expectation', to borrow from Carens (2005b).
 50. Kymlicka (1989: ch. 8, 1995: ch. 5, 2001b: 208ff., 227f, 2004: 117f.).
 51. Tan (2005: 55).
 52. The rejection of 'cultural neutrality' must presumably be understood to concern neutrality of *effect* or *outcome*, not neutrality of *justification*, since state support for a national culture is supposed to be justified with reference to liberal considerations of justice, and only ascribes instrumental value to the national culture as a means towards these goals.
 53. Coleman and Harding (1995: 41ff.).
 54. Tamir (1993: 161); Kymlicka (2001c: 270f., 2004: 126–9); Tan (2002: 457f.).
 55. Kymlicka (2001c: 271).
 56. Tan (2004: 96ff., 2005: 56f.); cf. Scheffler (2001: ch. 7).
 57. Even if one, with Kymlicka (1989: 166, 177f. and 2004: 118f., 125), considers a secure cultural context of choice as a 'primary good' in Rawls's sense – and, as such, as falling within distributive justice conceived of as relating not only to material resources, but also to nonmaterial goods such as rights, duties and the social bases of self-respect – this does not solve the problem of the relative weight. But it does reduce it to a familiar problem for pluralistic theories.
 58. Pogge (1997).
 59. The conditional position is much more plausible with regard to justifications for restrictions on immigration that refer to the importance of common nationality as a precondition of domestic social justice, since the concern with social justice presupposes that the resources to be distributed domestically are not owed to people of other, poorer countries (Tan 2004). The point of the above discussion is merely that *insofar as* one distinguishes between cultural and distributive justice, failures with regard to the latter do not obviously affect rights justified with reference to the former.
 60. Cf. Kymlicka's notion of a 'societal culture' (Kymlicka 1995: ch. 5, 2001b: 25ff., 53, 209f.); also Tamir (1993: 8f.).

61. To undermine this claim, one would have to find cases where immigration challenges the relevant kind of functioning of public institutions in the national language *without* undermining their very existence.
62. Carens (1992: 30); Risse (2005: 107).
63. Tan (2005: 56).
64. *Pace* Rawls (1971/1999).
65. See Miller (1995: 93); Kymlicka (2001b: 225f.); Banting and Kymlicka (2006: 299). This instrumental argument must be distinguished from the non-instrumental argument according to which common nationality is an independent *source* of special duties (e.g. Miller 1995: ch. 3). If distributive duties are *justified* with reference to common nationality (e.g. Miller 1995: 83f.), the instrumental argument is, however, *redundant* since the justificational and motivational bases for the duties are then *identical*, so that the required motivation to comply is secured by definition. The instrumental argument, therefore, only does any work with regard to duties justified in a non-nationalist way. See Lægaard (2006) for more on this instrumental argument. The solidarity requirement is likely to depend on the kind of welfare regime in question; 'corporatist' welfare states might, for instance, have fewer problems accepting immigration than 'universalistic' states, both in terms of the actual costs and the effects on solidarity; cf., for example, Engelen (2003) and Nannestad (2004), respectively. Note, finally, that, although Kymlicka endorses some versions of the argument from solidarity, he is sceptical towards other versions of it; cf. Banting and Kymlicka (2006).
66. Carens (1992: 39); Bader (1997, 2005a, 2005b); Pogge (1997).
67. *Pace* Kymlicka (2001c: 270f.); Tan (2004).
68. Against this, it might be argued that there is a 'spill-over of solidarity' contributing to global redistribution. The Scandinavian welfare states are, for instance, characterized by strong national solidarity, but also donate the most in terms of aid to poor countries. In response to this idea, put to me by Andreas Føllesdal, it should be noted that the relationship between developmental aid and domestic redistribution is still very much out of proportion if the global injustices the former is supposed to address is determined according to most *cosmopolitan* standards, which implies that national solidarity in wealthy countries might as well contribute to global injustice, construed thus, rather than alleviate it. Even if this is not the case, there are reasons to believe that the resulting kind of developmental aid is *not sufficient* as a means toward eradicating global injustice, because the main problem is unjust global institutions (Pogge 2002a) and/or defective domestic institutions in poor countries (Risse 2005). But even *if* there is a 'spill-over of solidarity', it does not follow that this is an effect of strong *national* solidarity. Sensitivity to the injustices faced by people in poorer countries might, rather, be an effect of living in a just *society* oneself; that is, be a result of an *institutionally* nurtured 'sense of justice.'
69. Rawls (1971/1999: 7f./6f.); Miller (1999); Nagel (2005).
70. Perry (1995); Blake (2003); Nagel (2005: 129f.); Risse (2005: 107).
71. Thanks to Mathias Risse for pointing this out to me.
72. *Pace* Kymlicka (2001c).
73. Although the reasons for restrictions stemming from statist liberalism are *logically prior* to nationalist reasons, the latter might justify *tougher*

restrictions than the former. In that sense, nationality might be necessary in order to justify the kinds of restrictions actually in place in many states. But, since the kind of nationalism in question is instrumental, it is subjected to liberal constraints, and the question therefore arises as to whether such tougher restrictions are liberally acceptable. Whatever the answer, nationalism is still not necessary in order to justify restrictions.

74. Miller (2005a: 204).
75. Miller (1995: 128f., 2005a: 199f.); Kymlicka (2001b: 219, 2001c: 263f.); Tan (2004: 124).
76. Kymlicka (2001b: 51); Miller (2008).
77. Kymlicka (2001b: 212); Miller (2005a: 200).
78. Miller (1995: 26); Kymlicka (2001b: 40).
79. Carens (2000: 121); Miller (2008: 14f.).
80. Joppke (2005a: 23).
81. Carens (1992: 44).
82. As suggested by Miller (2005a: 204).
83. Carens (2000: 124–32, 2003: 109, 2005b); Joppke (2005a: 236–40, 2005b).
84. Joppke (2005b: 53f.).
85. The quite common *formulation* of the requirement that immigrants accept liberal values and institutions as a matter of ‘national values’ might, however, have independent *effects* amounting to a form of nationalism, cf. Lægaard (2007b), even though such requirements are only nationalist in a merely *notional* sense (Joppke 2005b: 54).
86. Miller has recently changed his mind as to whether national culture can legitimately inform selection criteria. He now thinks that this is generally not acceptable, since it signals discrimination in relation to already accepted immigrants and cultural minorities (Miller 2007: 228f., 2008: 18f.). But, given the argument in the text, such policies would not be liberally acceptable in the first place and would, hence, not be justifiable on the basis of instrumental liberal nationalism anyway.
87. David Miller, it should be noted, advances instrumental as well as non-instrumental arguments for liberal nationalism, and is explicit that the instrumental arguments alone do not establish the kind of conclusions that he favours; cf., for example, Miller (2005b, 2007: 37f.). Kymlicka, on the other hand, seems to base his liberal nationalism on purely instrumental grounds.
88. Joppke (2005a, 2005b).

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