Immigration and national identity

When it comes to scholarly debates about immigration among political theorists and philosophers, it is fair to say that the dominant position is the one long defended by Joseph Carens (1987; 2013): that a policy of open borders is the only morally acceptable position for someone committed to liberal democratic values. Carens adopts an ethical approach, asking what is owed to individuals. By contrast, in his new book *Strangers in Our Midst: The Political Philosophy of Migration*, David Miller adopts what he calls a ‘political approach’, which aims to take seriously the perspective of political communities: the collective values ‘having to do with the general shape and character of the society that immigrants may be seeking to enter – for example, the overall size of its population, its age profile, the language or languages spoken by its inhabitants, or its inherited national culture’ (13).
Members of a political community have an interest in political self-determination, an interest in controlling the future of their society. In this review essay, I analyse the conception of political community underlying Miller’s self-determination argument for immigration control.

Writing about the good of political membership decades ago, Michael Walzer suggested that it is ‘conceivably the most important good’ because it has historically determined access to other fundamental goods. A unique feature of the good of membership is that it can only be distributed by taking people in: ‘they must be physically admitted and politically received’. For Walzer, it is obvious who should decide how to distribute membership: ‘we who are already members do the choosing’ (Walzer 1983, 29, 32). Who is the ‘we’ that makes up the membership? Walzer analogises the political community to a ‘national family’ and suggests that the grounds for state control over immigration is the preservation of culturally distinctive communities, which are the agents of self-determination exercising power over admission and exclusion.

Miller has developed a nationalist account of political community more fully and applied it to questions of global justice, territorial rights, and immigration. On his account, state discretion over immigration derives from the collective right of a nation to control its territory and its collective way of life. He defines the nation as containing five elements: it is ‘a community (1) constituted by shared belief and mutual commitment, (2) extended in
history, (3) active in character, (4) connected to a particular territory, and (5) marked off from other communities by its distinct public culture’ (Miller 1995, 27). It is the fifth element that makes Miller’s account a nationalist one.

A nationalist account of political community runs through Strangers in Our Midst. Miller begins with the idea of associative obligations and argues that the relationship among compatriots has intrinsic value and gives rise to special duties. He characterises the nature of the relationship among compatriots as ‘multidimensional’. First, members of a political community are involved in a scheme of economic cooperation, which they contribute to and benefit from. Second, members are participants in a political and legal system that requires them to obey the laws, but also gives them rights of participation by which they can exercise collective control over the system. Third, members are ‘fellow nationals, people who share a broadly similar set of cultural values and a sense of belonging to a particular place. They think of themselves as a distinct community of people with historical roots that exists as one such community among others’ (26). Miller favours the third conception of political community, which, unlike the other two, can explain why citizens of a political community would resist the dismemberment of their state through secession. If the political relationship were simply about economic cooperation or citizenship, ‘there is no obvious reason to resist the
breakup’ (28). He also suggests that the first two accounts are insufficient to constitute a properly functioning state (29).

Miller argues for state control over immigration in terms of national self-determination. The national self-determination account gives rise to distinct reasons for state control over immigration that have to do with its effects on trust within the nation. Immigration tends to increase ethnic and religious diversity in a host society. Research by social scientists suggests that increasing diversity may reduce interpersonal trust and trust in political institutions, which in turn may make it harder to gain support for policies involving economic redistribution and harder for democratic institutions to operate in a deliberative manner. Miller invokes such research to emphasise that his political approach, in contrast to an ethical approach, ‘gives greater weight to the evidence about immigration, trust, and support for welfare’ (18). States should regulate immigration with an eye toward its effects on the national culture and trust within the nation (64-5).

I want to raise some questions about the nationalist account of political community. In *Strangers in Our Midst*, Miller seems to maintain that the modern state is best conceived as a nation-state with members sharing a national identity, an argument that he developed in his 1995 book *On Nationality*. I share the familiar worries voiced by critics of nationalism. Miller acknowledges the dark side of the history of nationalism, but he responds that national identity need not entail assertions of national superiority and
inferiority. Moreover, national identity provides an essential ‘kind of solidarity that is lacking if one looks just at economic and political relationships’ (27). I wonder about the empirical evidence for the latter claim. As Will Kymlicka and Keith Banting (2006) have argued, the existence of cultural diversity and multiculturalism policies in support of cultural diversity do not necessarily undermine solidarity and support for redistribution in liberal democratic societies. We do not have sufficient evidence to conclude that a thinner account of political membership – for example, one based on a shared commitment to political values and political institutions – is not enough to constitute a properly functioning state.

When it comes to immigration, my worry about a national identity-based account of self-determination is that it could lead to exclusions that are in tension with liberal democratic principles. On Miller’s theory, it would be a legitimate policy objective for nation-states to preserve and strengthen the national identity of existing citizens (29). Later in the book, he argues that states have broad discretion to set their own immigrant admissions priorities when it comes to ‘economic migrants’, but justice places constraints on how states can exercise this discretion. States cannot exclude on the basis of race, ethnicity, or religion in selecting immigrants. This means that immigration policies such as the White Australia policy or the US National Origins Quota System would be ruled out. So too would Donald Trump’s proposal to ban Muslims from being admitted to the US. There are
different reasons for opposing such exclusions. Some argue there is a human right against discrimination; others argue that selecting by race, ethnicity, or religion would be an injustice to existing citizens who share the excluded group identities. By contrast, Miller argues that racial, ethnic, or religious exclusions show disrespect for the would-be migrants because the state fails to give ‘relevant reasons’ for refusing entry. Drawing on Michael Blake, he argues the relevant condition is that the reasons the state gives for its selective admissions policy must be good reasons, reasons that the immigrants ought to accept given that the general aims of the policy are legitimate ones’ (105). Miller concludes, ‘selection by race or national background is unjustifiable, since these attributes cannot be linked (except by wholly spurious reasoning) to any goals that a democratic state might legitimately wish to pursue’ (106).

But what about a policy of prioritizing members of particular national, ethnic, or religious groups because those particular group identities constitute a core part of the national identity? Consider Israel’s Law of Return, Germany’s Aussiedler policy, or Quebec’s preference for French speakers. If the state’s discretion over immigration is based on national self-determination, it is a legitimate prerogative of the nation-state to favour particular ethnic and religious identities that constitute a core part of the national identity. The state can say such ethnic or religious favouritism has good reasons behind it: the maintenance of a cherished national identity that
has a particular ethnic and religious identity at its core. Are these ways of prioritising migrants on the basis of shared ethnicity or religion permissible on Miller’s theory? If so, how are they different from the racial, ethnic, and religious exclusion that he explicitly rejects?

The difficulty stems in part from the blurriness of the boundary between the concepts of national culture, on the one hand, and ethnicity and religion, on the other (Song 2008). What does Miller mean by ‘culture’ when he discusses ‘cultural selection’ and ‘cultural integration’ among host countries? In discussing how immigrants may disrupt existing cultural patterns, he refers to ‘new cuisines, new forms of dress, new languages, new religious practices, new ways of using public space’ (18). Can nation-states legitimately exclude ‘immigrants who speak a different language, practice a different religion, or have a different lifestyle from the majority’ (107) on the grounds that they would alter the existing national identity too much? I do not see how a national identity-based account of self-determination can resist such exclusions in countries whose national cultures have historically been defined in terms of ethnic and religious identities. For some, this is not a bug, but an attractive feature of a nationalist account of self-determination. What are states for, if not the preservation of distinctive cultures and ways of life?

It is interesting to note that Walzer does not attempt to draw a line between cultural selection and racial selection in his discussion of
membership and immigration in *Spheres of Justice*. He says Australians in the early twentieth century had one of two choices in the face of non-white refugees seeking admission: Australians could discharge the duty of mutual aid to ‘necessitous men and women, clamoring for entry’ either by admitting them or by yielding some of their land for the needy strangers to establish a separate community, thereby preserving a ‘white Australia’ (Walzer 1983, 46-7). While he gives weight to the refugees’ claim to enter, he takes just as seriously Australians’ claim to keep Australia white. It is not surprising that an account of self-determination based on the preservation of a distinctive cultural/national identity would include claims for prioritising specific racial identities in light of the historical salience of race to shared understandings of national identity. Insofar as particular racial and ethnic identities are salient parts of the existing national identity, a defence of state control over immigration based on the value of national identity seems to permit racial and ethnic exclusions.

As I understand Miller’s theory of nationality, however, national culture and national identity are capacious and contested: they consist not only of languages, religions, modes of dress, and distinctive cultural practices and identities, but also political values and principles. The challenge, then, for a *national* self-determination account of immigration control is to determine what ought to be done when a nation’s commitment to preserving particular
ethnic or religious identities conflicts with its commitment to principles of equality.

References


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