IMMIGRATION, INDIVIDUAL AUTONOMY, AND SOCIAL JUSTICE:
AN ARGUMENT FOR A REDISTRIBUTIVE IMMIGRATION POLICY

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Abstract

Contemporary liberal democratic societies currently enact immigration policies that are morally indefensible from a liberal autonomy and social justice perspective. In a world characterized by stark inequalities in individual opportunities to lead autonomous lives, and in which many individuals lack the basic conditions for autonomous functioning, I argue that contemporary immigration regimes that distinguish between desirable immigrants – who are typically from similarly wealthy countries – and undesirable ones – who are typically members of the global poor – conflict with liberal commitments to individual autonomy and equality of opportunity. I advocate that such commitments should lead wealthy countries to change their criteria for immigration, so that they admit proportionally many more of the global poor than they currently do. Such redistributive immigration policies are a way for rich countries to fulfill their global distributive justice duties. The thesis examines two major objections to formulating immigration policies on grounds of global distributive justice. First, some theorists posit a moral distinction between compatriots and non-compatriots, and argue that duties of redistribution should be restricted to compatriots. Second, some theorists fear that redistributive immigration schemes will have negative consequences on the conditions of social justice in host communities. This fear derives from the assumptions that social solidarity and social trust will be eroded by the greater ethno-cultural heterogeneity that is likely to result from the implementation of redistributive immigration policies. In response I show, first, that social solidarity is not circumscribed by national boundaries; the empirical evidence does not support claims that solidaristic acts rely on a predefined idea of community. Second, drawing on the Canadian case study, I find that institutional trust rather than interpersonal trust is key to motivating compliance with social welfare policies, and that this kind of trust can be sustained under conditions of ethno-cultural heterogeneity.

Résumé

Les sociétés démocratiques libérales contemporaines préconisent à présent des politiques d'immigration qui sont injustifiables à partir d'une perspective qui privilégie l'autonomie libérale et la justice sociale. Au sein d'un monde caractérisé par des inégalités extrêmes en termes de la possibilité individuelle de mener une vie autonome, nous soutenons que les régimes actuelles d'immigration, distinguant entre les immigrants désirés (qui parviennent des pays d'une richesse comparable à celle des sociétés d'accueil) et non-désirés (qui viennent le plus souvent de pays nécessiteux), reposent sur une opposition discutable entre les attitudes libérales dominantes, d'une part, et l'autonomie individuelle et l'égalité des chances, d'autre part. Par contraste, nous proposons que le libéralisme exigent que les pays riches changent leurs critères d'admissibilité à l'immigration, de sorte qu'ils admettent davantage d'immigrants de pays nécessiteux qu'ils ne le font aujourd'hui. Une telle politique d'immigration redistributive serait une façon pour les pays riches de s'acquitter de leur devoirs globales de justice redistributive. Par conséquent, notre thèse porte sur deux objections majeures contre les politiques d'immigration basées sur la justice distributive globale : en premier lieu, l'idée courante selon laquelle il existe une distinction morale entre le concitoyen et le non-concitoyen; ensuite, l'idée selon laquelle toutes politiques d'immigration redistributives pourraient mener à des conséquences négatives sur les conditions de la justice sociale dans la société d'accueil. Or ces craintes naissent de la supposition que la solidarité et la confiance sociales sont minées par l'hétérogénéité ethnoculturelle qui est produite par l'imposition des telles politiques d'immigration. Par opposition à ces soucis, nous soutenons d'abord que la solidarité sociale n'est nullement définie par les frontières nationales. En d'autres termes, l'hypothèse selon laquelle la solidarité sociale repose sur une idée fixe de la communauté n'est pas étayée par l'évidence empirique. Ensuite, par rapport au contexte canadien, nous montrons que la confiance institutionnelle, non interpersonnelle, est l'élément clef pour motiver le soutien des politiques de l'État-providence. Enfin, nous montrons que la confiance institutionnelle peut être maintenue dans des conditions d'hétérogénéité ethnoculturelle.

Introduction

1   Immigration Regimes, Individual Autonomy and Social Justice

Public debates about immigration reach us through the news almost every day.

Mostly, these news stories are about people from poor countries trying to make their way

to the borders and shores of richer countries. Spain's immigration procedures, for

example, have been subjected to careful scrutiny by the international media in recent

months since increasing numbers of migrants from West and sub-Saharan Africa have

tried to enter European soil by climbing the fences surrounding the two Spanish enclaves

in North Africa, Ceuta and Melilla. The US grapples with Central Americans trying to

cross into US territory, while European countries have to face many Africans who risk

their lives attempting to cross the Mediterranean, or who try to enter European territory

by hiding in ships and trucks heading that way. The answer to most of these harrowing

attempts from the governments of the EU and the US has come in the form of higher

fences, stricter border patrols, and increased pressures on the governments of those

countries through which hopeful immigrants move on their way from the South to the

North. The EU, for example, has signed agreements with formerly shunned Libya,

obliging the Libyan government to do its best to deter individuals from moving through

its territory on the way to the Spanish enclaves – a way for Spain to forestall, as it were,

having to deal with people on their borders.[1] Similarly, the government of Morocco was

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[1] I should note, however, that despite its attempts to deter more immigrants, the socialist Spanish government has nevertheless granted an amnesty in 2005 to 700,000 illegal immigrants already in Spain (*Die Zeit*, 30th March, 2006, and *The New York Times*, 1st August, 2006). Similar amnesties are now debated for many illegal workers in the US under the Kennedy-McCain law proposed to the US Senate in March 2006. Such amnesties attempt to strike a balance between upholding immigration regimes on the

encouraged to shut down traveling routes through the Western Saharan territory. Most

recently, Spain has started to patrol the sea with both police and hospital ships on the

lookout for rickety boats carrying would-be immigrants – a measure that is not only

intended to prevent more people from landing on its shore, but also to prevent rising

numbers of deaths by drowning that occur regularly on the dangerous sea routes from

Africa to Europe.[2] These and other similar developments such as the establishment of

"detention camps" for shipwrecked migrants off the Italian coast and the Italian practice

of relocating those kept in these centres to Libya where they are imprisoned before being

sent back home[3] have suggested the metaphor of "Fortress Europe," which European

governments are keen to defend.[4]

There are, of course, many different reasons why individuals want to leave their

country of origin and immigrate to another one. Most of those desperate enough to board

unseaworthy boats, or trek through the desert, hope to immigrate to countries that will

afford them a better life. Many are young men who set out in order to be able to send

money back– money that will make all the difference to those left at home.[5] Others may

move to another country to study there, but find themselves wanting to stay on for

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one hand, and catering to the interests of those who have already employed illegal immigrants (and who claim that they rely on such workers) on the other.

[2] *The Guardian*, 23rd March, 2006.

[3] *Amnesty International* (2005); see also *The Guardian*, 8th October, 2005.

[4] Many European governments are in this together, of course: since the Schengen Agreement came into force in 1993 abolishing border controls among the signatory states – these include as of today Austria, Belgium, Denmark, France, Finland, Germany, Greece, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain and Sweden – once one has entered any of the Schengen countries (even illegally, i.e. without necessary visas and a valid passport), one is relatively free to travel across the territory of all the Schengen countries. Hence, if one enters Spanish territory, it is easy enough to work one's way to another country in the Schengen group.

[5] In the words of one man trying to get to the Canary Islands, and who had already been forced to turn around twice after encountering security forces: "It's a shame for my family, who are waiting for me to send money from Europe. That's why I would rather die on the seas than return to Mali." (*The Guardian*, 23rd March, 2006).

personal reasons. Again others may originally have been recruited to work in a host country for a specified number of years, and then find themselves settling in and staying longer. This was the case of many *Gastarbeiter*, or guestworkers, in Germany. What all of them share, however, is their intent to leave their country of origin and take up life somewhere else. I conceive of immigration, then, in the most general sense, as "the movement of person or persons from one state into another for the purpose of temporary or permanent settlement" (Kukathas 2003: 570).

In our contemporary world, the conditions of such movement are officially legislated by sovereign states. Every state has an immigration policy that regulates the movements of people onto its territory, as well as their initial settlement. A state's immigration policy typically deals with two kinds of cases. First, international recognition of a duty to aid refugees fleeing natural disasters, political chaos, religious persecution, war and the like, leads many states to admit small numbers of migrants as refugees. Second, states encourage and accept much larger numbers of migrants in order to fulfill a variety of economic and social needs of their communities. For example, admitting immigrants may help to fill labor force needs, contribute to demographic stability or enhance the cultural or religious make-up of the country. Generally, it is illegal to enter a country's territory without going through its immigration procedures.[6] I will refer to the underlying premise of the second set of policies – namely, that states should be free to regulate people's movement into their territory according to the host

[6] It is not illegal, however, to arrive at a country's borders and seek asylum as a refugee or ask for admittance as an immigrant. But while it is not illegal to come to the borders of a country in an attempt to immigrate, it is illegal to immigrate disregarding immigration regulations. *Prima facie*, therefore, those getting on their boats on their way to the Spanish, Italian or US shores are not yet in violation of immigration policies. But neither, at least from the perspective of European officials, have they made sufficient efforts to comply with the set immigration policies. Instead, many would-be immigrants pay human traffickers exorbitant sums for the services they are expected to provide (*The Guardian*, 23rd March, 2006).

community's needs – as the *conventional assumption* regarding national sovereignty in matters of immigration. It is this underlying premise of the second set of policies that I want to discuss in the context of this thesis.

I argue that in a world characterized by stark inequalities, the implementation by rich countries of immigration policies built on the conventional assumption produces results that pose an ethical dilemma for liberal egalitarians. Contemporary immigration regimes challenge liberal commitments to individual autonomy and social justice in two different ways. First, in a world characterized by stark inequalities in individual opportunities to lead autonomous lives, and in which many individuals lack the basic conditions for autonomous functioning, an unfair share of opportunities are available to those living in rich countries compared to those living in poor ones. Second, and compounding such inequities, the distinction made in contemporary immigration regimes between desirable immigrants – who are typically from rich countries – and undesirable ones – who are typically members of the global poor[7] – contradict liberal principles of individual autonomy and equality of opportunity. Such inequities, I argue, cannot be defended from a liberal position, which is a position concerned with social justice for all human beings. Especially in those cases in which immigration into another country can make the difference between life and death, current immigration regimes that distinguish between desirable and undesirable immigrants cannot be defended. Instead, I aim to show that if we are concerned with individual autonomy, liberals ought to think about changes in immigration regimes as a means of remedial justice to enable conditions of

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[7] I will refer to the global poor and the globally worst-off – both of which I use interchangeably – as those 2,6 billion people who live on less than US$ 2 per day. This figure includes the 1 billion people who live on less than US$ 1 per day. According to the most recent World Bank report, poverty rates have changed favorably in many countries with the stark exception of Sub-Saharan Africa, where 44% of the population lives on less than US$ 1 per day (World Bank 2006).

autonomous living for all human beings. I will refer to such a concept of a new ethics in immigration as *redistributive immigration policies*. To implement redistributive immigration policies would change the picture of immigration. First, while potentially existing alongside immigration regimes that allow for family-related immigration, for example, redistributive immigration regimes would most likely lead to an increase of immigration from countries with whom rich countries serving as host communities do not share a history, language or culture. And it would change the ratio between those who immigrate coming from rich countries, compared to those from poor countries.[8] The first aim of my thesis is to propose and promote such revised immigration schemes.

My proposals for a change in the ethics of immigration might be challenged from various different positions. I will attend to the most significant of these. Some liberal authors argue that immigration policies need to reflect a balance between the justice concerns we have for members of what might serve as host communities to immigrants, and the justice concerns we have for the globally worst-off (Miller 2005; Walzer 1988; Whelan 1988) and they might argue that redistributive immigration policies will undermine social justice in host communities. One of the achievements of liberal egalitarian societies is the establishment of functioning welfare states. Suppose that a society has established a functioning welfare state, which includes equal access to education and medical care, for example. Clearly, such a society has made positive steps

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[8] To illustrate, the biggest portion of temporary immigration into Canada in 2004 came from the US, followed by citizens of Mexico, the UK and Australia (all figures from Citizenship and Immigration Canada 2004: 66). The top ten source countries for temporary workers between 1998-2004 were continuously the US, Mexico, the UK, with Australia, France, Jamaica, Philippines, Japan and Germany in the second half. In 2004, citizens of the G8 countries represented 48.8% of temporary workers in Canada, compared to 47.2% in 2003, and 49.5% in 2002, with the pattern persisting for the period between 1996-2004. In Chapter One, I will explain that temporary work permits would be a measure consistent with redistributive immigration schemes, which is why this category is the most relevant to examine when making a case for a change in immigration ethics. According to my proposal, more individuals from very poor countries should be able to work and reside temporarily in rich countries like Canada.

towards realizing the goal of providing its members with conditions of autonomous living and fair equality of opportunity. To achieve and sustain such a welfare state – i.e. the one built on the idea that society's better-off contribute to the welfare of those less well off – some believe that societies rely on certain characteristics of the community that may be challenged by redistributive immigration schemes. The welfare state, they insist, particularly in its redistributive form may be challenged, if not jeopardized, by immigrants from different ethno-cultural backgrounds. The changing nature of society brought about by ethno-culturally diverse immigration might go hand in hand with a change in the trust that members put into the working of the welfare state. In other words, with new and different members to the national community, the rationale for reasons to have bought into and supported a scheme of redistribution – e.g. that we were all part of the same nation – may change to the point of alienation. Similarly, with a change in national identity and culture, some authors fear, we will witness a decline in social solidarity. However, only by being able to instill feelings of social solidarity and social trust can we obtain the necessary ingredients for establishing and maintaining achievements of liberal egalitarianism such as the welfare state. In this sense, then, restrictions to immigration may be called for from a pragmatic perspective, in order to protect the welfare state. I call this the *social solidarity caveat*. The second aim of my thesis is to investigate the fears that derive from it in order to assess whether such fears can serve as an argument against redistributive immigration policies.

My proposal for such policies should be read as an invitation to think about immigration differently from how we have conceived it in contemporary theoretical debates up until now. Liberal principles on immigration regulations have not received the same theoretical scrutiny as other topics that address liberal conceptions of the polity

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(Blake 2003). Debates about social justice, citizenship and minority rights abound in political theory today, of course, but most of those contributing to these debates accept the regulations determining the make-up of the community in which principles of social justice ought to be conceived, or in which fair citizenship and minority rights should apply.[9] Another set of liberal authors has theorized the consequences of immigration on host communities and has discussed liberal ways of integrating immigrants within host communities. However, these authors have eschewed the question of whether or not the rules that regulate *who can become an immigrant* are fair and equitable. Such theoretical neglect stands in contrast to the attention that issues of immigration – its regulation and failures to implement the rules of a particular country – have received in public debate. As I raised at the outset, immigration has become a central topic in both European and American public political discourse. To be sure, what raises public concern is very often the effects of immigration, such as a perceived lack of integration of immigrants into the social fabric of host communities, or the numbers of immigrants that hope to immigrate, which some fear might challenge the social fabric of a host community. These concerns need to be taken seriously; indeed, as Kukathas has observed,

> immigration is an issue that is fraught with ethical difficulties, in part because the questions it raises are numerous and complex, but also because the stakes are high. Political stability, economic progress, human freedom, and economic survival all hang in the balance. (Kukathas 2003: 586)

In this vein, those authors who discuss the questions of integration and citizenship seem to address the most vital problems arising from immigration. Debates about the effects of immigration have to be contextualized, however, with what one might call *first order liberal principles*. And in order to determine the implications of first order

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[9] There are notable exceptions, of course, which will be discussed in the course of this thesis.

principles for immigration policy, liberals need to address the question whether it is defensible to support immigration regimes that violate the implementation of the liberal principle of individual autonomy and equality of opportunity.

2   Thesis Layout

In Chapter One, I explore how immigration policies compound international inequities. I posit that there is a tension between the liberal principle of individual autonomy and the inequalities that arise from the arbitrary fact of being born into a rich country, rather than into a poor one. Therefore, I argue for a cosmopolitan conceptualization of immigration that accounts for our liberal duties to provide individuals with conditions of autonomous living on a global scale, and I sketch a different kind of immigration policy. This policy is based on the idea that rich countries should accept immigrants from poor countries as one way of fulfilling their duty to redistribute wealth on a global basis. I elaborate the liberal principle on which such a redistributive immigration policy might be based, namely what Rawls calls *fair equality of opportunity*, and I promote such policies as a means of remedial justice for the non-ideal world we live in.

In Chapter Two, I explain the motivation and rationale of possible objections to my proposals from liberal nationalists. A first objection might be that we accept duties of redistribution in a domestic context, but that we do not incur such duties in an international context. Liberal nationalist authors motivate their stance with what I call the *socially contingent model* for principles of social justice and individual autonomy. This model postulates a link between social justice and a shared national community and identity. I criticize this model and argue instead that principles of social justice must be

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defined universally in order to serve as reference points by which we evaluate what is just or unjust in a global context. Moreover, I show that the empirical evidence we have from the world today indicates that individuals compare their conditions of life with those of others on an international level. To advocate an account of social justice that does not allow us to compare the conditions of life in one country or society to another or several others misunderstands how justice considerations are actually carried out. I then move on to investigate the second objection that might be raised. Liberal nationalists hold that individuals have a different set of duties towards fellow nationals compared to non-compatriots. I explain that this claim is founded on an ethical particularist account of our moral duties, an account I show to be unconvincing. I follow this with a critique of the argument that the relationship we have with our compatriots compared to the ones we have with non-compatriots warrants redistributive duties towards the former, but not towards the latter. Employing what Samuel Scheffler refers to as the "distributive objection" to special relationships, I maintain that even if we accepted that there are special relationships between compatriots, these would nevertheless not permit us to negate our global redistributive duties.

In Chapter Three, I address the first part of the social solidarity caveat. This caveat seems to me to have most critical merit when rethinking national immigration schemes. I take as its basis the fear that redistributive immigration might challenge and potentially undermine two social conditions for the development and maintenance of institutions of social justice at the national level, i.e. social solidarity and social trust. Both social solidarity and social trust are taken to be necessary to motivate individuals to contribute to a social welfare state and are hence considered to be foundational conditions for a functioning welfare state. These are both assumptions that warrant

clarification and analysis. I start out exploring the social solidarity caveat and speculate that accepting redistributive immigration policies might challenge our conception of community and that this change might induce us to feel less solidarity with compatriots and to have less social trust. To make sense of this assumption, social solidarity has to be understood in a specific way, namely as a moral ideal that is tied to our concept of social justice. I explain the moral ideal and set it within the context of my argument in Chapter Two, where I discussed what kind of duties we incur towards our fellow nationals compared to those we have towards non-compatriots. The first lesson I draw is that social solidarity is not plausibly circumscribed by national boundaries. I then explore what I call the instrumental definition of social solidarity, which ties social solidarity to the functioning of the social welfare state. I show that liberal nationalist authors hold that a social welfare state depends on feelings and acts of solidarity towards other members of the community and that such feelings are fostered and promoted by a common national identity. I challenge this argument with other accounts of the basis of welfare state contributions and question the argument that only sharing a national identity can bring about solidaristic behavior such as tax compliance. My own definition of what is necessary for the support of a social welfare state is what I call a sense of *civic mindedness*. Civic mindedness does not prescribe the type of community belonging we need for a successful social welfare state. Actions of solidarity do not depend, as liberal nationalists claim, on feelings of shared national identity. Hence, the social solidarity caveat does not convince as an argument against redistributive immigration policies.

Chapter Four, finally, evaluates a similar set of fears for social trust as a social condition for social justice. Some liberal nationalist authors believe that the only way to achieve the kind of trust we need to buttress policies of social justice is to have strong

national identities, which, incidentally, discourage multicultural diversity. I explain that this fear is about the trade-off that modern societies may encounter between the accommodation of ethno-cultural minorities at the expense of measures of social justice aimed to help members from its lower socio-economic rungs. If such fears were substantiated, it would be plausible to say that the social welfare state may be jeopardized by a change in immigration policies. Redistributive immigration schemes, if they brought about ethnically diverse immigration that would undermine social trust could face a legitimate objection on grounds of liberal justice. However, I challenge the assumption that the social trust needed for the support of policies of social welfare depends on ethnic homogeneity. Evaluating data from the Canadian case study, I deduct that ethnic pluralism does not pose an insurmountable obstacle to raising support for the welfare state. Judging from the Canadian case I argue instead that a functioning social welfare state depends on institutional trust in the workings of those state institutions that are meant to preserve and promote the social welfare state. I show that it is not convincing to argue against redistributive immigration policies based on the fear that such policies lead to increased ethnic pluralism and thus undermine social trust.

Immigration, I conclude, is a topic that needs to be addressed from a principled position. Liberals cannot endorse immigration policies that are based solely on host communities' needs and concerns. Instead, a liberal principle of immigration has to account for the stark differences in living conditions that make it impossible for the poorest of the world to live autonomous lives. The need to rethink the principles of immigration in rich countries is heightened by the fact that concerns for social justice provisions in host communities do not provide plausible arguments against redistributive

immigration polices, since their implementation will not jeopardize the social welfare

state in host communities.

I   The Case for Redistributive Immigration Policies

1   Introduction

Why ought the subject of immigration policy raise troubling issues for liberal

minds today? In this first chapter, I will provide a sketch of contemporary immigration

practices that pose serious dilemmas to liberal theorists. Based on illustrative examples, I

will argue that conventional immigration regimes challenge liberal beliefs about

individual autonomy and equality of opportunity in two fundamental ways: first, an

unfair share of opportunities to determine the shape of their lives – which is, within

reasonable limits, how I summarize what it means to lead an autonomous live – is

available to those living in rich countries compared to those living in poor ones; and

second, and compounding such inequities, citizens of rich countries are admitted more

easily to other wealthy countries than those coming from poor countries. I will follow

this by an in-depth discussion of the liberal tenets that contemporary immigration

regimes potentially defy and explain how liberal authors have dealt with the challenges

that these immigration regimes represent. In this vein, I explore arguments dealing with

the tension between the liberal principle of fair equality of opportunity and the

inequalities in conditions of autonomy that arise from the arbitrary fact of being born into

a rich country, compared to being born into a poor one. The tension between these two

issues is highlighted by arguments for "open borders" to which I revert to as a reference

point when assessing immigration regimes. Open border arguments help us understand

what the world might look like if the movement of people was not governed by

immigration policies. I investigate how open borders would affect the lives of people,

and ask if they would help us approach the ideal of global justice. I thus employ the concept of open borders as a way of highlighting what remedies we should choose in order to come closer to providing individuals with equal opportunity and apply the rationale for open borders to support my argument for a revision of immigration regimes.

I hope to sketch a different kind of immigration policy than the one we now know. My aim is to defend an immigration policy based on the idea that rich countries should accept immigrants from poor countries as one way of fulfilling their duty to redistribute wealth on an international basis. I will call such a change in the ethics of immigration – for lack of a better term – *redistributive immigration schemes*. I will then sketch the liberal principle on which such a new ethic might be based, namely what Rawls calls *fair equality of opportunity*. Underlying my proposal is the belief that, from a liberal perspective, it is difficult – if not impossible – to defend two conventional distinctions made in contemporary immigration regimes. First, such regimes make distinctions between "deserving" immigrants who should be allowed into a country because they face discrimination and/or persecution in their home countries – those immigrants, in other words, who are allowed entry into host communities based on their status as refugees (see UNHCR 1952) – and those who simply want to immigrate into a 'land of opportunity' to get a fair share of opportunities in life. To my mind, the clear-cut distinctions between Convention refugees and economic immigrants made on paper rarely translate into real life (see UNHCR 2000: 281). Two examples may help to clarify my point. Is a farmer whose fields have been destroyed for the third time in sequence in the course of ethnic conflict, and who flees to a neighbouring country to work in the fields there, an economic immigrant or a refugee? Or is a member of a persecuted minority who decides to seek asylum in a country that will afford her better economic

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chances a refugee from persecution, or an economic immigrant?[10] Rather than trying to

fine-tune the distinctions made in national laws regulating the movement of people – that

is, distinguishing between those who are deserving and those who are not deserving of

immigration and work visas – it seems to me that a better way of dealing with the

disparities in the conditions of life to which individuals are subjected is to assess whether

such disparate conditions can be justified from a principled perspective, and if not, how

to remedy the situation. Since I do not believe that there are such justifications, I propose

redistributive immigration policies as a remedy, as a way to provide individuals from

poor countries with access to adequate conditions of autonomy. In this instance, the

second conventional distinction I want to challenge is that between desirable immigrants

– who are typically from similarly wealthy countries – and undesirable ones – who are

typically members of the global poor.

My proposal for redistributive immigration policies is grounded in my second

belief that liberals should work towards providing all human beings here and now with

conditions of autonomy and with lives which people "have reason to enjoy" (Sen 1999:

19). My concept of autonomy follows that of Joseph Raz who argues that for individuals

to be autonomous implies that they "are agents who can [...] adopt personal projects,

develop relationships, and accept commitments to causes, through which their personal

integrity and sense of dignity and self-respect are made concrete" (Raz 1986: 154). Or, to

put this differently, to be autonomous implies that we are

> part authors of our own lives, [that we have] a commitment to projects,
> relationships, and causes which affect the kind of live that is for us worth living,
> [...and that we can] control, to some degree, our own destiny, fashioning it
> through successive decisions throughout our lives. (Raz 1986: 369)

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[10] Both these examples are taken from UNHCR (2000: 280).

A fundamental condition of individual autonomy is it to have a range of options that may inform an individual's choices in life (Raz 1986: 372ff). We can first hold, then, that to have opportunities and options is a condition of individual autonomy. For options to serve the ideal of individual autonomy in a meaningful way, furthermore, they need to be *adequate*.[11] In other words, the options available need to represent a choice between one option in favor of another one, which is equally viable, exciting or fulfilling (Raz 1986: 297). Both long-term options that carry pervasive consequences as to the direction my life will take and short-term options that apply mostly to trivial decisions in my life have to be available and open in order for us to be authors of our own life (Raz 1986: 374). Finally, the options available need to be *viable* ones.[12] Only if the options available can also be realized and become concrete can they serve the ideal of individual autonomy.[13]

Now, the most important part of Raz' concept of autonomy for the purposes of this project is his stipulation that individuals can only be autonomous if not coerced, and if they have viable and adequate options and opportunities available to them. Both of these conditions of autonomy are threatened, I posit, by severe poverty.[14] The individual autonomy of those existing in life-threatening conditions, or those living below a certain threshold of basic needs, is in jeopardy or violated.[15] I therefore hold that those 2.6 billion people who constitute the global poor do not have access to adequate conditions

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[11] The options available cannot "be dominated by the need to protect the life one has" which is the case if "all options except one will make the continuation of the life one has rather unlikely" (Raz 1986: 375).

[12] Michael Blake, who also follows Raz' definition of autonomy, argues that the viability clause should not be misunderstood to imply "the maximization of the number of options open to us" (Blake 2001: 269). He therefore argues for a concept of a "certain baseline of adequacy" of options and conditions of life that need to be provided in order to allow for "autonomous functioning" (ibid.).

[13] In this instance, Blake's characterization of the limits on his autonomy by speculating about his chances to become a "superhero" might clarify what it means to have viable options available.

[14] See Jeremy Waldron (1989: 1116) and similarly Blake (2001: 267).

[15] In this instance, I agree with Blake's concept of conditions of autonomous functioning.

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of autonomy and that liberals ought to think about ways to provide them with access to the means of autonomy.

To evaluate the scope and nature of my argument, consider the following comparison. Imagine we lived in a world in which all people had access to social goods and resources to enable them to lead a life they value and with which they were content. We might call this World A (as in autonomy). In such a world no person is forced by desperate circumstances to move and migrate to another country. Instead, people might want to move for idiosyncratic reasons, because they fancy the idea of living in one place more than living in their country of origin. If we think about the ethical implications that immigration regulations would have in this world, I would venture that there might be few ethical restrictions to immigration policies besides the liberal clause that they cannot discriminate against people based on their religion, race, sex and the like. Individuals would not be disadvantaged or deprived of a certain quality of life by living in one country rather than another and therefore liberal democratic states, we might say, should be free to decide who immigrates and settles into their territory. Barring one from immigrating to a country will not have any moral significance or will not inhibit her chances of enjoying a live worth living or stand in the way of her realizing the goals in her life since her country of origin provides her with just such opportunities. In other words, if we lived in such an ideal world, my critique of contemporary immigration regimes tailored to the domestic needs of the host community would not be very convincing, and my proposal would not have much moral clout.

Compare this to a world where about half the people live in countries that do not provide them with the resources necessary for autonomous living or an acceptable quality of life. This is much like the world we live in today, marked by extreme inequalities

between the top 15% and bottom 15% of the world's population. I will call this World R (for real). These real unequal conditions in the world *do* pose ethical dilemmas to liberal democratic states in the richest percentile. To phrase this differently, in this non-ideal world we live in, countries are not as free to reject immigrants from the poorer half as they would be in ideal World A because the consequences of rejection in World R have much greater moral significance – indeed, for some it is an issue of living a valuable life compared to merely eking out an existence or even death. I believe it fair to conclude that in this World R, there is something morally wrong if the wealthy 15% are able to immigrate to each other's countries with great ease, while the bottom 15% and the bottom half in general are given a much harder time. Citizens of the rich countries form what we could call a "mutual benefits club" built on principles of mutual advantage and their reciprocation (see Scheffler 2003: Ch. 6). Such reciprocity, I posit, cannot be at the basis of a just and fair system of immigration regulations since it excludes members of those countries, which have nothing to offer in exchange for relaxed immigration rules. In other words, I argue that a morality of self-interest is not defensible because it leads to the exclusion of the moral claims of those with whom we do not share mutually advantageous relationships.

I will first provide an overview of what I call the state of immigration today (section 2), followed by an exploration of the liberal principle deriving from the belief in moral equality of all human beings (section 3). Equal moral worth, I argue, is the foundation for the liberal concern with social justice, and more specifically, with providing equal opportunities for individuals to lead autonomous lives. I then contextualize concerns for equality of opportunity with arguments for open borders and cosmopolitan justice (section 4). In distinction to open border advocates, I argue that it is

access to the means of autonomous functioning that needs to be redistributed and made accessible to the global poor, rather than an encompassing cosmopolitan redistribution of wealth among all humans beings. One way of achieving this goal is to implement redistributive immigration policies, the essence of which I described in the following section (section 5). I conclude by drawing out some social consequences of such policies (section 6).

2   The State of Immigration

To substantiate my claim that current immigration regimes are contributing to unfair inequality, a look at the state of immigration and the policies regulating it seems warranted. To be sure, popular debates about immigration in the tabloid press most often revert to employing metaphors of insurmountable amounts of water and the dangers and challenges that come with them: governments have to "stem the tide" of the "flood" of immigrants that are threatening national communities even though "the boat is full". This is, of course, a misrepresentation of immigrants as a threatening and overpowering natural force that is coming over us. Instead, national governments regulate immigration and the number of people who are allowed in. Of course, some governments impose quotas based on assumptions about how many people their societies can successfully integrate, or according to their estimates of how many would benefit the host community. To suggest that immigrant numbers overstepping these limits are in some way threatening, however, is a deceiving construct of national rhetoric. In fact, domestic needs determine how societies think of immigrants. In post-war Germany of the 1950s, for example, the arrival of immigrants from Southern Europe was hailed as proof of the German *Wirtschaftswunder*, since they were meant to work in the re-established German

industrial sector that needed more manpower than Germany could mobilize on its own. The fact that immigrants are today considered a threat – which is what is represented in the metaphors of "tides," "waves" and "boats" that are too full – cannot be explained with "natural" or "organic" numbers of people societies should encompass. Societies do not have organically prescribed numbers that determine their viability.

The scenario of Spain trying to "stem the tide" of immigrants coming from Africa has sensational news value, of course. And stories about the Spanish coast guard rescuing shipwrecked migrants catch our attention because of the inherent horror of imagining people dying simply in order to get to Europe's shores – a journey many can make with ease. Rather than stepping up border controls and security in response to increasing numbers of those attempting to reach Europe – which seems the logic of the tabloid press – the plight of those fished out of the Mediterranean, or those held in Italian detention camps should raise questions to liberal minds. Should people desperate enough to risk their lives be taken in and given a chance to enjoy the opportunities those individuals who have been born in these places enjoy and take for granted? Or should the former be automatically returned to their points of departure simply because they are in violation of immigration regulations, or because potential host communities fear a flood of immigrants? How should we balance the fact that some consider their conditions of life in their home countries as so inadequate as to warrant the uncertain and dangerous trek north, with considerations of national interest that potential host communities might have? Must we balance them at all?

Thinking about the treatment hopeful destitute immigrants receive also raises a second set of questions. How do these scenarios compare to some other immigration scenarios around the world? The ease with which a would-be immigrant may move

freely from one country to another depends on particular immigration policies. Most states restrict the free movement of people into their territory to some extent. Questions about immigration are thus tied to the make-up of the world as we know it, namely the global territory being divided up into the jurisdictions of different states. Indeed, as Kukathas writes, "what stance one takes [on immigration] will often depend upon – or shape – one's general views about the nature of the state" (Kukathas 2003: 571). What one thinks about immigration and the laws and policies regulating it will be influenced by whether one imagines the state as an administrative unit, or as a self-determining political community that is engaged in a common project, or as something else again.

In answer to these sets of questions, I propose to evaluate contemporary immigration regimes of liberal democracies using the criterion of fairness. Most immigration regimes as they are applied today are markedly unfair. A comparative look at two scenarios helps to clarify my point. On the one hand, there are those living in the poor parts of the world trying to immigrate into its richest parts. However, they often lack the funds necessary to process their applications, or they lack the professional and educational skills that their desired country of destination is looking for to make them "desirable" immigrants. If, despite these impediments, they nevertheless choose to venture on the trek, and arrive at the borders of the country to which they hope to immigrate, most are turned away. On the other hand, there are the citizens of rich countries who have enjoyed higher standards of training and education to be equipped with educational and professional skills a host country might be looking for. Or they might be employed by multinational corporations that will provide them with proof of employment and make their case to immigration officials to facilitate immigration procedures. In comparison, then, some people travel and settle relatively easily in

between countries (members of the EU, North-Americans, Oceanians) while many others do not (Africans, many Asians). Citizens of wealthy countries, in effect, form an exclusive club, as it were, which immigration policies enable and perpetuate. Membership in this club entails the benefit of easy immigration, while denying the very same benefits to the world's poor citizens. There is, I would argue, a double standard when it comes to entry and immigration regulations to wealthy states, with members of other wealthy states seemingly more welcome than members of not so wealthy ones.

To be sure, personal wealth itself may not be an explicit criterion for a successful immigration application. [16] Instead, the favorable treatment of those coming from rich countries may be the result of other requirements, such as higher levels of education, or better professional skills. The exclusion of applicants from destitute countries, in other words, may be a secondary effect of immigration policies, rather than its underlying rationale. In this sense, some might argue that there is no problem with fairness. Moreover, they could argue that to prefer immigrants with good professional skills or high levels of education is not unfair, but instead will assure the successful integration of hopeful immigrants into the social fabric of the host community. Such selection criteria are therefore geared to assure the interests of both individual immigrants and the host community.

Consider, though, the new regulations the government of the Netherlands has established for those willing to immigrate there, a country hitherto notable for its open immigration policies by European standards. As of March 15th, 2006, all hopeful immigrants have to take a "civic integration examination" in their respective country of

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[16] However, Canada, for example, requires at least for one class of immigrants, namely those who do not apply with either the help of a Canadian sponsor or based on their professional skills, to prove that they are in possession of sufficient funds to survive for a period of time in Canada.

origin before being in a position to apply for a visa. This exam includes a Dutch language test, which poses the biggest hurdle for many hopeful immigrants since it has to be passed *before* entrance to the Netherlands, i.e. before many would have a chance to acquire the necessary language skills. Furthermore, applicants are quizzed about their attitudes towards gay marriage and other examples of what Dutch officials consider to be part of Dutch values, culture and lifestyle. Hopeful immigrants can order a test preparation kit for 80 Euro, and are invited to take the test at any Dutch consulate or embassy for the fee of 350 Euro per applicant.[17] These tests, or plans for them, are high currency in European immigration debates at the time of writing, with both Denmark and Germany contemplating similar measures (see *The Guardian* 24th March, 2006). Motivating their implementation is a deep concern for the successful integration of immigrants, something that many European governments feel they have not achieved.

I agree that successful integration is an important criterion for immigration regimes.[18] Especially if immigration is intended to help improve one's opportunities, which is my concern in this project, it is vital that immigrants can successfully integrate into their host community. Only if immigrants are able to take up the opportunities provided by their host community will they actually have a chance to realize their goal of

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[17] See www.ind.nl/en/inbedrijf/actueel/basisexamenvervolg.asp.

[18] Integration and how best to further and achieve it has been a topic for theorists for some time now. See, for example, Rubio-Marin (2000) who argues that speedy integration of immigrants into the host community will best be achieved by conferring citizenship rights that enable participation in the democratic process. Rubio-Marin calls for a disentanglement of political participation rights, which all immigrants would have an interest in and which in turn would tie them to their host community and its welfare, and enforcing adoption of the nationality of the host community, which is a requirement many might shy away from. See also Bauböck (1998) for similar points, and Barbieri (1998) for a verification of the ties between citizenship rights and integration based on a case study of Turkish immigrants to Germany. See also Kymlicka (1995) for a concept of citizenship rights aimed at integrating immigrant newcomers to a liberal community, and ibid (1998) for his account of the Canadian case. Kymlicka argues convincingly that the liberal state has a vital interest in integrating immigrants, and proposes, for example, language training as an important part of such a regime.

achieving an adequate quality of life. One of the goals of the proposed Dutch test is to stimulate immigrants to learn the language of the host community, and mastery of language is, of course, an important part of being in a position to participate in the social and economic life of the host community. Many critics have debated and questioned the helpfulness of such tests, however, and, indeed, there may be an important discussion to be had about their design. One could debate, for example, whether language training could not be provided more successfully in the host country, rather than in the country of origin, or whether it might be more fair to the very poor to expect them to learn the language of the host community once there, rather than to require them to obtain language proficiency in their country of origin. In the latter case, it might be difficult and expensive to learn a language and taking the actual test might involve traveling to a big city or the capital, for example, or acquiring expensive language instruction materials. Once in the host country, on the other hand, language training might be offered at little expense by ethnic communities, or by the government itself. In principle, however, to require immigrants to learn the language of their host community is not problematic from a liberal point of view: such a requirement is not discriminatory since language acquisition is, theoretically at least, open to all (see Carens 2003).[19]

As soon as immigration schemes leave the realm of plausible principles behind, however, they start smacking of something other than simple concern for integration. In this respect, it is worthwhile examining what else the Dutch government has written into its test guidelines.

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[19] Carens provides a good overview of the difference between discriminatory immigration criteria, such as ethnic ties or background, and those that are non-discriminatory, like language and professional skills (see Carens 2003). Why this is important to liberal minds will be explained in more detail in the next section.

Persons of Surinamese nationality who have completed a minimum of primary education in the Dutch language in Surinam or the Netherlands, and can show this by means of written proof (certificate, testimonial) issued and authorised by the Surinamese Ministry of Education and Public Development [are exempt]. (www.ind.nl/en/inbedrijf/actueel/basisexamenvervolg.asp)

This is an exemption consistent with one aim of the test, i.e. to establish Dutch language proficiency. If such proficiency is already guaranteed because applicants have received Dutch language education, this part of the test becomes superfluous. However, why should aspiring immigrants of

American, Australian, Austrian, Belgian, British, Canadian, Cypriot, Czech, Danish, Estonian, Finnish, French, German, Greek, Hungarian, Icelandic, Irish, Italian, Japanese, Latvian, Liechtenstein, Lithuanian, Luxemburg, Maltese, Monegasque, New Zealand, Norwegian, Polish, Portuguese, Slovakian, Slovenian, Spanish, Swedish, Swiss, or Vatican nationality (www.ind.nl/en/inbedrijf/actueel/basisexamenvervolg.asp)

also be exempt? To be sure, most of these nationalities are part of the European Union, and it is part of the European Union agreements that EU citizens can settle and take up employment freely in any member state. To impose a test on them, in other words, would be a breach of the Union's terms. But what distinguishes Canadians, Americans, Japanese, and Swiss nationals from, say, Turkish or Lebanese hopeful immigrants? If it is a concern that potential immigrants should accept Dutch "cultural values" like gay marriage and topless women sunbathing – representations of both of which are shown on the DVD accompanying the test preparation kit and are proposed as instances of the Dutch people's emphasis on tolerance – what should we make of the fact that those with Vatican nationality, whom one would not immediately expect to easily accept such values, be exempt from taking the test? The Swiss may have it easier in accepting certain Dutch cultural values, but should we assume that a *Suisse romand,* or French-speaking Swiss, would find it easier to learn Dutch than, say, a Chilean?

In order to make this list compliant with the liberal stipulations that immigration criteria have to be accessible to all hopeful immigrants and should not discriminate because of religion, race or ethnicity (see Carens 2003; Kukathas 2003), and, we could add socio-economic background, the Dutch government would have to show that these rules are not based on such reasons. In other words, it would have to explain what else those non-EU nationalities who are exempt share that justifies their exemption from what are otherwise rather stringent criteria.

The Dutch government could make several arguments to justify its exemptions. For instance, it could invoke its national history as a colonial power. Many countries, including the UK and France, have had a tradition of conferring citizenship rights to those coming from former colonies, a practice that has only changed recently (see Carens 1989). In this vein, the Dutch exemption of Surinamese not only from language tests but also the cultural value part of the exam may seem plausible. The assumption, or so it seems, is that the colonial heritage ensures speedy integration. Similarly, Germany has for the longest time recognized and conferred citizenship to "ethnic Germans," i.e. citizens of German descent, such as the descendants of Hessian émigrés to Russia who had moved East, lured by the promises of free agricultural land made by Catherine the Great. These "Russian Germans" have not had to undergo the otherwise arduous process of naturalization in Germany, as they were expected to integrate relatively easily (Barbieri 1998). This assumption, however, has often proven wrong. Germany has started to acknowledge that these exemptions from the otherwise difficult naturalization process is based on fundamentally illiberal ideas about the German "Volk" – they were incorporated into German *Basic Law* from the 1871 *Reichseinwanderungsgesetz*, after all, i.e. taken from a legal document that was framed at the time of the second German

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Reich and which was built on the idea of a German nation. And in fact, these regulations will be phased out over the next decade (Joppke 2000).

Secondly, and regarding Canadians and Americans, for instance, the Dutch authorities could argue that residents of G8 countries will not have much difficulty integrating nor will they cause any headaches for the host society. People leaving countries with a comparable socio-economic standard, so the argument could go, will only leave these countries if they have either found a job in their host country, or are very likely to find one – otherwise they would not leave their country of origin. Hence, they should be exempt from immigration regulations that are aimed at assuring the integration of immigrants. These kinds of justifications for admitting immigrants – based on the match between the characteristics of the applicant on the one hand, and the culture, social fabric or economy of the host community on the other – is most obviously challenged by those immigrants who come from poor countries, since their chances of finding employment that would allow them to access all the opportunities provided to them, and help them to integrate into the socio-economic fabric of the host society, are slim, or so the fear goes, since they will lack the necessary qualifications.

Finally, exemptions could be explained by bilateral or multilateral agreements between states, along the lines of the treaty of union signed by all EU member states. Governments enter into bilateral or multilateral agreements about travel restrictions and immigration guidelines in order to free the movement of their citizens and in order to ease immigration regulations pertaining to their respective citizenry. Besides being based on the common historical background as discussed above, such agreements are most often based on mutual interests. The broad catalogue of opportunities Europeans enjoy today, like that of freely moving or settling anywhere in the EU, for example, had its

origin in the interests of the French and German coal and steel industries in post-war Europe to coordinate their efforts for reconstruction (what is known as the treaties of the *Montanunion*).

Regardless of what one makes of these possible justifications, what the Dutch example illustrates, it seems to me, is my claim that immigration regimes should be the topic of a liberal debate that is concerned with principles of fairness and equality of opportunity between individuals. If mutual and reciprocal interests motivate governments of wealthy countries to ease immigration restrictions for their citizens, then citizens of the least developed countries (LDCs) may immediately be treated unfairly simply because their countries have little or nothing to bring to the bargaining table where mutual benefit is determined. There is, in other words, an unfair bias in an immigration system that is built upon assumptions of reciprocity and mutual benefit. Concomitantly, immigration regimes based on national interests reinforce the discrepancies in opportunities between persons living in some countries, compared to those living in others. Because some countries do not have much to offer in way of exchange for relaxed immigration regulations, members of these countries will not be able to immigrate into countries where they might have a better chance of living meaningful and valuable lives. A Swiss national for instance, will be exempt from taking the Dutch immigration test (even though she might be in a better position to pay for language training, the course preparation pack and the actual test and even though her chances of leading a valuable life in her country of origin are as high as in the Netherlands) while a Somali (who might have a harder time to comply with all the requirements and whose opportunities would be greatly increased by a move) will not be exempt.

This is problematic. Liberals cannot think of justice as merely mutual advantage and reciprocal behavior.[20] When reciprocity is defined as the ultimate exchange value, it will lead to the exclusion of the moral claims of those with whom we do not have a mutually advantageous relationship. And, of course, liberalism does not construe our moral obligations as based on principles of mutual benefit and reciprocal advantage[21] when it comes to justice considerations in the realm of domestic society. If we did, why would we care for the handicapped, the very young, the very old, i.e. all those "with whom we have no need of co-operating, or those whom we are strong enough to dominate" (Hampton 1993: 386)? We do not think of people merely in the sense of their contribution to our own benefit. Instead, liberals subscribe to the view that individuals are ends in themselves. If this applies to the realm of domestic societies, why should we not observe the consequences of this premise in the international sphere?

Now, some might object that differences in bargaining power are simply the inevitable result of being a citizen of one country rather than another and that those living in rich countries cannot be called upon to compensate for the bad ruling practices of some governments, for example of those countries who are resource rich, but whose populations live in poverty (e.g. Miller 2004). These are important arguments that go to the core of our thinking about the nature of the state and about national sovereignty. As I suggested earlier, how we think about immigration regimes and their legitimacy is determined by our beliefs about the nature and the purpose of the state. I will discuss and

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[20] Different theories of justice support this claim. Most obviously, my approach is informed by John Rawls' work and his concept of "Justice as Fairness" (1999c). It would also find support in Brian Barry's proposal to construe "Justice as Impartiality" (1995).

[21] This is distinct from Rawls' idea of moral reciprocity which he explicitly distinguishes from mutual advantage, and instead defines as "a relation between citizens expressed by principles of justice that regulate a social world in which everyone's benefits are judged with respect to an appropriate benchmark of equality defined with respect to that world" (Rawls 1996: 17)

question these arguments in more detail later on. What I hope to have illustrated so far is simply that immigration policies and regimes are vital topics for liberal political theory to address *because they have consequences of moral significance for individuals, and therefore require justification*. These properties of immigration policies and their effects are the motivation for this project. Immigration policies determine how individuals can conceive their life and give it shape by enabling or restricting an individual's choice about where to live. Especially in a world fraught with stark disparities in conditions of individual autonomy, such restrictions influence individual opportunities to live lives they have reason to value.

In the following section, I will explain in more detail why I take the consequences of contemporary immigration practices to be problematic from a liberal perspective. Second, I shall develop my claim further that current immigration policies need to be investigated and ultimately questioned under the liberal postulate of fair equality of opportunity.

3 Liberal Tenets: Moral Equality and Equality of Opportunity

In order to make sense of the liberal perspective, a look at the background of liberal thinking about immigration is warranted to substantiate my argument that current immigration regimes pose a dilemma to liberal theory. I will first set out the liberal dilemma, which I believe arises from the liberal postulate of equal moral worth of all human beings, on the one hand, and the unfair distribution of opportunities, on the other. The dilemma is accentuated, I continue, if we accept that the principle of equal moral worth calls for fair equality of opportunity – a principle that is challenged by current immigration regimes.

3.1. The Liberal Dilemma: Moral Equality and Unfair Inequality of Conditions of Living

In some fashion or another, liberals believe in the moral equality of human beings (Frankfurt 1987; Nagel 1991; Raz 1986; Williams 1967). It is from this principle that liberal authors derive a moral claim or obligation to treat all humans with equal respect: because all humans are equally worthy, all human life is equally worthy of protection. Hence liberals have opposed slavery, rape, genocide, and torture (at least until recently) everywhere in the world. This set of beliefs, furthermore, is at the foundation for laws and rules that prohibit discrimination based on morally arbitrary characteristics, such as one's ethnicity, race, or gender.

Liberals, however, confront a world that is divided into national territories, and in which national governments responsible for these jurisdictions enjoy a sovereign right to regulate who can come to live within their borders. Liberal democratic states all enact immigration policies and restrictions that *do* make distinctions among people. Governments typically construct immigration policy based on socio-economic, cultural or political interests, as well as the general welfare of their communities. Some restrictions on immigration may not be problematic for liberal minds, as I intimated above. For example, I have explained in reference to one of the goals of the Dutch immigration test – the assurance that immigrants have Dutch language proficiency – that language requirements are in principle not problematic. Requiring immigrants to learn the language of the host community is non-discriminatory because it does not rely on any ascriptive or morally arbitrary features that individuals cannot influence.

However, there are also distinctions made by liberal democratic states that are based on fortuitous or morally arbitrary contingencies, such as where I was born, or who my parents are. These are individual characteristics over which individuals have no influence, but which may determine the course of one's life. For example, those born on a national territory often acquire the rights of citizenship – because birth on a territory automatically confers citizenship rights in the context of *jus solis*. If, say, a child is born in the US or France, he or she obtains French or US citizenship, that entail a vast range of social, economic or educational opportunities along which to make decisions about what life to lead. Similarly, many countries, such as Germany and Switzerland, confer citizenship to children born to citizens even if the latter do not reside in the country – a practice known as *jus sanguinis*. Children of German parents, for example, who have been born and reside outside of Germany, have access to German citizenship regardless of their language proficiency, their education, or professional skills.[22] In response to the distinctions between citizens and non-citizens, liberal authors have argued that the best the liberal state can do to overcome such arbitrary distinctions is to facilitate access to citizenship rights, like the right to vote and take public office, for those immigrants who subscribe to the principles of the liberal state (Habermas 1999; Joppke 1999; Joppke & Morawska 2003; Kymlicka 1995; Rubio-Marin 2000). Liberal political theory has thus

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[22] Other concepts of citizenship, for example the German one under the Nazi regime, stripped many citizens including all Jewish citizens of their citizenship status. Learning from this wrong, the German Basic Law today stipulates that "German citizenship cannot be taken away. The loss of German citizenship can only be based on the rule of law, and can only occur against the will of the person concerned if that person will not be rendered stateless by this act" (Artikel 16 (1) German *Grundgesetz*, my translation). This stipulation was inserted into the German 1949 constitution to prevent any re-occurrence of statelessness. To be stateless was, of course, one of the aggravating factors in the plight of German Jews (and for Jews of annexed Austria and the *Sudetenland*) since no government felt responsible for their fate (for the Canadian Policy during this time see Abella and Troper 2000). Similar to the German Basic Law, the UN Declaration for Human Rights in 1948 acknowledged the need for citizenship and has declared that "every one has the right to a nationality" (United Nations 1948; Article 15 (1)). Concomitantly, those rendered stateless by tyrannical regimes are considered to have refugee status according to the definition by the UNHCR (see UNHCR 1951:16, Article 1A(2)).

accepted that the distinctions between citizens of rich countries and those of poor countries are cause for concern, and has attempted to find ways to overcome this distinction by disentangling citizenship and the rights that come with it, from either *jus sanguinis* or *jus solis*.

I have illustrated the second set of distinctions liberal states make in their immigration policies with reference to the Dutch example, namely those between one group of non-citizens (i.e. those who are exempt from immigration tests) and another group of non-citizens (those who are not). It is precisely these distinctions between potential immigrants that are based on morally arbitrary contingencies for which, I posit, liberal theorists have yet to articulate coherent justifications or effective tools that counter-balance the adverse effects such distinctions have on the principle of moral equality. I have accepted earlier that if we lived in World A where all individuals are able to lead autonomous lives, immigration restrictions would not pose a direct challenge to the liberal postulate of equal moral worth. The situation becomes problematic, however, in our world where someone born in one country has very different life chances that prevent leading an autonomous life compared to someone born in another. To make distinctions between individuals simply because one's parents happen to be citizens of Switzerland – hence making one a Swiss citizen who will be exempt from strict immigration procedures – compared to the parents of the other being citizens of Mali – making the other Malian and leading to being subjected to a different set of immigration legislation – causes a dilemma in a world where these distinctions have fundamental influence on the kind of life one can lead. The dilemma, as I construe it, derives from the fact that both would have very different conditions in life, some of which allow for autonomous living, while others do not.

3.2. Moral Equality and Equality of Opportunity

The last step in my discussion bears exploration. If we accept the liberal postulate of the equal moral worth of all human beings, the question posing itself is that about possible ways of implementing such a principle – even though some commentators have voiced scepticism regarding the feasibility of translating moral equality into concrete policy[23]. How can we realize moral equality, or, to put this differently, how can we translate the moral postulate into actual principles? What has to be provided in order to respect individuals equally? What kind of *factual* equality signifies or represents *moral equality* – or, to put it more pithily, "equality of what" (Sen 1980) accounts for moral equality?

The *political* expression of moral equality, some argue, is reflected in the kind of anti-discrimination laws mentioned above, and in the catalogue of civil rights to which we have become accustomed. These rights apply equally to all in liberal democracies at the domestic level (see Williams 1967). Beyond basic civil rights, including anti-discrimination laws, however, opinions diverge about how we should conceive of equality. Some, for example, advocate equality of resources (Dworkin 1981b) while others believe that what counts is equality of welfare (Arneson 1989; Dworkin 1981a) or equality of circumstances (Van Parijs 1995a). What all these arguments about equality share is the underlying assumption that liberals should promote *equality of opportunity* to enable individuals to determine the course of their life.[24] The moral principle of equality of opportunity is meant to counteract inequalities in the distribution of social benefits and

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[23] See Williams (1967) for a very critical take on the discourse of equality.

[24] See Kymlicka (2002: Ch. 3). This debate is also well surveyed by Arneson (1993) and the collection of essays in Darwall (1995).

burdens that stem from morally arbitrary factors, such as being born black, poor, disabled, and the like, and to assure instead that the lives people lead are, as much as possible, the results of their own choices (Kymlicka 2002: 58f). [25] The extent to which individuals enjoy equality *of opportunity*, one could say, serves as a tool to evaluate the extent of *moral* equality individuals enjoy.

The next question, then, is how to construe equality of opportunity. Endorsing the ideal of equality of opportunity as an ideal requires us to give an account of how to construe its basic conditions. What obligations arise from the postulate of equality of opportunity? Most liberal egalitarians agree that equality of opportunity entails, very minimally, a certain equality of condition, including comparable access to healthcare, schooling, clean water, proper housing and shelter and the like. [26] In other words, basic subsistence is a prerequisite for equality of opportunity and individual autonomy – a point already made in my definition of autonomy. [27] If we accept the liberal postulate of individual autonomy, however, it seems to me that a concept of liberal equality of opportunity calls for more than equal access to means of basic subsistence. In this vein, I

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[25] Kymlicka concludes his discussion of equality by conceding that there will be limits to the compensation we can provide for certain morally arbitrary factors that determine one's life. So, for example, there can only be limited compensation for somebody who is clinically depressed even if provided with encompassing medical assistance. (Kymlicka 2002: Ch. 3). That person's life will conceivably not have the extent of opportunity as somebody's who is not clinically depressed.

[26] Such minimalist arguments can also be based on rationales other than that of equality, of course. Charles Beitz has provided an intriguing argument to support arguments for international redistribution without reference to the principle of equality. Assuming that we reject the goal of global equality, Beitz writes, liberals would still have good reasons – what he calls derivative reasons (i.e. deriving from the effects of inequality) – to object to global inequality (see Beitz 2001). Put differently, Beitz argues, and I concur, that even if we do not accept equality as a trump, we nevertheless have good reasons to promote it since so much depends on it. This approach is intriguing in so far as Beitz tackles concerns by those who propose, for instance, arguments for the "bounded nature" of justice, i.e. that notions of justice are tied to a bounded state, or are relative to a national community's standards, both of which I will try to tackle in turn in chapter 2. Instead, Beitz argues, that even if we were able to dismiss ideas of *global* standards of equality we would still have to address the consequences arising from inequality.

[27] See for example O'Neill: "It is not controversial that human beings need adequate food, shelter and clothing appropriate to their climate, clean water and sanitation, and some parental and health care. When these basic needs are not met, they become often ill and die prematurely." (O'Neill 1991: 279).

subscribe to the argument that equality of opportunity in its liberal egalitarian understanding must include the condition that a person has enough "to be content with" or "to meet his expectations" of a reasonably fulfilled and content life (Frankfurt 1987: 38/39). A concept of liberal equality that is driven by concerns of individual autonomy should account for the fact that individuals need to have the means at their disposal to lead a life that realizes their goals and ambitions, with which they can be genuinely satisfied. A liberal concern for equality of opportunity thus translates into a concern that goes *beyond* mere subsistence. It is precisely this conception of equality of opportunity that I refer to as *fair*. It delineates the kinds of social goods that individuals would aspire to obtain *if they had a chance to do so*, if all things were equal and they had the time, leisure and food supply that would allow them to deliberate about what kind of life was worth leading.[28] In this vein, Rawls defines the principle of *fair* equality of opportunity as implying that

> those with similar ability and skill should have similar life chances…those who are at the same level of talent and ability, and have the same willingness to use them, should have the same prospect of success regardless of their initial place in the social system. (Rawls 1971: 73)

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[28] To be sure, some authors propose good arguments against what may be rejected as too comparativist an approach to evaluating equality of opportunity provisions. Nussbaum and Sen's proposals for a "capabilities approach", for example, evaluates an individual's capability to lead an autonomous life. It does so by delineating individual needs that ought to be fulfilled in order for her to be able to exploit and explore her capabilities fully in a given society, rather than assessing individual needs based on a comparative, seemingly objective standard of social goods (see Nussbaum 1997; Sen 1980; 1992, and Nussbaum and Sen 1993). To illustrate, we can imagine that income disparities may *prima facie* be used to assess whether or not the principle of fair equality of opportunity is fulfilled or violated. Such an "economic concentration" (Sen 1999: 19) on assessing opportunities, however, neglects "the characteristics of human lives and substantive freedoms […] that people have reason to enjoy" (Sen 1999: 19) and which help determine what kind of opportunities an individual in her society has access to. This is not to imply that poverty can be neglected as a defining feature of individual autonomy and agency, but rather, that it has to be contextualized (see Sen 1999: Ch. 4). I believe that my very specific goal – to provide for conditions of autonomy for the globally worst-off – would be uncontested by Sen and Nussbaum. In other words, and if I understand their proposal correctly, to be able to explore and fulfill one's capabilities presupposes conditions of individual autonomy.

I interpret this definition to stipulate that the principle of fair equality of opportunity addresses questions regarding the distribution of social advantages and social burdens. It posits that social burdens and advantages should be distributed and shared fairly and non-arbitrarily among those to whom the principle applies.

To translate this postulate, we could say that I should not only be able to eat enough on a regular basis, but further, that I should be able to become a teacher or a doctor if I had the inclination and the talent to do so, rather than to be forced to stay at home and leave the professional sphere to my male counterparts. Similarly, a single woman in Mali should be able to aspire to become a teacher, if her skills and talents render it a feasible goal, rather than having to toil the fields in order to provide for her most basic needs. In my understanding, then, the principle of fair equality of opportunity implies that equal opportunity does not only require that I have basic means of subsistence, but that I should furthermore be able to engage in autonomous deliberation and action about what course, within the constraints of my abilities, I want my life to take. To put this differently, the liberal principle of equal moral worth entails the principle of fair equality of opportunity as a supporting condition. If I find myself arbitrarily barred from opportunities that others with the same capacity, talents, and skills enjoy, then I posit that the liberal principle of equal moral worth is challenged.

3.3. Fair Equality of Opportunity and Immigration Regimes

How ought an endorsement of the principle of fair equality of opportunity inform the immigration policies of liberal democratic states? In some cases, it may not have much or any moral relevance. Germany and Canada, for instance, are countries of comparable standards of welfare, chances, and opportunities available to me when

thinking about how I want to shape my life. Both countries have healthy economies and good systems of healthcare in place, decent housing and clean water are readily available, as are public schools and universities. For an able-bodied, white woman, it would be fair to say that the principle of fair equality of opportunity would not provide a moral argument to buttress my immigration application to either country: it would be difficult for me to claim that a fair equality of opportunity argument requires Canada to approve my immigration application since I can enjoy comparable life chances and opportunities in my current country of citizenship, Germany.

The more pressing questions about immigration policies, within the context of fair equality of opportunity, arise from the radically different position I find myself in when choosing what life to lead as a citizen of Germany, on the one hand, and the more restricted scope of my opportunities if I had been born in Niger, for example. In this latter scenario, those who believe in equal human worth and advocate fair equality of opportunity need to address ethical questions that arise from two sources. First, fair equality of opportunity concerns arise from the fact that being German, I will have benefited from the German health care and education systems over the years, which have kept me healthy and provided me with valuable skills, and which now endow me with an advantage in my immigration prospects over someone from Niger who has grown up in a society that does not have a comparable health and education system. Niger has had the second lowest enrolment of primary school children in the world – 40% of the relevant age group – and has had a literacy rate of only 19.9% for its adult population between 2000 and 2004 (all figures from *The Economist* 2006). Its health system provided one doctor for 31,088 people from 1998 to 2002, while the German system counted one doctor for every 277 people in the same period. As a citizen of Germany wanting to

immigrate to Canada, I might have to submit a lot of paperwork, undergo a language test, and take a medical exam, but I am well prepared for succeeding at all these tasks. Under current immigration regimes involving a two-class system – between desirable and less desirable immigrants – I stand to benefit from such immigration regulations at the expense of my counterpart in Niger.[29]

Second, and leaving immigration regimes aside for the moment, the mere fact of having been born in Germany rather than Niger provides me with many more opportunities based on the vast discrepancies in the standard of living between these two countries. Niger has the second lowest human development index (HDI)[30] in the world (29.2), only followed by Sierra Leone; it is in the group of the 15 countries with the lowest GDP per capita (230); and – very importantly for a woman – Niger has the highest birth rate for women aged between 15 and 19 with 233 births per 1000 teenagers.

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[29] In this instance, I disagree with Blake's argument. Blake argues that to accept international redistributive duties would neglect the fact that redistributive policies are part and parcel of a liberal state which, on the one hand, enforces contributions to national welfare schemes, while simultaneously buffering the effect of such coercion with the promise of redistribution. In other words, we have a different relationship towards compatriots *because* "we share liability to the coercive network of state governance" (Blake 2001: 258) which we do not have with those who do not share in the institutions of the same coercive state. On the international level we do not have any comparable coercive institutions – we do not have international welfare institutions that can function as the equivalent for the kind of redistribution that occurs within the institutional realm of domestic justice. Blake does not address the fair equality of opportunity argument in his defense of domestic redistributive duties, compared to the international liberal duty to promote "conditions of autonomous functioning." In fact, Blake states that he will have to leave for another occasion a discussion of what the principle of individual autonomy would mandate in the international arena (Blake 2001: 266). I speculate that he might find the distinction he draws harder to defend when applying what one might call an "international principle" of fair equality of opportunity. It certainly seems so to me: Blake argues that the coercion exerted over a would-be immigrant at the border, barring her from entry into a land of better opportunities while potentially constituting the kind of coercion prohibited under the principle of autonomy, nevertheless does not call for the same redistributive promises as those given by the state to its citizens since "the mere fact that exclusion is coercive does not erase the distinction between prospective and current membership" (Blake 2001: 280n). What Blake neglects, however, is that some are barred and hence coerced, while others are not. To argue, then, that "[e]ach distinct form of coercion requires a distinct form of justification" (ibid.) does not address the problem raised when evaluating immigration regimes under the heading of fair equality of opportunity.

[30] The UNDP determines the Human Development Index (HDI) according to GDP per capita, combined with levels of adult literacy, average years of schooling and life expectancy. The scale ranges from 0 to 100; "countries scoring over 80 are considered to have high human development, those scoring from 50 – 70 medium, and those under 50 low" (See *The Economist* 2006: 30n).

Finally, Niger does not even show up on the gender-related development index[31] and its life expectancy prognosis for the years between 2005 and 2010 are at about 45.4 for both men and women. These numbers offer a rather bleak picture about what a middle-aged woman living in Niger will be able to do. In comparison, Canada has a HDI of 94.3 (number 4 behind Norway, Sweden and Australia), a GDP per capita of 27,190, had a teenage birth rate of 24 per 1000 teenagers between 15 and 19 in 1997 (with numbers declining),[32] a gender-related development index of 94.1 and a life expectancy of 80.7 years. Two people born in or immigrating to these two different countries will enjoy drastically different sets of opportunities to lead lives they would have reason to value and be content with.

Joe Carens has argued that distinctions based on one's place of birth are as illiberal as some of the status differences that characterized feudal times.[33] Liberalism, as an ideology of emancipation aiming to free individuals from such constraints and enable individual autonomy, cannot comfortably accept any distributive scheme that makes distinctions between persons based on the arbitrary fact of where they happen to be born or live. Once we acknowledge the stark differences in equality of opportunity that individuals are able to enjoy, merely by virtue of being a citizen of one country rather than another, we can see the tensions that arise between liberal democratic principles of individual autonomy and moral equality, and contemporary immigration regimes.

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[31] This index combines similar data to the HDI "to give an indicator of the disparities in human development between men and woman in individual countries. The lower the index, the greater the disparity" (*The Economist*, 2006: 31n).

[32] Statistics Canada (2000) *Health Reports* Vol 12 (1), available at www.statcan.ca/english/kits/preg/preg3.htm.

[33] "[Citizenship] is assigned at birth; for the most part it is not subject to change by the individual's will and efforts; and it has a major impact on that person's life chances. To be born a citizen of an affluent country like Canada is like being born into nobility (even though many belong to the lesser nobility). To be born a citizen of a poor country like Bangladesh is (for most) like being born into the peasantry in the Middle Ages" (Carens 1992: 26).

4 Equality of Opportunity, Open Borders and Cosmopolitan Justice

For liberal authors such as Carens and Kukathas, the undeniable fact of stark inequalities among the world's population suggests that the liberal state should abandon restrictive immigration policies altogether and, instead, adopt a policy of open borders. According to this view, well-off states ought to offset the arbitrary differences in equality of opportunity prevailing among the world's citizens by liberally admitting immigrants – in particular, those who come from less well-off countries (Carens 1987; Kukathas 2005). Why should we accept such proposals?

Very minimally, we could follow Joseph Raz' argument that liberal egalitarian concerns about individual autonomy translate into "duties of Wellbeing," i.e. duties to help enable and realize the well-being of other human beings (Raz 1995). The argument for open borders thus builds on and carries further arguments that call for a general acceptance of cosmopolitan human rights and duties (see Jones 1999). Of course, duties and rights are interdependent (see Jones 1999: 50ff): duties on the part of some flow from accepting that others have rights that ought to be protected, such as, in Raz' terms, the right to well-being, or, according to my own proposal, the right to conditions of autonomous living. If we do not simply want to propagate "manifesto rights" – i.e. rights that all are happy to subscribe to, but which nobody is actually required to help realize – then we need to accept that rights come with corresponding duties on the part of some. Without recognizing this fact, rights holders simply "cannot find where to lodge their claims" (O'Neill 1991: 287, see also Jones 1999: 66). Second, I endorse the cosmopolitan argument that rich nations have duties to help members of poor nations – namely, by providing the means that contribute to conditions of individual autonomy –

based on the premise that those in a position to provide for a good have a duty to provide it (see Nickel 1993). It is in this context that I believe there to be good reasons to accept Carens' and Kukathas' claim that wealthy liberal countries are called upon to contribute to alleviating global inequality, and that one way to do so is by opening their borders to the least advantaged, rather than the most advantaged, of the world's population.

To be sure, combating global poverty and inequality requires that a host of other measures such as international aid, debt reduction, and development assistance be considered *in concert* with a change in immigration policy. Besides international efforts as we know them today, though, advocates of the open border strategy claim that opening the borders of wealthy countries will be more immediately effective at addressing international differences in equality of opportunity and the global injustices which ensue than other attempts at tipping the balance in favor of the least well-off (see Goodin 1992).

Furthermore, one could argue that other attempts to remedy global inequality, well-intentioned as they may be, may not live up to the principles of liberal egalitarian justice if we understand these principles to target *systemic injustices* like that inherent in contemporary immigration schemes of rich countries. If liberal egalitarians are concerned about providing conditions of autonomy, international aid may not be the most effective way of producing opportunities for autonomous living. The logic of humanitarian aid, for instance, implies that donors decide and the poor receive – which is why, if we are serious about global development, some believe that we "must stop thinking about world poverty in terms of helping the poor" (Pogge 2002: 23; see also 2005). Similarly, debt reduction is granted to poor countries according to qualifying criteria established by donor countries for debtor countries to fulfill. Both these exchanges are built on inherent

power-imbalances. These power-imbalances, as Thomas Pogge has argued, are built into and perpetuated by the international system of trade and tariffs, and the regulations for loans established by the World Bank, for instance. Decisions by the World Bank concerning funding promises and development aid are taken by a board of governors that "casts votes in proportion to each country's ownership of capital stock in the Bank" (Beitz 2001: 108). Needless to say, those countries hoping to get funding for developing projects have only minimal voting power since they have only minimal capital stock in the Bank.

A change in immigration policies, on the other hand, would empower individuals here and now to take their own fate in their hands, as it were, and "move to where the money is" (Goodin 1992: 8). Considering the immediate effect changes in immigration regimes would have on individuals' lives, one could criticize Rawls' conception of immigration in *Law of Peoples*. Rawls argues that a just international order would require that just and decent societies help non-decent ones to establish the essential properties of decency, such as the rule of law and respect for human rights. More specifically, Rawls uses the term decency to "describe non-liberal societies whose basic institutions meet certain specified conditions of political right and justice"(Rawls 1999: 3n). A decent society

> is not aggressive and engages in war only in self-defense. It has a common good idea of justice that assigns human rights to all its members; its basic structure includes a decent consultation hierarchy that protects these and other rights and ensures that all groups in society are decently represented by elected bodies in the system of consultation. Finally, there must be a sincere and not unreasonable belief on the part of judges and officials who administer the legal system that the law is indeed guided by a common good idea of justice. (ibid, 88)

While to promote decency is worth pursuing, it nevertheless falls short of fulfilling the demands of a non-ideal theory like the one I advocate. Rawls' concept will not give

individuals hoping to significantly improve their conditions of life much *immediate* satisfaction in their pursuits, but only once standards of decency have been achieved in their country of origin. Changes in immigration regimes, on the other hand, would provide for conditions of autonomy here and now.

Returning, then, to the original motivation of concerns for equality of opportunity, which I take to aim at enabling individual agency and autonomy, a change in immigration policy seems to be a plausible, immediate, solution to the problem of discrepancies in equality of opportunity. So far then, and irrespective of one's stance on what specific changes immigration regimes would have to undergo, I support those advocating policy change insofar as they have identified the crucial dilemma that arises for liberal theorists when considering immigration regimes. Particularly considering the divergences in individual opportunities on an international scale, immigration regimes that stand in the way of fair equality of opportunity are difficult to defend from a liberal egalitarian perspective.

To some critical minds, this last step in the argument begs the question, and their fundamental objection to the case for policy change still needs to be discussed. Some commentators argue that we can accept differences in opportunity since the principle of fair equality of opportunity can only be realistically applied within the context of our own liberal polity. Put differently, it does not make sense to apply the principle of fair equality of opportunity on an international scale. This is the gist of Bernard Boxill's argument against applying the principle of fair equality of opportunity to the international sphere. Boxill instead supports only an international application of what he calls "formal equality of opportunity." The latter is defined in a libertarian vein as requiring that "legal restrictions on the taking of opportunities be lifted and such[sic] restrictions diminish

negative liberty" (Boxill 1987: 143).[34] I do not pretend to provide a complete theory of international redistributive justice since others have done so (see Beitz 1979; Caney 2005: Chapter 4; Jones 1999; Pogge 1989; 2002: Chapter 1; Tan 2004). In response to this criticism, therefore, I refer to the writings of those authors who have discussed and countered the claim that we do not live in a global state, and that it is therefore implausible to argue from the premise of a global principle of fair equality of opportunity. Particularly, I side with those authors who argue that the fact of global interdependence makes it less easy to reject the idea of global institutions akin to domestic social institutions in the context of the national state. Thomas Pogge, for example, has persuasively argued that the lack of democratic sanction for many features of the international economic system is indeed a problematic feature of the contemporary global state of affairs (2002). But it is not convincing to use this problem as the rationale *not* to remedy it. While it is true that we do not have a global government to implement the principle of fair equality of opportunity, we nevertheless have global institutions that work actively against it. Procedural and distributive inequalities are rampant in international institutions, and they ought to be addressed in concert with measures such as redistributive immigration schemes. For the purposes of this project, then, I assume that it is plausible to extend the realm of application of a principle of fair equality of opportunity to the global level even in the absence of a global state and global enforcing institutions.

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[34] Even Boxill's principle of formal equality of opportunity, then, would require that "all states rescind, or at least significantly reduce, all restrictions on emigration and immigration" (ibid, 145). Needless to say, open border advocates dismiss the assumption underlying Boxill's argument. Why, they ask, should we question the distribution of equality of opportunity at home – a principle Boxill subscribes to – yet wholeheartedly neglect any such considerations as soon as we leave the borders of our nation-state (see Carens 1992)?

The assumption that concerns for individual autonomy should be applied internationally identifies those advocating immigration policy change as advocates of "cosmopolitanism," i.e. that strand in political theory that theorizes domestic principles of justice on a universal, global scale (see Beitz 1979; 1983).[35] Very broadly speaking, defenders of cosmopolitanism regret the privileging of identities other than the simply human one in political life (see Nussbaum 2000). Instead, cosmopolitans subscribe to the idea that we should consider ourselves citizens of the world, rather than to be bounded by particular socio-political entities such as nation-states. To the cosmopolitan mind, we should be concerned with the well-being of all people, not only that of our compatriots, and hence promote the idea of individual liberty and welfare globally, not only in the boundaries of our nation-state (see Nussbaum 2002; Waldron 2000) even though the sphere in which we act on our cosmopolitan convictions may be that of our immediate surroundings rather than the world as a whole (see Lu 2000). These cosmopolitan convictions arise from the context in which cosmopolitan thoughts emerged, namely the Enlightenment as that period in the history of ideas which initiated the slow embrace of what we now consider to be core liberal ideas about how to decide on the shape of our lives: the freedom to reason and deliberate about what life we want to lead based on our own needs and experiences, not on traditional identities and fixed social roles. Instead of being locked into a religion, social class or other identificatory group by birth, individuals are now considered free from such constraints. Cosmopolitanism is thus intimately tied to liberal convictions about individual agency and autonomy and wants to

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[35] I will adopt this terminology even though to be precise, one should speak of "ethical cosmopolitanism" – as distinct, for example, from those authors and that strand of literature theorizing the growing interdependencies in the international sphere and hence calling for cosmopolitan governmental bodies (see Held 1995; Kymlicka and Straehle 1999).

see them applied globally – it was, in fact, for the longest time considered the only

plausible stance liberals could take (Kymlicka 2001: Ch.10).[36]

5   Redistributive Immigration Schemes

If our concern is justice, fairness, and equality of opportunity on a cosmopolitan

scale, and if the achievement of these goals is at least partly thwarted by current

immigration schemes, then these schemes clearly present an obstacle to realizing our

goals, and would need to be changed in order to make any progress from an unjust and

unequal world to a fairer one. If it is indeed a morally arbitrary fact to be born in one

country rather than another, as Carens argues (1992: 26), and if liberal egalitarianism

requires that the distribution of advantages and disadvantages to individuals should not

be determined by morally arbitrary characteristics, then immigration policies that rely on

such arbitrary features to judge applicants are difficult to defend from a liberal egalitarian

perspective. Instead of viewing the national interests of host communities as the only

relevant ethical consideration by which to assess national immigration regimes, I propose

a change in the ethics of immigration that is guided by the principle of fair equality of

opportunity for the globally worst off.

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[36] Cosmopolitanism is also the theoretical context in which we should conceptualize Pogge's work. This is not to imply that Pogge's and, for example, Carens' work overlap widely. I extrapolate that Carens' blueprint of open borders is built on ideas of positive duties rich countries have towards members of poor countries, which I will substantiate in Chapter Two. Pogge, as far as I understand his project, shies away from articulating positive duties rich countries have towards the poor beyond the negative duty not to inflict harm (Pogge 2002). In a later piece, he argues that it is a question of balance – we have to help, in order to avoid behaving in an unethical way (see Pogge 2005). Alan Patten has criticized Pogge's distinction between positive and negative duty as unconvincing, and argued that Pogge employs a very idiosyncratic definition of harm and obligation (see Patten 2005). A second distinction between Pogge's and Carens' work is that Pogge's approach takes a statist stance to solving problems of differences in equality of opportunity. He theorizes dealings of states, while open border theorists anticipate assisting individuals. The motivation behind Pogge's argument, however, is cosmopolitan in that he advocates global egalitarianism through the abolishment of punitive international monetary and trade systems.

In this vein, I will refer to those advocating open borders as the necessary change in immigration regimes as advocating an ideal that should invite us to reflect on the legitimacy of immigration policies and their often detrimental effect on fair global equality of opportunity and individual autonomy. Put otherwise, I subscribe to arguments for open borders insofar as they tackle unfair immigration schemes that prohibit individuals from improving their conditions of life.[37] I support the rationale underlying open border arguments as a means of remedial justice in an otherwise unjust world. What we can learn from arguments for open borders is that to open borders for some may make a difference to an individual's chances of living an autonomous life. I do not, however, subscribe to the idea that a world in which we had open borders would be the ideal world. Another way of putting this is that in my ideal World A, where everyone enjoys adequate means for living autonomous lives, and in which I do not take immigration restrictions to have important ethical implications, I might not disagree with those who argue that we should accept the conventional assumption of national decision-making when determining who should be allowed to immigrate and I might not see the need for

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[37] Some authors supporting open borders seem furthermore to imply, however, that open borders are morally required from a general "freedom of movement" perspective. In this view, freedom of movement has intrinsic value and hence should be protected – and the best way to protect the negative right of freedom of movement is through policies of open borders (see Steiner 1992). While there may be some merit to such libertarian arguments it seems to me that we are restricted in our freedom of movement on an everyday basis. This may be deplorable from a libertarian perspective; from a liberal egalitarian perspective, however, problems with restrictions of the right to free movement occur only when some are unfairly restricted in their movement. Put otherwise, we do not always cry foul when we (or others) are prohibited from exercising our right to free movement. Convicted criminals are the most obvious example of individuals whose movements are legitimately restricted, but restrictions can take many legitimate forms. For example, one can, and probably should, be restricted from entering a natural preservation area, or a radioactive zone. Sometimes, in other words, freedom of movement is restricted for very plausible reasons, namely to protect a common good, or to protect persons from harm. These restrictions do not pose problems to liberal convictions. We do, however, cry foul if we consider restrictions on the right to freedom of movement to be unfair in comparison to the restrictions others are subjected to. To my mind, then, for the argument for freedom of movement to have moral clout, it needs contextualizing from the perspective of justice, fairness, and equality; it then addresses and scrutinizes scenarios in which some enjoy freedom of movement while others are implausibly and unqualifiedly denied it. I therefore do not take freedom of movement to have any intrinsic value.

or the value of a change in the ethics ruling immigration policies in such a world. However, in the real and non-ideal world we live in, there are good reasons to find the conventional assumption untenable and unsupportable. The argument for immigration regime change from the principle of fair equality of opportunity, then, does not aim to free all of us from all border restrictions, but instead aims to enhance fair equality of opportunity for the globally worst off. To phrase this differently, the justification for opening borders to some is grounded in a specific moral aim, which is to enhance fair equality of opportunity for the worst off. It is against this background that I want to propose my argument for revised immigration schemes – what I call *redistributive immigration policies*.

5.1. The Essence of Redistributive Immigration

Redistributive immigration policies aim to make it easier for the worst off to enter and settle in countries that provide considerably more or better options and individual opportunities for autonomous living than their countries of origin. What form could such policies take? Very minimally, I would hold that anyone of the 2.6 billion living on less than US $2 a day would be eligible for consideration under a redistributive immigration scheme, and that all G7 countries (with the exclusion of Russia) would qualify as potential host communities. Those living in Niger or Mali, for example, and who are willing to immigrate, could be granted temporary work visas for Canada or Germany. This would enable them to settle and work and, thus open up adequate set of opportunities to them.

How many immigrants would actually be taken in would have to be debated, but the kind of redistributive schemes I have in mind could work along the lines of current

schemes for accepting refugees employed by individual countries. It would be feasible, for instance, to implement a second category of immigrants besides refugees that comes not from war-torn countries, but from destitute ones. In this vein, national governments would agree to change their ethics of immigration based on redistributive principles as a way of fulfilling their duty to redistribute on a global basis. In those cases I illustrated earlier, where it is difficult to determine whether an individual should be considered a refugee or an immigrant in the redistributive class, countries could employ their discretion, as long as she is enabled to immigrate and be provided with a chance to capitalize on the opportunities the host community offers. This, in fact, would help to overcome the distinction mentioned above, between deserving and undeserving immigrants.

Of course, national governments may also retain the option to accept as many other immigrants as they think necessary. They could continue to have in place, for example, family sponsorship programs to reunite families, or programs promoting immigration for groups with religious or ethnic affinities, as in the case of Israel and its policy of "Aliyah", i.e. the right of all Jews to immigrate to Israel.

The second concern would be to determine *who* of the many destitute and poor willing to move should immigrate. This may prove difficult: when faced with the numbers of those who live in conditions that do not allow for autonomous living, one might wonder if any discretion can be applied in determining who should be admitted. I do not deny the weight of such questions but I believe that we should start thinking about possible answers, rather than eschewing the question altogether. One way to address the

question of selection might be that since it is impossible to avoid arbitrariness, a lottery system might be the best way of dealing with questions of selection.[38]

In proposing redistributive immigration policies, and when thinking about possible answers to questions about numbers and selection, I build on a set of assumptions. First, redistributive immigration policies aim to enable individuals to live valuable lives – but immigrants in the redistributive class are not necessarily meant to lead the entirety of their lives in countries other than their countries of origin. Instead, some, if not many, may want to immigrate but with the wish to return ultimately to their country of origin. I accept that "[m]ost people who move do not want to settle abroad, but to get cash and skills for a better life at home" (*The Economist*, 11th February, 2006: 41). Except for the class of well-educated, multilingual elites who move effortlessly between countries (whose immigration status would not be affected or covered by my proposed scheme), I believe that most people would rather live and work in their home country if they had adequate opportunities at their disposal there.[39] Hence, if we were able to establish conditions of autonomous living on a global scale, this first assumption concomitantly implies that redistributive immigration schemes might be of limited duration only. And even in a non-ideal world, we might expect that some of those who immigrate under redistributive schemes might only come for a set period of time. Imagine a woman in Mali who would like to be a teacher, but cannot go to teacher's college, either because there are no training facilities in her community, for example, or because she lacks the time and leisure to get trained, or both. If she were given the

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[38] This is a suggestion made to me by Alan Patten in response to Carens' proposals for an "Ethics of Immigration" (see Carens 2003).

[39] This is an assumption similar to that made by Kymlicka about people's preference to conduct their lives and politics in their native language rather than another (see Kymlicka 2001: Ch. 10).

opportunity to get a teacher's education in one of the rich countries, we may speculate that she might be keen to return to her country of origin in order to help benefit others, by setting up a school in her community, say, thus broadening the opportunities available to those coming after her. Countries implementing redistributive immigration schemes would hence not be faced with more and more immigrants in the redistributive class. Instead, the numbers may settle down at an average level, with a group of people arriving each year, but another group returning to their country of origin. It is worth noting, then, that to implement redistributive immigration policies is not tantamount to accepting "more and more" immigrants. The purpose of this project is to suggest a change in the selection criteria of immigration policy, not necessarily to suggest that rich societies should accept more immigrants overall.

Instead, what they would need to accept are their obligations deriving from the implementation of redistributive immigration policies. So for example, those countries accepting immigrants would have to ensure their safe transportation to their host communities. Second, a society implementing redistributive immigration policies would have to provide for mechanisms of integration of immigrants into host communities that are conducive to achieving the goal of these policies, i.e. to provide immigrants in the redistributive class with access to opportunities. Immigrants will not be able to benefit from any kind of opportunity if they are entirely left to their own devices once in the country. Rather than finding what they are looking for, they might instead be unemployed, not able to learn the language, or be forced to living in poor conditions.[40]

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[40] The unwanted kind of integration is often referred to as "downward assimilation." Thanks to Alan Patten for drawing my attention to this problem.

Put differently, redistributive immigration policies will only work if adequate housing, for example, and language and employment training are available to immigrants.

This is consistent with my second assumption, which holds that redistributive immigration schemes should form a part of other efforts to redistribute wealth, and to stimulate development in LDCs, along the lines of systemic re-organization of the international system that liberal theorists have proposed (see the contributions in Barry and Goodin 1992; Doyle 2000; Pogge 2002). Changes in the make-up of international bodies responsible for administering funds and in international trade agreements should be pursued further, for example, in order to give the local populations of LDCs the chance to develop their economies and raise the national standard of living. The challenge is ultimately to provide individuals with a chance to enjoy opportunities at home, hence making them available to all members of poor countries, not only to those able and willing to migrate to richer shores.[41] To put this explicitly, redistributive immigration schemes should be considered only as a *means of remedial justice* that ought to be put to work until a more just world order is in place – they are not to be considered as a goal or ideal in themselves. A more just world is the ideal, not to have redistributive immigration schemes. And in a just world, "there would be no systematic quality to ...migration" (Barry 1992: 279); people would not have to move to pursue opportunities far from their families and their homes but they would move "for idiosyncratic reasons" such as "love across frontiers" (Barry 1992: 279).

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[41] I am aware of very divergent arguments in development theories concerning the best way to achieve development. *How* precisely to go about the necessary changes to the international system is not the question of my project – more capable minds have addressed these broad issues. What I want to do, instead, is to propose a policy liberal polities should adopt to further the cause for development, and to examine potential counter-arguments to such proposals.

Third, I take it for granted that commonly acceptable standards can be agreed upon when assessing the conditions of autonomous living. Isaiah Berlin once famously said that the liberty of an Oxford don is different from that of an Egyptian shoe-maker, highlighting that when assessing socio-political liberties one may enjoy, we need to take into consideration the specific socio-political background in which one's liberties are placed (see Berlin 1969). One might speculate that comparisons of individual opportunities might be put under the same contextual constraints. It is in this context, in fact, that attempts proposing less comparative approaches to assessing individual opportunities must be understood, which advocate instead an idea of equality of opportunities as "rather culture-dependent, especially in the weighing of different capabilities" (Sen 1980: 219). Admittedly, then, some might take a relativist or culturally dependent view of what equality of opportunity entails. While this approach may seem to contradict attempts to frame fair equality of opportunity as a globally applicable concept, the assumption employed here follows Beitz, when he argues that "some of these capabilities [such as being able to have self-respect] have relatively similar resource requirements across cultures" (Beitz 2001: 103). In this vein, I understand the principle of fair equality of opportunity to imply that some of its necessary preconditions apply globally. They include such basics as proper nourishment, of course, but also the possibility to achieve a level of being, as Frankfurt has it, that allows an individual anywhere to be "content with what he has" (Frankfurt 1987: 38).[42]

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[42] This definition of the necessary requirements of an adequate level of individual autonomy, which I have defined earlier as giving an individual reason to have self-respect may be interpreted by some as too subjectivist an account of what autonomy implies. If it is a question of being "content" with what one has, could I not be charged with defending oppressive regimes that brainwash their citizens into contentment, or with absolving patriarchal and abusive husbands who brainwash their wives into enjoying their submission? It is important to recall my definition of autonomy in this instance, which rejected individual coercion and posited that we need to have viable options available in order to be autonomous. If the choice

So far, I have argued that a liberal immigration policy should be framed in the context of global justice and equality. I have proposed that instead of conceiving of immigration policies as tools to be used exclusively to promote national interests, we should theorize immigration schemes as instruments for furthering goals of global justice. However, it is one thing to convince ourselves that immigration regimes should be considered in the context of justice deliberations – and a very different matter entirely to accept what I have called redistributive immigration policies. So what should be our motivation to embrace the latter?

5.2. The Theoretical Foundation of Redistributive Immigration Regimes

Redistributive immigration regimes, I believe, can be motivated and premised on Rawls' argument in *A Theory of Justice* (1971). In this I follow Charles Beitz who has argued convincingly for an expansion of Rawls' principles of redistributive justice from the domestic to the international sphere (Beitz 1979).[43] The correlation Beitz proposes is straightforward. Imagine representatives of states who find themselves behind the Rawlsian veil of ignorance. It is behind this veil that they must determine principles that should guide the distribution of and access to social goods. Beitz postulates that access to global resources will help societies to establish just political institutions and an economy that can meet members' needs (Beitz 1979: 137ff). Considering that resource distribution among the territories of the earth varies widely, that any one representative is aware of

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is between incarceration and submission, or between being beaten and abused, or submission, individuals are coerced and do not have viable options to choose from. To clarify, then, I might say that I subscribe to conditions of "content autonomy."

[43] Methodologically, Rawls agrees with the idea of employing domestic principles of justice to assess the international sphere and to develop principles of international justice: "In developing the Law of Peoples, the first step is to work out the principles of justice for domestic society" (Rawls 1999: 26).

the possibility that she might be representing a resource-poor country, and that all have

an interest in just political institutions and thriving economies, it is highly plausible to

assume that national representatives would subscribe to principles similar to the ones

Rawls argues would be agreed upon by members of a national community in the same

setting of ignorance. Among these principles is that of fair equality of opportunity which

I summarized above, together with principles of redistribution from the better off to the

least well off (see Rawls 1971: 302f). If we can agree on principles of redistribution in

the national context, and all else being equal, we are also likely to embrace them in the

international context. The analogy would entail that national representatives in Beitz's

blueprint are the correlative to Rawls' heads of households who represent the

beneficiaries or contributors to any redistributive scheme. To elaborate, national

representatives would accept their national community's duty to redistribute wealth to

the least well-off, as Rawls assumes heads of households would accept the same

obligation on their family's revenue if they were to find themselves to be among the

well-off of a society.

     To be sure, Rawls has criticized Beitz for the assumption that international

resource distribution would fall under the purview of a global principle of redistribution

(see Rawls 1999: 115ff). Rather, he holds that his ideal for an internationally just society

– what he calls a *Society of Peoples* – is built on *just* or, at minimum, *decent* societies

(see above). Neither justice nor decency, however, depends on access to resources, but,

instead, on a prevailing sense of the rule of law and respect for human rights. In this

sense, then, Rawls does not accept that a global distribution principle is necessary for a

just world order (Rawls 1999: 117). Second, while Rawls admits the attraction of Beitz'

global resource distribution principle in a non-ideal world, he nevertheless criticizes such

a redistribution principle as somehow counterproductive if it were meant to "apply continuously without end – without a target, as one might say" (Rawls 1999: 117). To paraphrase, a global redistributive principle could not plausibly be applied because it does not articulate clearly enough what it aims to achieve, or at what point justice would be achieved – claims for redistribution, in other words, could be endlessly made (Rawls 1999: 116).

I agree with Rawls that measures of justice should have a target, a goal or reference point that determines when we can speak of a redistributive situation to be a just rather than an unjust one. My account of redistributive immigration policies is meant as a means of remedial justice – it has as its target the provision of conditions of autonomous living that should be provided for every individual. Once all individuals can lead lives they are reasonably content with, redistributive immigration policies will have served their purpose. I would therefore refute Rawls' first objection against applying principles of redistribution on a global scale. Redistributive principles when applied globally as I propose to do can be defined and limited and their target can be delineated as precisely as their domestic equivalents.[44]

Second, if Rawls sees the appeal for global redistributive principles in the world we live in, as he admits he does in response to Beitz, I would conjecture that he would see the appeal of redistributive immigration schemes. To reiterate, I situate my argument to apply redistributive principles on a global level squarely in the realm of non-ideal theory, not in that of ideal theory. Since I am concerned with changing the conditions of

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[44] The very specific scope of my proposal for redistributive immigration policies to provide for fair equality of opportunity, moreover, also means that my position on the extent of global redistribution is closer to Rawls' proposal for a just world than to a cosmopolitan view promoted by Beitz, Pogge and Tan, for example, who aim to equalize conditions of living on a global scale. I do not advocate the equalization of conditions of living, but instead advocate adequate conditions to enable individual autonomy.

individuals here and now, Rawls' critique of Beitz does not apply to my use of redistributive principles on a global scale.

If my argument about immigration being a contributing factor to global injustice and inequality is plausible, i.e. that whether or not governments of wealthy states permit an individual to immigrate will play an important role in the kinds of opportunities she may have, then immigration rights can be framed as an international analogy to what Rawls has described as access to "primary social goods." Rawls defines these goods as "liberty and opportunity, income and wealth, and the bases of self-respect" (Rawls 1971: 303) to which access should be equal "unless unequal distribution of any or all of these goods is to the advantage of the least well-off" (Rawls 1971: 303). According to Rawls, then, representatives behind the veil of ignorance would subscribe to the general principle that access should either be equal, or that inequalities have to benefit the least well-off. For individuals behind the veil of ignorance – lacking the particular details of their lives – to agree on this principle would be the only rational course of action. I have argued that contemporary immigration regimes do not allow for equal access, nor do they benefit the least well-off.[45] In fact, I have construed immigration regimes as enhancing and perpetuating unequal conditions that determine individual access to the primary social goods. I therefore believe that under an "international" veil of ignorance, national representatives would agree to consider immigration regimes as one area of policy-making that just institutions have to address if they were to acknowledge the international discrepancies in access to social goods. I thus hold that immigration

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[45] The immigration regimes I have in mind are obviously not those applying to refugees, for which we could make the case that they benefit the least well-off.

regimes can plausibly be construed as subject to the redistributive principles

characteristic of Rawls' theory of justice.

This somewhat inferential account of Rawls' principle is substantiated, I believe,

by another principle of Rawls' conception of the *Society of Peoples*. As I have already

explained, immigration is regulated by national governments that implement policies that

further domestic interests. This is what is known as the *conventional assumption*

regarding the extent of national sovereignty in immigration matters, which is to say that

national governments have the right to determine who should and who should not be a

member of the citizenry based on their rationale of who will benefit the national

community. Of course, theorists of sovereign statehood may object to my proposal on the

grounds that it amounts to a fundamental challenge to national sovereignty. And to be

fair, one of the consequences of redistributive immigration regimes would be that

national governments would have to abandon some of their current motivations when

making decisions about who should be allowed to immigrate into their territory. Rather

than grounding their decisions on such matters solely on considerations of national

interests, they would have to accept some obligations to accept a set number of

immigrants from poor countries. In this instance, free-reigning ideas about national

sovereignty would be curtailed.

Rawls proposes similar restrictions on national sovereignty when he writes that a

national government's right to wage war or infringe on the human rights of its members

would have to be revised and potentially restricted in a *Society of Peoples*. Rawls

believes that war should only be permissible as a means of self-defence, and that human

rights have to be respected in an unqualified manner for a society to be decent (Rawls

1999: 26-27; 42). Put differently, "national interest" cannot be used as a rationale to

infringe on the human rights at home or abroad. Similarly, my proposal contends that national interest should not be allowed to dominate over the moral claims of the world's poor who are asking for access to adequate conditions to live autonomous lives. If one accepts this as well as my previous argument that redistributive immigration schemes should be adopted as a means to redistribute wealth, then we have arrived at a principle of redistributive immigration that trumps, as it were, the conventional account of national sovereignty with respect to immigration policy.

5.3. The Merits of Redistributive Immigration Policies

While some may accept the analogy just drawn, they might wonder why it is preferable to advocate redistributive immigration schemes rather than open borders. Would it not be more plausible for national representatives – under the veil of ignorance, of course – to accept the latter rather than the former?[46] Maybe. I believe, however, that the principle of fair equality of opportunity in our fallen world requires redistributive immigration schemes that benefit the world's worst-off – it does not require open borders for its realization. As I demonstrated in my earlier example comparing my opportunities as a citizen of Germany and as a potential citizen of Canada, the principle of fair equality of opportunity would not be clearly violated if my case for admittance to Canada was rejected, because both countries provide adequate levels of opportunities.[47] In other words, immigration applicants from countries with similarly adequate levels of opportunities would fall outside of a redistributive immigration scheme because their

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[46] This is of course Carens' argument (see Carens 1987).

[47] In this vein, see also Carens' interesting example of a Canadian who, after having lived in the US, wants to come back to Canada in order to be able to enjoy health care benefits in his old age, and his discussion of what principles should apply to a US citizen who wants to immigrate to Sweden (Carens 1988).

claims for entry cannot convincingly appeal to the principle of fair equality of

opportunity. To admit such applicants to the country of their choice would not enhance

global justice in any meaningful way.[48]

This is not to say, however, that all citizens of the poorest countries could make a

claim for immigration under a redistributive regime. Members of the ruling elite of a

developing country cannot claim to be missing out on opportunities. To illustrate,

consider the claim of, say, a high-level government official in Nigeria. Nigeria's HDI of

46.6 is very low, and the average life expectancy of 44.2 years is comparable to that of

Niger. However, its economy has had an annual real growth rate of 3.1% between 1993

and 2003, largely due to oil production, as Nigeria is one of the world's top 15 oil

producers (see *The Economist* 2006).[49] Nigeria is also perceived as one of the world's

most corrupt countries.[50] For a member of the elite who benefits from such corruption,

making a claim for immigration based on lack of opportunity is, quite simply,

disingenuous, and is adding insult to injury to those many whose plight is so as to

warrant Nigeria's low HDI rating. There may, of course, be other reasons why a high-

ranking official may want to emigrate. These include ethnic violence or religious or

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[48] Remember also that national representatives behind an international veil of ignorance would not only want to promote redistributive justice because it is the most rational course of action – they would also want to minimize their risk of finding themselves to be representatives of rich countries who now have to accept immigrants in the redistributive class. Put otherwise, to accept open borders would not comply with Rawls' stipulations that members to the contract aim to "maximin," to maximize their gains by minimizing their risks (see Rawls 1971: 152f). Representatives do not know what the actual situation of their country is and hence they will want to maximize the position of the worst-off because this might mean maximizing their own and their constituents' gains while aiming to minimize the risk in the event they represent the richest countries.

[49] Oil production accounts for 20% of GDP, 95% of foreign exchange earnings, and about 65% of budgetary revenues.

[50] Official Corruption is defined as

> The abuse of public office for private gains. Public office is abused for private gain when an official accepts, solicits, or extorts a bribe. It is also abused when private agents actively offer bribes to circumvent public policies and processes for competitive advantage and profit. Public office can also be abused for personal benefit even if no bribery occurs, through patronage and nepotism, the theft of state assets or the diversion of state resources. (Agbu 2003)

political oppression – namely, the violation of fundamental human rights and civil liberties – which some groups in Nigeria experience. Individuals, suffering from such violations could, of course, rightly claim refugee status, regardless of their socio-economic or political status. However, in terms of fair equality of opportunity – a principle that I have taken to pertain to means of subsistence, time, leisure, and access to skills – it seems implausible to make a case for redistribution towards an individual who seems to fully enjoy the opportunities to shape the course of his life according to his own ideas of what constitutes a valuable life.[51] If we accepted the case for the redistributive immigration of a high-ranking government official of a resource-rich, yet drastically corrupt and overall poor state – that is, for somebody whom we expect to benefit from a system of personal gains and systemic bribery[52] – it seems to me that we would pervert the goal of liberal egalitarian policies.

This example supports the idea that redistributive immigration policies should be aimed at individuals, not at individuals as part of larger identity groups. If we accepted immigration claims from some people simply because they come from a poor country, but if they themselves are not poor, we would neglect the individual component driving ideas of fair equality of opportunity, and we would violate the very principles that liberal policies aim to uphold. Such an individual-centric approach, in my mind, is one of the

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[51] I acknowledge that this take on the principle of fair equality of opportunity implies that it is a principle primarily concerned with the distribution of social advantages and social burdens and that, concomitantly, I assume that human rights and civil liberties to be provided as fundamental, rather than as falling under the principle.

[52] Admittedly, my claim assumes that all those who are high-ranking officials are also corrupt which may be an unfair assumption. That there is some evidence for this in the case of Nigeria, however, may be gleaned from a recent statement by Nigeria's president Obasanjo made to illustrate his problems in getting a bill approved to set up an anti-corruption agency: "I am told that members of the National Assembly said that if they passed the bill the way it was, they would all be behind bars" (quoted on news.bbc.co.uk/1/hi/world/africa/4441523.stm). Obasanjo and his family are equally suspected of widespread personal profiteering (see ibid).

strengths of redistributive immigration policies. As I summarized earlier, a change in immigration regimes would be more immediately successful at addressing a lack of opportunity than other efforts at international redistribution because it would enable individuals to take their lives into their own hands. In addition, redistributive immigration schemes would be more immediately effective at enabling individual autonomy because they would target individuals rather than channel efforts through cooperation among national governments, such as, for example, international trade agreements or schemes for debt reduction. These latter measures are necessarily geared towards governments, and the way in which governments earn and administer the funds and resources of their country. Not only are redistributive immigration schemes thus more directly targeted at those most in need, they also help to avoid one of the pitfalls of international aid, namely bureaucratic corruption at the level of national governments of aid-receiving countries.[53]

Furthermore, immigration is unique in that it is a mechanism that countries can implement unilaterally, without a host of complicated bargaining procedures that arise when attempting to come to multilateral or international trade agreements or development policies. Immigration policies are the sole responsibility of individual states; indeed, a country committed to meeting international obligations to redistribute wealth can immediately put this intention into effect by changing its immigration policies to include cases that gain access under the newly outlined categories of redistributive immigration. It is worth noting, then, that this aspect of the conventional assumption concerning the national administration of immigration policies is actually helpful to the

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[53] Corruption is one of the biggest problems in international aid efforts to help the world's worst-off. Some estimates of how much aid money actually arrives at its destination is as low as barely 20% (*Die Zeit*, 12th April, 2006).

global redistribution principle as I advocate it – that is, if national immigration policies are premised in part on global redistributive principles and not only on principles of national interest.

However, some critics might argue that such an individualistic approach is more part of the problem, rather than the solution. To be sure, the case of a high-ranking Nigerian official is easily dismissed from being considered for redistributive immigration visas. But what should we make of the case of a doctor from, say, Zimbabwe hoping to immigrate to the UK? With an HDI of 49.1, Zimbabwe is a country with an even lower life expectancy than Niger (36.3 years for women, and 38.2 for men), due largely to HIV/AIDS since one quarter of the population is affected by HIV/AIDS. For every 1000 people, Zimbabwe has 0.1 doctors to attend to their needs, and hospitals are few and far between.[54] It would take little to assume that life in the UK would provide many more opportunities to an individual doctor or nurse. But if *all* doctors in Zimbabwe followed the spell of better socio-economic or professional opportunities abroad, it would be all but impossible to uphold a system of medical services in their home countries, as badly equipped as they may be. From a national perspective, then, one could argue that if these well-educated individuals were able to leave their country of origin more freely in pursuit of better opportunities, their exodus would seriously compromise the already inadequate state of their home-country's medical service. In fact, the additional effect of this exodus might be a general improvement of the medical care situation in their adopted countries and thus the further accentuation and perpetuation of the inequality of opportunity between the citizens of the world's richest and poorest countries.

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[54] In fact, there is no figure to account for the number of hospital beds available for every 1000 people (for all other figures, see *The Economist* 2006: 240f).

This question touches on one of the most problematic issues in contemporary debates about immigration policies: the problem of "brain drain." Not only are doctors educated in sub-Saharan Africa eager to explore their chances elsewhere, but an increasing part of the educated classes from LDCs want to move away from their countries of origin to wealthier shores where they are often welcomed with open arms. Without doctors from Africa and Asia, for instance, health care provisions in the British NHS would come to a halt (*The Guardian* 15th April, 2006). As a consequence of this "brain drain" from poor to wealthier countries, we are already receiving reports of the slow demise of systems of higher education in Africa, for example, because "about 30% of Africa's university-trained professionals and up to 50,000 Africans with PhDs now live and work outside the continent" (*The Guardian* 17th March 2006), with the exodus of those in the medical profession posing the biggest threat. The problem with an individual approach to immigration, some could then argue, is that those who are in the best position to help improve the conditions of their countries and, by extension, to provide more opportunities for the members of their country of origin, may opt to emigrate and look for better opportunities for themselves elsewhere. An individual-centric redistributive immigration policy may well deepen the gap between the haves and the have-nots, rather than close the opportunity gaps that exist between them. How could I answer this challenge?

On the one had, one could argue that the educated elite, when emigrating abroad, might actually help their country of origin economically, albeit by a circuitous route. For example, the remittance payments sent home by those abroad might help families back home to ensure that their most basic needs will be met, and potentially even more. Remittance payments could help get younger family members through school and

university (at home or abroad), and could thus allow families, or at least their younger members, to significantly improve their opportunities in life. In fact, as a recent World Bank report states,

> [r]emittances remain the second-largest financial flow to developing countries, after foreign direct investment, more than double the size of net official finance.... In 2002, remittances were larger than both official and private flows in 36 developing countries. (World Bank 2004:169)

In this sense, then, whether one is a highly educated emigrant, or someone who simply hopes to earn money through manual labor, the beneficial effect of emigration for those staying behind may well be the same. Both highly skilled and unskilled emigrants are likely to contribute to the improvement of socio-economic conditions at home, which should ultimately lead to increased opportunities for those living in less developed countries.

On the other hand, even if the socio-economic balance sheet of developing countries improves with the help of remittances from those working abroad, specific sectors of society may nevertheless come to harm. If, for instance, institutions of higher education lose employees to wealthier countries, these institutions may fold altogether, barring educational opportunities in the long run for those who cannot afford to seek it abroad. Simply measuring a national GDP, in other words, does not necessarily provide us with an adequate picture of the kind of opportunities a country provides.

These are serious concerns. When addressing such concerns, however, we should remember the seminal principles that liberals espouse. One of the reasons why liberals promote equality of opportunity is to account for the equal moral worth of individuals. Because of this set of beliefs, the liberal state cannot restrict immigration arbitrarily. As I argued in the Dutch immigration legislation example, liberal tenets prescribe that we

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either treat people equally, or that we have plausible and convincing reasons for treating

people unequally. To apply these principles to immigration policy – if we were to ponder

restricting the movement of educated people, such as academics, for example – it seems

to me that we would have to put such restrictions into context: all things being equal,

does the implementation of liberal principles imply that *all* academics should have

limited access to immigration opportunities, or are there important reasons why some

should enjoy greater immigration opportunities than others?

I assume for the point of this argument that individuals are entitled to use the

opportunities available to them in an equal opportunities scheme to seek their own

advantage – as long as everyone else has equal opportunities available and all are at

liberty to use them as they see fit.[55] This much I take to be uncontroversial. The problem

in the "brain drain" cases arises, we could say, when some people exercising their right

to maximize their opportunities restrict or diminish those of others, or perhaps jeopardize

the overall welfare of the community. Of course, most of us have heard of sports stars

who settle in tax havens, such as Monaco, in order to avoid paying higher income tax

rates in their country of origin. To be sure, this kind of behavior is not praised, but

neither is it prohibited by law or even condemned, even though one could plausibly argue

that the welfare of the home community is adversely affected by the high-income

earners' tax evasion. Although emigration to a country with lower income taxes prevents

the sports star from contributing taxes to the state and its institutions that supported her

early sports education and career, for example, we seem to accept that someone in the

lucky position to have a talent for which she is highly remunerated also has the right to

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[55] This is in contrast to, say, nationalist doctrines that asks us to have the welfare of our nation rather than our own welfare paramount on our minds.

make the most of her opportunities. In a more pedestrian vein, imagine the case of a Canadian academic who, unsuccessful in the Canadian academic job market, turns abroad for options. Would it be problematic if he took up employment in the UK, say, considering that some might think that there are enough good academics there, but fewer in his country of origin? Or would it be problematic for this individual to move to "where the money is", i.e. where he would get better pay than in his country of origin? Most liberals would be uncomfortable arguing for immigration restrictions in such a case, or so it seems to me. Why should we think differently about the job-searching academic from Angola? Could we make a liberal case that the Angolan has an obligation to further the best long-term interests of her national community and that fulfilling this obligation requires her to stay in Angola where she might have to work in an underfunded university system that does not enable her to enjoy the same set of opportunities than if she were to move abroad?

Some liberals have theorized the relationship between individuals and their identity group – be it ethno-cultural, or national, or linguistic – and have argued for accepting certain group rights in order to promote the well-being of the group (see Kymlicka 1995). Following Kymlicka's argument, we could imagine that the well-being of Angolans requires a properly functioning system of higher education, which implies having sufficient university teachers and researchers to keep the system running. A system of higher education, we could imagine, is constitutive of the well-being of the group because it contributes to the vibrancy of national life, for its cultural and scientific development. We could also say that it is vital to have medical services, and hence important to retain doctors in order to provide for the basic health needs of the population. How do these considerations pertain to an individual academic, doctor, or

engineer? Kymlicka has been explicit in arguing that group rights can only take the form of protections against detrimental external impact. For example, a group should have a right to external protection from intrusion in its collective cultural heritage, or in its language. However, the well-being of the group cannot be instrumentalized to serve as a rationale for imposing *internal restrictions* on individual members of any group, such as restrictions of movement. Analogously, it seems to me, liberals would be hard pressed to attempt to prevent individuals from leaving their national cultures behind, if that is what they choose to do, even if such a move may bring about long-term problems such as a faltering higher education system. The dangers of "brain drain" do not legitimate placing immigration restrictions on those who have the education and skills to search for better opportunities elsewhere.[56]

This argument might not be convincing to those who fear for the overall welfare of many poor countries. One of the merits of redistributive immigration policies, however, and in stark contrast to current immigration regimes, is that those who are most needed in their countries of origin, like doctors and PhDs, would not fall under the purview of such policies. Recall that the motivation for my proposed change in the ethics of immigration is it to enable those lacking in fair opportunities to lead autonomous lives to lead just such lives. To my mind, if one has chosen and successfully completed an MD or PhD program, it would be fair to say that this person has been able to lead an

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[56] Instead, Kymlicka's argument for external protection might support measures against external threats to a nation's health care system. An example of such a threat would be the policies of pharmaceutical industries that attempt to artificially inflate prices for medication, such as anti-retroviral drugs direly needed to treat people affected with HIV/AIDS. By not allowing cheaper versions of such drugs to be circulated – which is prevented through the lobbying of national governments in international trade negotiations – pharmaceutical lobbies are contributing to the slow bankruptcy of the national health services of developing nations that have to allocate a large portion of their health care budget to pay exorbitant prices for drugs rather than for the salaries of their doctors, or for medical equipment of public hospitals.

autonomously chosen life. I admit that working conditions for an Angolan doctor may be less ideal than for a Canadian one and the former may hope to attain better conditions of work or a higher salary by emigrating to a rich country. It is not part of my project, however, to provide access to either. Redistributive immigration policies, to reiterate, are not intended to equalize or maximize individual conditions but to provide the basic conditions of autonomous living to those who can not find them in their country of origin.[57]

However, the "brain drain" argument does have implications for countries that benefit from the global search for opportunities. It would be incompatible with the goals of a redistributive immigration scheme if rich nations solely profited from the fact that they are able to provide more opportunities to those coming from poorer countries. More specifically, it would be indefensible if rich nations used their advantage, for example, to employ immigrants at lower rates than home-grown doctors or workers employed for the same tasks.

This stipulation, in turn, addresses one of the concerns about increased immigration voiced by trade unions or those lobbying for socially disadvantaged groups within wealthy countries. These groups are concerned that immigrants will drive down workers' wages and employment benefits because they are often willing to work for minimum or for even lower, cut-throat wages with few employment benefits. For employers to have the option of avoiding the payment of higher wages because there is an "army of the willing" waiting at their door who will work for whatever an employer is willing to pay does indeed threaten the chances of local, unskilled workers to earn a

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[57] To return to Blake, redistributive immigration policies do not aim to "maximize the number of options" (see above, FN 12).

living. The fear is that immigrant labor may push those low on the socio-economic ladder out of work, thus aggravating social inequalities (see *The Guardian*, 11th October, 2005). Again, these are important concerns regarding changes in immigration regimes – in this instance, concerns about the potential consequences of increased immigration of low-skilled workers for host communities. They reflect the kind of situation that critical observers describe to reign in the liberalization of immigration regimes where national governments implement immigration schemes that are tailored to their domestic economic interests. An immigration scheme that is dedicated to the goals of redistribution, however, cannot condone a scenario in which some profit unduly, while the situation of those who are already disadvantaged continues to deteriorate. It would be both indefensible and implausible to argue for a system of redistributive immigration if it only exacerbated social inequalities in the host communities. From the point of view of social justice, to argue that the poor in rich countries would have to bear the burden of redistribution in favor of the poor of the world would be unprincipled, even if we thought that the former would still be better off than the latter. However, it seems to me that proactive labor laws and social policies could easily prevent such a situation in which poor members of society must compete with each other for ever declining wages and benefits.

One way to avoid such pitfalls would be to regulate the wages of unskilled workers of whatever stock. The French government has recently shown the way by initiating a ruling at the EU Court of Justice arguing that laborers coming from abroad, such as the famous "Polish plumbers" in France, have to be paid according to national wage levels, and be insured and declared in their countries of employment. The French hope is that a ruling will reverse the hitherto legal practice of paying European workers

according to the standards of their home countries. To be sure, employers in the agricultural sector in the UK, for example, have immediately bemoaned such initiatives, arguing that immigrant labor would no longer be economically viable. The whole point for them to employ immigrant labor, in other words, is to employ *cheap* labor, not to *not* employ British workers. However, and returning to the motivating principle underlying redistributive immigration schemes – namely that of fair equality of opportunity – it does not make sense to assume that this principle would only apply until immigrants come to wealthy host-communities, where they would then have to put up with stark inequalities in remuneration for performing the same work as their home-grown counterparts. The principle of fair equality of opportunity applies, in other words, to questions of immigration, as well as to questions of treatment of immigrants once they are living and working in host communities.

That being said, redistributive immigration schemes are not to be added to *existing* immigration schemes, but are, instead, a new and entirely different way of thinking about immigration. To spell out all the implications of such a change in the ethics of immigration would go beyond the project of this thesis. Instead, my brief summary of the theoretical bases of redistributive immigration policies, and my rebuttals to some valid common concerns, are intended to achieve two goals: first, to support my claim that immigration policy should not be ruled out as a measure to achieve fairer equality of opportunity on a global scale; and second, to challenge the assumption that more liberal immigration schemes would necessarily provoke more injustice in both host communities and countries of origin alike.

At the same time, it is important to recognize that redistributive immigration policies, as I conceive them, are meant to work in concert with other efforts to promote

fair equality of opportunity at the global level. I envision immigration measures to constitute only one component in a more comprehensive global scheme for establishing a more just world – which I have characterized as one in which people would not need to leave their country of origin to find an adequate set of opportunities for living an autonomous life. While individuals should be enabled to search and find the best opportunities available to them, business or national interests should not be given the same right, even though the latter notion seems to be accepted widely today (Goodin 1992).

Of course, the extent to which redistributive immigration policies can in fact help achieve a more just world is up for debate, and I am not inclined to make any absolute assertions about their viability or effectiveness. Admittedly, then, I will not be able to convince those who want ironclad proof that the measures to combat global inequity I propose will be successful. To provide such proof is a nearly impossible task, due largely to the fact that we have only very limited empirical evidence of "open border" immigration schemes, let alone schemes of redistributive immigration. The one example we do have that might come close – that of the loosened immigration and employment regulations of the EU – seems to suggest that relatively free immigration flows work in favor of the poor parties to such schemes – witness, for example, the economic rise of Portugal and Greece, and particularly Spain since accession – while simultaneously bolstering the economic welfare of richer parties. Some, however, might reject this successful example, pointing instead to the singular scenario of the post-World War II years of booming economic growth in the economically most important countries of the union, i.e. Germany, France and, to some extent, the UK, and their indirect subsidies to poorer member states. Critics might claim that these subsidies had more to do with the

economic development in poor member states than relaxed migration policies, while the economic boom assured that immigrants could be successfully integrated into the socio-economic fabric of host communities. They could, in short, claim that the success of the EU was due to very specific historical circumstances.[58]

From a principled perspective, however, it seems to me that we cannot very easily ignore or rule out a policy of redistributive immigration simply because it *might not* work. There is little empirical evidence to validate such worries, since redistributive immigration policies have hardly been tried. What needs to be challenged, I think, is the assumption, without any real empirical evidence, that a change of immigration regimes based on redistributive considerations is anathema in terms of justice.

6 Conclusion

"We do not live in a just world" Thomas Nagel writes (2005: 113). In the course of this chapter, I have argued that one element contributing and compounding international injustice is the national immigration regimes regulating the global flow of people. Such regimes favor the interest of citizens of rich countries compared to those of poor countries. The different conditions of life that result from the morally arbitrary fact of being born in one country compared to another pose a dilemma for liberal egalitarians concerned with conditions of individual autonomy. I have explained the injustice of contemporary immigration schemes and have proposed that we adopt redistributive

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[58] The opponents I have in mind might go further and argue that the latest accession round in May 2004 will prove to be a failure, due to an oversized zone of free migration – even though the latest figures seem to indicate otherwise. In fact, only Austria, Denmark and Germany of the EU 15 (i.e. "old" Europe) is determined to uphold work restrictions for citizens of the EU 10 (i.e. the new accession states) – all other countries who had imposed such restrictions in May 2004 (which all did, except the UK and Eire) are either determined to abolish these curbs, or are mulling liberalization (See *The Economist*, 11th February, 2006: 41f).

immigration policies in order to address such injustice. My proposal for these schemes is premised on the assumption that we can translate principles of fair equality of opportunity as Rawls characterizes them in his scheme for domestic justice onto the international scale. I have defended this assumption against those, including Rawls, who do not find such a translation plausible. I have argued that my proposals are meant to be measures of remedial justice that aim at providing individuals with adequate conditions of autonomous living. These measures are not part of an ideal theory. So far, then, I have defended my arguments for redistributive immigration schemes against objections that could be raised by liberal egalitarians. My blissful state of argumentation, however, is challenged not only from liberal egalitarian quarters, but by liberal nationalist authors as well. These theorists argue that liberal principles may ultimately justify more restrictive immigration schemes. My concern to refute liberal nationalist arguments thoroughly in order to defend my proposal for redistributive immigration schemes will constitute the remainder of this project.

II   Redistributive Immigration Policies Defended

1   Introduction

When we speak about social justice, we are concerned with the moral state of society. Ideally, we believe, the world should be just because that is the condition in which individuals can flourish and lead the lives they choose. If we take this assertion seriously, and if we believe that human beings are responsible for the moral outlook of the world – rather than, say, natural lotteries or metaphysical laws – then social *injustice* implies that there must be something we ought to do, some action that is morally demanded of us but which we have yet to live up to. Conceptions of social justice are thus tied to ideas about the duties we have and which we must fulfill if we aim to realize our principles of social justice. In Chapter One, I have made the case that one way of making the world we live in today more just is to apply the principle of fair equality of opportunity on an international level. In order to achieve fair equality of opportunity for the globally worst-off, I have argued that liberal egalitarians should adopt redistributive immigration schemes that would enable the world's worst-off to immigrate to countries in which they would enjoy vastly increased levels of opportunities. In this chapter, I defend this argument against two possible objections from liberal nationalist authors, focusing on David Miller's argument, while drawing on the writings of other liberal nationalist authors occasionally. The liberal nationalist objection is the most acute challenge to the premise of redistributive immigration policies since liberal nationalists endorse the goals of social justice and redistribution in a liberal egalitarian vein. Miller, however, whom I take to be the most lucid advocate of the liberal nationalist position,

explicitly rejects the argument for a cosmopolitan principle of redistributive justice – a stance that, as I have argued in Chapter One, would call for redistributive immigration policies for the globally worst-off. Miller supports his argument with the claim that principles of social justice are socially contingent. Accordingly, he concludes that duties arising from our conception of social justice are equally circumscribed by the social context of our national community. We have, therefore, a different, "special", set of duties towards our compatriots than towards non-compatriots. Among the first set are duties of redistribution under the principles of social justice, while the second set – what can be called "duties of humanitarian assistance" – is defined by our obligation to provide for basic needs to all human beings. This latter set I have taken to be uncontroversially accepted duties we owe to all human beings.

Miller's work is important to discuss in the context of this thesis since his argument against global redistributive policies is motivated by concerns about the effects such policies might have on provisions of social justice in host communities. As I explained in Chapter One, such concerns have to be taken seriously since the redistributive immigration policies I propose are aimed at promoting an increase in fair equality of opportunity for the globally worst-off, but cannot do so to the detriment of social justice in host communities. It is important, then, when making a case for redistributive immigration policies, to consider the objections of those concerned with the mechanisms of social justice in host communities.

Liberal nationalist authors base their approach on what I call the socially contingent model for principles of social justice and individual autonomy. [59] This model

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[59] Miller himself refers to his concept of social justice as "contextual" to the community in which it is to apply (Miller 2002). I believe, however, that his concept is more appropriately characterized as

postulates a constitutive link between social justice and a shared national community and identity – a link I explain in Section 2. In Section 3, I further elaborate on the model of socially contingent social justice and move on to my critique in Section 4. There, I argue that if principles of social justice are not defined universally, they cannot serve as reference points to evaluate what is just or unjust in a global context. Second, I argue that the empirical evidence we have indicates that individuals do indeed compare their conditions of life with those of others on an international level. To argue for an account of social justice that does not allow to assess questions of justice from a principled and universally applicable perspective – that is, from a perspective that *necessarily* allows us to compare individual conditions of life in one country to those in another – misunderstands the principle of fair equality of opportunity. More generally, it begs the question as to what use a principle of justice will have in a world in which individuals live under extremely diverse conditions that allow for abundance for some, and hardly enough to live for others.

In Section 5, I investigate the liberal nationalist claim that we have a different set of duties towards our compatriots compared to non-compatriots. I explain that this claim is founded on an ethical particularist account of our moral duties. To tie ethical particularism to different sets of moral duties at home, compared to those we incur internationally, relies on what has been called a *concentric circle model* of moral duties. The model is the subject of subsection 5.1, in which I argue that its progressive character makes it an implausible model to use. I then explore Miller's assumption that the relationship between fellow nationals compared to the ones between non-compatriots

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"contingent" since norms of social justice as Miller construes them are not simply contextual to the community, but are furthermore contingent on a specific set of conditions in a community, as I will explain in what follows.

warrants redistributive duties towards the former, but not towards the latter. I discuss

three different kinds of relationships that may warrant special obligations, but argue that

Miller can only plausibly refer to one. Employing what Samuel Scheffler calls the

distributive objection to special relationships (Scheffler 2001: Chapter 6), I maintain that

even if we accepted that there are special relationships between fellow nationals, these

would nevertheless not permit us to negate global redistributive duties of the kind on

which redistributive immigration policies are premised. I conclude that two fundamental

objections that could be brought forward by liberal nationalist authors against these kinds

of redistributive changes in immigration regimes are not convincing arguments.

2   The Liberal Nationalist Definition of National Identity and National Community

In order to understand Miller's argument it is important to examine his concept of

national identity and national community since it is the foundation for both his socially

contingent model of social justice and his interpretation of ethical particularism. Miller

argues that our belonging to a nationality, and thus having a national identity, is a

morally relevant relationship that justifies an ethical particularist stance. To make sense

of this argument, we need to clarify the liberal national definition of the concept of

nationality. On this account, nationality describes a community of people bound together

by history, language, culture and, usually, territory. Nationality is often tied to ethnicity

and a shared cultural background. Fellow nationals recognize each other easily among

themselves: they identify with each other, and share a sense of belonging (Miller 1995:

25). Moreover, they identify with their common history as a nation and are conscious of

being involved in the ongoing national project to the point to be willing to "die for our

nation." (Tamir 1997). Liberal nationalists argue that nationality – or a shared national identity, terms I will use interchangeably – constitutes an important part of individual personal identity. Sharing in a national identity allows us to partake meaningfully in a history larger than that of our individual lives or immediate community. Our nationhood provides us with a "collective political subject – a 'we' – with the capacity to act collectively over long periods of time" (Canovan 1996: 72).[60] And finally, national identity generates the solidarity and trust amongst compatriots needed to sustain the institutions of the democratic welfare state and believed to be responsible for cultivating and implementing our shared principles of social justice, such as redistributive taxation and a sense of "civic morality" (Letki 2005) or "civic virtue" (Macedo 1990). This function of national identity has been described as a stimulus or "battery" for the nation-state (Canovan 1996: 80, see also Tamir 1993: 118).[61]

How are we to conceptualize identity? The emergence of the liberal idea of identity can be traced back to the ideas of the Enlightenment – a period in the history of political thought, to recall Chapter One, which initiated the slow embrace of what we now consider to be the core liberal ideas about how to autonomously decide on the shape of our lives. What characterizes a liberal conception of identity, then, is that it attempts to recognize how individuals *want to be* identified and seen. Liberalism accepts that we should not be pinned down by ascribed identity features, but that we should have the

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[60] I should say that Canovan discusses liberal nationalism without necessarily endorsing it.

[61] It is important to note that while ethnicity, a shared culture and language are often referred to when identifying a nation, according to the liberal nationalist account, these markers gain their relevance and importance from the function they perform, which is to provide for a shared national identity as a condition of a liberal nation (Moore 2001: 9ff). According to the liberal nationalist account, then, these markers have value only in so far as they support a national identity. This distinguishes the liberal nationality from a simply nationalist account in which territory, for example, has intrinsic value and is employed to rally support and allegiance for the nationalist cause (see Ignatieff 1994).

freedom to choose identity contexts that provide us with meaning in our lives.[62] On this reading, 'identity' is a frame of references that allows us to make decisions in our lives, that allows us to be autonomous. Identity as a frame of reference provides us with possible ways to conceive of ourselves and of the relationship we want to have with our surroundings (see Kymlicka 1989). To embrace an individual identity is therefore closely tied to the liberal ideal of individual autonomy and agency and the account of autonomy I provided in Chapter One. There, I explained that my interpretation of autonomy followed that of Raz who construes individual autonomy to imply that we are "part author" of the lives we live, that we have adequate and viable options and opportunities available to take decisions and engage in projects that make life worthwhile living (Raz 1986: 365ff). Concomitantly, when choosing what kind of life to pursue, I may evaluate given values and create new ones around which I would want to organize my life. I do so based on the options before me, which are partly provided by my belonging to a cultural group.

In contrast, an illiberal interpretation of identity is characterized by a subscription to primordial features, like religion or race – in other words, the ascription of someone's identity for them.[63] This is where potential conflicts between the liberal concept of identity and certain features of nationalism may lie. Nationalism, at least to some liberal and cosmopolitan minds, promotes a group identity that endangers and contradicts the Enlightenment notion of individual autonomy. It does so by locking people into a particular cultural context irrespective of their wishes otherwise. Nationalism, so the critique goes, calls for adopting certain features of a group as part of one's own identity

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[62] For a wide-ranging discussion of the emergence of the modern identity see Charles Taylor (1989); see also Axel Honneth (1998).

[63] Miller provides the stark example of Hannah Arendt who never really identified herself first and foremost as a Jew but who was driven to do so by the Nuremberg laws in Germany: "when one is attacked as a Jew, one has to defend oneself *as a Jew*" (quoted in Miller 1995: 44).

and invites one to privilege the welfare and concern of the members of our nationality group above the concerns of others. The concept of "Liberal Nationalism" seems, then, like an oxymoron (see Levinson 1995; Waldron 1995).

As their name suggests, however, liberal nationalists believe that they can solve the conflict between the ideal of liberal autonomy and the need for national identities. Miller believes that a synthesis can be achieved by proposing a "common public culture" that is to buttress our sense of belonging to a national identity. A national identity is then defined as, on the one hand, a common public culture – "a set of ideas about the character of the community which [...] helps to fix responsibilities" (Miller 1995: 68) for each individual and a "sense of belonging together by virtue of the characteristics that [we] share" (Miller 1995:25)[64] – while, on the other hand, encompassing and fostering individual identities that constitute the context of identity choices individuals may have made. In this vein, liberal nationalism allows for what Miller has called "private subcultures," in which individuals can realize individual identity choices.[65]

To summarize, liberal nationalist authors argue for a distinct account of national identity that is intimately tied to our identity as autonomous individuals. This account

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[64] Through this open definition of a common public culture, Miller and other liberal nationalists make clear that they do not apply "blood-and-belonging" style criteria of nationality but instead account for the self-referentiality and subjectivity on which belonging to a nation relies (see Moore 2001: 5f).

[65] In fact, liberal nationalists argue that ethnic identities, to take one example of private subcultures, and ethnic diversity may be a constitutive part of a liberal national identity: because a common public culture is not all-embracing, but "may be seen as a set of understandings about how a group is to conduct its life together...[e.g.] through political principles such as a belief in democracy or the rule of law [extending] to social norms and cultural ideals." A liberal national identity is thus "quite compatible with a diversity of ethnic groups" (Miller 1995: 25ff, cf. also Tamir 1990). However, later on, Miller articulates as one of the advantages of national identity over other forms of identity, like religious ones, that national identities are encompassing and all embracing. This confusion is due to Miller's use of "all-embracing" as referring, both, to all aspects of our lives (a), which nationality does not cover, and (b) to all people identifying with a nationality, i.e. as the unifying property of nationality for all those who share in it. This is not simply a semantic matter: if Miller aims to propose the national community as the only encompassingly valuable community, then it is impossible to adjudicate between potentially competing obligations we may have as members of different moral communities (Moore 2001: 47).

allows us, they claim, to define individual responsibilities in the community while being instrumental for motivating us to contribute to the achievement of social justice in a liberal national community.

3   The Liberal Nationalist Argument for Socially Contingent Standards of Social Justice

In a next step, Miller explains how principles of social justice emerge. He argues for a socially contingent account of social justice and supports the idea that principles of social justice are closely tied and dependent on the character and the nature of the community in which they are applied. Miller claims that conceptions of social justice arise out of particular cultural, geographical, historical and cultural circumstances – and hence that a concept of *global* social justice would be an oxymoron. Equally implausible would it be to advocate the kind of global duties I wish to defend, namely global redistributive duties. How does he come to these conclusions?

Miller finds support here in an earlier argument made by Michael Walzer, which is worth examining. According to Walzer, "the primary good we distribute to one another is membership in some human community" (Walzer 1983: 31). This premise is the basis for his argument supporting the conventional assumption on national sovereignty and immigration (Walzer 1983: 31- 63): since "the community itself is a good" (Walzer 1983: 31) whose composition and protection requires attention, it should be within the realm of national sovereignty to determine who should and who should not be a member of the citizenry. In order to make sense of this claim, we should look at the arguments pertaining to the "community as a good" more closely. *Why*, we should ask, should we accept Walzer's claims? I assume here that, from a liberal perspective, we cannot accept

reasons originating in chauvinist beliefs about the superior value of our community when compared to others. Put differently, why should we assume that the "community itself is a good" for reasons other than that it is ours? One of the rationales for this argument, it seems to me, is the contingency that Walzer and Miller establish between our community – its standards of human welfare and the requirements necessary to achieve them – and principles of social justice that derive from such standards. Such a contingent relationship renders principles of social justice *dependent* on the make-up of our community. This point bears exploring.

Walzer begins by arguing that most societies had "welfare state" provisions built into them – their public policy has always been geared towards the general welfare of the population. To illustrate, Walzer claims that general welfare constituted one of the constitutive values of many ancient communities (Walzer 1983: 68ff). Referring to fifth-century Athens as one such example, Walzer contends that one of the polis' major concerns was the general health of the community and that such concern was the motivating factor for the annual election of a designated number of doctors who were to be paid from public funds and who, in turn, had a duty to assist those who could not pay for medical services (Walzer 1983: 69). A second value was the maintenance of the democratic process that required political participation in the running of the city-state. In order to allow for everybody, even those on the lower rungs of the socio-economic ladder, to take up their civic duties, Athens had a scheme of remuneration to compensate people for a missed day of work (Walzer 1983: 71). Similarly, Walzer explores the social provisions of medieval Jewish communities, for example in the domain of religious education for all children, including children whose parents could not afford school dues, or provisions of food for the poor at times of religious festivities (Walzer 1983: 72ff). He

claims that these and other examples of welfare provisions pertained to areas of social

life that were *instrumental* for the survival of the community: education was elemental in

order to continue a tradition of scholarship and to keep alive the Jewish faith, as was

providing for the poor. Rules about how to treat poor members of the community, then,

reflected a concern for the overall welfare of the community and its survival. They were

not, however, based on a *universal* concept of social justice. Put differently, welfare

provisions in ancient Greece and medieval Jewish communities were not based on a

universally applicable idea that all members should enjoy fair equality of opportunity or

that wealth should be redistributed. Rather, these policies and provisions were intimately

tied to the values and norms of the communities in question.

David Miller makes a similar case for the interdependence of norms and values of

the community, on the one hand, and our conception of social justice on the other. His

argument can be broken down into several components – which should not be understood

as necessarily following each other in the order I present them here, but rather to be

mutually re-enforcing. First, Miller argues that our shared national culture, as well as the

shared understandings it implies, forms the essential *background* for the principles of

social justice we adhere to (Miller 1999:18). Second, Miller believes that the goods we

want to distribute under a scheme of social justice will be determined by what has *social*

value to all in a given society; that is, they will depend on the particular needs we may

have in this particular society (Miller 1999: 11n).[66] Finally, Miller argues that the

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[66] To refer to Walzer's examples, while religious education was a central social value in a community that was built on a common faith, political participation was what distinguished the social values of the Athenian city-state. If we were to apply this scheme to a modern capitalist context, we could make a plausible case that participation in the market economy functions as a normative pillar of our society, thus explaining the emphasis that contemporary welfare policies put on "workfare" legislation aiming at the "re-integration" of individuals into the market economy. These policies, following Walzer, could be read as aiming to enable all members of society, albeit in varying degrees, to partake in the capitalist market

conception of social justice we adhere to will shape our understanding of what "counts as liberty" and how we should distribute access to it (Miller 1999:13).[67]

In light of my argument for global justice as it is motivated by concerns over individual autonomy, this last step in Miller's argumentation bears further exploration, since to provide for conditions of individual autonomy as a matter of social justice on a global scale is what motivates this thesis. In Chapter One, I interpreted Rawls' principle of fair equality of opportunity as derived from the postulates of social justice, which are principles that are in turn motivated by a concern with individual autonomy. To recall, the main rationale for liberal egalitarian considerations of social justice is to enable individuals to lead autonomous lives. The primary condition for meaningful choice is, of course, freedom from interference. While we need, most minimally to be in a position to enjoy freedom from interference in our decision-making process, some authors go beyond this negative definition of liberty and assume that we need to have a range of meaningful options available to us to make these choices. I have explained that it is this latter concern that is the subject matter of the principle of fair equality of opportunity, namely to ensure fair access to the social goods that provide individuals with a range of choices along which to design their lives. To what extent we subscribe to the different interpretations of the principles of social justice may be open to debate, or so at least libertarians might claim. The only point I aim to make here is that, from a liberal perspective, provisions for individual autonomy must count as the main aim of any scheme of social justice.

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exchange. Judith Shklar has proposed an argument along these lines explaining the integrative function of money in American citizenship construction (Shklar 1991).

[67] Some semantic clarification is called for at this point: Miller uses 'individual liberty' and 'individual autonomy' interchangeably (see also Miller 1991). I will use "individual autonomy" for my own discussion, and employ "liberty" when relating to Miller's argument.

I will begin with an investigation of the last component of Miller's argument, i.e.

the link he posits between principles of social justice and individual autonomy. Of

course, precisely what constitutes individual autonomy is highly debated, as is the

essence of equality, for example. For Miller, though, "liberty" should not be understood

as a concept in contradistinction to concerns for social justice.[68] Rather, as I intimated

above, he argues for a *contextual* relationship between our understanding of liberty and

our definition of principles of social justice: provisions for individual liberty have to be

understood in the context of our particular account of social justice. Miller's argument

unfolds as follows: first, he holds that any account of social justice will be "an account of

the basic rights of citizens [including] rights to various concrete liberties such as freedom

of movement and freedom of speech" because an "extensive sphere of basic liberty is

built into the requirements of social justice" (Miller 1999: 13).[69] Starting from this

vantage point, we can then explore "whether and when a lack of resources constitutes a

constraint of freedom" (Miller 1999: 13). Put differently, once civic liberties are

provided, we can assess the *economic* and *social* dimensions of liberties as they are

defined in the context of a specific society and, accordingly, ask to what extent principles

of social justice need to address the material welfare of members of the community. We

could thus imagine that what counts as an acceptable level of material welfare is an

explicit reflection of particular social values.[70]

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[68] He is thus grappling with a tradition in political thinking promoted by libertarian or conservative authors who may flinch at any notion of social justice since they assume that it will violate principles of individual (negative) liberty (see for example Nozick 1974).

[69] This, of course, echoes the standard argument in liberal egalitarian thought - compare Rawls' Liberty principle as the first of the two principles of justice for institutions (Rawls 1971: 302).

[70] To illustrate: it used to be illegal for the fiscal authorities in Germany to confiscate a television set from an individual who was in arrears with payments to the German Department of Revenue. To have to live without TV was considered undue hardship in German society, while I would suspect that no such clause exists in many other countries.

How does this relate to Miller's two other points regarding the communal background of the deliberations about social justice and the social value of the goods to be distributed? If one accepts Miller's claim that social justice refers to the morally desirable state of society – which I think we can safely do – it follows that we need to have points of reference along which we can evaluate to what extent measures intended to bring about social justice will actually do so. What is to be evaluated, then, is the extent to which individuals have access to social goods that will enable them to have an acceptable degree of autonomy in a given society, to turn to the second point. Therefore, the goods that we should be concerned about are socially contingent. Miller accepts that there are some goods that would pertain to *any* concept of social justice, such as "income and wealth, jobs and educational opportunities, health care and so forth" (Miller 1999: 11) since access to these goods determines the conditions of autonomy in *any* society. Beyond these, however, principles of social justice cannot and should not attempt to come up with a list of goods that everybody would want,[71] because the value of goods is contingent on the society we live in. Instead, Miller invites us to understand the question of what is needed to achieve social justice as one pertaining to

> a moveable boundary between justice-relevant and justice-irrelevant goods, the positions of the boundary depending partly on the technical capacities of our social institutions, and partly on the consensus that can be reached about the value of particular goods. (Miller 1999: 11)

Now, if I understand Miller correctly, we need to make several decisions as to precisely what entity sets the value of social goods. For example, is it within the context of the local community or that of the national community that we deliberate about the

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[71] Miller here takes issue with Rawls' characterization of primary goods as "things [...] a rational man wants whatever else he wants" (cf. Miller 1999: 272, n. 21). Miller argues that while access to higher education surely is an issue of social justice, there would be many rational life plans that do not involve higher education and would hence not be wanted by rational man.

value of particular goods? Take higher education as an illustrative example of access to a good that may or may not fall in the purview of our socially informed principles of social justice. We could plausibly argue that for an individual Inuit living in a remote Arctic community, access to higher education and the skills it is meant to provide may be of less value. Rather, excellence at traditional hunting practices, say, or at keeping traditional Inuit culture alive has value in the community. These, we might think, would be skills that enable an individual Inuit to make choices about her life that a university degree might not provide. If she decided to leave the local community, however, and if she wanted to interact and work in a larger community like a Canadian province or the Canadian state, we could argue that higher education would make a significant difference to her range of meaningful life choices. Hence, we could argue that access to higher education would be a valuable good in the context of the Canadian state and should thus be addressed by Canadian principles of social justice. [72] This is how I reconstruct the rationale for Miller's argument that the value of social goods may vary depending on the communal context in which we live.

Having explored Miller's claim for the contingent value of social goods, we should turn to his final claim. Miller takes the liberal nation that confers ethical ties to and special obligations on its members as the boundary-setting community that should

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[72] Taking Inuit society as one that can be imagined to require access to different social goods than other cultures is not meant to historicize Aboriginal cultures, but to imagine a context in which access to different goods has a different impact on individual autonomy. The fact that this example may fail to convince may hint at the implausibility of Miller's argument for socially contingent social goods, as I argue below. Very briefly, though – and taking Miller's own definitions at heart – the Inuit scenario could also be sketched differently. As I explained in this chapter, Section 2, liberal nationalists subscribe to the idea that a viable and vibrant cultural context is necessary for individuals to make autonomous choices in their lives (see my definition of autonomy, Chapter One; Kymlicka 1989; Raz 1986). Considered in this light, I can imagine that a university education is vital to keep an Aboriginal culture alive: for example, a law degree is indispensable when it is a matter of defending cultural Aboriginal rights in our legalized culture. This counter example, then, illustrates at the problem separating one socio-cultural community context from another.

serve as both the moral guideline for principles of social justice and the basis of any

assessment of whether or not we have implemented them successfully (Miller 1995: Ch.

3). The national culture, which is based on a shared national identity and is encapsulated

within the nation-state, suggests itself because it forms "a universe of distribution . . .

whose overall justice we can meaningfully assess" (Miller 1999: 5). Considering the

practical implications of principles of social justice, i.e. the distribution of resources,

Miller holds, first, that the national community provides us with a scheme or points of

references for values we ascribe to goods to be compared; and secondly, that *only* the

national community, in the form of the nation-state, has the institutions at its disposal

that are essential for any implementation of principles of social justice (Miller 1999: 5).

This last point is important for Miller's concept of social justice, and I concur

with his methodological premise here: if we subscribe to the view, as Miller does, that

concepts of social justice rely on moral agents, that they require somebody *morally*

accountable for implementing or violating the principles of social justice rather than

accepting that they can be violated by natural lottery, say, or bad luck[73], then we need to

be able to identify who is responsible for the successes or failures of the system of

distribution (Miller 1999: 14). Now, Miller argues that the nation-state has the

distributive resources to implement social justice, and that if the institutions of the

nation-state or their representatives fail to work towards implementing measures of social

justice, we have an addressee of claims for accountability. We do not have a comparable

address for claims about international injustice, and cannot, hence, hold anybody

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[73] Recall my support, in Chapter One, for those who argue that rights claims need to have addressees in
order to have moral clout. Without somebody specifically called upon to enable their realization, rights will
turn into manifesto rights which everybody is happy to endorse, but nobody feels obliged to implement or
protect. I thus share with Miller the assumption that social justice is tied to moral responsibility and
accountability.

accountable for the failings of social justice in the international sphere. If implementation is tied to the nation-state, then, we should also accept the national culture as background of our principles of social justice, rather than universal principles, as cosmopolitans would have us do.

The argument then comes full circle – a testament to Miller's very coherent argumentation – and can be summarized as follows: principles of social justice require moral standards; moral standards and principles are conveyed by our sharing in a common nationality because nationality is an ethical identity that entails certain duties and obligations to our fellow members. Principles of social justice beyond the distribution of very basic goods, furthermore, depend on local needs and standards of welfare, which can only be determined through deliberation in the community. The national community represents the ideal forum because it already has established norms of interaction among its members. Finally, social justice requires the institutional means to implement policies of social justice, which, again, in the current world based on nation-states, only nation-states can carry out. So far, then, I have explained the rationale for Miller's argument for culturally contingent principles of social justice. In a next step, I will continue to discuss and eventually criticize his assumptions.

4 Arguments Against Socially Contingent Standards of Social Justice

One way of defending redistributive immigration schemes against the first liberal nationalist objection is to show that the argument for socially contingent norms of social justice is implausible. In attempting to do so, I will employ calls for international standards of social justice to support my assessment of today's immigration schemes to countries that provide the most extensive set of opportunities which, as I argued in

Chapter One, compound and perpetuate systematic global injustice (4.1). Arguments for transnational or universal standards of justice, I will continue, are supported by empirical evidence we gain when taking a closer look at the world in which we live, i.e. a world in which many people are willing to relocate at great costs to themselves and their families in order to get a "fair share" (4.2). I will then question the logic of making distinctions between duties of global humanitarian assistance – which Miller accepts as warranted in today's world – and a global principle of redistribution – which, to his mind, is not warranted. The contrast between the two is overdrawn in so far as redistributive immigration policies could be based on the catalogue of goods Miller insists has universal salience (4.3).

4.1. Normative Arguments for Universal Standards of Social Justice

As we have seen, Michael Walzer and David Miller assume that principles of social justice, beyond very basic welfare, are defined by the societal context in which individuals live. In Miller's words, we should conceive of substantive principles of social justice as "distribution according to need," with need being "understood in terms of the general ethos of community" (Miller 1999: 27). To my mind, however, tying principles of social justice exclusively to the "ethos of community" would lead to very unattractive consequences. In fact, it would be tantamount to prohibiting the development of a meaningful point of reference along which to evaluate justice and injustice in the world since it would prohibit comparison of conditions of living that need to be compared in order to assess whether or not a situation is just (see Caney 2003). If we refer people in unjust societies to their local norms of social justice, we put them in the

absurd position of having to invoke norms that are characteristically antithetical to the rights of women, children, ethnic and religious minorities, and the poor. The whole point of a universalistic conception of justice [however] is that it provides a basis on which both those inside and those outside a country can criticize practices and institutions that reflect local norms, which typically endorse discrimination, exploitation and oppression. (Barry 2005: 27)

While accepting Miller's premise that a concept of social justice requires a reference point, a moral guideline for its development, we still need to determine from where such a guideline can be derived from. Contrary to Miller, I support Barry's argument that this moral guideline must necessarily derive from some universal principles, which to liberal minds are necessarily derived from liberal principles like equality, non-discrimination, individual autonomy and liberty. This is the first critique of attempts to relativize the role that universal principles of justice play in our understanding of social realities.

Of course, Miller could retort that such an account neglects the fact that there may be local customs and traditions that are not captured by such universal principles – recall, here, the example of an Inuit living in a traditional society. The argument for universal standards of social justice, to continue Miller's potential rebuttal, is idealistic, at best, because it neglects local circumstances that determine what we need in order to live autonomous lives. Instead, we should conceive of social justice as "a moveable boundary between justice-relevant and justice-irrelevant goods [with] the position on the boundary depending partly on the technical capacity of our social institutions" (Miller 1999: 11). Daniel Weinstock has warned against such an institutional understanding of social justice since institutions and their outcomes are malleable to whatever intentions

we may confer upon them.[74] Moreover, Miller's institutional focus sounds like an invitation to negate the responsibilities to deliver certain goods. Imagine a society whose technical capacities prohibit it from delivering a social good – a poor country that does not have enough capacity to uphold a functioning health care system, for example. If social goods are evaluated along socially contingent lines, we may console ourselves more easily by holding on to the idea that the good in question is not necessarily justice-relevant. We might say that all those living in the poor country are equally barred from access to health care and that it is thence not an infringement of principles of social justice that are determined by national boundaries. This kind of "stage-door exit" is prohibited if we apply universal principles of social justice, i.e. principles that compare the situation in one society to that in others.

Now, Miller might claim that he accounts for universal principles of social justice by requiring that "basic needs" be provided for universally, but that beyond these needs, we need to account for socially contingent circumstances as I explained above. Yet this begs the question: if some needs are assessed through a universal lens, then it is not clear why Miller would want to make an ironclad assertion about the socially contingent character of principles of social justice for all other goods.

Second, Miller's blueprint also fails to assess meaningfully goods that transcend the social boundary. Assume, for a moment, that we accept Miller's distinction between goods that define individual autonomy in any society and goods beyond these basic ones whose justice relevance is determined in the realm of a particular society. How should we conceive of the different opportunities we might enjoy if we immigrate to one country

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[74] "We must be very wary indeed of reading substantial ethical conclusions from institutional facts, as these facts can embody significant injustices that we would thereby legitimize" (Weinstock 2003: 275).

compared to the ones accessible in our country of origin? Who should assess whether or not such differences are part of the subject matter principles of social justice should deal with? Should it be those who come from poor countries and who want to be able to enjoy social goods access to which is considered a concern for social justice in rich countries? Or should it be those living in rich countries who take access to such social goods for granted, but believe that they are part of a socially contingent blueprint of social justice? Needless to say, if individual access to opportunities is circumscribed by the boundaries of the society of origin and not part of universal justice considerations, immigration systems that are based on national needs and concerns rather than on principles of fair equality of opportunity will appear perfectly legitimate. Those living in rich countries, put another way, can then argue against changing their immigration ethics by resorting to the socially contingent model of social justice.

To be sure, Miller could reply that he accepts that individual opportunities including access to higher education should be part of universalized catalogues of social goods, but then we are back to the first criticism, namely that the distinction between socially contingent goods and universal ones is unhelpful. This bears on my third point in response to Miller's assumptions regarding socially contingent principles of social justice. Barry conceives the role that universal principles of social justice must play to investigate how the dynamics of distribution of, for example, rights, opportunities and resources affect individual autonomy. Rather than assessing local social goods needed to live a meaningful life – which is how I applied Miller's argument in my Inuit example above – Barry instead invites us to look at the systemic inequalities of individuals that arise in *all* societies in the world and which inhibit meaningful choices and the pursuit of autonomous lives. Principles of social justice can be *applied* in the social context of a

given society – however, they cannot be *circumscribed* by local norms, but must comply with universal norms of justice.[75] To illustrate, if the economic elite of a given society holds more than its fair share of economic resources and access to opportunities, as is the case of corrupt officials in Nigeria discussed in Chapter One, we can apply universal principles of social justice in order to criticize such an unfair distribution. Similarly, if an ethnic or gender group is systematically privileged in the distribution of opportunities – if, for example, its representation in the best national universities is systematically higher than that of any other group – then we need to apply universal principles of social justice to denounce this inequity. Such inequity is unjust regardless of the local costs of satisfying one's needs, regardless, for example, of the difference in purchasing power a university graduate will have compared to somebody without a university degree.

To understand universal principles of social justice as reference points for evaluating the justness of distributive outcomes bears directly on the question of whether or not we should adopt redistributive immigration policies. In Chapter One, to recall, I argued that current immigration policies unevenly distribute access to opportunities. I posited that, as a result, contemporary immigration schemes perpetuate and compound the unfair advantages that citizens of rich countries enjoy in accessing opportunities. Furthermore, I argued that access to opportunities is a primary social good that will determine individual autonomy and well-being. And, in fact, I believe that Barry's argument lends credence to my claim that when focusing on the *dynamics* of distribution of opportunities as a social good in the global context, we realize that we are faced with an uneven distribution of opportunities. To be sure, I have conceded that, from a liberal

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[75] Catherine Lu proposes a similar understanding of cosmopolitanism that transcends the local-global divide (Lu 2000).

perspective, there may be valid reasons for restricting immigration. The lesson to draw

from Barry's argument, however, is that in order to analyze and assess if unevenness in

access to opportunities is also unfairness and injustice, we need universal principles of

justice as reference points to assess the systemic dynamics and outcomes of immigration

regimes. Only if we have a universal point of reference, that is, can we make these kinds

of assessment.

4.2. The World We Live In

Miller could, of course, concede that having universal principles of social justice

is what we should aim for – in fact, he advocates a universally applicable principle of

national responsibility to further social justice, as I will explain further along – but that

social justice is not assessed on a global scale. Instead, for every individual, justice

considerations are *necessarily* couched in local norms and hence socially contingent

which renders arguments for universal principles methodologically unsound. Such a

rejoinder would be consistent the Miller's methodological comments to be found in his

work on social justice (see particularly Miller 1999: Ch. 1). There, he makes the case for

a theoretical and normative framework of principles of social justice that builds on how

we actually deliberate about social justice rather than one that takes its origins in abstract

principles. To illustrate his position, let me relate one of Miller's own examples. Miller

claims that one of the reasons why principles of social justice are contingent to the

national community derives from the fact that when talking about social justice,

individuals compare themselves with their compatriots rather than with those living in a

wider, multi-national or international community:

My claim is not that justice formally *requires* this particular scope restriction, but that the principles we use are always, as a matter of psychological fact, applied to bounded communities [...] A Spaniard who feels that he is being underpaid may be comparing himself with other Spaniards generally, or with other workers in his factory or village, but he will not be comparing himself with Germans or Americans, say. (Miller 1999: 18, emphasis in original)[76]

We should wonder, however, if this really captures the world we live in. Surely, one of

the reasons why people travel and move beyond their own homelands has been – and

indeed still is – that they think they will better their economic position when they work in

Germany compared to Turkey, say, or in the US compared to Mexico. Those moving

across borders – accompanied at times with high personal costs such as leaving family

and loved ones behind, or at the risk of being caught and sent back – aim to get "their fair

share" in life, to be able to attain the riches enjoyed by some, but withheld from them. If

we were to follow the approaches espoused by Miller and Walzer, how should we

capture what motivates people who cross borders, or what they hope to achieve? If we

cannot characterize attempts to gain access to better economic benefits, better

educational facilities for their children, better living conditions as arising from a

universal comparison of living conditions, how *should* we characterize them? Miller's

model of the national community as setting the context of social values – the national

community providing us with the reference points along which we evaluate questions of

justice – seems to fall apart in so far as it does not provide us with a model to account for

what those who leave their countries of origin aim to do and what motivates them to do

so.

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[76] In a subsequent endnote, Miller states further that the reason for this sense of unfairness derives from the sense of belonging not only to a bounded, but also to a shared community (Miller 1999: 273, n. 32).

Miller's final objection might hold that it may be true that citizens of poor countries compare their conditions of living to those of citizens in rich ones, but that, surely, liberals cannot be content to accept the status quo and risk the lives of those trying to come to wealthier shores.[77] Although we undoubtedly live in grossly unjust circumstances, should we not rather aim for a situation where national governments can take care of their citizens and provide conditions of fair equality of opportunity at home? Recall Miller's point that only the nation-state, and its distributive institutions, is in a position to implement measures of social justice. In this vein, Miller argues against immigration schemes that bring people to our shores in order to better their chances at leading autonomous lives, promoting, instead, a universal principle of holding nations responsible for the well-being of their citizens. His world-order, he might say, would straddle the divide between liberal concerns for global justice and his beliefs that the national culture and state are a vital ingredient for determining and implementing principles of social justice without, however, having to subscribe to a global principle of redistribution (Miller 2004). I will discuss this blueprint in the following section.

4.3. Humanitarian Assistance vs. Redistributive Justice?

Miller accepts that rich countries, in fact, do have a moral obligation to secure minimal standards of welfare everywhere in the world (Miller 1995: 77; see also 2004). He accepts, in other words, that we have a duty to act in the face of the "absolute

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[77] This last objection, *nota bene*, does not challenge my proposal for redistributive immigration policies since, to my mind, saving hopeful immigrants from drowning is a simple question of administration and implementation of such regimes, rather than a normative argument against such policies. We could simply imagine, as I suggested in Chapter One, that in the course of the immigration process, host-countries would take responsibility for bringing immigrants into their countries in a safe fashion, along the lines of Israel's immigration program for Ethiopian Jews in the 1990s when the Israeli military flew the new Jewish citizens to their destination.

deprivation" that dominates the lives of the world's poorest. Absolute deprivation is that level of human poverty that puts individuals in a position in which "decent human functioning" is jeopardized (Blake 2001: 258ff). As I have explained, Miller's and Walzer's accounts of principles of social justice are based on the idea that there is a socially contingent set of goods that determine our standards of well-being beyond goods that characterize *any* concept of social justice, like "income and wealth, jobs and educational opportunities, health care and so forth" (Miller 1999: 11). These latter goods, Miller concedes, are vital to any human life and are hence independent of one's social context. Miller explains the provision of vital – that is, universally necessary – goods with duties of *humanitarian* assistance. He rejects, however, the idea that global justice would require applying principles of *egalitarian redistribution* on a global scale (Miller 1995: 104ff). This implies that we do not have a duty to act in cases of "relative deprivation" i.e. in cases where we find a lack of goods in comparison to the bundle of goods others have (Blake 2001: 258ff), rather than absolute deprivation. To accept redistributive immigration schemes, as I have conceived them, aims to go beyond the obligations of rich countries to assist those in most dire need of the basic means of survival – in fact, I take these kinds of obligations as uncontroversial – and hence goes beyond relieving absolute deprivation. Instead, they are intended to address the relative deprivation in access to countries that provide for greater opportunities to lead autonomous lives that the worst-off suffer. Recall, here, the contrast I explained between desirable immigrants – who are typically from similarly wealthy countries and who move with relative ease from one wealthy country to another– and undesirable ones – who are typically members of the global poor and who are barred access to wealthy countries. It is in this sense that the latter suffer from relative deprivation.

What should we make of the contrast between principles of humanitarian assistance and principles of redistribution? If Miller accepts that "income and wealth, jobs and educational opportunities" are part of every concept of social justice and hence, I infer, ought to be accessible equally on a global scale, then his argument does not seem to stand in the way of accepting redistributive immigration policies. To recall, I argued in Chapter One that one of the rationales for such policies would be to provide individuals with fairer access to opportunities and with the goods necessary to be "reasonably content" (Frankfurt) with the course of their lives. Such goods are, in both Miller's argument and my own, the goods that guarantee individual autonomy in any society. Now, imagine a scenario in which all our attempts at providing humanitarian assistance fail insofar as we are not able to provide these vital goods to all human beings. If Miller accepts that we should work towards universal access to these goods, then there may be instances in which humanitarian assistance might best be provided by acting on redistributive principles – put differently, in some cases, redistributive immigration might be the most effective way of realizing and promoting duties of humanitarian assistance.[78] Miller does not adequately explain why we cannot think of humanitarian assistance and redistributive principles as working in concert rather than as options between which we have to choose. As a result, his distinction between principles of redistribution and those of humanitarian assistance is ultimately unconvincing.

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[78] This is how we can read Goodin's argument that if we cannot "move enough money to where the needy people are we will have to count on moving as many of the needy people as possible to where the money is" (Goodin 1992: 8).

4.4. Enabling Nations to be Responsible

Nevertheless, Miller could hold that accepting the global redistributive principles

I propose does not address his two main arguments. First, it does not refute the

assumption that each national community will be in the best position to take care of its

members because it will best know their needs. To recall, Miller argues that, "in each

community there will be a specific understanding of the needs and interests of the

members which generate obligations on the parts of the members" (Miller 1995: 75).[79]

And second, to adopt redistributive principles on a global scale does not account for his

argument that only the nation-state has the institutional instruments to implement

principles of social justice. In other words, we lack an international equivalent to nation-

state institutions vital to the realization of social justice. Therefore, Miller might maintain

that instead of global principles of redistribution, an international system in which

national cultures could actually take care of their members and have national

redistribution measures in place would be preferable. And in fact, this is the kind of

approach to international justice concerns he promotes: all countries should work

"towards a world order in which national responsibility becomes feasible and genuine for

everyone" (Miller 2004: 269).[80] According to this argument, then, it is not a question of

us as *individuals* encountering some isolated individual in need of assistance, but rather,

it is a question of us as members of communities encountering other members of national

communities who *qua* community are in the best position to identify and satisfy

individual needs. This, to Miller's mind, changes the drift of our reasoning about

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[79] For a similar argument, see also Goodin (1988).

[80] This is a rallying call which implies that the international system of global capitalism and markets
needs to be reigned in for national governments to be in a sovereign position to devise policies of social
welfare for the benefit of their members (Miller 2004).

redistribution in a fundamental way. If we accept the role played by national identity and culture in determining principles of social justice, we should also accept that in a first instance, national cultures have the duty and obligation to cater to the needs of their members.[81] Our own obligation is thus channeled through the compartmentalization of the international sphere into nation-states that embody national cultures. National cultures are then at least "*partly* responsible for the life chances of their adherents" (Miller 2004: 267, emphasis in original).[82] If we were to convince ourselves that this is the case, we could conclude, with Miller, that we should hold nations responsible for the welfare of their members rather than subscribing to principles of global redistribution. Put differently, the claim that national communities and their governments should be the primary holder of this responsibility has serious implications for our conception of global justice and thus warrants further discussion.

I concur with Miller's goal that nations *ought* to be held responsible for the welfare – or the lack thereof – of their citizens. It would indeed be ideal to live in a world in which nations could be held responsible, and to promote such a world should be the aim of liberal theorists. Liberals should argue for democratic government and

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[81] These proposals ought to be read in the context of Miller's defense of the principle of national self-determination he elaborates in his earlier work *On Nationality* (Miller 1995: esp. 106-107 and Ch. 3). Miller holds that to argue otherwise would pave the way to a system of international interference in national matters. I have argued in Chapter One that individuals and their needs for the means to lead autonomous lives are at the center of my proposal. I find the argument for national self-determination trumping concerns for individual autonomy therefore unconvincing. Moreover, Catherine Lu has successfully deconstructed the national self-determination argument as not trumping concerns for individual agency (see Lu 2006: esp. Ch. 6)

[82] Miller's terminology here is fuzzy since he makes a distinction between national cultures that ought to take responsibility for the welfare of their members, while arguing in his earlier work that nation- states would be the only viable way of implementing the social welfare policies which could achieve this (see Chapter Three and Four, below). Admitting that not all national cultures have their own state, he nevertheless makes the argument that in an ideal world, i.e. one guided by the ideal of national self-determination, national cultures would be embodied in nation-states. This idea appears to be taken as the norm in his later piece (Miller 2004), hence the claim that national cultures are responsible for the welfare of their members.

accountability, for example, or impose international sanctions to help establish the rule of law in undemocratic, totalitarian or authoritarian states. Note that, in a similar fashion, I have endorsed Rawls' conception of a *Society of Peoples* which is characterized by decent societies. However, redistributive immigration schemes *do not stand in opposition* to attempts to hold nations responsible. As I argued in Chapter One, in the case of members of Nigeria's corrupt ruling class, it would not be appropriate to apply redistributive immigration schemes to those responsible for the lack of, or perhaps deteriorating, welfare of their compatriots. For all others, however, and *in the meantime* – that is, while we are still far from the ideal world in which all nations are well-ordered or just – redistributive immigration policies as an instrument of remedial justice should be considered in concert with attempts to strengthen indigenous forces for change in those societies that lack just or decent domestic institutions.

In fact, an argument could be made that enhancing the opportunities for individuals in such societies through immigration – such as access to education, for example – may help achieve the goal of promoting justice in their home countries. If an educated middle-class plays an important role in promoting liberal values such as democracy, accountable government and religious tolerance, it seems that enhancing more individuals' opportunities for education through immigration might contribute positively to the aim of transforming burdened societies into well-ordered and decent ones. To phrase this more generally, the assumption that "local change is a necessary condition for a sustainable improvement in well-being does not imply that international contributions are not also necessary, or could not accelerate the process if suitably employed" (Beitz 2001: 102). The argument for local or national responsibility,

therefore, does not negate my argument for international or global responsibility to stimulate the appropriate domestic changes. In fact, one may support the other.

Furthermore, Miller's proposal raises some moral problems that are cause for concern. My first one pertains to what I have identified in Chapter One as the heart of liberal convictions and follows Carens' dictum that the privileges affiliated with citizenship – with citizenship understood, if I extrapolate Miller correctly, as membership in a particular nation-state and allegiance to a national government that should take care of its members – are part of the last vestiges of the arbitrariness and injustices reigning in feudal times (Carens 1992: 26). It is, in other words, simply a question of good or bad luck where one is born. Thus, not only the bad luck of living in autocratic states, which Miller himself acknowledges,[83] but also the bad luck of being born into a poor country, or one ravaged by easily preventable disease and AIDS, add "insult to injury" if we insist that national cultures and nation-states only are responsible for the welfare of their adherents. [84]

Finally, and, again, taking into account the non-ideal world in which we live, we need to ask why, from a moral and ethical perspective, we *should* delegate obligations for the well-being of people to national governments if the respective societies are not in a position to adequately "take care" of its members, to provide them with adequate means

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[83] Miller accepts that the case may be slightly different for individuals in autocratically governed nations since "[p]eople who are struggling to stay alive are in a poor condition to resist the mixture of coercion and propaganda that keep [autocratic] regimes [...] in power. In these circumstances, to hold them responsible for their own deprivation is to add insult to injury" (Miller 2004: 267).

[84] We could add other reasons why Miller's verdict sounds somewhat cynical. Among them, and one of the most neglected ones in today's discussions of ways to alleviate poverty and promoting good governance, would address the arbitrariness of the nation-building process in many of today's poor countries. Especially evident in parts of Africa, the nations in question were drawn up in Western foreign offices, and not based on principles of democratic deliberation and liberal governance. These two principles, however, are requirements if we want to implement Miller's scheme of national responsibility, or so it seems to me.

of living, something rich societies could easily do. We could couch Miller's argument for

national responsibility in what James Nickel has called the "the duty to protect/duty to

provide dichotomy" (Nickel 1993: 79). Miller might argue that his blueprint aims to

foster an international system that enables national communities to provide for individual

members, and that the international community accepts the duty to protect the national

governments in the sense of fostering an international system that makes these provisions

possible. To evaluate if this is a justifiable division of labor, we need, according to

Nickel, to investigate if there are

> persons, groups, or institutions that can succeed in fulfilling moral and legal
> duties to respect and uphold in relation to that liberty or interest. If this feasibility
> condition is met, then one must ask if it is reasonable to impose these duties to the
> identified parties. (Nickel 1993: 80)

Nickel insists that it is feasible for us to bear the burden of a moral duty if we can

do so "without abandoning other responsibilities that ought not to be abandoned" (Nickel

1993: 81). And once we have determined that it might be feasible for us to bear a

particular moral burden, we need to explore if we are *morally required* to do so (Nickel

1993: 82). It is this last facet that should draw our attention when discussing Miller's

argument for national responsibility. He agrees that somebody ought to be responsible

for the welfare of individuals, but that it should be *their* national communities and

governments rather than rich communities or governments of rich countries. To accept

redistributive immigration schemes, however, would postulate that we accept at least

partial responsibility to provide for the conditions of individual autonomy of non-

nationals. Nickel acknowledges that it is plausible to argue, as Miller does, for the

"primary duties" of governments to provide for their citizens (Nickel 1993: 83). However

– and this, to my mind, refutes Miller's argument – to identify primary duties does not

absolve other institutions and governments from fulfilling what Nickel calls "secondary duties":

> One key idea here is that a morally justified right does not just disappear, or cease to direct behavior, when it is systematically violated. In such a case [...] obligations may shift so as to increase the obligations of the secondary addressees [...]. These responsibilities will fall on those countries with the capacity to make a difference. (Nickel 1993: 85)

Rich countries have the resource capacity to address the lack of means for individuals to lead autonomous lives, or so I have argued in Chapter One. Furthermore, I have anticipated – and will support this argument further in Chapters Three and Four – that redistributive immigration schemes do not jeopardize the obligations national governments have towards their citizens at home. When faced with a situation where they can make a difference, then, and if it would not compromise their ability to fulfill other obligations, a moral duty to apply principles of redistribution is a justified claim to make.

My rejoinder to Miller is further buttressed by yet another argument for secondary duties. If we do not assist even though we could and might be successful at averting harm with relative ease and success, we commit what Judith Shklar has called a "passive injustice" – we fail "to stop private and public acts of injustice" (see Shklar 1990: 6).[85] Shklar's account of how we may commit an injustice by not intervening or lending a helping hand highlights the fact that we can be held responsible for injustices and their persistence even if we are not necessarily the ones directly committing them. Put differently, if we can do something to change or influence the outcome of an unjust

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[85] "Injustice flourishes not only because of the rules of justice are violated daily by actively unjust people. The passive citizens who turn away from actual and potential victims contribute their share to the sum of iniquity." (Shklar 1990: 40)

situation yet do not actively do so, we can nevertheless be held morally accountable for the injustice itself.

Note that, both, Nickel and Shklar endorse that it is important to be able to attribute responsibility for injustice, which should recall Miller's position that in order to make successful moral claims about social justice or injustice, we need to be able to hold somebody morally accountable for the injustice, rather than claim bad luck or bad circumstances – what Shklar calls "misfortunes" (Shklar 1990: 51). More specifically, Miller argues that in order to assess whether or not a lack of resources is tantamount to an injustice depends on a conception of social justice, which designates somebody who can be held morally accountable for our lack of resources. Since he believes that only the nation-state will have the institutions to implement just or unjust resource distribution, he follows that only the nation-state can be held accountable for distributive outcomes.

I agree that in order to avoid what I referred to earlier as empty manifesto rights the moral accountability clause that enables us to assign duties to implement meaningful rights and to demand their realization is important. In fact, this principle is the motivation for my exploration of Nickel's argument for secondary duties. To satisfy Miller's condition for a meaningful concept of global social justice, then, I would have to show that there is somebody responsible for the lack of resources that has led to suffering from relative deprivation in access to opportunities to lead autonomous lives, and who can be held morally accountable for rectifying that situation. I explained earlier, in reference to the work of Pogge and Beitz, that the institutions of international trade and the World Bank, for example, may be held responsible for the lack of resources in some countries compared to others. So one way of challenging Miller's argument could be to say that responsibility for the lack of resources of a woman in Mali, say, is attributable to the

international system of institutions operating against her interests. We could identify the international institutions that compound injustice and do not change the balance sheet in favor of the globally worst-off, as Pogge does (2002). We could also identify the fact that we profit from international systems of trade and tariffs because that makes our coffee cheaper; that we benefit from many Indonesian nurses coming to work in Western hospitals at the expense of Indonesian health care provision (see *The New York Times*, 24. May, 2006); or we could identify our own shortcomings when it comes to making donations to charities, etc. Most importantly for this thesis, though, we could hold national governments that administer immigration policies that prevent individuals from moving to countries with adequate conditions for autonomous living accountable for the enduring unjust distribution of global resources and opportunities. In sum, if we accept Shklar's claim that we can in fact be held morally accountable for the things we do not do to avert injustice, then it seems to me that there are agents and institutions against whom we could make the claim that they are morally accountable for the lack of opportunities for the globally worst-off.

Both my rejoinders to Miller's blueprint of national sovereignty are built on assumptions about moral duties we have. In the next section, I will analyze Miller's claim that we have special duties towards our compatriots compared to non-compatriots, a stance to which he could revert in addressing my last point.

5 The Liberal Nationalist Argument for Ethical Particularism and Special Duties to Compatriots

As I have explained above, Miller makes a distinction between duties of humanitarian assistance incurred towards all human beings and special duties of

redistribution that arise among fellow nationals. In this section, I will elaborate on what I take to be the background for this assumption – what I referred to previously as Miller's ethical particularism. I will compare this stance with its universalist or cosmopolitan counterpart. I will then explain how particularism conceives of the essence of duties and why it can lead to the conclusion, following Miller, that there are some duties towards compatriots, which do not exist towards non-compatriots. I conclude that even if we accepted that there are special relationships among compatriots, we nevertheless have to be wary of simply favoring compatriots over non-compatriots.

Miller's argument for special duties towards compatriots is based on the premise that personal "membership and attachments have ethical significance" (Miller 1995: 65) because "relations between persons are part of the basic subject matter of ethics, so that fundamental principles may be attached directly to these relations" (Miller 1995: 50). To put this another way, Miller holds that, to a large extent, individual relationships and attachments determine our moral obligations. Secondly, Miller postulates that our nationality describes a community that is bound by ethical ties, derived from our identification with our common history as a nation, and our involvement in the ongoing national project allowing us to partake meaningfully in a community's destiny and in a history larger than that of our individual lives.[86] These ethical ties confer "special obligations" and responsibilities as members of a historical community that fellow nationals accept because they all feel that their own welfare is tied to the welfare of the community (Miller 1995: 67). We have seen above that liberal nationalists establish ties between individual identity and autonomy on the one hand, and the national culture and

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[86] In a similar vein, Moore argues for an understanding of liberal nationalism as "a normative argument that confers moral value on national membership" (Moore 2001: 5).

national identity on the other. Liberal nationalist authors thus argue that an individual's culture provides her with the necessary backdrop against which to make autonomous decisions. Individuals have a very specific and important relationship to their national community because they share in the common identificatory features it encompasses, and have incorporated part of the national identity as part of their own individual identity. Accordingly, they will not be indifferent to the poverty and misery of members of their community – indeed, they will accept that they should help provide for institutions and measures that ensure the implementation of principles of social justice. Hence members of the community will be happy, for instance, to pay taxes to support national health care schemes, educational facilities and the like.[87]

The interdependence between personal identity and national community is important to keep in mind when determining what kinds of duties we have and how we are to fulfill them. Miller argues that we embrace moral obligations arising from personal relationships because individual relationships have a specific value *to us* as a constitutive part of our identity (Miller 1995: 65). This is central to his argument, and for two reasons. The first has to do with how liberals actually think of duties and obligations: from a liberal perspective, to be in a position to make sense of our duties, to accept the demands they put on us, to embrace them as "ours" – compared to obligations and duties simply imposed on us by some outside agent – we need to be able to identify with the justifications for these duties. If our duties stem from relationships in which we voluntarily engage or through which we express who we are, then we have stronger

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[87] See also Tamir who argues similarly that "[t]he willingness to assume burdens entailed by distributive justice...rests on... a feeling of relatedness to those with whom we share our assets" (Tamir 1990: 118).

moral reasons to live up to these duties than to obligations imposed on us.[88] Indeed, it is

this principle on which concepts of conscientious objection are built – that there may be

requirements I face as a member of a group, soldiers, for example, or priests, but which I

cannot fulfill since I cannot bring myself to adopt them as *my* moral duty. This may be

due to the fact that my morality does not correspond with the motives or rationale behind

such duties or, perhaps, that I may feel that the duties imposed do not represent what I

thought my community should stand for.[89]

According to Miller, we "properly acknowledge obligations" to groups of people

we have relationships with and distinguish these obligations from those we owe "to

people generally" (Miller 1995: 65). Our personal relationships thus confer special moral

obligations. And if we accept that relationships matter from a moral point of view, we

should also accept that our relationships to those with whom we share a national identity

matter when it comes to the definition of our moral duties. Miller, we can then say, bases

his argument for redistributive duties that we incur towards compatriots on the

interdependence between individual identity, the relationship we have with our

compatriots and the nature and origins of ethics, which he locates in individual

relationships. He argues, in other words, from an understanding of moral duties that is

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[88] The liberal logic behind this is captured in the literature as "endorsement constraint" which holds that in order for something to have value for us as autonomous individuals, we need to "endorse" it - or, in Dworkin's original formulation: "no component contributes to the value of a life without endorsement. . . . It is implausible to think that someone can lead a better life against the grain of his profound ethical convictions than at peace with them" (Dworkin 1989: 486).

[89] Consider a young Israeli recruit who refuses to serve in the West Bank. Some Israeli "refusniks," as they have been called, refuse what in common parlance is considered their duty as Israeli soldiers, because they believe that Israeli military policy goes beyond what is necessary to sustain and protect the well-being of the Israeli nation, even though the Israeli state may defend its actions as being vital for its survival. The refusenik is faced with a conflict between individual sense of duty, and the duties and obligations imposed by military protocol.

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based on ethical particularist assumptions. Is this a plausible and defendable position to adopt?

To take first things first, I believe it plausible and uncontroversial to hold that questions of ethics arise only when we "interact" with others. In fact, duties and obligations require an addressee for our actions, somebody towards whom we have duties and obligations. To illustrate, imagine a person stranded on an uninhabited island. Assume that she is not a religious person in the widest sense, i.e. somebody who does not feel it necessary to pray, meditate, or otherwise engage in the intellectual worship of God in order to observe her moral duties. Unless we believe in a concept of duties that includes ethical or moral thoughts – which is how we may distinguish religious ethics from others[90] – it is hard to imagine what duties she may face in such an isolated position. The first lesson we can draw, then, and without wanting to overstate a truism, is that questions of duties and obligations relate to the interpersonal sphere, to that realm of life in which we encounter others.[91] In this respect, Miller's account of "relations between persons" as "part of the basic subject matter of ethics" (Miller 1995: 50) is a sound assertion. One way to dispute Miller's hesitations over global principles of redistribution would thus be to show that we do in fact have some kind of relationship with people all over the world, as for example Pogge has argued (Pogge 2001), or as Nussbaum has established (Nussbaum 2000). Or, we could argue that we acknowledge the relational origins of moral duties, but that we abstract universally applicable duties

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[90] One could argue that even in the case of religious ethics, though, their ethical dimension is equally related to their interactive properties: if one has immoral thoughts, one violates the laws set by God. Only living in conformity with God's laws, i.e. what has divine, not human origins, can we live ethical lives.

[91] Some, like Peter Singer, have of course expanded this narrow definition of where ethics applies, and have instead made arguments for the inclusion of other forms of life into our ethical considerations (Singer 1981). The main point of my argument here is independent of the question of who we need to take into consideration when deliberating about ethical principles, since it only underlines *that* we need to take into account other beings outside ourselves.

from these origins (Singer 1972; Wellmann 2005). In this vein, I would not have to worry about moral duties while on my own on the deserted island, but that as soon as somebody arrived, I would immediately incur moral duties without having actively "established," as it were, a relationship with the new arrival. Instead, I would derive the definition of my moral duties from references to abstracted principles of moral duties.

Second, and accepting Miller's assertion that the realm of personal relationships informs the domain of ethics, we could follow Thomas Nagel's account of how we deliberate about ethics. Nagel believes that we cannot "sustain an impersonal indifference to the things in life which matter to us personally" (Nagel 1991: 11) – nor, indeed, should we be required to do so. In this respect, his concept of the subject matter of ethics and Miller's ethical particularist stance overlap. Because both positions begin from what has relevance for the individual, it is plausible to say that both share the same point of departure for ethical deliberation, i.e. the individual and her concerns. In the first instance, then, Nagel seems to confirm what particularists postulate, namely, the relevance of our personal perspective, which includes personal relationships and the ties we have. Nagel continues, however, that we need to move from the personal perspective to an impersonal take on ethical principles. Put differently, if I adopt the personal standpoint and accept the value of some goods for myself, I should conclude that this is true for everybody else. "[S]ince the impersonal standpoint does not single you out from anyone else, the same must be true of the values in other lives. If you matter personally, so does everyone" (Nagel 1991: 11). To put this yet another way, because we accept the value of the personal standpoint as origin for our reasoning, because we *do* attribute moral value to the self, its personal ties and values, we need to come to accept what Nagel calls the "the impersonal perspective" when thinking about moral duties. The

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impersonal standpoint accounts for the fact that some things *I* value, like my life and health are equally valuable for *everybody else*. In fact, and contrary to Miller, Nagel argues that "ethics and political theory begin from the impersonal standpoint" (Nagel 1991: 11) and that only the integration of the personal and impersonal perspective will provide us with a sustainable ethical theory (Nagel 1991: Ch. 2). If we subscribe to this principle and scrutinize the conditions in which the world's poorest live, Nagel argues that ethical impartiality will necessarily lead to global principles of redistribution.[92]

So far, then, we can summarize that some of the challenges to ethical particularism, and specifically to the conclusions Miller draws from it, come from both authors writing from an ethical impartialist perspective[93] and from those arguing for cosmopolitan duties. I propose to take a different route to explore and critically assess Miller's argument. To my mind, Miller's account implies that one's personal relationships determine the *nature* of our duties. To argue for different duties depending on where people stand in relationship to me implies that the further somebody is "removed" from me, the weaker my duties towards her will be. The following section will provide a description of the model often used to illustrate this assumption. I argue that the *concentric circles model* neglects the fact that the nature of my duties changes

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[92] If we scrutinize different levels of access to social goods that people enjoy from an impersonal perspective, Nagel believes, we will realize that many people have far too little access to the goods that may secure the things they value, like security, health and safety, while some have far more than they need to do so. Hence, Nagel argues, if we were serious about applying the impersonal perspective, we would extract egalitarian principles of redistribution from the circumstances we find in today's world (Nagel 1991: 12). The impersonal perspective, to put this differently, *necessarily* entails that we adopt a comparative stance when thinking about questions of justice.

[93] Note that Miller addresses Nagel's blueprint and criticizes Nagel for assuming that particularism is always necessarily partial, thus charging Nagel with muddling up rather than clarifying the divide between ethical particularism and ethical impartiality. Instead, Miller argues that even in the context of our particular stance we need to act impartially, if impartiality is conceived as "applying the rules and criteria appropriate to that context in a uniform way, and in particular without allowing personal prejudice or interest to interfere" (Miller 1995: 54). What Nagel addresses, however, is precisely *how* we come about the rules and criteria that we ought to apply. To my mind, then, Miller's criticism is misguided.

and that, beyond the very intimate group of friends and family, most people, including compatriots, stand in a similar relationship to me, namely that of strangers. I will then investigate why Miller proposes that the relationship between compatriots is morally more significant than relations with non-compatriots. I discuss three possible models Miller might employ to substantiate his claim and argue that two of these would be implausible for him to refer to, and that the third one – which I will call the contractarian account of our relationship to our compatriots – while being plausibly employed, is by Miller's own account based on principles of fair play and mutual benefit. Assessed from a liberal egalitarian perspective, however, principles of mutual benefit must be contextualized in order to avoid creating a club of lucky ones who share and reinforce mutual advantages. Following Scheffler, I call this "the distributive objection," which applies to our relationships and, in turn, the duties that arise from them.

5.1. Ethical Particularism and the Concentric Circle Model of Moral Duties

Attempts to delineate moral duties, to answer the question of what we owe to whom and on what grounds, have a long-standing history in political theory. The concentric circle model, for example, has been traced back to the Stoics, Hierocles in particular, and their attempt to articulate a principled view of the moral duties towards strangers (Nussbaum 2002: 9).[94] The model and the argument built upon it can be summarized as follows: each of us is situated at the center of a set of concentric circles – very much like those I cause when throwing a stone onto a still surface of water. The second circle is made up of those closest to us, encompassing immediate family members

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[94] To determine who was a stranger was equally part of the debate. In another piece, Nussbaum discusses how differently Cicero would have responded to our contemporary assumptions (Nussbaum 2000).

and friends. Each subsequent circle, then, consists of a group of people to whom we relate less – until, in the last instance, the individual at the center is very far removed from those who populate the outer circle. This outer circle is, furthermore, so imprecisely defined in its perimeters and so vast, that it is impossible to fathom a meaningful relationship to those in that circle (if really a circle it still is – to remain in the analogy, it would rather constitute the rest of the lake). The last circle, in other words, is populated by people whom we do not know, in whom we do not take any specific interest, and for whom we assume such indifference to be reciprocal.

According to the concentric circles model, the extent of our duties is strongest at the center – towards those in the circle closest to us – and diminishes slowly as we move from the center to periphery. We accept duties and obligations more or less unquestioningly towards those close to us – those in the second circle – while accepting a different, diminished set of duties and obligations, more begrudgingly perhaps, for those in the third, and so on. In short, the model assumes that we make decisions about what we owe to others depending on where they are situated in the circles. Note, then, that this model putatively takes into account our personal relationships, and the sense of obligation and duty we may feel arising from them. Now, to make sense of the liberal national argument for special moral duties towards compatriots, the national community would have to be situated in one of the circles that are relatively close to me – hence inducing me to feel and live up to my duties towards my compatriots and be concerned with their welfare. Is this a plausible model for conceptualizing duties?

As Henry Shue notes, the problem with the concentric circles model lies in the "*progressive* character of the decline of priority as one reaches the circles farther from the center" (Shue 1988: 692; emphasis in original). Why should we assume that our

duties towards those in the sixth circle are reduced by a third when compared with our duties towards those in the second circle? To make sense of this assumption, we need to clarify what it is we have a duty to do. The progressively decreasing extent of our duties, I believe, only makes sense if we understand the *nature* of our duties in the intimate circles to be similar, if not identical, to those further away from the center. If that were the case, it would indeed be hard to assume that we have the same set of duties to our family members as we have towards others. But this seems an implausible conception of moral duties. To my mind, the nature of our duties differs *in kind* between what we owe to those with whom we have personal, intimate relationships and what we owe to those with whom we have other kinds of relationships. This point bears illustrating.

The assumption often made is that we will take care of our elderly parents in illness, dedicating time and resources, without resenting the acts we perform as particularly onerous or the demands put upon us as unjustified. While these moral duties of personal dedication – what I will call *caring duties* – are hard to perform, their demanding nature is softened by the emotional ties we have with those benefiting from our having performed them. We assume, somewhat intuitively, that at least some of the duties we perform for those who are part of the inner core are "acts of love." Hence, we do not resent them for the demands they put upon us. Further along the circles, on the other hand, the assumption is that we need to feel less compelled to perform such extraordinary tasks because they would be too demanding in light of the actual emotional interest we have with those who are at the receiving end.

What the model fails to take into account, however, is that the nature of the duties we are called to perform changes dramatically. Clearly, when thinking about universal redistributive duties we are not called upon to attend to an ill or dying person somewhere

– anywhere – by washing sheets and providing food and company.[95] In other words, it is not a question of performing duties that build on, and whose demands are softened by, feelings that characterize intimate personal relationships. Rather, as I argued in Chapter One, to accept global redistributive duties implies that we accept a duty to promote international justice as much as we can from our position of unequal advantage. The progressive character of diminishing duties implied by the concentric circle model, however, does not appeal to duties we perform for reasons of egalitarian justice and principles of fairness. Instead, the model relies on the character of those duties that we incur because of our personal, intimate ties to the recipient. The concentric circle model only works, put differently, if we assume that caring duties of the sort mentioned above are the starting point from which our duties progressively diminish instead of accepting the fundamentally different nature of our duties towards those outside of the intimate core.[96]

Now, assume that we do not dispute that the moral duties we owe to others are fundamentally different between the immediate circles of family and friends, that of personal acquaintances, and everybody in the subsequent circles. If that is the case, then it seems to me that *everybody* outside the immediate circles is comparable – including the members of my university, neighborhood, city and nation.[97] Rather than construing a

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[95] Of course, some working for aid-organizations obviously do think that such are our duties. This does not undermine my argument about the different natures of our duties, however. Why, we should ask ourselves, do we admire those who dedicate their lives to help ease the pain of others if not partly at least because they perform a task out of the ordinary, beyond, as the saying goes, "what duty would call for"?

[96] To be sure, we may make arguments for duties of egalitarian redistribution arising in the intimate circle – duties that do not rely on our feelings as much as on our concerns to attend to different needs in an egalitarian and fair way. But the reverse is not the case: duties we perform outside the intimate circle do not rely on personal feelings.

[97] As I explain below, we may incur duties towards people with whom we share membership in a university college, for example, but these duties derive from specific properties of specific relationships,

progressive change of duties as we move along the sequence of circles, therefore, it is more plausible to assume that once we leave the circle of relative intimacy and caring duties behind, "a stranger is a stranger" (Shue 1988: 693). The progressive decline of our duties, though, is necessary to make sense of the liberal nationalist argument against duties of global redistribution. Only if we accept that national communities figure in the intimate circles – i.e. in one close enough for us to feel compelled to accept caring duties – does the idea of national boundaries determining our duties towards others make sense. But if a stranger is a stranger – as all those outside of the intimate circles must be – it makes little sense to assume that we have more of a duty to provide redistributive justice to those in the next city than we have towards those on the next continent.

5.2. Morally Relevant Relationships

Another potential line of argument Miller might take in defense of special duties towards compatriots could reiterate his assumption that we have a special relationship with compatriots. To be sure, Miller accepts that some international ties exist, as I explained before. These are, however, not of the same *kind* as the relationship we have to our national community and hence international relationships do not warrant the same kind of duties to those we incur in the context of our national community, but different ones. Therefore, Miller can easily accept international duties of humanitarian assistance but refrain from accepting international duties to redistribution.

Samuel Scheffler proposes different models of relationships based on which we could make arguments for special moral obligations. I will discuss the reductionist and

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e.g. that we exchange promises to work together. They do not occur simply because we both are members, neither are they diminished versions of caring duties.

the voluntary model that Scheffler describes as possible ways to account for relationships that carry special moral obligations and duties (Scheffler 2001: Ch. 6). Relationships that are to serve as the basis of moral duties, Scheffler argues, must be non-instrumental, which is to say that they are not characterized primarily by their instrumental benefits for the parties involved. In other words, we incur special duties "not by citing any specific interaction between us and the beneficiary, but rather by citing the nature of our relationship to that person" (Scheffler 2001: 97). I will describe what these kinds of relations entail and evaluate if Miller could plausibly refer to them when making his argument for special duties towards compatriots. I will conclude that it would be implausible for Miller to refer to any of the relationship models that Scheffler believes to warrant special moral obligations. And, in fact, Miller employs another relationship model to justify special duties to compatriots, which I will call the contractarian model and which I understand to be and hence criticize as highly instrumental. Considering Scheffler's objection against distributing benefits simply based on membership in an instrumental association, I will hold that contractarian relationships cannot serve as a morally relevant basis for special duties.

5.2.1. The Reductionist Model

One position from which Miller could draw support for his stance is to argue that special duties can only arise from *specific* relationships and *concrete* interactions with others. Concrete relationships and interactions can take different forms, like membership in a club or the exchange of promises, or both. Membership might imply that we have interactions with others, that we have exchanged promises to obey the club charter, for example, and always attend annual assemblies to discuss matters concerning the club.

Such membership will determine the kinds of obligations we incur. To use one of Miller's examples, imagine that two students come to seek my help and I only have time to attend to one. If one of them belongs to my college and the other does not, and all else being equal, then I could say that the call for help by the former has more moral weight on my decision whom to attend to than the one by the latter since being part of the same college, we have an understanding that, indeed, I should be at her disposal. Put differently, her joining the college implies an obligation for those working there to be of assistance (Miller 1995: 48ff). These moral obligations, Miller could continue, derive from the fact that we acknowledge, as he puts it, that "membership and attachments have ethical significance" (Miller 1995: 48), that calls to duty from those with whom we share membership have more moral clout than a call for help from somebody with whom we do not. Similarly, we could be led to believe that our moral obligations to our compatriots can be reduced to the fact that we share membership in our national community.

The reductionist position, however, assumes that we have *actual* interactions. Interactions can take many forms, of course: some are loosely formalized – not cast in rules and procedures that govern our interaction – while others are highly formalized. The exchange of promises to work together, which Miller invokes in the college example, have moral relevance not primarily because of our interaction but because of the form our interaction takes. A *promise* is given to a new student joining the college that those teaching there will be available to help and assist her. And to make a promise does indeed carry a moral obligation with it.

However, membership *per se* does not necessarily require that I interact in a morally significant way, i.e. in a way that engenders duties towards my fellow members.

I do not always sign a club charter or give a promise regarding my future action that affects my fellow members. My membership of "People for the Ethical Treatment of Animals" (PETA), for example, may oblige me to donate money on a regular basis to promote animal welfare but it does not oblige me to work for justice for fellow animal rights activists. Some memberships, in fact, do not imply that we actually interact in the sense of exchanging promises, and I would argue that our membership to our national community falls into that category. We simply do not have much contact with most of our compatriots and thus we do not actively exchange promises.[98]

Second, our membership in a national community does not necessarily imply that we share mutual benefits unless *something else is in place*. We will not enjoy mutual benefits from our membership in our national community unless some social or institutional provisions are in place to promote social welfare or redistributive justice. Yet if something other than simple membership has to be given in order for us to enjoy mutual benefits from our membership, then membership in itself cannot be used to explain why we have a special duty towards our fellow members. Miller assumes that our membership in the national community provides mutual benefit (Miller 1995: 61), and that, as a result, we incur a set of special duties towards our fellow members. But we will only enjoy these benefits if we have already agreed on principles of social justice. However, to provide for social justice through redistribution we need to accept special duties in the first place. While this may sound highly interdependent, it is in fact a circular argument. To put it more clearly, Miller's argument begs the question: if I am a

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[98] *Nota bene*, this is different than membership in a national institution, like the army. To return to my example of the Israeli refusenik, we could say that by accepting to join the army – rather than object to being drafted – an individual subscribes to a specific membership code that implies special duties towards compatriots.

member of two communities, neither of which would provide me with any benefits

unless I worked actively towards a mutual benefit scheme, why should I opt for one over

the other? It is unclear how membership in the nation can serve as an argument for

special duties if special duties depend on my performing them. To justify special duties

towards compatriots based on the reductionist model of morally meaningful

relationships, I would therefore argue, is not convincing.[99]

5.2.2. The Voluntarist Model

Instead, Miller could opt for a second way of conceptualizing our relationships

with compatriots and adopt a voluntarist account of our relationships and the ensuing

special duties. A voluntarist might claim that we have to be able to choose those towards

whom we have special duties. This view is based on the idea that our relationships are

part of our individual identity and indeed corresponds to Miller's claim – summarized

earlier as the liberal postulate of the "endorsement constraint" – that we have to embrace

moral obligations as 'ours' to be in line with liberal ideas about duties. Second, Miller

argues for the special relationship we have with our national community because this

relationship defines to a large extent who we are. From a voluntarist perspective, we need

to be able to choose and to agree to the relationships we enter because if we are *not*

allowed to have our say, we might find ourselves locked into relationships and duties that

we have not agreed to. Miller might argue that a liberal account of moral duties

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[99] Margaret Moore has proposed a similar critique of Miller, arguing that he conflates the moral and the political national community. Such a conflation, Moore believes, thwart a thorough analysis of the precise source of our obligations towards fellow nationals. In this vein, if the nation is a political community with certain principles, like the support of a domestic welfare state, then "our obligations derive from these rules governing the nation" (Moore 2001: 36). They do not derive from the feeling of belonging to the nation *per se*.

necessarily takes a voluntarist turn. We could argue that if we were to incur special duties based on relationships that we do not consent to, the self-determining part of our identity would be jeopardized. We would have to live up to duties arising from relationships we do not endorse, which are not part of ourselves. Hence, following the voluntarist model, it cannot be justified that we base special duties on relationships we have not consented to.

Of course, it would be very difficult to show that we all individually consent to relationships with our compatriots. We may recall, though, that Miller argues for close ties between our personal identity and that of our nation as a fundamental condition for the working of the nation-state. To reiterate, the liberal nationalist account of our personal identity states, first, that our personal identity is embedded in our national identity and, second, that we accept and confirm the latter in everyday practice. By participating in everyday socio-cultural practices of the nation, like celebrating national holidays or cheering for a national soccer team, or by paying taxes to support the national health care system, one could argue that we signal our acceptance of and agreement to a relationship with our compatriots. Our relationships to non-compatriots, on the other hand, have not been voluntarily chosen and hence should not produce special duties towards non-compatriots.

However, Miller also refers to our national identity as providing the background of our moral reasoning. As I explored in reference to Kymlicka's and Raz' work – both of whom have provided accounts of individual autonomy that support Miller's argument – our cultural background provides us with the necessary options and values along which we can take autonomous decisions about our lives. If this is the case, however, then a fundamental part of our identity is *not* chosen and self-determined. Even if we were to

reject our national ties, we would still define our personal identity with reference to our national identity – as somebody who has cut ties with her national identity. In the same vein, a large part of our relationships is not chosen either. In this sense, our individual identity is not voluntaristic, but "for the most part unchosen and unreflectively acquired" (Miller 1995: 43). Miller accepts this and, indeed, denies the wholehearted voluntarist account of our identity. As he writes, "[b]earing a national identity means seeing oneself as part of a historic community which in part makes one the person that one is: to regard membership as something chosen is to give way to an untenable form of social atomism" (Miller 1995: 59). It would hence be implausible for Miller to refer to the voluntaristic account of moral relationships as the basis for special duties to our compatriots while, at the same time, acknowledging that this very relationship is not voluntarily chosen.

5.2.3. The Contractarian Model

In fact, I take Miller to argue from yet a different perspective, namely the contractarian model. This model conceives of the national community as based on principles of fair play and mutual benefit which have been arrived at through deliberative democracy and its representative institutions. Remember that Miller argues for a socially contingent account of social justice: he assumes that it is within the realm of our nation that we will be able to determine what goods we need to have access to in order to lead autonomous lives. As a nation, we will engage in deliberations about what we think has value in our society and we will use the political tools of the nation-state to implement our shared principles of social justice. The politico-institutional set-up according to which we agree on principles of social justice and their implementation is thus akin to a contract. Indeed, Miller invites us to regard

political co-operation not as a voluntary matter in the strict sense, but as *quasi-contractual* in nature. Here the emphasis is placed not on actual consent but on the mutual exchange of benefits. My obligations to the state and to my fellow citizens derive from our common participation in a practice from which all may be expected to benefit. The appeal here is to a principle of fair play which does not require that I should have made a voluntary decision to join the practice. (Miller 1995: 61)

Assume that we can convince ourselves to subscribe to the argument and to accept that in order to justify special duties of domestic redistribution, we construe the relationship between fellow nationals as grounded on a kind of social contract. [100] Should we therefore be convinced by Miller's argument that it is from the contractarian relationship to our compatriots that special duties like duties of redistribution flow and that we do not incur these duties in our dealings with non-compatriots? Can the contractarian model of relationships justify special duties? Note, here, that Scheffler accepts membership in a "socially recognized group" (Scheffler 2001: 102) as producing a relationship in the relevant sense.[101] *Prima facie*, then, and based on this second criterion, to argue for the national community as bearer of special relationships seems

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[100] The concept of consent Miller employs calls for elaboration. Imagine that the members of a society come to the conclusion that higher education, to follow one of Miller's own examples, is a social good which should be made accessible to all members of society. Access to higher education, we could argue, is a social good that provides us with meaningful options, allowing us to choose what life we want to lead. Thus, we could say that access to higher education should be provided through welfare policies. In order to fund easy access to higher education, we would have to raise taxes to finance institutions of higher education, government loans to students of low-income backgrounds, and the like. Taxation, however, demands that some of us will be required to part with some of our riches, in order for the state to have the necessary funds. The nature of our consent, we could argue, is manifest in the fact that our society comes to the conclusion that higher education is a viable social good that should be endorsed. Miller seems to construe consent in light of Rawls' postulate that state action is legitimate if it is "in accordance with a constitution the essentials of which all citizens may reasonably be expected to endorse in the light of the principles and ideals acceptable to [us] as rational and reasonable" (Rawls 1993: 217). Our consent, in other words, does not have to be given individually on each policy or measure of redistribution, but rather is assumed as given to some of these policies. If we accept Miller's claim that the members of a society deliberate about what social goods should count as relevant to social justice, we could say that our consent to policies aiming at providing these goods could be reasonably expected. See Miller (2000) where he elaborates on his deliberative ideal of the state further, and see Bell (2003) for a critique of Miller's deliberative ideal.

[101] Scheffler has more definitional criteria for non-reductionist relationships to which I do not attend since they are little salient to my purposes of evaluating Miller's concept of the contractarian relationship a national community is engaged in (see Scheffler 2001: 102f).

plausible. Scheffler accepts that "[a]mong the things that we value are our relations with each other. [...] Thus, in so far as we have good reasons to value our interpersonal relations, we have good reasons to see ourselves as having special responsibilities" (Scheffler 2001: 103). Is this enough justification for Miller to argue for the special relationship between compatriots and, hence, ensuing special duties?

First, I believe that it is far-fetched to speak of an "interpersonal" relationship with our compatriots. As I explained in my discussion of the concentric-circle model of duties and the two previous models of morally meaningful relationships, it is implausible to argue that we have an interpersonal relationship with our compatriots. We can neither reduce this relationship to tangible interactions nor can we claim that we have entered into it voluntarily. In this respect, the relationship with compatriots is comparable to that with non-compatriots.

Second, Miller's definition of the contractual set-up of the political nation does not support the case for special duties to compatriots. To reiterate, Miller argues that, "[m]y obligations to the state and to my fellow citizens derive from our common participation in a practice from which all may be expected to benefit." (Miller 1995: 61). The fact that it is with the idea of mutual benefit in mind that Miller attempts to justify special duties of redistribution towards compatriots raises some problems since this seems to contradict Scheffler's stipulation that only those relationships that are *non-instrumental* can generate special moral obligations, or so it seems to me: Scheffler specifies that, "if a person only has reason to value a relationship instrumentally, then the principle I have stated does not treat that relationship as a source of special responsibilities" (Scheffler 2001: 101). Scheffler further excludes

reasons that are *reflexively instrumental* [. . .] if attaching non-instrumental value to a certain relationship would itself be an effective means of achieving some independently desirable goal, the principle I have stated does not treat that as a reason of the responsibility-generating kind. (Scheffler 2001: 101; emphasis in original).

In light of Miller's definition, however, the relationship between compatriots and the state is highly instrumental.

To conclude this section, I will aim to expand on what Scheffler might have in mind and apply his principled approach to relationships that may generate special moral obligations to questions of immigration. In my discussion of immigration schemes as they exist today, I have argued that there may be good reasons for national governments to restrict immigration in a certain way. One argument may be that bilateral agreements concerning immigration between Germany and Canada, say, may be in the mutual interest of the two countries. They may both benefit from Canadian engineers immigrating to Germany, and German artisans immigrating to Canada, either because they have a shortage of these professions or they value the education the other country provides in these fields. I have observed that the mutual benefit principle is applied on an everyday basis when deciding immigration policies. However, I have also held that it is not a comprehensive principle of justice since it excludes those with nothing to offer. In other words, if we accepted the mutual benefit of a relationship as generating moral duties, we would infuse moral clout into a relationship that may simply lead to the establishment of a club of the well-off who can trade and exchange benefits. Mutual interest, put yet differently, does not provide us with moral principles about how to adjudicate potential conflicts over resources. This is well articulated by what Scheffler calls the "distributive objection" to special relationships that bear special duties.

It may be understood to hold that such responsibilities confer additional advantages on people who already benefited from participating in rewarding groups and relationships and that this is unjustifiable whenever the provision of these additional advantages works to the detriment of those who are needier, whether they are needier because they are not themselves participants in rewarding groups and relationships or because they have significantly fewer resources of other kinds. (Scheffler 2001: 85)[102]

We can thus hold that even in cases where we accept special moral duties, these special duties cannot stand isolated from a bigger framework of moral considerations. Instead, even when we accept that we have special relationships that generate special duties, we need to ensure that the benefits flowing from these special relationships are integrated into a general system of fair access to opportunities. We must, in other words, have an eye on the *outcome* of our dutiful action. If we neglect this, we simply foster and promote a system that protects the club of the wealthy and privileged rather than one based on principles of justice.

Miller might argue, however, that the distributive objection implicitly denies the fact that we have special relationships. If we are not allowed to act on special relationships, he might continue, how can we still qualify them as "the subject matter of ethics"? I would disagree. To situate it in the debate between ethical particularism and ethical impartiality, the distributive objection to special relationships does not prescribe the position of the aloof rational observer who forgoes the temptations laid out by personal concern. It only objects to siding with such special duties at the expense of a general sense of justice.

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[102] Scheffler himself, while not negating the merits of the distributive objection, does not entirely subscribe to it; see Scheffler (2001: 86ff) and (ibid: 97ff). Thomas Pogge, on the other hand, does embrace the distributive objection; see Pogge (1992; 2001).

6 Conclusion

The aim of this chapter was to defend my proposal for redistributive immigration policies against those who believe that we have two different sets of duties towards our fellow nationals and non-compatriots, and that this distinction supports domestic redistribution, but not the application of principles of redistribution on a global scale. I have explained from where this distinction in its liberal nationalist interpretation derives.

First, I have provided an account of the liberal nationalist concept of national community and the definition of socially valued goods. I have argued against what I have called the socially contingent model of social justice and have instead made a case for universal standards of social justice. Only if we accept universal standards of social justice as reference points can we actually achieve what liberal blueprints of social justice aim for, namely to compare and assess differences in individual opportunities, and to work for better conditions of individual autonomy everywhere.

I then discussed a second argument liberal nationalists might make against redistributive immigration schemes. To provide its context, I have examined the liberal nationalist concept of national community, national identity and their ties to individual identity. The interdependence between these is the foundation for liberal nationalist beliefs about the origins and the extent of moral duties. Liberal nationalists subscribe to ethical particularism that accounts for the value of personal relationships in our moral reasoning, and which warrants that we differentiate between what we owe to those with whom we share close relationships and everybody else. Deconstructing the underlying rationale for such distinctions – what I have identified as the concentric circle model of our moral duties – I have shown that to adopt redistributive immigration schemes does not require members of the host community to perform duties similar to those

appropriate for intimate relationships. Furthermore, I have questioned the argument that compatriots share special relationships that imply special moral obligations. I have referred to Scheffler's distinctions between relationships that might bear special duties, but have not found the liberal nationalist model of the relationship compatriots share to correspond to any of the ones Scheffler lists. Instead, I have shown that Miller's idea of the special relationship between compatriots derives from mutual benefits and have argued that such an instrumental relationship cannot provide moral reasons to privilege compatriots over non-compatriots when thinking about redistribution.

In the next two chapters, I will address a different category of objections liberal nationalist might voice against redistributive immigration schemes, namely that my proposals for redistributive immigration policies may lead to a deterioration of conditions of social justice in the host communities.

III   Fears about Redistributive Immigration Policies – Part I: What happens to Social Solidarity?

1   Introduction

In previous chapters, I have made a case for changes in the ethics of immigration and have proposed redistributive immigration policies as a tool with which national governments can achieve such changes. I have defended redistributive immigration policies against arguments by liberal nationalist authors who propose that we should think about social justice in a socially contingent way and that, concomitantly, we incur a set of special duties towards our compatriots – including duties to redistribute – which we do not incur towards non-compatriots. In this and the following final chapter, I want to address two different possible objections against redistributive immigration policies, which originate in fears about the social consequences that may ensue for host communities if they were to implement redistributive immigration schemes. I speculate that these fears may arise from a concern over the state of social justice within the host community.

To recall, in Chapter One I supported those who argue that it would be implausible to advocate redistributive immigration policies if such policies were to result in deteriorating conditions of social justice in the host community. While redistributive immigration policies are aimed at improving chances of opportunity and at providing access to means of autonomous living for people who enjoy neither, it would be implausible to implement them at the expense of conditions of autonomy for the least well-off in host communities. Put in another way, any policy measure that *were* to

challenge or jeopardize social justice cannot plausibly be premised on and justified by that same principle. Instead, the implementation of redistributive immigration policies has to be considered an essential part of policies of redistributive social justice that pertain to *all* aspects of social life, not only to the domain of immigration.

As outlined in Chapter One, the most basic principle of a liberal egalitarian conception of social justice is the idea of redistributing rights, opportunities and resources in order to ensure that the needs of all those to whom the principles are applied are met to the extent of enabling an adequate level of opportunities and of autonomous functioning. When these conditions are satisfied, everyone can lead an autonomously chosen and thus meaningful life. This definition of what principles of social justice target and want to distribute constitutes a basic common denominator among the majority of liberal egalitarians writing about social justice (see for example Barry 2005:17ff; Barry 1995; Miller 1999:11ff; Rawls 1971:60). Most arguments about social justice, thus, associate principles of social justice with ideas about redistribution. Very minimally, social justice, in its redistributive interpretation, refers to the idea that of that those who are well endowed should give up some of their riches in order to ensure that the less well-off are provided with adequate access to social goods.

Now, one argument against redistributive immigration policies might be that they undermine social justice in the host community by undermining the *social conditions* that make domestic social justice possible. Some liberal authors argue that one of the achievements of liberal egalitarian societies is the establishment of functioning welfare states. I will refer to a social welfare state as one that implements principles of redistribution in order to achieve social justice. I agree that having a viable social welfare state is an important tool for furthering social justice, and one that is worth protecting. To

reiterate, the underlying premise for my argument for redistributive immigration policies is based on the idea that we should promote the principle of fair equality of opportunity on a global level. My position demands that we aim to find ways to further the implementation of that principle *everywhere*. Taking this position thus entails that it would be implausible to advocate a policy change that might jeopardize domestic social justice or the tools that help its realization. If we understand the system of a social welfare state as attempting to provide fair equality of opportunity on a nation-state level, then this is obviously an achievement in line with the overall goal of providing all individuals with fair equality of opportunity. In other words, any policy measures that were to challenge or jeopardize the *social welfare state* as an instrument of social justice could not plausibly be premised on or justified by that same principle. In this vein, some could argue that if we have achieved a social welfare state, we need to ensure that the social conditions it relies upon are not challenged or jeopardized by changes in immigration regimes.

I identify two potential conditions of social justice that liberal nationalists fear might be challenged if we were to implement redistributive immigration policies: social solidarity and social trust. Liberal nationalist authors might claim that redistributive immigration schemes would bring about a significant change in the make-up of society and that such a transformation will be accompanied by a change in the trust members of the host community put into the workings of the welfare state. Similarly, some authors might claim that a change in national identity and culture will initiate a transformation in the traditional sense of social solidarity in a host community. Put in another way, with different and new members involved, the original rationale for supporting a scheme of redistribution – that those contributing and benefiting are all part of the same nation –

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may no longer apply if individuals previously excluded from it are to become part of it. Only if a community is able to instill feelings of social solidarity and social trust, though, can it achieve social justice. I will call this the *social solidarity caveat* and concern for social trust.

I will explain why social solidarity and social trust are considered to be essential ingredients for a functioning welfare state. Both social solidarity and social trust are taken to be necessary to motivate individuals to contribute to a social welfare state, to agree, for example, to the redistribution of income through its taxation. In the course of the next two chapters, I explain both conditions and the fears related to them in more detail and discuss to what extent such fears are warranted. This will help me to assess if and to what extent they may serve as arguments against redistributive immigration policies. I start out exploring the social solidarity caveat, which holds that the implementation of redistributive immigration policies might challenge our *concept of community* and that this change might induce us to feel less solidarity with compatriots and to have less social trust. In this chapter, I will focus on the concern for social solidarity, although to explain the link between social solidarity and the social welfare state, I will briefly touch upon the issue of social trust. The systematic discussion of social trust and its links to provisions of the social welfare state will be provided in Chapter Four. In the course of this present chapter, I make a case for understanding social solidarity as a *moral ideal* that stands in relation to our concepts of social justice. I explain the moral ideal and put it in the context of my argument in Chapter Two, where I discussed what kind of duties we incur towards our compatriots compared to those we have towards non-compatriots. The first lesson I draw is that social solidarity cannot be plausibly circumscribed by national boundaries.

I will then explore what I call the *instrumental argument for social solidarity*, which ties social solidarity to the functioning of the social welfare state. I explain that, for liberal nationalist authors, a social welfare state depends on feelings of solidarity towards other members of the community and that such feelings are fostered and promoted by a common national identity. I challenge this argument with other accounts of the basis of welfare contributions – returning, at this point, to a discussion of Rawls – and question the argument that *only* sharing a national identity can bring about solidaristic behavior such as tax compliance. Based on findings from the UK, I show that immigrants contribute dutifully to the British welfare state – overwhelmingly more, in fact, than they benefit from welfare state provisions. This example challenges arguments that solidaristic behavior in the context of the social welfare state depends on feelings of shared national identity. The instrumental argument for social solidarity and its ties to a national community is not convincing if those who are prima facie "new" to the national context – i.e. those who live in its boundaries but who have not yet established feelings of nation-based identity – nevertheless contribute. This example thus verifies my own definition of the social ties necessary for the support of a social welfare state – what I call a sense of *civic mindedness*. Civic mindedness does not prejudge the type of community belonging we need for a social welfare state to flourish. My example, in other words, does not support the liberal nationalist claim that actions of solidarity depend on a feeling of shared national identity. Instead, it supports the idea that the social welfare state relies on a set of norms of behavior according to which individuals interact and cooperate. Fears over the deterioration of the social welfare state, as they are proposed in the context of ideas of social solidarity, are hence not convincing arguments against implementing redistributive immigration policies.

2   The Social Solidarity Caveat

The social solidarity caveat cautions us against the transformation of our community to the point where such changes may make some or many compatriots uneasy and may induce them to withdraw solidarity from the community. This caveat bears contextualization. David Miller – whose work I choose as the basis of my discussion – argues that when thinking about social justice and the social welfare state, we have to consider the conditions that bring about and sustain the functioning of the social welfare state. One of the most important conditions is social solidarity. Social solidarity is putatively tied to the fact that individuals identify with their community, which, following the logic of Miller's argument, comes along only in the context of a shared national identity. My proposed revision of the ethics of immigration, one might be led to believe, challenges social solidarity since it would ask national communities to welcome immigrants from potentially very different ethno-cultural, religious or political backgrounds.

Note that earlier on, I have made a distinction between fears of increased numbers of immigration, and a change in the countries of provenance from where immigrants come (see Chapter One). I have held that to promote redistributive immigration policies does not necessarily bring about an increase in the overall numbers of immigrants but, instead, implies a redistribution of resources to those hitherto barred from access to such resources. In this vein, I have argued that the issue arising may be one of selection insofar as redistributive immigration schemes would give individuals who have hitherto been excluded from the benefits of immigration access to immigration. Recognizing to whom redistributive immigration polices ought to be applied – i.e. to the globally worst-

off concentrated in the world's southern hemisphere – it is plausible to speculate that the implementation of redistributive immigration might result in more ethno-cultural diversity in the midst of host communities.[103] The worry is that changing the selection criteria for immigrants who will import their own ethno-cultural, religious or political identificatory features might change the traditional concept of national community previously possessed by members of the host community. Liberal nationalists could caution that we should therefore be wary of adopting immigration policies that may change the make-up of our community for fear of what might happen to feelings of social solidarity that are necessary to motivate the implementation of social justice. What should we make of this claim?

Miller argues that social solidarity is tied to a shared national identity. In fact, while Miller first writes about a nationality's power to "increase" people's sense of solidarity (Miller 1995: 36), he soon sheds his reserve and writes that "among large aggregates of people, *only* a common nationality can provide the sense of solidarity that make [democracy and social justice] possible" (Miller 1995: 98, my emphasis).[104] He continues to explain the concept of national identity as a tool to achieve social justice in the face of problems arising from *collective action*. To Miller's mind, social trust and social solidarity are essential for successful collective action:

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[103] To be sure, most countries already live under conditions of ethno-cultural diversity, either because of the prevalence of national minorities with a different ethno-cultural background, or because of ethno-culturally diverse immigration groups as part of the national make-up (see Kymlicka 1995: Ch. 1). The difference that might arise from redistributive immigration policies is that they might result in higher numbers of "felt" non-compatriots in our midst. The distinction of "felt" foreigner is helpful in expressing the fluent boundaries between those of whom many do not think as foreigners – a white Canadian in Britain, for instance – compared to those who "seem to look different". Needless to say that those who "look different" may nevertheless be compatriots.

[104] See also his comments in an earlier piece, where he writes that "nations are the only possible form in which overall community can be realized in modern societies…. Without a common national identity, there is nothing to hold citizens together" (Miller 1989: 245).

> Much state activity involves the furthering of goals which cannot be achieved
> without the voluntary co-operation of citizens. For this activity to be successful
> the citizens must trust the state, and they must trust one another to comply with
> what the state demands of them. [...] Since adhering to the rules the state
> proposes will usually have costs, each person must be confident that the others
> will generally comply – and this involves mutual trust. (Miller 1995: 90f)

Collective action problems are part and parcel of social welfare programs. For

any social welfare policy to achieve its goals, individuals need to act as contributors to

schemes of redistribution and cannot simply opt out of them, neither can they consider

themselves merely as beneficiaries of such schemes. In order for the state to be able to

implement policies of social justice, like taxation of income, members of the community

need to be convinced that others will be equally taxed and that they will comply with the

taxation laws. The assumption behind Miller's argument is that collective action is most

easily facilitated within the realm of a shared national identity. I have explained in

Chapter Two that liberal nationalist authors understand a liberal national identity as a

"battery" that generates a sense of common purpose and of being involved in a common

project. According to the liberal nationalist argument, such a sense of common enterprise

is most easily stimulated and sustained if all share in a national identity. The need for a

strong national identity is thus explained by the assumption that only it can provide the

seminal conditions for any kind of social co-operation.

Second, in order to implement policies of redistribution, Miller argues that we

need a certain level of social solidarity. For this, again, we require a common

identification:

> If we believe in social justice and are concerned about winning democratic
> support for socially just policies, then we must pay attention to the conditions
> under which different groups will trust one another... Trust requires solidarity not
> merely within groups but across them, and this in turn depends upon a common
> identification that *nationality alone can provide* (Miller 1995: 140, my emphasis).

As we have seen, Miller's conception of nationality describes a community of people bound together by history, language, culture and, usually, territory. Nationality is thus tied to ethnicity and a shared cultural background (Miller 1995: 25). Following this interpretation, then, social solidarity and social trust are by-products of historical collective interaction and of a collective memory. Immigrants would not be part of the community that shares a collective memory and history yet and hence feelings of social solidarity and social trust might be jeopardized. This explains Miller's claim that communities aiming for social justice should be allowed to regulate immigration "according to the absorptive capacities of the society in question" (Miller 1995: 129). In other words, if a community lacks a common national identity, or if it welcomes so diverse a group of immigrants as to exceed its "absorptive capacity," it may compromise the national features or sentiments necessary to maintain a social welfare state. We can, in this instance, imagine the relationship between identity and absorptive capacity as correlative in that a community "absorbs" or integrates newcomers successfully if it is able to maintain the level of identification necessary to maintain social solidarity and hence the support for the social welfare state.

The concern about "absorption" might be aimed, of course, to address questions of numbers. If that were the case, a defense of redistributive immigration polices should come easy since their implementation need not lead to higher immigration numbers, but are meant to motivate a change of selection criteria. Judging from my previous exploration of Miller's position, however, I believe that Miller is not primarily interested in numbers, but rather that he wants to provide principled guidelines regulating the diversity of immigrants that national communities could in fairness be asked to welcome.

What actually *counts* as absorption, though, is not clear: Do immigrants need to embrace the national culture, which they might happily do, or do members of the host community have to embrace immigrants as, henceforth, *belonging* to it? How is "absorption" different from assimilation? Andrew Mason has criticized liberal nationalism in this vein, arguing that the necessary conclusion to be drawn from Miller's link between national community and social welfare provision is that liberal nationalists advocate an ethics of assimilation (Mason 1999). I agree that one could read Miller along such lines, and speculate that a society which "absorbs" immigrants is one capable of integrating immigrants to the point of assimilation. On the other hand, though, one could accord Miller more ethno-pluralist credentials in light of his view that the public culture in a liberal nation could embody private ethnic subcultures which would make an equation between absorption and assimilation of immigrants seem counterintuitive. [105] But even if we can convince ourselves that to call for immigrants to be absorbed is not meant to assimilate them, some problems with this concept nevertheless remain.

An example may illustrate that a call for absorbing immigrants is an imprecise goal of public policy, and potentially one that is at odds with ideas of social justice. David Bell, Chief Inspector of Schools in Britain, recently emphasized that while diversity and the acceptance of different cultures were potentially a great strength for Britain, they could also undermine Britain's "coherence as a nation". To illustrate his

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[105] As we have seen, Miller's conception of a national identity, on the one hand, eschews building liberal nationality on ascriptive characteristics, like ethnicity or common religion. In fact, Miller argues that different ethnicities can form "private subcultures" that can be part of and integrated into the framework of a common national identity. Thus a liberal national identity is "quite compatible with a diversity of ethnic groups" (Miller 1995: 25ff, cf. also Tamir 1990). On the other hand, I have already shown how a shared nationality could be understood to be tied to a shared ethnicity and a shared cultural background (Miller 1995:25). Moreover, a contextualization of Miller's ideas about multiculturalism, policies of minority group accommodation, and their detrimental effect on social solidarity strongly suggests that absorption is tantamount to assimilation, as I explain below. I thus side with Mason's assessment of liberal nationalist tendencies towards assimilation.

concerns, he singled out the growth of Islamic faith schools in Britain and claimed that

traditional Islamic education did not equip Muslim children for living in modern

Britain.[106] In response to Bell, representatives from Muslim schools held that they were

indeed promoting British values. Many British Muslims, in fact, consider themselves

"British".[107]

This disagreement highlights two problems with Miller's account of national

identity and his argument for limits on immigration based on absorptive limits of the host

society. First, the example of the British School Inspector's despair over the lack of

traditional British values in Muslim school curricula exemplifies that what actually

counts as the agreed public culture a national identity is to embrace, and into which

immigrants would be integrated or "absorbed" is not clear. Second, assimilation can

never really work as a tool of liberal integration since it is a one-sided process that

demands a lot from "the other" but hardly any adaptation from the host community (see

Young 1999).[108] Members of the "immigrant" community – aka UK citizens of Muslim

faith – may believe to have integrated to the point of absorption by having built a school

system similar to that of Jewish or Catholic faith schools supported by the state in the

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[106] Quoted in *The Guardian*, 18th January, 2005, page 1.

[107] The same conflict characterizes debates about religious minorities in France. We could wonder, for example, if the claim can be made that the demonstrations of French Muslim women who demand the right to wear headscarves anywhere they choose, including schools, are in fact a sign of the appropriation of the French state and its democratic institutions by French Muslims who are fully integrated into the liberal democratic state. Put otherwise, is their self-confidence in asking the state to accept their ways and choices in life a reflection of the fact that *they* have integrated well into the democratic and deliberative framework of the state, while the state and some other parts of society have not? Alan Patten has argued that liberal societies need to make distinctions between the kind of adaptation they can reasonably expect from first generation immigrations on the one hand, and the different obligations the liberal state has towards second generation immigrants, on the other (Patten 2003).

[108] This otherness can take many different forms - ethnic, cultural, linguistic etc. And surely, many pressing needs for integration derive from more "otherness" rather than less. I do not find it plausible however, to question "otherness" and unveil it as a "construct" when talking about immigration and integration (cf. Benhabib 2002: Ch. 2; Honig 2001). Even though it is a "construct", its consequences are nevertheless more than real, especially for those who are kept out because of "being other".

UK. They may, in fact, believe to have adopted and appropriated the democratic make-up of their country of citizenship. This does not mean, however, that traditional members of the host community will accept *their* way of adaptation and integration – rather, they may have further expectations of adaptation, as Bell's statement seems to suggest.[109]

Miller believes that the problem of sourcing and sustaining social solidarity and social trust is solved through reliance on a common national identity. It is now evident why Miller advocates a common nationality as a pre-requisite for a successful social welfare state, namely because of the interdependence between a shared national community, social solidarity and social trust. To summarize the link between social solidarity and trust in this vein, then, we could say that only once members of a community have a sense of belonging and interdependence, which is implied in Miller's definition of a liberal national identity, will they co-operate. What is worth underscoring at this point is that Miller's argument at least *implies* that his argument for a shared national identity seems to be based on the assumption that compatriots are more prone to share a sense of solidarity and hence will thus be more likely to engage in collective action the social welfare state requires if they have to co-operate with those who share their ethnic background rather than if they are called upon to co-operate with those who do not. Redistributive immigration policies might challenge this model of the conditions for social justice because they would lead to feelings of social solidarity being undermined.

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[109] Public opinion assessing whether or not immigrants have successfully integrated is not only imprecise, but also very volatile. Witness the discourse in the UK after the 07/07 bombings in London last year, which underlined the fact that the bombers had been religious and had worshipped regularly. Something, in other words, that might inspire respect and confidence – it seemingly does in Tony Blair or the Queen – was portrayed as hinting at underlying problems in integration because of the implied equation between religiosity and Muslim fundamentalism.

A further objection to such policies might derive from the fact that redistributive immigration will likely increase the ethno-cultural pluralist character of the host community, and that an ethno-culturally plural or multicultural character of a community works against social solidarity and social trust. In other words, even if members of the host community accepted different ethno-cultural groups as part of the nation, multicultural polities will nevertheless be faced with problems of collective action. Consider, here, Miller's recent argument that

> [c]ultural differences do create barriers to trust – there is no question about that – but given the right pattern of interaction these barriers may be overcome. At the macro level, what matters is the availability of an inclusive identity that is accessible to members of all cultural groups. The debate here is about whether this needs to be a national identity in the normal sense, or whether a common loyalty to a set of political institutions – some form of constitutional patriotism – may give a sufficiently strong sense of shared identity. (Miller 2004a: 29)

I will discuss this quote in more detail in Chapter Four. Suffice it to say at this point that if we take Miller's 1995 definition of national identity as that of a national identity "in the normal sense" then it seems that ethno-cultural diversity provoked by redistributive immigration policies may indeed cause serious concerns for social solidarity and social trust. Miller cautions that a multicultural community might not be able to agree on common principles of social justice. This, in fact, is the conclusion drawn from the link he establishes between national identity as an expression of a national culture and, concomitantly, as a purveyor of agreed-upon social goals and ideals – what I have characterized in Chapter Two as Miller's socially contingent account of social justice. I have argued against this concept, pointing instead to a more universal account of social justice. Even if multiculturalism might allow for universal agreement on principles of social justice, however, those called upon to implement them might not apply them to all members of society equally. In other words, "cultural groups might be willing to practice

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justice towards insiders [of their own group] but not towards outsiders" (Miller 2004a:

16). Miller thus suggests that ethno-cultural pluralism may lead to intra-group solidarity

rather than society-wide feelings of solidarity.

Taking his writing in this vein seriously, some have accordingly inferred Miller to

argue that the ideal community for the implementation of a social welfare state is an

ethnically homogenous community (see Soroka et al 2004: 34). And while I have tried to

stress Miller's ethnic pluralist credentials, such a reading of Miller's work may be

legitimate for two reasons. First, Miller bedevils attempts by "radical multiculturalists" to

accommodate (ethnic) difference within national communities as divisive and harmful to

the building of a strong national identity, and to the goals of social justice (Miller 1995:

131ff; see also Miller 2004a). The rationale for such reservations vis-à-vis

multiculturalism is provided by Brian Barry when he claims that a 'politics of difference'

– of which Canada's multiculturalism and more broadly, theories of multicultural

citizenship as a means to accommodate ethnic minorities are examples – "rests on a

rejection of what we may call, in contrast, the 'politics of solidarity'." The latter would

be characterized by citizens' subscription to a common social project, like the

establishment of a social welfare state, while "the whole point of the 'politics of

difference' is to assert that the right answer is for each cultural group to have public

policies tailored to meet its specific demands" (Barry 2001: 300). For Miller and Barry,

the achievement of social justice requires a common stance and both seem to see this

kind of front challenged by feelings of belonging to diverse ethno-cultural groups. They

might argue, for example, as Eisenberg imagines, that efforts by trade unions to mobilize

collective action in support for new tariff agreements may be hampered if not

jeopardized if some members also want to achieve cultural accommodation rights for

ethno-religious minorities (see Eisenberg, 2006, forthcoming). Different ethnicities, we could thus speculate, might stand in the way of effective redistributive collective action because trade unions, for example, might not engender enough social trust and social solidarity among their membership to cross ethno-cultural group and interest lines. Such concerns have been referred to as the *heterogeneity/redistribution trade off* (see Kymlicka, forthcoming) – the trade-off, put differently, that modern societies may be faced with between the accommodation of ethnic minorities and measures of social justice aimed to help members from its lower socio-economic rungs.

As I accepted earlier, the implementation of redistributive immigration schemes would most likely lead to ethno-culturally pluralist immigration. If ethno-cultural minorities were accommodated through group-specific policies and, as a result, support for the social welfare state were to dwindle because members of the host community loose their feeling of belonging to the national community, the fears of the heterogeneity/redistribution trade-off would be substantiated. It would then be plausible to say that in bringing about ethno-cultural diversity to the point of undermining social solidarity, redistributive immigration would have jeopardized the social welfare state. Redistributive immigration schemes could then be legitimately objected to. Following such a reading of Miller's critique of multiculturalism – and if we can convince ourselves that the implementation of social justice depends on a common identification to generate feelings of social solidarity – we might also be convinced that the ideal community for implementing social welfare is ethnically homogenous and cannot easily be multiethnic in nature.

Up until now, then, I interpret Miller to be postulating a three-step argument to substantiate his claim that there is a link between a shared national identity, social

solidarity, social trust and a functioning social welfare state. First, he holds that both social solidarity and social trust are important for collective action in a general sense; followed by the argument that collective action is necessary if we aim to achieve social justice through means of the social welfare state; and claiming that social trust and social solidarity are tied to sharing a national identity that builds on a shared ethno-cultural history. To my mind, Miller's use of the social solidarity caveat makes two different claims that are worth separating in the context of this project. The first is that feelings of national identity are the basis for feelings of social solidarity. The second claim worth distinguishing is that social solidarity is seminal for social justice since it encourages and supports community members to contribute to the welfare state. These two claims are different in nature and scope and, in fact, are not as interdependent as liberal nationalists suggest. I will address these claims in turn, starting with what I analyze to be a *moral* claim about the nature of social solidarity, before returning to the instrumental claim about social solidarity in Section 4.

3   The Moral Ideal of Social Solidarity

To assess whether it is plausible to argue that feelings of social solidarity are based on a common national identity, we need to determine what we mean when speaking about social solidarity. Miller posits that feelings of social solidarity will come about because individuals are ethically tied to their national community, its welfare and that of its members. His account of social solidarity implies that something *morally* calls for individuals as members of national communities to be solidaristic. Joe Carens proposes a definition of social solidarity that accounts for this moral component. Social solidarity, Carens writes,

is a moral vision of human beings as interdependent and connected, with duties as well as rights against one another [...it is] a sense of social responsibility, of commitment to community. (Carens 1986b: 685)

This, to my mind, is the clearest definition of what we actually mean when we speak of social solidarity. I will use this definition as the baseline of my argument and refer to it as the *moral ideal of social solidarity*. Without reference to such a moral ideal, I posit, the concept of social solidarity cannot serve the uses liberal nationalists put it to. Particularly if we think of social justice in its redistributive form – that is, if we subscribe to principles of sharing wealth in order to make social goods accessible to all – we need to make reference to such a moral ideal of social solidarity because only the moral ideal may motivate us to redistribute. We do not contribute to the social welfare state for reasons of self-interests but because we believe that to contribute is the right thing to do in favor of the goals of the community – what we may call the common good (see Mason 1998).[110]

In adopting this definition of social solidarity, I account for the liberal nationalist assumption that social solidarity is tied to feelings of interdependence with others – what Miller describes as the national community. Others have referred to this feeling of solidarity as "empathy" – a feeling of concern for others, mostly for those who are less well-off (see Mason 1998). For the purposes of addressing the social solidarity caveat, however, I will rely on Carens' conceptualization rather than Mason's. A sense of

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[110] One could make the argument, of course, that we contribute because we think the common project our national community is engaged in is morally good or will produce ethically valuable goods (see Miller 1995: Ch. 3). Simon Caney has criticized this model for taking national identity as the foundation of ethical obligations, stating that for us to *believe* in the moral values the nation pursues is not enough – many Germans during the Third Reich might have thought so. Rather, for us to be ethically tied to the nation would entail that a nation has to pursue objectively moral goals (see Caney 1999, see also Hurka 1997). This raises another problem, though, which is well articulated by Alistair McIntyre: if a national community commands feelings of solidarity because it pursues an objectively moral goal, would we then not have to agree that all nations who pursue objectively moral goals should compel us to support them (see MacIntyre 1984)?

empathy, it seems to me, does not capture why liberal nationalists believe "solidarity" to be necessary as a basis for schemes of redistribution and the implementation of the social welfare state. I can empathize with the world's poor or the homeless person outside my door which may lead me to lend a helping hand or donate money; this is different, however, from thinking of such actions in terms of social justice, of rethinking the injustice in the distribution of goods between us, or of subscribing to a scheme of social welfare measures. Such a scheme would ask me to contribute part of my money on a regular basis, in the form of taxes, to provide housing for low-income members of my neighborhood. To do so, we cannot rely only on empathy, which is something we will also have with victims of "misfortunes" (Shklar 1990, *passim*) or victims of bad luck – i.e. individuals who may have been hard done by, but whose poor sort is distinct from being an injustice since nobody can be held morally accountable for it.[111] Empathy, in other words, may be a necessary condition of social solidarity, but it is not a sufficient condition to motivate social solidarity, as it is putatively needed for social justice.

Second, Carens' definition of human beings as interdependent and connected also accounts for the liberal nationalist premise of the national community to be an ethical community determining our sense of duties and obligations – the extent, as it were, of our feelings of social solidarity. It highlights the fact that social solidarity is based on the idea that we have duties towards each other, that we owe certain things to each other as members of a community. So prima facie, we could convince ourselves that feelings of social solidarity are tied to sharing in a national identity. Carens, however, does not prejudge the national community as the only one in which we accept responsibility.

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[111] Recall that I agree with Miller that in order to make sense of principles of social justice, we need to be able to hold somebody morally accountable for the implementation of these principles or for the injustices suffered if they are not implemented.

Instead, I interpret the moral ideal of solidarity to invite us to clarify the concept of community we employ when formulating ideas about social solidarity. In this vein, Margaret Canovan has asked

> what sort of polity would have to exist for contemporary ideas about social justice to make sense? Would it have to be a state that was also a community? And is a state that is a community in fact a nation? (Canovan 1996: 26)

As we have seen, liberal nationalists affirm Canovan's suggestion and promote the idea of a national community as the basis for achieving goals of social justice. However, and based on my response in Chapter Two, we could also conceive of social justice in a more cosmopolitan vein. This raises the question then, if, in light of Carens' definition, we could not conceive of a cosmopolitan community – with its accompanying rights and obligations. Can we conceive of interdependent relationships with individuals outside our national community? Following my earlier argument about duties and obligations and the relationships circumscribing them, it is not obvious why we should tie our sense of social solidarity exclusively to the national community. In this vein, I have proposed a concept of social justice that builds on a global principle of fair equality of opportunity and individual autonomy. I have posited that in an ideal and just world, all individuals would have fair access to the opportunities that make their lives worthwhile living and make themselves reasonably content with the life they lead. Accordingly, I support a concept of social justice that prescribes the redistribution of rights, opportunities and resources in order to provide conditions of autonomous living on a global scale. Taking this position entails the acceptance of social responsibility in a more cosmopolitan vein.

To be sure, Miller questions that we can speak of a global concept of social

justice as I construed it, and I would speculate that he would find a global concept of

social solidarity unconvincing. Using Carens' dictum of what the moral ideal of

solidarity requires, Miller could argue, for example, that the world we live in does not

qualify as one in which "human beings [are] interdependent and connected" (Carens

1986b: 685) and hence that the idea of having feelings of social solidarity generated by a

sense of belonging to a cosmopolitan community is implausible. I have already referred

to authors like Pogge and Nussbaum who think otherwise. Pogge argues quite

convincingly that the world's population is, in fact, interdependent (see Pogge 2002: esp.

Ch. 1 and Ch. 8). His case for global interdependence is situated in the realm of macro-

economics and trade. But we can also find some very obvious instances of global

interdependence in the context of immigration; in fact, questions of immigration policy

provide an excellent, albeit negative, example of the welfare of citizens of rich countries

being intimately tied to that of those living in poor countries. Imagine a standard

immigration scenario today in which life gets harder and scarcer in the country of origin.

Some of those suffering from deteriorating conditions of life have the will to move to

more prosperous shores. Such moves will have an impact on the welfare of those living

in rich countries. Very minimally, it is fair to say that European states now spend more

money and resources on border patrols, detention camps and the removal of rejected

asylum seekers than ever before.[112] Recall, here, the case of the Spanish government now

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[112] I am aware, of course, that there is a distinction to be made between asylum seekers – i.e. those who leave their countries and do not have high hopes to go back there, be it because war is raging, or because they are persecuted as religious or ethno-cultural minorities – and immigrants more generally. This distinction is based on the idea that there are deserving and undeserving immigrants, which I have rejected as untenable in Chapter One. Second, the distinction has little relevance when it comes to the expenses national governments will shoulder in order to assess the merits of individual claims for immigration. Indeed, one could argue that because many European countries treat many individuals as unwelcome

deploying patrol ships to pick up those in rickety boats trying to make the crossing into Spanish territory. Consider, as well, the actual asylum policy in the UK where a detained asylum seeker costs the government a monthly average of GBP 5000. Teresa Hayter has calculated that the total expenditure for the British asylum detention scheme – including border controls and detention facilities – amounts to "about 12 times what it would cost to pay [asylum seekers] income support and housing benefit, let alone allow them to work" (Hayter 2000: 163). By the end of December 2003, the British government detained 1,615 people, of which 1,285 were asylum seekers. Of the latter group, about 950 were detained longer than a month, with 330 being detained longer than 3 months (Home Office 2004: 31). With more people trying to get to Europe, this unfortunate and expensive trend is unlikely to change. Needless to say, these are sums that governments will not be able to spend on national health care schemes, pension plans or education.

Of course, Miller could retort that his idea of social solidarity includes principles of reciprocity and mutual advantage. And to be sure, Europeans may doubt the reciprocity of their relationship with Sub-Saharan Africans, for example, and might wonder what the advantages of their relationship with people from the southern hemisphere are – although in Chapter One I pointed out some tangible benefits that come in the form of the arrival of qualified and highly-skilled health workers in the UK as an example. From a moral perspective, moreover, we need to remember the limits I have elaborated in Chapter Two on relationships of mutual advantage and reciprocity: I have supported the distributive objection which stipulates that we cannot build moral arguments for obligations and duties based on purely instrumental relationships. It is

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intruders indiscriminately, these governments have actually proven my claim that the distinction between deserving asylum seekers and undeserving other immigrants is spurious.

therefore unconvincing to claim that we are not interdependent in a morally relevant sense simply because we do not immediately draw advantages from our relationships. We cannot make the moral ideal behind solidarity malleable to the point of it simply serving our own purposes.

So far, then, I have argued that the ties liberal nationalists construe between social solidarity and social justice necessarily rely on a moral ideal of social solidarity. Only if we accept that solidarity entails duties and obligations towards others – and, concomitantly, a sense of responsibility for the common good – can we understand how social solidarity could serve liberal purposes of implementing measures of the social welfare state and could contribute to the realization of principles of social justice. To subscribe to a moral ideal of social solidarity, though, does not imply acceptance of the link liberal nationalists posit between it and a shared national community. Instead, I have argued for an understanding of social solidarity that is tied to the fact that we live in a world with diverse resource distribution and to the acknowledgement that our welfare is tied to that of people beyond the relatively small group of our compatriots.

Assume, for the purpose of the argument, that Miller accepts the claim that the moral ideal of social solidarity transcends the boundaries of national identity. Regardless of the definition and sources of social solidarity, and all else being equal, however, he could nevertheless maintain that we need feelings of social solidarity in order to be *motivated* to support the implementation of principles of social justice. In other words, he might acknowledge that the moral sense of solidarity may come from sources more cosmopolitan than he anticipated and, as a result, he might support a more global concept of social solidarity, but might insist that the essential core of his argument remains unchallenged: we still need feelings of social solidarity if what we want to implement is

the social welfare state. Because he argues for the nation-state as a necessary instrument for the implementation of principles of social justice, he may emphasize that we need to stimulate feelings of social solidarity in the national context and hence be wary of challenging a sense of social solidarity through changes in the make-up of the community, or through multicultural policies. This brings us to the instrumental argument about social solidarity and the workings of the social welfare state.

4　The Instrumental Argument for the Ties Between Social Solidarity and Social Welfare

I have supported Miller's claim that a social welfare state is a good worth preserving because it is an important tool for achieving social justice, which is the *leitmotiv* of this project. We have seen that Miller assumes social solidarity to be tied to a shared national identity because it is the battery that generates our motivation for solidaristic behaviour and collective action. The instrumental argument holds that *only* social solidarity can motivate us to help implement principles of social justice by contributing to the social welfare state. What characterises the instrumental argument about national identity and social solidarity, then, is that it promotes national identities *because* of their value for the functioning of the social welfare state as a vehicle to achieve social justice while, at the same time, evoking the moral underpinnings of social solidarity as I have just discussed them.

In this section, I want to address the claim that the realization and implementation of a social welfare state is tied to a shared national identity – put differently, I want to question that a shared national identity is needed to provide us with incentives for social

cooperation.[113] To my mind, there are two options to confront this challenge. First, we can explore whether something *other* than a sense of a shared national identity can function as the basis for policies of social justice and can stimulate support for such policies *as effectively as* liberal nationalism. Second, we can investigate if something other than social solidarity can motivate us to conform to the norms of a common project, namely, the duty of paying taxes and contributing our share to the workings of the social welfare state.

4.1. Social Justice, Social Solidarity and Social Co-operation

To address the first challenge, we can ask whether, other things being equal, we can find accounts of social justice that are not premised on ideas of shared national identity and social solidarity. To start, I propose to explore how John Rawls conceptualizes our motivations to contribute to schemes of redistribution. Lawrence Crocker has argued that when investigating Rawls' *A Theory of Justice*, we will not find links between national identity, social solidarity and the implementation of social welfare (Crocker 1977). According to this reading, Rawls' arguments for support of principles of redistribution are not premised on a shared sense of belonging to a national community or derived from solidaristic bonds. Instead, Crocker reads Rawls as arguing that individuals in the original position subscribe to the difference principle for reasons of rational self-interest and risk-aversion. We are motivated to redistribute because we act according to the *maximin principle* – i.e. from a position in which everybody wants to maximize personal gains while minimizing risks (Rawls 1971: 152f). Because we do not

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[113] The instrumental argument for links between social justice, social solidarity and national identities is akin to a Russian doll since there is, as Margaret Moore has pointed out, another instrumental argument underlying this, which is that for *strong* national identities (Moore 2001: Ch. 4).

know what our actual access to social goods will be, we want to maximize the position of the worst-off in society because this might mean maximizing our own gains. Concomitantly, this helps minimize our risk in the event we find ourselves among society's best-off. One might conclude, then, that Rawls' blueprint for social justice does not rely on principles of social solidarity as I have defined them: on this reading of Rawls, a rational individual simply would not forgo self-interested goals in favor of the goals of the community.

Philippe Van Parijs' discussion of Rawls, on the other hand, argues that Rawls' theory can *only* work if one assumes "solidaristic patriotism" as a background condition in a society that aims to achieve egalitarian justice (see Van Parijs 1995b). Only because I share a sense of solidaristic patriotism with other members of my community would I refrain from tax fraud, say, or from moving into another country that does not apply the difference principle. [114] In response to Crocker, Van Parijs could say that it is not plausible to assume that individuals lack a sense of social solidarity in *A Theory of Justice*. Instead, the fact that they do not move abroad even though a move might maximize their personal gains shows that individuals have a sense of social solidarity. [115] Van Parijs' comments thus seem to lend credence to Miller's argument that we need to provide and secure conditions of cooperation *before* we can get to deliberate about, say,

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[114] To be sure, I might avoid paying taxes not only because I lack a sense of solidarity, but rather, because I do not trust the authorities to do what they ought to with the tax monies, as I will explain in the following chapter. Not all behavior that seems unsolidaristic is necessarily so in nature. However, for individuals to simply not wanting to pay taxes because they want to keep more of their money for themselves is a different story, and one that might convincingly be explained with a lack of social solidarity.

[115] Moving abroad, however, would not necessarily fulfill the condition of minimizing the risks that works as a motivation in Rawls' proposal to accept obligations of redistribution. In this respect, I believe that Van Parijs underplays Rawls' and Crocker's argument about individual risk-adversity.

taxation for purposes of redistribution[116] In other words, Miller and Van Parijs postulate an interdependence between social solidarity and national identity in the sense that a shared national identity will provide the background conditions for collective action.

Successful collective action, social theorists argue, depends on a high level of social capital, i.e. a dense "web of cooperative relationships between citizens that facilitates resolution of collective action problems" (Brehm and Rahn 1995: 999). How does Rawls conceptualize collective action or, as he calls it, social co-operation and the motivations for it? What is necessary to provide for conditions of social co-operation? The ideal of social co-operation "is to hold for free and equal moral persons, and views social co-operation not simply as productive and socially coordinated activity, but as fulfilling a notion of fair terms of co-operation and mutual advantage" (Rawls 1999b: 325, see also 1999c: 396). As we have seen in Chapter Two, Miller advocates an idea of society, not unlike Rawls, as built on principles of cooperation and mutual benefit. It seems legitimate, then, to compare the two in their description of social cooperation and how it comes about.

For Rawls, the basic structure of society is a system of social cooperation, which constitutes the subject of his theory of justice. Put differently, the goal of social justice is to establish a society based on a fair system of cooperation. Social cooperation that fulfills the postulate of fairness presupposes "each participant's rational advantage or good [...] cooperation is guided by publicly recognized rules and procedures which those who are cooperating accept and regard as properly regulating their conduct" (Rawls

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[116] In this vein, Miller states explicitly that deliberative democratic set-ups like that proposed in Rawls' theory *implicitly* rely on a background of strong national identities if they are to work at all (Miller 1995: 93; and 2000: Ch. 9). His and Van Parijs' interpretation could draw support from Rawls' stipulation that principles of social justice apply to "the basic structure of society" with a society defined in terms of the nation state (Rawls 1971: 7ff; see also Kymlicka and Straehle 1999: 65).

1999c: 395f). Individuals need to accept the rules and goals according to which they ought to cooperate *before* it is fair to be expected to cooperate. In fact, quite contrary to Miller's argument for cooperation as based on and furthered by feelings of belonging, Rawls' argument postulates that the kind of social cooperation that is required to buttress and further social cooperation is built on reasonable *consent* to the norms and rules regulating social cooperation.[117] Rawls' definition of the basis and motivations for social cooperation, furthermore, does not correlate with the instrumental uses I have extrapolated. Instead of taking social cooperation as a tool to arrive at social justice, Rawls argues that cooperation and the conditions under which it occurs is a fundamental part of social justice deliberations. The terms under which we cooperate, put otherwise, form part of our deliberations of what is just and fair.[118] I would argue, then, that Rawls' conception of social co-operation distinguishes itself from the instrumental purposes for which Miller wants to employ it.

To be sure, Miller could argue that this might be the ideal liberals should aim for. He could, nevertheless, insist that the facts on the ground are different and claim that it makes a difference for collective action in the realm of the welfare state whether or not we share a sense of belonging to a national community. Recall his goal related in Chapter Two that he wants to theorize questions of social justice from a perspective of non-ideal theory, and instead take into account how people intuitively think about questions of social justice. Miller might hold that the facts point to a strong link between solidaristic

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[117] See FN 100 for the conditions and Rawls' definition of reasonable consent.

[118] A very similar argument, and indeed one that immediately addresses the purpose of this project, is made by Jürgen Habermas. Habermas argues that in the age of pluralism, the only just way societies have to stimulate support and cooperation among their new members is the Rawlsian concept of agreement on principles and fair terms (see Habermas 1999).

behavior and shared national identity. But this, as I will argue in the following section, is too hasty a conclusion.

4.2. Immigrants and the Social Welfare State

In order to challenge the liberal nationalist claim that a shared national identity is the basis for solidaristic behavior, my second strategy is to see if something other than a shared national identity might be at the root of community-oriented behavior. I posit that if national identity in its common understanding were a requirement for social cooperation, we would likely witness less tax contributions from immigrant communities or more attempts at tax evasion. I propose, in other words, to investigate how recently arrived immigrants – that is, those who do not yet share in the national identity – behave. This will, secondly, permit me to assess the fear that redistributive immigration policies might threaten the social conditions required to provide successful social welfare. I hypothesize that if those who do not share in a common national identity nevertheless contribute their fair share to the workings of the social welfare state through honest tax contributions, then the argument that ties solidaristic behavior to feelings of belonging to a national community loses much of its argumentative clout.

I have chosen the UK as a test case to verify my hypothesis that immigrants are not draining the resources of the host community and are, instead, contributing their fair share. The UK is an interesting society to study in the context of social solidarity, and for two reasons. In one sense, the UK is *not* a traditional immigration society, like the societies of Canada or Australia. Its social narrative, so to speak, is not one of immigration and integration, but still relies, to a large extent, on traditional "British" beliefs when rallying support for public policies. What exactly constitutes the national

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identity in immigration countries today is subject to more thorough debate than in non-immigration countries. Witness, for example, the debacle in Germany over suggestions that multiculturalism should be adopted, but that it needs to be couched in a German *Leitkultur*, an embodiment of "German" cultural and religious values and norms. Public discourse in the UK is more nuanced than its German counterpart. Nevertheless, we do find instances that illustrate the limits of British multiculturalism – witness the example of the School Inspector who bemoaned the lack of British value education in British Muslim schools. Needless to say, he did not address precisely what the "coherence of the nation" consisted of and in the course of the ensuing debate, no one asked David Bell what precisely those British values were.

On the other hand, the UK *is* an immigration society with a considerable immigrant community from a wide variety of countries. The government officially supports multiculturalism, as opposed to, say, the French approach to dealing with immigration, and indeed, David Bell did emphasize that diversity and the acceptance of different cultures were potentially great strengths for Britain. In this respect, then, the UK is in fact comparable to immigration societies and I refer to it in this respect as an example of the struggles European states will have to face in the 21st century, a time, which, as I anticipated earlier, will be dominated by questions of immigration. So how does immigration affect the British welfare state?

The authors of a recent report published by the Institute for Public Policy Research (IPPR) in London make a clear case against any suspicions concerning the exploitative effects of modern immigration on the British welfare state. In fact, the findings are so diametrically opposed to common stereotypes that they are worth quoting at length:

Our analysis suggests that the contribution of immigrants to public finances is growing, and is likely to continue to grow in the near future. In 1999–2000, immigrants accounted for 8.8 per cent of government tax receipts (and 8.4 per cent of government spending). By 2003–04, immigrants accounted for 10.0 per cent of government tax receipts (and 9.1 per cent of government spending). Total revenue from immigrants grew in real terms from £33.8 billion in 1999-00 to £41.2 billion in 2003–04. This 22 per cent increase compares favorably to the six per cent increase for the UK-born. Our analysis also suggests that the relative net fiscal contribution of immigrants is stronger than that of the UK-born, and has been getting even stronger in recent years. *In each of the years we have examined, immigrants have become proportionately greater net contributors to the public finances than non-immigrants.* (IPPR 2005:13, my emphasis)

What we can conclude from this report is that, when considered from a fiscal perspective, immigrants contribute to the social welfare state, through taxes, more than they actually benefit from it. The first lesson we should draw from this finding is that immigrants act in a solidaristic fashion by contributing to the social welfare state before they adopt the national identity of the host community.

Now, those favoring current immigration schemes might argue that this first set of findings proves their *raison d'être* in so much as they show that careful selection and admission of immigrants will turn out for the benefit of both the host society and the immigrating person. To illustrate, they might refer to the case of many doctors who supplement the overstretched British health care system with their education and knowledge. It is surely to the advantage of immigrants to come to a new country in which their skills are needed in so far as they will easily find employment and the welfare and status that come with it. In order to ensure that we can match employers' demands with skills, however, we need to have stringent selection criteria for immigrants in place, like, for example, certain levels of education, language skills and the like.

The economic argument is, of course, hard currency in immigration debates and is those who refer to it often tie the economic argument to successful integration. I have

supported those who promote integration as one important and vital feature of successful immigration. One could therefore propose that the fact that carefully selected immigrants perform well in the host economy lends credence to arguments that stipulate successful integration. But this is not enough, I postulated, to argue against redistributive immigration policies. Instead, this chapter has tried to explore to what extent such immigration might pose a threat to achievements of social justice in host communities, i.e. the functioning of the social welfare state. In a first instance, then, the findings related above suggest that economic arguments do not show that immigration *per se* jeopardizes the social welfare state.

But what if immigrants who arrive through redistributive immigration schemes do not fare so well in our economies? Since such policies target the worst-off, chances are that their skills will not push them into the higher earning echelon of society and one could speculate that they would not perform as well as immigrants who are admitted under current schemes. One could be led to believe, then, that immigrants admitted under redistributive immigration schemes might be more of a burden to the welfare state than their contemporary counterparts. As I explained before, though, redistributive immigration policies have not been tested yet, and the only example we have for relaxed immigration regulations for unskilled workers we might refer to – the EU in it's early days – does not support such fears. Moreover, if immigrants are not what our homegrown economies are looking for at the moment only means that we will not immediately benefit from their immigration –it does not show that we would incur unbearably high costs in opening our borders to them. To simply accept the economic argument would neglect the distributive objection to inegalitarian advantages for those with whom we share special relationships.

Finally, I would hold against those who think that current immigration schemes are vindicated by the IPPR report coming from London that we cannot reduce the social solidarity caveat solely to an argument about the economic usefulness of immigrants. Such an interpretation would neglect the moral component of social solidarity I have illustrated. Reducing people to their economic usefulness would disregard liberal convictions that require us to respect people as ends in themselves rather than as means to our own ends. We do not engage in debates about the economic worth of humans because we accept that such cost-benefit calculations violate the fundamental human right to moral equality and for equal access to goods that make life worth living. In fact, this postulate, as we have already seen, is at the very heart of our system of welfare state provisions and at the heart of moral ideas about social solidarity.

With the economic argument dismissed, we should turn to the second claim, i.e. that a national identity will help us support a functioning social welfare state because of the feelings of solidarity it generates. In this instance, it is worth analyzing another report commissioned by the British Home Office, in which we learn that *British-born* members of ethnic minorities – that is, those who, according to Miller's blueprint, would be members of a shared national identity while potentially holding on to ethno-cultural "private subcultures" – and newly immigrated members of ethnic minorities perform relatively equally in the economic sector, with equal numbers of them unemployed and dependent on welfare benefits (Home Office 2002). In other words, those who are part of a national identity are not, in their economic performance based on employment, distinct from those who have yet to become members of the national community.

What we can read instead is that sharing in a common national identity cannot give us assurances about solidaristic behavior among compatriots since there income

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differences of considerable extent between British-born members of ethnic minorities and their British-born white counterparts. The gap is widest for workers of Bangladeshi descent who are paid up to 40% less for the same or comparable work than their peers (Home Office 2002: Ch. 7). If we set this second set of findings that describes the difficulties both, ethnic minority immigrants and ethnic minority British-born citizens face when trying to find adequate and equally paid employment into context with the social solidarity caveat, a different picture presents itself. These findings show, I would argue, that the question is not to what extent ethnic minority immigrants take advantage of the social welfare state, but rather, to what extent they and their British-born peers are allowed to actually participate in and contribute to it. The overlapping figures for British-born and foreign-born ethnic minorities members do not indicate a problem for social solidarity arising from the distinction between those inside the established borders where British-born members of ethnic minorities obviously are – they hold British citizenship, go to British schools, enjoy British culture and pay British taxes – and those outside. Rather, these findings indicate a problem for social solidarity arising from racist prejudice against employing members of ethnic minorities. If members of ethnic minorities do not get a chance to find adequate employment that would enable them to contribute taxes, it should come as no surprise that public opinion turns against them as abusers of the hard earned system of social welfare.[119]

Based on the actual data, it is hence unconvincing to make a case against redistributive immigration schemes based on a concern for social welfare. Members of ethno-cultural minorities contribute dutifully to the social welfare state if given the

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[119] A similar point can be made in regards to asylum seekers who are prohibited from taking up employment that could support them and their families while their asylum status is evaluated, or to live on regular welfare benefits, for that matter.

chance to do so, oftentimes before they even share in the national identity. But what, one may wonder, motivates them to contribute to a system of income redistribution before they share in the common national identity? This is the last question I want to deal with in this chapter.

4.3. Social Welfare and Civic Morality

Members of ethno-cultural minorities, I believe, contribute to the welfare state for reasons that are less tied to feelings of belonging than to a sense of social responsibility. For the purposes of this project, i.e. to evaluate conditions of a functioning social welfare state, I construe the sense that we need to prevail in a functioning social welfare state as *civic morality* that "entails obedience to the rules, and honest and responsible behavior" (Letki 2005: 2). I borrow the definition for civic morality from Natalia Letki who continues that:

> [Civic morality] refers to the sense of civic responsibility for the common good, and thus entails obedience to the rules, and honest and responsible behavior. Unlike 'private morality' which is derived from the religious or privately held values, [civic morality] is rooted in community membership and implies accepting duties as given by society and owed to all of its members or society in general. Civic morality constitutes an opposition to dishonesty and corruption: it deters individuals from wrongdoing, be it in relation to fellow citizens or to the institutions. (Letki 2005: 2)

To employ this conception of civic morality, it seems to me, accepts two fundamental premises about the social conditions of a successful welfare state. First, my use of civic morality acknowledges the fact that we need some sense to make it plausible to believe in the trustworthiness of others with whom we live in a community, and towards whom we are called upon to have a sense of moral obligation – what I refer to as a feeling of social trust. Second, the definition of civic morality asserts that we need a sense of our moral obligations towards fellow members of our community. It accounts for the fact

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that if we want to implement a functioning social welfare state, we incur a specific set of obligations to those with whom we share its institutions. This set of obligations, however, does not derive from a feeling of belonging to a shared national community but rather to a sense of belonging to a political community that pursues a common social project: namely, that of social welfare. The source of social solidarity, in other words, lies in the behavioral norms of the community that derive from the common project a community undertakes. In distinction to liberal nationalist beliefs about the moral value of the national community, however, the community buttressing a sense of civic morality is a political one. The moral consequences derive from the fact that we agree to the rules and norms guiding community life, along the lines of the principles Rawls has set out for the political community that motivates social cooperation (see Section 4.1. above).

To contextualize the proposal for civic morality in reference to the original challenge posed by Miller – who wonders whether we need to have a "national identity in the normal sense, or whether a common loyalty to a set of political institutions [...] may give a sufficiently strong sense of shared identity" (Miller 2004a: 29) – it seems to me that we can embrace a non-national form of identity when seeking support for measures of the social welfare state. Social solidarity, as we need it to support the social welfare state does not need to rely on anything other than a principled approach to institutional life.

5   Conclusion

In this chapter, I have acknowledged that redistributive immigration schemes might be depicted as posing a threat to the social conditions of social justice in host communities. I have supported those who argue that a functioning social welfare state is

a tool by which we can arrive at social justice and hence a good worth protecting. I have

then summarized two fundamental conditions for the workings of a social welfare state,

social solidarity and social trust. I followed this with an account of social welfare and

social justice in the liberal nationalist mode, focusing on David Miller's argument that

postulates a link between social welfare, social solidarity and a shared national identity. I

argue that Miller makes two claims that are worth distinguishing. The first claim is that

feelings of national identity are at the basis of feelings of social solidarity. The second

claim is that social solidarity in its liberal national interpretation is seminal for social

justice since it encourages and supports community members to contribute to the welfare

state. I have explained that liberal nationalist claims rely on the moral ideal of social

solidarity, which stipulates the duties, and obligations we have, as well as a sense of

social responsibility. The moral ideal of social solidarity, however, cannot justify the

claim that solidarity should only extend to the realm of our national borders. This is the

first challenge to the liberal nationalist argument. Secondly, I have shown that there are

other accounts of the basis of social cooperation that do not rely on ideas of national

community. Finally, I have illustrated these accounts with findings from the UK where

immigrants dutifully contribute – indeed, more than their British peers – to the tax

income of the government. I have concluded that it is not a shared national identity that

motivates individuals to contribute to the social welfare state, but, rather, a sense of civic

mindedness that transcends ethno-cultural group boundaries. I will elaborate on my

definition of civic mindedness in the following chapter where I explore putative links

between social trust and national identity.

IV   Fears about Redistributive Immigration Policies – Part II: Social Welfare, Social Justice, and Social Trust

1   Introduction

Up until now, I have defended redistributive immigration schemes against the fear that such policies might undermine one vital social condition of a functioning social welfare state, what I have referred to as social solidarity. I have challenged David Miller's argument for the interdependence between social solidarity and national identity, which he proposes in the context of questions about collective action. I have explained that problems of collective action today are often discussed in the context of *social capital*, as part of the literature, in other words, which discusses "the web of cooperative relationships between citizens that facilitates resolution of collective action problems" (Brehm and Rahn 1995: 999). I have shown that successful collective action can be motivated by something other than feelings of shared nationality – what I have referred to as a sense of civic mindedness or morality. In this chapter, I want to address the fear that a second condition for collective action and a functioning social welfare state might be jeopardized by redistributive immigration schemes, namely *social trust*. Social trust, it is argued, is a "predisposing condition" (Barry 1989: 171) for social solidarity and its policy-oriented uses, such as the collective action to support schemes of social welfare. If we can convince ourselves of the necessity for social trust to reign within a given society aiming to sustain social solidarity and solidaristic behavior, it is important to investigate how to generate and instill social trust. Is it indeed the case, as Miller argues, that social trust depends on a shared national identity (Miller 1988; 1989: Ch. 9)? To investigate

this claim is important in order to counter the fears that liberal nationalist authors might

voice against redistributive immigration policies, what I have summarized as the social

solidarity caveat. In this final chapter, therefore, I expand the scope of the argument from

addressing the instrumental and moral stances of the social solidarity caveat to include

the component of trust when assessing redistributive immigration policies and the cost

they may impose on the host community.[120]

Miller and others, like Barry, seem to think that the only way to achieve the kind

of trust we need to buttress policies of social justice can be found in societies that have

strong national identities and which, incidentally, discourage multicultural diversity (see

Barry 2001: 8 and *passim*; Miller 1995: 90ff). I have referred to this stance as one that

expresses concerns about the *"heterogeneity/redistribution trade-off"* (see Kymlicka,

forthcoming), about the trade-off that modern societies may be forced to make between

the accommodation of ethno-cultural[121] minorities at the expense of measures of social

justice aimed to help members from its lower socio-economic rungs. In Chapter Three, I

explained that if ethno-cultural minority groups – to which many immigrants would

belong – were to call for accommodation through group-specific policies, and if

subsequently, support for the social welfare state were to dwindle because members of

the host community have lost confidence and trust in the system, thus provoking the

collapse of the system, then the fears of the heterogeneity/redistribution trade-off would

be substantiated. It would then be plausible to say that the social welfare state has been

jeopardized as a result of a change in immigration. In bringing about that kind of ethnic

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[120] To recall, the social solidarity caveat against immigration holds that achievements towards social justice in the host society, like a social welfare state, should not be put in jeopardy for the sake of change in the ethics of immigration

[121] I will use "ethnic" minorities and "ethno-cultural minorities" interchangeably.

diversity, redistributive immigration schemes in short, would undermine social trust and could thus be legitimately to.

But while it may sound convincing, the last step of the argument warrants investigation. As I will explain below, I accept social trust to play a vital role in determining support for schemes of social justice. However, I do not think there are convincing grounds to share reservations over redistributive immigration policies – reservations which are based on the belief that redistributive immigration policies will lead to increased ethnic pluralism in our midst and *thus* undermine social trust. In fact, I want to challenge the assumption that social trust – the kind we need for the support of policies of social welfare – depends and needs to rely on ethnic homogeneity. To do so, I will examine findings in social theory in order to evaluate how convincing the theoretical argument against an immigration regime change actually is. This kind of analysis is particularly relevant in light of the burgeoning literature on social capital, which was accompanied by an increase in the number of studies into social trust, as I will summarize below. Such socio-political findings on trust, however, often seem disconnected from political theoretical writing (see Warren 1999 for a similar complaint) even though they have a fundamental impact on theorizing social trust. Recently, several studies have taken up the challenge to examine possible links between social trust that is expressed in support for the welfare state, and multicultural polities (e.g. Banting et al, forthcoming; Banting and Kymlicka 2004; Crepaz, forthcoming), or between ethnic ties and trust (e.g. Marshall and Stolle 2004; Soroka et al, 2004; Uslaner and Conley 2003). These studies support the assumption that social trust plays a vital role in support for social welfare programs and they indicate, as I will discuss further along, that ethno-cultural identity does indeed affect what I will refer to as *interpersonal* trust. The

interesting disconnection, however, is that ethnic pluralism does not seem to pose an insurmountable obstacle to raising support for the welfare state, or so I interpret studies about Canada, which can be classified as high on the ethnic diversity index. Judging from the Canadian case, something *other* than the interpersonal kind of trust must be at play in ethnically diverse countries that maintain broad popular support for their welfare state policies. I therefore ask what kind of trust we need to stimulate and sustain in order to facilitate collective action, as it is needed to implement measures of the welfare state. If the studies on Canada are taken as a guideline, I hypothesize that it is less a question of instilling interpersonal trust – since this *is* dependent on ethnicity – but rather one of *institutional* trust in the workings of those state institutions meant to preserve and protect the social welfare state. In distinction to the particularized feelings of interpersonal trust, what we need is what Luhman has termed a more general stance of "confidence" in the system (see section 2, below).

To make sense of discussions about trust, I will offer a clear definition of the concept. I do so through an overview of the literature on trust (section 2), followed by an analysis of David Miller's take on trust (section 3). I will then provide a definition of the kind of social trust needed to support the social welfare state, i.e. institutional trust (section 4). I will follow this with an exploration and analysis of the Canadian case study which, to my mind, supports my argument that with the help of "just institutions" (Rothstein), social trust as it is required to support and sustain the social welfare state can be instilled (section 5).

If successful in synthesizing the different strands of this chapter, I will be able to raise doubts over the argument as it is made by those espousing the social solidarity caveat. If *institutional* trust is accepted as the social condition for effective collective

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action, then the creation and maintenance of the conditions of a functioning social welfare are a matter of effective institutional design and implementation rather than something tied to the demographic make-up of the polity. In other words, if there are ways to stimulate and instill the trust necessary for the support and upkeep of the social welfare state "from above" as it were, by having just institutions, then the argument that more ethnic pluralism in the wake of redistributive immigration policies might jeopardize social trust and social solidarity does not hold. And if this is the case, the concern for social solidarity can be diffused, and objections to redistributive immigration as an impediment to social trust can be refuted.

2   Trust, Confidence and Social Co-operation

Trust is important, and for different reasons. On a very fundamental level, trust is necessary for most actions we perform in daily life, for most interaction we have with others, or even for getting up in the morning.[122] We trust that drivers know how to maneuver their vehicles, rather than sweeping us off our feet while walking on the sidewalks. We trust that bus-drivers, plumbers and doctors have the professional qualifications to perform their jobs appropriately.[123] From a different perspective, we trust that plumbers (or doctors, or bus-drivers) have no intention or motivation to harm us by abusing our trust, by willfully doing a shady job with our plumbing, for example (see Baier 1986).

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[122] "With a complete absence of trust, one must be catatonic, one could not even get up in the morning" (Hardin 1993: 516).

[123] Therefore, it is newsworthy, for example, if somebody has performed operations or dentistry without having the necessary medical training. On a second order, or so this implies, we also trust that the training people receive *would* qualify them to carry out such procedures.

We also trust in people more specifically, that individuals will live up to the roles they play in our lives: we trust parents to work for the benefit and interests of their children, we assume partners and friends will not betray the trust we put into them by endowing them with such special significance, by singling them out *as* partners and friends. And there is a socially sanctioned sense that I am wronged if, say, my partner betrays the trust put into him by plotting against me in order to be able to share his life with somebody else.[124] When examining the nature of the betrayal of trust, Russell Hardin suggests that we draw a distinction between the trust we put into others, on the one hand, and others actually being *trustworthy* in the sense of living up to the trust we have put into them. We should talk about trustworthiness rather than trust since only the former may be morally betrayed, while trust itself cannot be betrayed, or so Hardin believes (Hardin 1996: 28). Or, to put this into the context of the example of my plumber, "offering a contract is a matter of trust, and performing it, a matter of trustworthiness" (Bohnet, et al. 2001: 131). The same distinction should apply to the trust we put into institutions of the government (see Hardin 2002: Ch. 7).

What, then, does it actually mean to trust? To Hardin's mind, trust is simply an expectation regarding the behavior of others, while trustworthiness is a conception of others as to be counted on and to act in our interest (see Hardin 1996; 2001: 16ff; 2002: *passim*). Furthermore, to trust can be refined as having a *rational* expectation of another's behavior, as a "reliance on role performance" (Seligman 1997: 25) that is warranted in the absence of any pressing and rationally comprehensible reasons *not* to perform a specific role. It is, for example, unlikely that I would understand my plumber

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[124] To what extent conjugal trust is sanctioned as a social norm can be gleaned from the fact that *betrayal* is such a recurring theme in big Hollywood movie productions, with the betrayer being cast in the role of the evildoer.

to have betrayed my trust if I asked her to fix my car. Assume she takes pity on my

mechanical ignorance and tries to help out, yet my car breaks down, again, during my

next outing. Since her role and her credentials are not those of a mechanic, I cannot claim

that she was not trustworthy. I will return to this link between role expectation and our

assessment of trustworthiness in my analysis of the conditions of institutional trust.

Accordingly, one way of framing the act of trusting is to say, with Hardin, that

we engage in a rational exercise in which we assume something or somebody to perform

a role that is socially contingent, clearly defined and which suggests some kind of

behavior that is reasonable to expect. [125] This, we could say, constitutes the part of

trusting that is tied to our shared social context. We formulate our expectations of other's

behavior along the lines of what we think we can reasonably expect them to do based on

social standards and roles. But what is the personal, psychological component of trust? I

follow the argument that the basic action of "trusting" – what we actually do when

extending our trust – can be distilled to mean that we "*bet* about the future contingent

actions of others" (Szompka 1998: 25, my emphasis). In the case of institutional trust, for

example, we could say that I bet on the person in charge acting according to the rules and

the laws of the institution in which she works and which she represents, that she will be

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[125] But see Uslaner (2002) and Hollis (1998) for a critical stance on construing trust as a rational
enterprise. Their critique is, while quite diverse, worth mentioning at this point. Hollis argues that to
conceive of trust as solely a rational exercise will only provide sub-optimal conditions for collective action.
He therefore holds that, rationally speaking, the action of trust *should* not be conceived entirely in rational
terms. Uslaner, on the other hand, argues that trust – while to some extent learned and hence essentially
rational – will nevertheless rely on a host of other factors, like levels of education, or age, for example.
Hence he believes that to construe it in rational terms is somewhat unhelpful when thinking about the
social conditions of trust. I will return to a discussion of Uslaner further along. Hollis' point, on the other
hand, may be well taken – but not, it seems to me, relevant to my project. Whether or not rational
expectations about another's behavior do provide us with sub-optimal results does not challenge the fact
that in a social context of strangers, most people will take decisions on whether or not to trust others based
on what they think they know about the odds of having their expectations fulfilled. Put differently, we do
not get sub-optimal results because we decide whether or not to trust based on rational consideration, but
rather, we get sub-optimal results because of the nature of trust, which implies "not knowing" or a sub-
optimal level of information about others, as I will explain just below.

impartial, say, and give my demands an honest hearing unless some other form of behavior can be reasonably expected. Regardless of the addressee of our trust, then, and regardless of the social denominators that may determine our expectations, the attitudinal and psychological component of trust is characterized by the fact that I simply have no way of *knowing* whether or not my plumber will act in a way I think appropriate for her to act *qua* plumber; instead, I behave *as though* I knew, "as though the future were certain" (Luhmann 1979: 10).

Because of this assumed certainty, Luhmann also speaks of everyday situations in which we rely on instances of "confidence" rather than trust. Confidence is what gets me up in the morning, a set of expectations about the sequence of events during the day. Part of these expectations is the assumption that nothing out of the ordinary, or unusual, terrible or harmful will happen, and that things will work out the way I anticipate (Luhmann 1988: 97). Confidence, to provide further context, is tied to situations of "familiarity," to settings that I know intimately enough to make me comfortable and which make it reasonable to believe that I may know what to expect (Luhmann 1988). Trust, on the other hand, relates to situations in which there is a considerable *risk* involved in our expecting others to behave in a certain way because our trustees just might not behave the way we anticipated (see also Seligman, 1997: 21f). An example may help to clarify this: we require trust rather than confidence when "entrusting" our child to the baby-sitter or the nursery staff because of the risk that she will not be properly looked after and might potentially come to harm. Boarding a bus in the morning, on the other hand, requires confidence rather than trust. To be sure, the driver of the bus may decide to take a different route to his final destination. While this may inconvenience those passengers wanting to get off at stops on the way of the original

route, I believe we would be hard pressed to call this a serious risk. We could say that it

might harm their interests to get to their destination as quickly as possible. However,

such a scenario is not one that leads us to reconsider our options very carefully every

morning before taking the bus. I might reconsider leaving my child at the nursery,

though, whenever I see a child being injured at nursery.[126] It is the latter sense of harm

that constitutes a risk, and which I take Luhmann and Seligmann to have in mind as

requiring trust, rather than confidence, in another's behavior rather.[127]

Consistently fulfilled trust can lead to a setting of confidence. If, for example, I

come to believe that the electoral trust I put into my political representatives is honored

and that they live up to their campaign promises, I may slowly find myself with

confidence in the political system, as one in which campaign promises are kept. I may

then conclude that I can be confident that my interests are well represented (Luhmann

1988: 98). This step in Luhmann's argument is important: if we can envisage a

translation of one set of fulfilled trust into something broader, that the trust I put into my

political representatives can merge into or lead to social or institutional trust – in the

proper functioning of our representative institutions, say – then we can understand

Luhmann's concept of confidence to refer to a sense of generalized social trust. In this

sense, I will use generalized trust and confidence interchangeably. Put differently, I

propose that a sense of socio-political confidence can be understood as implying that we

believe that certain principles apply to the public sphere, and that they are in fact

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[126] This is in line with Luhman's distinction:
> If you do not consider alternatives (every morning you leave the house without a weapon!) you are in a situation of confidence. If you choose one option in preference to others in spite of the possibility of being disappointed by the actions of others, you define the situation as one of trust. (Luhmann 1988: 97)

[127] We can, of course, avoid taking the risk of having somebody betraying their trust, "but only if [we] are willing to waive the associated advantages" (Luhmann 1988: 97), like being able to go to work in the morning, rather than staying at home to baby-sit.

observed. For example, I expect that the rule of law is observed – I go out of the house

trusting that I will not be picked up by the police and incarcerated on bogus charges – or

that civil liberties like freedom of opinion and freedom of speech are implemented and

thus protected – I will not be arrested simply for complaining to my colleagues about the

latest government policy fad. Or, to return to the institutions of social welfare, I may

have the confidence that my case will be assessed based on my needs rather than depend

on whether I am able to please and endear myself to an individual social worker on

whose decision will depend how much social assistance I will receive.

To be sure, these expectations vary according to the societies in which we live.

The citizens of certain countries, for example, might not be so confident about their

welfare benefits or perhaps their sense of entitlement varies from ours. In this sense, it

may be that what we need in order to develop a sense of confidence depends on our sense

of what is socially just. I have, to recall earlier chapters, supported a concept of social

justice that subscribes to principles of redistribution. I have supported this stance with a

liberal-egalitarian account of individual autonomy and of the conditions and social goods

individuals need in order to live autonomous lives. According to my account of social

justice, then, certain modes of behavior from our political representatives will instill

confidence – if, for example, they observe the rule of law and principles of impartiality –

while others, which might instill confidence in other societies, will not.[128] If I am lucky

enough to live in one of the liberal-democratic welfare states, such will be the kinds of

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[128] Being influenced by my concept of social justice, I would not develop a trusting relationship to a tribal
elder or leader who organizes access to social goods according to degree of family relation, for example. I
would not think such behavior trust inducing. In this sense, our concept of what is trust-worthy behavior is
intimately tied to our concept of social justice.

expectations I will harbor, and the kinds of roles I expect the institutions of the state to fulfill.

Conversely, if we are continuously disappointed in our confident attitude, we may find ourselves reverting to a different stance, to one of lowered expectations in the political system. We might revert to a setting in which we would suffer less from our unfulfilled trust. This is important in the socio-political context, or so it seems to me: if our "betting on the contingent actions of others" proves unwarranted, we are not restricted to a state of remaining in bed catatonic, but rather, we rearrange ourselves based on the newly gained knowledge that many political promises are not necessarily fulfilled, to remain within Luhmann's example. We may become cynical about the political process, and we may decide to forego our franchise. Decreasing social trust in the political system, though, is not tantamount to a decrease of trust in other individuals, such as our neighbor, doctor or plumber[129] - partly, of course, because this would imply that at least the social part of our lives would come to a standstill. Since this is hardly possible, we arrange ourselves differently – either by having lower expectations of people or the political system. In the political context, it is important to note then that the opposite of trust, or the stance we take in the *absence* of trust, is *not* necessarily one of distrust or, in Baier's words, "anti-trust" but simply the absence of trust[130] that may make us take refuge in the things we know and believe to be able to gauge more adequately and thus successfully.

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[129] And conversely, just because we have a high level of interpersonal or particularized trust does not imply that it will be paired with a high level of social or political trust, as I will explain further below. This hypothesis is supported by Inglehardt's analysis of different levels of trust around the world, particularly his findings on China. Even though political corruption is endemic among Chinese politicians and officials on all levels, China exhibits a very high level of interpersonal trust (see Inglehardt 1999: 91ff/n. 103 on China).

[130] This is a point underscored by Hardin (1992: 154).

The distinction between absence of trust and distrust is worth underlining. Absence of trust does not invite trusting behavior towards others or the political system, while distrust will make us more vigilant, as it were, against abuses of trust. In fact, "'distrust' is...the attitude in which the cognitive assumptions are continuously tested and scrutinized which regulate the allocation of trust" (Offe 1999: 76). In this sense, *public* distrust is actually a very important feature of democratic government since it will lead to the necessary checks on democratic institutions by those of civil society like "investigative journalism, public hearings, or campaigns of opposition parties and movements" (Offe 1999: 76). Distrust mobilizes citizens in a political sense, while the absence of trust will not necessarily do so. Instead, if citizens do not trust in the system, they may simply refuse to participate in – or, in extreme cases, comply with the rules of – a political system which they see as unworthy of their trust.

To illustrate, we can refer to a comparison between Sweden and Russia. Bo Rothstein describes a visit he made to Russia, during which he was asked by a high-ranking Russian tax official about the behavior of Swedish taxpayers. In Sweden, 98% of taxpayers pay up to 57% of their salary to support what they seem to perceive as the successful administration of their tax-contributions by the Swedish tax-authorities and, in more general terms, the Swedish administration. In contrast, Rothstein's Russian interlocutor related that only 26% of Russians paid their taxes, a behavior that prevailed despite the fact that Russians cherished the services that the monies would support (Rothstein 2000: 477). Unfortunately, though, the majority of Russians did not believe that others would do the same, that others would also live up to their tax duties and pay their taxes. Second, the delinquent Russian taxpayers did not believe that tax-money would actually be channeled into the programs and services that should receive funds but

that it would instead stuff the pockets of corrupt Russian tax officials. Rothstein

concludes that "in both cases, *trust* in others was in short supply" (Rothstein 2000: 478,

emphasis in original) yet it was not necessarily a healthy dose of constructive distrust

that was prevalent. In a case of distrust, one could imagine popular protests of the kind

we witnessed after the Ukrainian elections in 2004, a popular movement that was to a

large degree bred by the popular disillusionment with corrupt state officials. And while it

would be difficult to assess whether or not the suspiciousness of the Russian taxpayers is

actually warranted, I would venture that one explanation for the divergent behavioral

patters is that, so far, Swedes have found their expectations about what should happen

with their taxes fulfilled, while Russians have not.

Rothstein's recollections illustrate the consequences of losing what I have

described as confidence in the system, or institutional trust. In fact, Sissela Bok goes so

far as to say that societies collapse without trust (Bok 1999: 28) and we may speculate as

to what extent Russian society may be collapsing, if our definition of society

encompasses ideas of social solidarity and duties towards each other. Rothstein's

example shows how important it is for the working of societies and, in particular, the

working of the social welfare state, to have an adequate level of social trust, since only

such confidence in the political system will enable social co-operation. In this vein, the

example of the Russian taxpayers also highlights a problem greater than the one currently

faced by the Russian tax authorities: namely, what to do once confidence is lost and how

to re-kindle confidence in the system. The vital question, in other words, is how to

stimulate and to sustain trust. How could we imagine Russian citizens coming to trust the

state to the point of faithfully paying their taxes? What is the source of social trust? It is

to these questions I will now turn, before re-examining the links between social trust and social cooperation.

As far as I understand the big divide in the literature on the sources of social trust, we can distinguish three distinct schools of thought. First, there are those who argue that formal and informal ways of socializing between people stimulate trust. For Robert Putnam, most notably, social capital is directly constituted by "social connections and the attendant norms and trust" arising from social life (Putnam 1995: 665f). Most prominently promoted in *Making Democracy Work* (Putnam 1993), Putnam's assumption is that we will learn to trust through interaction in civic and voluntary associations we choose to join, in which we will get to know people and they will get to know us (Putnam 1993: 171-174). Putnam, in fact, refers to the relationship between trust and participation as a "virtuous circle" that will perpetuate itself (ibid).

A number of authors in the field of social capital, however, have expressed doubts about the trust-generating properties of voluntary associations. This group constitutes the second school of thought on social trust. Both Uslaner and Stolle have argued, for example, that voluntary associations do not occur easily across ethnic lines. Instead, they hold that the associations which do occur show that those who associate will do so with their own "kind", as it were (Stolle 2001; Uslaner 2002: Ch. 2). Civic and voluntary associations, then, only stimulate trust in people like me, but not in people who are very different from me or in all members of society. To substantiate these findings, Uslaner and Conley have shown that many Chinese immigrants in the US are more likely to associate with members of their own ethnic group than with non-Chinese/Asian-Americans (Uslaner and Conley 2003). Similarly, in a case study evaluating trust among mixed racial neighborhoods in Detroit, Marshall and Stolle found that sharing a

neighborhood with Black Americans did nothing to increase the trust white residents put in their Black neighbors, or Black Americans in more general terms. The opposite seems to have been the case, so that stereotypes about African-American behavior were in fact reinforced (Marshall and Stolle 2004). Such findings support Stolle's claim that trust in others will *precede* civic engagement rather than result from associational life (Stolle 1998).

The extent to which associational life can be assumed to produce the kind of social trust needed to buttress social solidarity is also questioned by Rosenblum in her analysis of membership in voluntary associations such as religious and para-military ones. Rosenblum makes a very compelling argument that membership in at least some associations does not further an overall sense of trust in and solidarity with others – in fact, they may be detrimental to and prevent such feelings (Rosenblum 1998). Participation in civic associations and the social norms that are bred by them – Putnam singles out those of reciprocity and trust among their membership – do not necessarily translate into a generalized sense of social trust conducive to collective action. As Cohen wonders:

> Why does the willingness to act together for mutual benefit in a small group such as a choral society translate into willingness to act for the common good or to become politically engaged at all? Indeed, *is the interpersonal trust generated in face-to face interactions the same thing as 'generalized' trust*? (Cohen 1999: 220, emphasis in original)

Cohen acknowledges that interpersonal trust may be raised in voluntary associations, but sheds doubt on the assumption that this is the same kind of trust we need in order to support, say, contributions to the welfare state. This raises the question of what kind of trust we are hoping to stimulate or, put differently, what kind we would *need* in order to foster social solidarity and thus support the welfare state. Supporters of

this second school of thought on social trust seem to believe that the trust needed to support the welfare state can be derived from a general confidence in the administrative process and a well-functioning government (e.g. Cohen 1999; Rothstein 1998; Stolle 2001a; Warren 1999). I will further elaborate on this position in section 4.

Finally, I believe that we can find a third school of thought about the sources of social trust in the writings of those who formulate constitutive links between a shared ethno-cultural identity and a prevailing sense of social trust. Because of the asserted ties between social trust and shared cultural background, this third approach poses the most serious challenge to redistributive immigration schemes that might bring about ethno-cultural pluralism in a host community. This diversity, it is believed, will undermine social trust and the social capacity to collective action. I will explain and analyze this position in the next section in some detail. I will argue that while in line with some of the findings about people's preferences "for their own kind" when asked to extend interpersonal trust, this approach to social trust neglects the arguments of those, like Cohen, who make distinctions between different kinds of trust. This line of argument on the sources of social trust, I contend, fails to distinguish between the kind of trust required to support a social welfare state, what I call institutional trust, and the kind that is not necessary, namely interpersonal trust.

3   Social Solidarity, Social Trust, and Shared Cultural Identity

For some, the only chance for communities to develop a sense of trust capable of buttressing collective action and bringing about a functioning social welfare state – which, in turn, supports and perpetuates social trust – is through belonging to a shared

cultural identity (Barry 2001, 1989; Fukuyama 1995; Miller 1995, see also my Chapter

Three). Social trust then seems a by-product of an active cultural community:

> If we believe in social justice and are concerned about winning democratic
> support for socially just policies, then we must pay attention to the conditions
> under which different groups will trust one another.... Trust requires solidarity
> not merely within groups but across them, and this in turn depends upon a
> common identification that *nationality alone can provide.* [131] (Miller 1995: 140,
> my emphasis)

We could call this Miller's own version of Putnam's "virtuous circle," in that a shared

national identity brings about trust and solidarity which, in turn, is expected to enhance

feelings of national identity and belonging. This interpretation of the source of trust is

shared by Francis Fukuyama (1995) to name but one of the most prominent authors on

the subject. [132] According to this interpretation, trust is a by-product of historical

collective interaction and of a collective memory, which is most effectively sustained by

and re-enforced by national communities. I have explained Miller's reservations against

multicultural policies in this respect (see Chapter Three, section 2). To Miller's mind,

multicultural accommodation of ethno-cultural groups might hamper social justice, either

because too many diverse ethnic groups in a society might be unable to agree on the

shared goals of principles of social justice or because different ethno-cultural groups

might apply principles of social justice only towards their own members.

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[131] I will treat a shared nationality, as Miller has it, synonymously with a shared cultural identity. As I
explained in Chapter Two, nationality in Miller's use describes a community of people bound together by
history, language, culture and, usually, territory. Nationality is thus often tied to ethnicity and a shared
cultural background (Miller 1995: 25).

[132] Jean Cohen provides a detailed discussion of this school which she characterizes as neo-conservative in
the wake of communitarian beliefs, and among whom she situates authors like Fukuyama and Bellah
(Cohen 1999). I agree with her assessment of the authors she discusses and I think it would be easy to
classify Fukuyama as a neo-conservative. I hasten to add a note of clarification at this point: to be sure,
Barry and Miller are far from being ideologically close to Fukuyama's neo-conservative take on
economics, and I am equally far from suggesting so. As I reiterated, both Miller and Barry are concerned
with social justice and the underlining conditions because of their liberal egalitarian convictions and
perspectives, rather than conservative ones. Both authors, though, seem to share the foundational beliefs
about sources of trust with some conservative communitarians, like Fukuyama, and it is only in this respect
that I suggest kinship between the two sets of authors.

Because of the role a shared national identity plays in his characterization of the conditions for social trust, some have understood Miller to be arguing that the ideal community for implementing a social welfare state must be ethnically homogenous (see Soroka et al 2004: 34). And while I have given Miller's ethno- pluralist credentials more credit because he accepts that individuals may subscribe and celebrate private "ethnic subcultures" and that the shared public culture which is at the basis of the shared national identity should be open and accommodating to all members of the community, such a reading of his ideas may be legitimate, as I have elaborated in Chapter Three.

If I understand Miller's argument correctly, he postulates a three-step-argument to substantiate his claim that there is a link between a shared cultural identity and social trust. First, he holds that social trust is important for collective action in a general sense; second, Miller claims that collective action is necessary if we aim to achieve social justice through means of the social welfare state; and, finally, that the kind of trust we need to sustain a social welfare state is tied to sharing a cultural identity. As I will explain in the pages that follow, while I believe there to be good reasons to subscribe to the first two claims, it seems to me that a closer look at the claim connecting social trust and shared cultural identity is warranted.

Miller's account of the connection between social solidarity and social trust includes two different conceptual points of departure. In the first instance, Miller seems to say that *solidarity requires trust* (Miller 1995: 90ff). As I have explained earlier, we can conceive of social solidarity as an ideal stance, in which members of a community consider themselves interdependent, understanding their own fate to be "bound up with the community" (Miller 1995: 67), and as having rights and incurring duties towards

each other. For Miller, this ideal is tied to problems of collective action. Collective

action, in turn, requires a healthy portion of social trust:

> Much state activity involves the furthering of goals that cannot be achieved
> without the voluntary co-operation of citizens. For this activity to be successful
> the citizens must trust the state, and they must trust one another to comply with
> what the state demands of them. [...] Since adhering to the rules the state
> proposes will usually have costs, each person must be confident that the others
> will generally comply – and this involves mutual trust. (Miller 1995: 90f)

In order for the state to be able to implement policies of social justice, members of the

community need to be able to trust that others will be equally taxed and that they will

comply with the taxation laws. So, if solidarity requires trust, we could say that we need

to trust each other *before* we can actually have any feelings of interdependence, or before

we accept having duties towards each other. Miller also accepts the reverse dependency

in his second point of departure, though, when he claims that *"trust requires solidarity"*

(Miller 1995: 140, my emphasis; see also Miller 1988; 1989: Ch. 9). We could thus

summarize, following this second point, that only once members of a community have a

sense of interdependence – or, solidarity – will they trust each other. Both ways of

conceptualizing trust seem to confront us with a problem of sequence, which derives

from a certain circularity between the concept of trust and its ties to social solidarity:

trust is sometimes conceptualized as *flowing* from solidarity, and at other times as being

a *prerequisite* of solidarity. This kind of circularity is often found in writings about trust

(see Misztal 1996: 8 for a similar charge) and those on social capital. As I explained

previously, the question of sequence seems to pit those who believe that social

interaction leads to trusting relationships and increased social capital (see Putnam 1993)

against those who believe that only because people already trust one another will they

choose to participate in civil society and thus enhance social capital (see Stolle 1998;

Uslaner 2002).

This brings us back to the question of the possible *sources* of trust, what I have

isolated above as the third step in Miller's argument. To Miller, the problem of sourcing

and sustaining trust is solved through reliance on a common national community.[133] To

recall, Miller advocates a common nationality as a pre-requisite for a successful social

welfare state (cf. Chapter Two) for reasons that are now evident, namely because of the

assumed interdependence between a shared national community, social solidarity and

social trust. And it is because of this interdependence that the social trust component of

the social solidarity caveat could challenge redistributive immigration policies. Only if

this last assumed link between shared national identity, social trust and social solidarity

were convincing would the social solidarity caveat against redistributive immigration

policies be plausible. What, then, is the evidence for the claim linking a shared cultural

identity to the kind of trust a functioning social welfare state requires?

I agree that several studies, such as Uslaner and Conley's on Chinese-Americans

mentioned above (Uslaner and Conley 2003), seem to substantiate the link between

shared ethno-cultural identity and trust. Soroka et al. also show that ethnicity plays an

important role when determining to what extent people trust others (Soroka et al. 2004:

40ff). When asked whether individuals believe that a lost wallet would be returned intact,

and checking their findings against demographic specifics – i.e. investigating people's

feelings about whether, in their *neighborhood*, a wallet would be returned – the authors

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[133] Furthermore, relying on a shared national identity as a pre-requisite, as it were, for both social trust *and* social solidarity, this account also relieves its proponent of an analysis of (and of having to take a decision on) the problem of sequence as just described. If a shared national identity is given and promoted, feelings of interdependence are assured since this is part and parcel of the definition of sharing in a national identity, as I explained.

conclude that ethnic diversity does affect interpersonal trust. When it comes to questions of interpersonal trust, most people seem to trust members of their ethnic group more than they do others. In the absence of racist motives for such a stance, these findings seem puzzling at first, or so I would argue, since many members of my ethno-cultural group – all members of the British National Party, for example – would not instill me with a lot of interpersonal trust. Why would interpersonal trust be highly influenced by sharing ethno-cultural characteristics?

One explanation provided by Fukuyama holds that trust comes easier among those sharing an ethno-cultural identity because of links between ethnic identity and cultural customs. Fukuyama construes trust as being an "inherited ethical habit" (Fukuyama 1995: 34) that is "primarily cultural in nature," an inclination towards each other which we have inherited from "pre-existing communities of shared moral norms and values" (Fukuyama 1995: 336). To phrase this differently, we trust members of our ethno-cultural group more easily because we know what to expect from them. We share the cultural tools, as it were, with which we can read and understand our interlocutors' actions, as well as predict their future behavior (or at least what would be considered their moral and ethical behavior). It is important to remember at this point the definition I adopted earlier for the personal, psychological component of trusting, namely that to trust is "to bet on" another's contingent behavior. In light of Fukuyama's definition, we could say that sharing a culture gives us clues about these contingencies and that having shared cultural backgrounds provides us with a sense of what we can expect to happen in the future. Moreover, it is perfectly plausible to say that in sharing a cultural context, it might be easier for us to understand our roles and the roles of others and, consequentially, to have the appropriate kinds of expectations about people's role

fulfillment. To illustrate, we need only compare the different roles inhabited by elders in different cultural contexts. While much of western culture worships youth rather than experience, elders have roles of authority and council in many other cultures. Such customs might be hard for me to grasp, not having been brought up and immersed in such a culture. Similarly, because I have been brought up in a secularized version of a Christian culture, I may have certain ideas about the role of members of the clergy – that they mediate in disputes and work towards reconciliation, for example – which I may not find represented by religious authorities in other faith groups. On a more abstract level, we can say that trust flourishes when we are in a situation of "familiarity," when we are "living in a system which is familiar [to us], and so requires no further information about it but tacitly provides an everyday basis for mutual understanding" (Luhmann 1979: 37). To trust members of our ethno-cultural community, then, comes easier than extending trust to members of other ethno-cultural communities. When it comes to general questions of whom to trust, or whom we trust more, people of our ethno-cultural background fare better than those whose customs and codes we do not know. People's inclination to trust, we could say, depends on their knowledge, because this kind of knowledge reduces the risks inherent in any matter of trust. Note, then, that it is consistent for Miller to argue for a shared national identity as a source of trust since according to his definition, our national identity is the purveyor of both cultural norms and traditions on the one hand, and is part of our ethical make-up, on the other.

There are, however, also studies that highlight that we need to make distinctions about the relevance of ethno-cultural identifiers. In some cases, whether we have a situation of trust cannot be determined exclusively with reference to a shared ethno-cultural background. Another major factor in determining levels of trust is, for example,

level of education – with the principle ruling that the higher the level of education, the more trusting people will be (Uslaner 2002: Ch. 4). The level of education will also affect to the extent to which in-group parameters like shared race, ethnicity or religion play a more or less important role when determining whom to trust. Analyzing the dependencies between level of education and interracial trust for whites, for example, Oliver and Mendelberg found that whites with 9 years of schooling or less are more likely to develop a distrustful attitude towards Blacks and, more generally, suspicion of those outside their own group than those with higher levels of education (Oliver and Mendelberg 2000; see also Marshall and Stolle 2004: 142). A second important factor in developing a trusting attitude – arguably dependent on the previous one – is socio-economic status. In fact, in their study of people's trust in local government, Rahn and Rudolf find that levels of socio-economic heterogeneity are far more significant in influencing personal levels of trust than other parameters like race (Rahn and Rudolf 2002, see also Inglehardt 1999). As Uslaner puts it, it is easier to trust when one has more to fall back on (Uslaner 2002: 112ff).

It seems, then, that we can draw three lessons from these recent studies into the variety of conditions of trust. The first is that we need to be careful when analyzing findings about trust and pay particular attention to the very specific questions and research objectives these studies pursue. This call for caution is well articulated and illustrated by Marshall and Stolle in their analysis of inter-racial trust in racially mixed neighborhoods:

> One problem has to be kept in mind, however, when using questions about generalized trust that inquire about trust in most people. Specifically, it could certainly be the case that the expression ''most people'' has a different radius for blacks or whites or for people in various settings. Whereas whites might perceive most people to mean other whites, blacks might infer that most people stands for

other whites, so that true inclusion for out-groups are not fully captured for all groups of people alike. No systematic research has been undertaken to examine this potentially confounding problem of the radius of trust, but we have to take this into account in our analyses. (Marshall and Stolle 2004: 141)

Put differently, while researchers may have one intention and one potential contextual answer in mind when phrasing and designing research questions, it is ultimately impossible to anticipate people's take on certain questions. Individuals will interpret research questions according to their own horizons and expectations and it would be next to impossible to capture all the eventualities influencing individual answers. This is not to say that attempts to measure attitudinal incentives are moot exercises; instead, it is meant to emphasize the need for contextualization of questions and answers. Political theorists, in other words, need to take the cautionary remarks about potential uses made by empiricist colleagues seriously when analyzing sets of data.

The second lesson we should draw, to recall Rothstein's tax-payer example, is that we need to consider the underlying expectations people have in determining whether or not to trust. For someone with a jaundiced view about the political process, for example, it may be easy to "trust" her representative to perform his role, if that role description has already very minimal standards. In fact, I could find myself pleasantly surprised. In contrast, if I subscribe to the high principles of the political process, I may find it very difficult to trust in the representative process and my representative because human fallibility may make it hard for my representative to fulfill my very high expectations. As I have argued above, the difference between having my expectations fulfilled or disappointed may determine whether I adopt an attitude of confidence towards others and towards the state or whether I consider social co-operation a risk and, instead, turn towards potential alternatives. For example, I could try to secure my welfare

independently, by putting my money in the bank rather than by paying taxes. While this may not be what Russia's tax delinquents do, I assume it to be a rational consequence of not trusting that the state could raise enough tax funds to support a functioning state pension scheme.

Taking into account individual expectations is also how we can make sense of the findings in Marshall's and Stolle's study about trust in racially mixed neighborhoods in Detroit. Marshall and Stolle found that, in general, living in a racially mixed neighborhood increased interpersonal trust for black residents while it did less or nothing to increase that of whites (Marshall and Stolle 2004: 146). Taking into account all the contributing variables the authors provide[134] would it be fair to assume that black residents were not only more willing to take the leap of faith to actually trust but, furthermore, that their expectations of their white neighbor's trustworthiness were so low that they were indeed pleasantly surprised? Considering the fraught race relations in the US, the attitudinal point of departure for Black Americans might have been so sceptical or so unhopeful that a positive interpretation of their interactions with the white residents of their neighborhoods might have been an easy result. Melissa Williams has made a convincing theoretical argument detailing how memory influences our propensity to trust (Williams 1998) – an argument she employs to make a case for measures of political group representation for hitherto excluded members of society. If we agree that memory influences trust, then it seems to me that we should also consider to what extent

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[134] Among these factors is Marshall and Stolle's observation that if white Americans live in mixed racial neighborhoods, they are more likely to also have a low socio-economic status and low levels of education. White residents in mixed racial neighborhoods, in other words, have little access to the resources that increase the propensity to trust. This is not the same for Black Americans, who often live in mixed racial neighborhoods, irrespective of their socio-economic background or their level of education.

expectations and their fulfillment influences trust.[135] I will return to the role perceptions

play in assessing the performance of state institutions and, in turn, the consequences

these perceptions have on our levels of trust in these institutions below.

The third lesson we can draw from these findings is of immediate importance for

this project. If we read these studies carefully, I would argue, we can see that they

determine and evaluate not only different background conditions under which people will

be more or less likely to trust. They also show the different *kinds* of trust people may or

may not have – a factor that is important to consider when talking about social trust and

its sources, as Cohen and Levi have pointed out in response to Putnam (Cohen 1999;

Levi 1996). Building on their arguments as they pertain to my project, I would further

argue that we also need to distinguish between different kinds of *social* trust. Not all

kinds of social trust are necessarily relevant for the support of a social welfare state. The

studies of Banting et al. (forthcoming) and of Soroka et al. (2004), to illustrate, show that

while ethnicity indeed affects social trust, ethnic diversity does not affect support of the

social welfare state in Canada. In this vein, I will make the case for an independent

analysis of *institutional* trust as supporting measures of the social welfare state in the

following section. I will side and argue for "a common loyalty to a set of political

institutions" (Miller 2004a: 29) as the necessary ingredient for the kind of social trust we

need to support the social welfare state and hence goals of social justice.

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[135] Memory may also be what is at work in the case of Russian taxpayers who may remember all too well
the workings of the tax authorities during seven decades of communism, and the strong ties of elitist
cliques that siphoned off money for their own purposes.

4   Social Welfare, Collective Action, and Institutional Trust

To be in a position to assess possible sources of the kind of social trust that will help stimulate and buttress the social welfare state, we need to be clear about what we hope to gain from social trust. I want to investigate how social trust is to enable collective action, which is something that I believe, with Miller, we need to enable if we want to implement and sustain measures of social welfare. Miller, as I explained above, anticipates that the kind of state action required to implement policies of social welfare necessarily relies on cooperation from its citizens. For Miller, this cooperation will only come about if all can be as certain as possible that others will also cooperate. Otherwise, we would feel as though we shoulder the burden of cooperation, like the costs of taxation, for example, on our own (Miller 1995: 90f). Collective action thus requires a sense of *reciprocity*. Problems of collective action would be overcome if I trust the people around me to chip in equally, if I can trust that nobody will take what I would consider an unfair share and that no group of people will be given an unfair advantage (Miller 1989: 230ff). To put this otherwise, social trust depends on a sense of "ethical reciprocity", i.e. it depends on our belief that all subscribe to and act according to the "norm requiring that individuals in a given population cooperate with government demands but only as long as others are also contributing" (Levi 1997: 24).

This seems like a plausible assumption. We need only think of the reasons the Russian tax clerk provided to explain why Russians did not pay their taxes, at least one of which referred to the suspicion that other Russians would not pay theirs. Similarly, we can read the study referred to earlier about immigrant tax contribution in the UK as measuring a sense of reciprocity. The underlying rationale for the study by the IPPR was to show that immigrants to the UK contribute as much, if not more, to the British welfare

state as they profit from it, implying that they fulfill "their share" of the burden that it is to support the welfare state. We could say that its authors' aim was to find out to what extent a sense of reciprocity reigns in the UK between British citizens contributing to the welfare state budget and their immigrant peers, with tax contributions acting as a measure of reciprocity.

The assumption, however, that social trust depends on a sense of reciprocity does not seem to be the whole story, at least according to this example. If the logic of reciprocity as a foundation for social trust were correct, the findings would go hand in hand with a growing or increased level of social trust between members of the host community and newcomers. According to this logic, members of the host community *should* trust newcomers as long as the latter contribute to the social welfare state. If we were satisfied that reciprocity can sustain a functioning social welfare state, we could say that as long as the maths add up, i.e. as long as people contribute more or equally to others, and as much as they benefit, then levels of social trust should be sufficient for effective collective action to be possible. The wanting levels of social trust between members of the host-community and immigrants in the British scenario do not reflect this paradigm, though.[136]

To be sure, trust, as a concept built, at least in part, on norms of reciprocity is widespread in the social capital literature. As mentioned above, Putnam argues that we will establish ties of reciprocity in the course of interactions with others in civic

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[136] At least this is how I would interpret the fact that the findings of this study were heralded as finally correcting some misguided assumptions about immigrants draining the British welfare system (see *The Guardian* 13th August, 2005).

associations, ties that will bridge over into generalized trust (Putnam 1993: 171-174).[137]

And of course, Putnam could reply to my critical take on reciprocity as both a measure and as a foundation of social trust that this particular example does not satisfy all of the conditions for social trust he establishes. He could say that his concept of social trust includes two sources, but that in my example from the UK, only the norm of reciprocity would be fulfilled by compliance with tax law. The feature of civic life meant to stimulate trust – namely, that people from all spheres of society share in a network of civic associations – is not fulfilled in the British example, and indeed in many others. This may be, as I accepted earlier, due to individual or collective choices about with whom we choose to share in voluntary associations. Missing the second variable of Putnam's normative catalogue, some could convince themselves that Putnam would be right to question my choice of example. What I want to underline in response to such criticism, though, is that the fact that the second variable *is missing* undermines the argument that voluntary associations stimulate and foster social trust. If we choose with whom we associate, and if those authors are correct who argue that we will most likely associate with those to whom we feel akin already, then voluntary associations may be the icing on the cake, but it is implausible to make the claim that they are the basis of general, widespread social trust. To summarize, if norms of reciprocity in themselves are not sufficient to sustain social trust because reciprocity is hard to gauge, and if voluntary associations only foster particularized trust in those with whom we already share

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[137] Putnam distinguishes between the "bonding" effect of voluntary associations that assumes the creation and fostering of interpersonal trust among members of voluntary associations, and the "bridging" effect of membership in voluntary associations that assumes a spill-over of the trusting relationship experienced in one association to the bigger society, hence generating generalized trust.

affinities, then the two norms supposedly sustaining social trust rest on shaky grounds. Arguments in this vein thus fail to convince.

Nevertheless, to approach my own definition of the kind of trust we need to buttress the workings of the social welfare state, Putnam's and Miller's arguments are worth exploring. Both arguments, to my mind, rely on a conception of the community and its virtues similar to the moral ideal of social solidarity discussed in Chapter Three. The concept of community underlying both Miller's and Putnam's arguments is premised on an ideal of social trust that aims to promote a certain idea of community. Since these conceptions reveal what we hope social trust to achieve – namely, how social trust is supposed to enable collective action – they warrant theoretical contextualizing at this point.

The historical genesis of Putnam's argument (1995a; 2000) and that of Fukuyama, for example, is tied to a decline in social capital in the US and other Western industrialized nations (see Cohen 1999). Putnam and others attribute this decline of social capital to an increasing individualization of the public sphere in the decades after World War II; to the fact that women entered the workforce; and to the fact that we congregate less and less in voluntary associations outside of the family (Putnam 2000). Based on these facts of modern life, some authors deduct that our sense of social trust is diminishing: if social trust is built on interaction in voluntary associations, as in Putnam's argument, or if it is built on the fact that we share communal values, as in Fukuyama's, a decline of social trust seems all but inevitable. Such communitarian arguments seeking to establish a community and its values as worth protecting and

nurturing[138], were soon countered by liberal authors who rejected the communitarian

charge of liberalism as interested only in atomized individuals rather than in functioning

communities. Some, like Kymlicka and Raz, have made arguments for the necessity of

contexts of choice represented by viable cultural communities (Kymlicka 1989; Raz

1986); others, like Macedo, have argued for 'liberal virtues' aimed at supporting the kind

of collective context we need to be able to have, say, liberal democratic institutions in

our communities (Macedo 1990). Indeed, many have contributed to the debate between

communitarians and liberals and it now seems a battle mostly fought.[139]

Regardless of how we conceptualize the foundations of a viable community, what

unites those writing about social cooperation, most importantly for the purposes of this

project, seems to be that all postulate society to require a set of rules according to which

individuals interact with each other. While Fukuyama and, as I have argued, Miller

suppose that this set of rules emerges from a shared ethno-cultural background, dominant

customs and traditions, others have supported the idea that these rules can be sustained

by the principles of liberal citizenship (Kymlicka and Norman 2000; Macedo 1990;

Patten 1999; Rawls 1999c). The authors of the first set imply that I will be motivated to

comply with these rules because of my ties to the community and its ethics, while the

second set of authors stipulates that my compliance will be based on general principles of

the political community. In Chapter Three, I have argued that this latter interpretation is

more helpful when examining the solidaristic behavior of immigrants. To reiterate, I

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[138] See Cohen (1999) who argues for an understanding of Putnam's work as framed and supported by communitarian political ideas. See also Levi (1996) for a critique of some of Putnam's normative claims derived from communitarian values. This communitarian idea of the value of the community for community's sake stands in contrast to a liberal theory that defends the welfare of communities because of their value for their individual members (see Kymlicka 1989).

[139] In fact, some have understood "liberal nationalism" as the bridge between the two seemingly conflicting visions (see Kymlicka 1998) and we can read Miller's accounts of the ethics of nationality as an instance of the newly found consensus (see Miller 1995: Ch. 5).

construe the necessary public ethics supporting measures of the social welfare state as a prevailing *civic morality* that "entails obedience to the rules, and honest and responsible behavior" (Letki 2005: 2). What is important for the purposes of this project is therefore not *how* the need for civic morality is conceptualized, but the fact *that* it is. I have argued that employing the postulate of civic morality rests on two assumptions about the conditions of collective action. First, it stipulates a sense of our moral obligations and second, it accounts for Miller's claim that we need some sense that makes it plausible to believe in the trustworthiness of others with whom we are to act collectively. Only if both conditions are met will effective collective action come about.

With these background conditions in mind, I will now turn to the question of the basis of civic morality. To recall, I held that Putnam's idea of the virtuous circle of civic association, participation, and social trust is not convincing as a foundation of civic morality. Putnam's work has, however, been the starting point for another way of conceptualizing social trust in the bigger context of social capital: while Putnam argues that social trust can be stimulated and fostered "from below," as it were, some have started to debate the potential to foster and sustain social trust from "above", i.e. through institutions of the state. Can "just" institutions with which individuals have to deal in every day circumstances bring about the kind of civic morality necessary to buttress support for policies of social welfare? In the remainder of this chapter, I will explore and support arguments for the institutional stimulus of social trust. I will relate and contextualize arguments that tie a sense of civic morality to one of trust in institutions, hence supporting those who argue that a specific set of *institutions* can instill the social trust necessary for a prevailing sense of civic morality. I then dispute the counter-claim that trust in government and its institutions is implausible, a stance that I ground on my

original conceptualizations of what it means to trust. Using the logic of what I have called the *psychological* component of trust, I argue that trust in just institutions is in fact plausible.

If sustainable, this argument is important for the purpose of this project, and for two reasons: as I discussed above, one argument some could make against redistributive immigration is that increased ethno-cultural diversity will jeopardize our sense of social trust and that hence the social welfare state as we know it may be challenged. I have related the findings of studies that seem to lend credence to such fears, based on the fact that most of us will find it easier to trust those we know and those who are like us. In ethno-cultural terms, I will more easily trust another person if she shares some of my ethnic characteristics. If *interpersonal* trust was a necessary ingredient for a sense of civic morality – for a sense of honesty and rule compliance, in other words – we could convince ourselves that, based on what we know about interpersonal trust, a sense of civic morality would be jeopardized in a society with a high level of ethnic diversity. If, on the other hand, civic morality as the foundational element for collective action were based on or could be stimulated through *something else*, the ethno-cultural composition of our society might not play that big a role, if any at all, for the level of social cooperation needed in support of the social welfare state. If the argument for institutional trust as the central building block for civic morality is a convincing one, a constitutive part of the social solidarity caveat would have lost much of its normative clout against arguments for redistributive immigration policies.

4.1. Civic Morality and Institutional Trust

Up until now, I have discussed work by authors for whom civic morality is what

we could call a dependent variable, i.e. something that is dependent on and

conceptualized along the lines of interpersonal trust. Civic morality will then come about

if we trust in individuals – if others are trustworthy, trust can do all the things we hope it

to achieve. Most notably for my project, it will support the collective action that we need

to sustain the social welfare state. New research indicates, however, that civic morality

should be conceptualized as *independent* of levels of interpersonal trust and, instead, as

tied to levels of *institutional* trust. So what is the evidence we have to make the second

claim rather than follow the first?

Natalia Letki has proposed the hypothesis that civic morality depends on

institutional, not on interpersonal trust. She sets out to test four core hypotheses that she

gleans from a careful study of the prevailing arguments in social capital literature and

which reiterate the issues I have addressed in the course of this chapter. She states these

hypotheses as follows:

1. Civic morality is positively related to perceptions of others' trustworthiness;
2. Individual's level of confidence in political institutions positively influences their civic morality;
3. Civic communities (i.e. communities rich in social capital) produce high levels of civic morality among citizens;
4. Institutional configuration matters: democracy and economic growth stimulate civic morality, while corruption hampers it. (Letki 2005: 11)

In order to verify these hypotheses, Letki analyses the findings of the World

Value Survey (WVS), 1995-1997, for 25 different countries,[140] which she clusters into

three groups (Latin America, established Western democracies, and post-Communist

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[140] This is the same set of data that is at the basis of many if not most country and comparative studies I refer to (cf. Inglehardt 1999; Uslaner 2002; Uslaner and Stolle 2003 and my own description of Canadian levels of trust, below).

countries). These clusters are characterized by shared geo-political features, and all clusters represent the full range of quality of national institutions. Quality, in this instance, depends on the transparency and stability of institutions. The assumption is that, within each cluster, reigns a comparable level of institutional quality, socio-economic standard, and challenges to social trust, such as corruption, tax evasion and organized crime. In order to assess levels of civic morality, Letki examines individual answers to questions aimed to gauge the acceptability of certain kinds of individual behavior in public life. Respondents are asked whether or not it is acceptable to claim government benefits even when one is not entitled to, to use public transport without paying the fare, to cheat on tax payments, to buy stolen goods or to accept a bribe (Letki 2005: Table 1). Accepting a bribe is considered the least acceptable behavior, while taking public transport without paying is considered the least unacceptable or most acceptable. The answers to these questions, Letki posits, will obviously not provide an exact measure of actual behavior since, for example, I may find something not acceptable but nevertheless engage in such activities myself. Instead, Letki employs them as "measures of respondent's *norms* of civic morality and responsible behavior" (Letki 2005: 13, my emphasis) and this usage seems justified. We have to find a way to evaluate people's beliefs about civic morality, and while any answer to morally charged survey questions ought to be taken with caution, the self-evaluation of respondents is one tool we should refer to, accompanied by more detached measures such as levels of tax compliance.

Examining the clusters together, Letki finds a hierarchy among them, with post-communist countries belonging to the cluster that has the lowest average score on the civic morality scale, while Western democracies have the highest, with Latin American

countries somewhere in between.[141] Letki then sets out to test these findings about levels

of civic morality against levels of trust in institutions defined, here, as trust in the legal

system, the police, national government, political parties, parliament and civil services

(Letki 2005: 15). Letki finds a correlation between levels of civic morality and levels of

institutional trust in that Latin-American countries have the lowest level of institutional

trust while Western democracies have the highest, with post-communist countries

somewhere in between. Of course, as I pointed out above, levels of trust are generally

influenced by different parameters of one's life, and levels of institutional trust are no

exception. Letki hence expects levels of civic morality that are dependent on institutional

trust to also be determined by the same variables that trust in general is influenced by.

And, indeed, parts of her findings reiterate earlier findings about the usual factors that

influence individual levels of trust. So for example can she establish dependencies

between levels of civic morality and age: the older individual respondents are, the higher

the likelihood for them to have a strong sense of civic morality. "Age" can, of course,

hardly be dealt with through institutional adjustment or public policy. However, her

second dependency, that of socio-economic status, should make policy-makers attentive:

according to Letki, socio-economic security is next to age and religiosity the most

powerful predictor of civic morality (Letki 2005: 22). The higher one's socio-economic

status, she posits, the stronger one's sense of civic morality.[142]

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[141] However, it should be noted here that there is a considerable range of diversion in between the
countries of the individual clusters: Venezuela, Argentina and Uruguay, for example, score higher on the
civic morality index than Brazil and Mexico (cf. Letki 2005: Figure 1).

[142] This part of her analysis poses yet another problem of sequence. According to Letki's approach to
social trust, governments will have to rely on a strong sense of civic morality to implement measures of the
social welfare state. The latter's purpose is it to provide citizens with socio-economic security. The
strongest sense of civic mindedness, however, prevails among those who are already socio-economically
secure. This interdependence paints a grim picture for the prospects of social welfare in socio-
economically fledgling countries, or for those with stark socio-economic inequalities, like Russia.

The most surprising results in light of previous research and for the purposes of this project are tied to Letki's findings about the relationship between civic morality and interpersonal trust, compared to those about the ties between civic morality and institutional trust. First, Letki found no evidence for the hypothesis that civic morality is positively tied "to perceptions of others' trustworthiness" or interpersonal trust: "People who believe others to be trustworthy are not themselves more honest" (Letki 2005: 25). Instead, and secondly, Letki finds a strong correlation between transparent institutions and civic morality – a correlation summarized in hypothesis four. In order to have a sense of civic morality, then, it is not most important to trust others or to find them trustworthy. Rather, "civic morality strongly depends on [our] perceptions of institutions' trustworthiness" (ibid). It is trust in institutions that motivates and sustains a sense of civic morality.

How should we interpret these results? To my mind, they suggest that if I believe the institutions of the state to be trustworthy, I will be most likely to abide by the law and do my share, as it were, for the upkeep of these institutions. If I believe in the trustworthiness of the Department of Revenue, say, I will be more likely to pay my taxes rather than put the money somewhere else. In this scenario, then, it is not the fact that I trust other individuals *specifically* and *personally* that will make me co-operate in the collective project. Put differently, I do not need to know if the people in my neighborhood would behave in a trustworthy way towards me personally, if they would return my lost wallet. Rather, I need a sense that the Department of Revenue is able and effective in getting my neighbors and compatriots to pay their taxes. I need to be able to trust that my sense of civic morality is sanctioned and enforced by the institutions of the state in which I live, and with whose members I should cooperate towards a common

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good. And, if I interpret Letki correctly, I will only have such a sense of living in "a culture of honesty and civic morality," if I live in a state with "stable and transparent institutions" (Letki 2005: 26).

Letki's findings thus clearly support arguments that link institutions with a sense of civic morality, arguments that were suggested earlier by the conclusions Bo Rothstein drew from his study of the Swedish welfare state (Rothstein 1998). If institutions influence and determine our sense of civic morality and, furthermore, if civic morality is needed in order to motivate successful collective action that can sustain a social welfare state – a connection I have accepted all along – then we can hail Letki's analysis as substantiating the hypothesis that social trust can be engineered from above, by designing and implementing trustworthy institutions (see Rothstein 2003; see also Freitag 2006). Indeed, Letki's analysis goes further than these latter studies, by making a convincing case for the *universal* relevance of just institutions, hence helping to generalize individual case studies, like Rothstein's arguments about the importance of just institutions in the administration of the Swedish welfare state and Freitag's arguments about the role the Swiss consensual model of federal government institutions plays in generating social trust in Switzerland. We are then in a position, I believe, to maintain that, contrary to Putnam's beliefs, we *can* disentangle the "well-tossed spaghetti," as he describes the "causal arrows among civic involvement, reciprocity, honesty and social trust" (Putnam 2000: 137). I posit that one causal arrow, and the one that I am most interested in here, has a very clear direction: it flows from a set of trustworthy institutions to a sense of civic morality, honesty and social trust.

4.2. Institutional Trust?

While we may want to convince ourselves of the plausibility of Letki's argument, some first order questions about her principles and approach have yet to be addressed. In the next step, therefore, I propose to discuss some of the arguments against an institutional approach to social trust and civic morality. To begin with, some authors find it hard to believe that we *could* trust institutions of the state. I will answer their reservations by taking a closer look at what kinds of institutions could achieve the goal of instilling civic morality. Letki summarizes the characteristics of such institutions as "stable and transparent," while Rothstein has described them as "just" (Rothstein 1998) and as "non-discriminatory, non-corrupt and impartial" (Rothstein 2003: 61). Both these conceptions of institutions and their effect on civic morality entail, of course, that we can in fact conceive of institutional trust. This is to say that if I live in a country with stable and transparent institutions, or non-corrupt, non-discriminatory, and impartial ones – both sets of adjectives I employ interchangeably – I can convince myself to trust that I will not have to shoulder an undue share of tax burdens and contributions, for example. Instead, I will trust that the individuals working in the institutions of the state see to it that all will carry their share and that nobody is unduly burdened.[143] This is how a sense of civic morality would come about, or so I understand Letki's argument. The causal relationship with social trust, however, is the point at which the institutional

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[143] I have intimated earlier that our conception of trustworthy institutions is intimately tied to our understanding of social justice (see Fn 128, above). We will only find those institutions trustworthy that promote and further the principles of social justice we subscribe to. In the context of this project, in the course of which I have advocated principles of social justice aiming to promote conditions of individual autonomy, I believe it convincing to say that we would only find those institutions trustworthy that most minimally comply with the principles Rothstein proposes. Just institutions, put differently, will be those which support individual autonomy by not discriminating towards individuals arbitrarily, but which administer access to social goods in a fair and transparent way. In this sense, I posit that my sense of what just institutions are relies on the principles of the liberal democratic state, and on Rawls' concept of social justice.

understanding of civic morality is questioned. Hardin, for example, argues that the causal link between institutions and a sense of civic morality is flawed because it is simply implausible to trust governmental institutions (see Hardin 1998). Of course, if it were implausible to trust institutions, I could not argue that institutions can be at the basis of civic morality and thus serve as the foundation of successful collective action in the realm of the welfare state. It is therefore important to address those critics who believe it unconvincing to speak of institutional trust. I will tackle the challenge by developing what exactly it would mean to trust institutions and to have trustworthy institutions. This section builds on my earlier analysis of writings about trust in general, what I determined to be implied when we speak about engaging in a trusting relationship.

What would it mean for institutions to be trustworthy? Hardin argues that we trust another – or representatives of institutions, such as judges or police personnel – if we have good reasons to assume that he or she will act in our interest, that the other will "encapsulate" our interests (Hardin 1998; 2001). Hardin's concept of encapsulated trust thus suggests that I would trust the representatives of these institutions if they were to represent and foster my interests. We need to know if we can trust them to act in our interest. To compare this to my earlier example of the plumber, I could say that I trust her because of the professional expertise she seems to have and because there is no plausible reason to suspect that she would gain much from willfully betraying her trustworthiness. However, since it is "impossible to have enough knowledge about the incentive structure that would make individuals working for the government trustworthy" (Hardin 2001: 30), trust in government is implausible. We simply do not know if it would pay for a representative of an institution to live up to our trust. In making such criticisms, Hardin is relying on certain assumptions about how trust works. As I developed earlier, trust comes

much easier if we have knowledge about the socio-cultural norms and role-defined behavior prevalent in society. In fact, Seligman argues that trust is synonymous with "reliance on role performance" (Seligman 1997: 25). So, to paraphrase Hardin, I could say that I need to know what kind of role my interlocutor plays and what his role *should* be in order to be able to assess the extent to which it is likely that he will comply with such expectations. To be in a position to know that, in turn, I would need to know about the motivational culture and structure needed to bring about role compliance. Since I do not have such knowledge about the institutions of government, Hardin argues, I cannot be expected to trust a representative of such an institution.

Is this how we conceptualize trust in government, though? Any attempt to gauge trust in government institutions are often of a rather generic nature. So, for example, do Soroka et al. (2004) report to have evaluated Canadians' trust in government based on responses to the question: "How much do you trust the government in Ottawa to do what is right?" (Soroka et al. 2004: 40). If we follow Hardin's argument, this question would have to suggest that "to get it right," the government must understand my interests and act accordingly. But is this a plausible way of determining, first, what trust in government is, and second, what governments or their institutions need to do in order to be trustworthy? Rothstein, for example, points out that trust in government can not be understood as "encapsulated" trust (Rothstein 2003). Assume that I am in need of Employment Insurance because I cannot find work. Should I expect a social worker assessing my case to cater to my needs more immediately than she might cater to somebody else's? Who tells me that I would always be on the lucky side and that I would be able to convince her or any other social worker in the future of the prevalence of my needs over those of somebody else? If I can be favored this time, so can another next

time around. Similarly, it would not really inspire me with trust if I were to find out that judges in my town are susceptible to the bribes I propose to make them act in my interests. If I can have my interests taken care of through such means, surely somebody else can if he is willing to pay a higher price. Or imagine that I have a set of interests that may collide with those of others. Would I trust an institution more or less simply because it catered to my interests immediately? What if such catering was to the detriment of the overall good? Accordingly, Rothstein can plausibly argue that trust in government need not be construed as the government encapsulating my particularized, individual interests.

To be fair, Hardin could retort that Rothstein has misinterpreted his definition of interest. Instead, he could argue that my interests as a member of a community might differ from my interests as a private person or as a member of a walking club, for example. So if Rothstein argues that trust in government should be conceptualized as trust in transparent institutions, an argument I will explore further along, Hardin could reply that my personal interest as a citizen might be to have such institutions. Or that I might, in fact, have a vested personal interest in having a non-corrupt judiciary. Non-corrupt, non-discriminatory and impartial is how we conceive of the role description of the judiciary and it would be essential to my interest to have these role expectations fulfilled. Having the public or common good in mind, and accepting that I would partake in and benefit from the common good, I could adopt such institutions as within the purview of my personal interest. Hence, those civil servants who comply with the rules of such institutions would in fact encapsulate my interests. We could draw from this that one's personal and communal interests can converge.[144] This might be a more

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[144] This is of course an interpretation of personal interests in a very Rousseauian vein (cf. Rousseau 1997). While at times seemingly very convinced that such convergence would be the natural path of developments

sympathetic interpretation of Hardin and one with which he could easily agree. However, Hardin is adamant that trust in government is implausible because we do not know enough about why a governmental official *should* be impartial and not corrupt or discriminatory. In other words, even if we accept that my interests can be encapsulated by just institutions, we still do not know why representatives of these institutions should act to further the common good which forms part of my interests. Following this line of argument, Hardin seems to believe that government institutions cannot do anything to make us trust them.

Rothstein argues instead, that governments can do a great deal. First, he invites us to draw certain distinctions. Of course, not *all* institutions of the state will necessarily be helpful to foster social trust and feelings of civic morality (Rothstein 2000; see also Rothstein and Stolle 2003). Uslaner, for example, has shown that institutions in the US which, dominated as they are by political parties, will not foster a generalized sense of trust (Uslaner 2002: 136ff). Political parties have ideological programs and agendas that they offer for approval or rejection. They do not in general set out to mediate and converge common interests into public policy. Rather, they cater to their ideological constituency. Imagine, for instance, I was a Christian who believes abortion to be murder. It is hard to see how I could trust in the representatives of a political party that promotes legalized abortion as a woman's right. I may, of course, have a sense of interpersonal trust in individual politicians in that system – a district attorney, say – who belongs to that party but whom I know to share my views on abortion. I would, however, be hard pressed to accept the claim that the institutions of a political system dominated

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in the social contract, Rousseau on the other hand wanted to prohibit voluntary (private) associations – a precaution one can read as expressing healthy skepticism as to individuals' ability to adopt the public good as their own interest.

by party politics represent and foster my interests. Institutions dominated by party politics, in other words, do not foster the kind of trust necessary to buttress feelings of civic morality but, instead, rely on particularized trust (see Rothstein 2003; 1998: 116ff; Uslaner 2000: 115ff). But partisan institutions are also not necessarily what we need to trust if we are concerned with support for the social welfare state. It is fundamental, rather, to trust in the institutions that implement public policy, and which administer the workings of the social welfare state (Rothstein 2003). We need to trust in the police, the social services, the health services and the courts – in those institutions of the social welfare state with whom we are most likely to be in contact in every day interaction (see also Rothstein and Stolle 2003).[145]

Secondly, Rothstein wonders under what circumstances we would trust in these institutions and, to return to Hardin's concerns, what representatives of these institutions would have to do in order for us to trust them. To reiterate, Rothstein argues that we will trust in the institutions of the welfare state if they are non-corrupt, non-discriminatory, and impartial (Rothstein 2003: 61). As I underlined in my discussion of Hardin's concept of encapsulated trust, it is quite reasonable to expect that if faced with the prospect of corrupt and discriminatory institutions, and being aware of the dangers such institutions could bear for the realization of my personal interest in the long run – that I could benefit now, but suffer later –institutions organized along the principles Rothstein describes would be much more desirable and thus trustworthy. If we accept this proposal of what makes institutions trustworthy, I would argue that certain secondary expectations would follow. For example, I would expect that institutions organized along these principles

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[145] These are incidentally also the institutions Letki believes to influence civic morality, although her list does include political parties (see Letki 2005). I side with Rothstein and Stolle's position on political parties.

encompass rules and procedures that prohibit and discourage its representatives from

engaging in corruption, discrimination and partiality. Concomitantly, it would be

reasonable to say that we have a set of expectations about appropriate behavior of public

servants – that judges, for example, must be impartial. And if they were to fulfill our

expectations, we could slowly build a sense of trust in those institutions. Again,

Rothstein's example of the Russian taxpayers may serve as the inverse of this positive

and rosy picture. The Russian tax authorities were clearly not organized according to the

kinds of principles that would instill trust, and the secondary suspicions regarding tax

administrators – that they were probably going to pocket the money themselves – were

consistent with a lack of institutional principles barring corrupt behavior. The subsequent

refusal of Russian taxpayers to pay their taxes followed suit. Even though they were

prevented from the fruits of a functioning tax-system as a consequence, individual

behavior was, I would hold, entirely reasonable in the face of the institutional set-up they

had to contend with.

To be sure, Hardin's charge that I could never be *sure* that individual

representatives of such institutions are not in violation of the rules governing their

institutions is compelling. However, I would side with Rothstein on this issue for two

important reasons. On a practical level, we would not expect a corrupt individual

representative to gain much from being corrupt in institutions organized along the

principles Rothstein proposes – certainly not enough, we could speculate, to outweigh

the risk of being caught and reprimanded or even dismissed and made unemployable.

This, I would say, is a question of institutional culture (cf. Rothstein 2000). A

fundamental part of this culture, moreover, is to ensure that such institutions have

procedures in place that provide their employees with enough reasons to comply with the

rules. Transparent institutions have a transparent and thus knowable incentive structure for employees *not* to betray their trustworthiness. Second, if such were the principles of the institution, it is likely that in a case where I consider myself unfairly treated – a reason to lose trust in said institution – I would have recourse to an appeals process that will help clarify and adjudicate institutional actions. Even if I felt unfairly treated by an individual, then, I might nevertheless trust in the procedures of redress open to me. I might think that one individual does not make the institution and continue to believe in the trustworthiness of the institution as a whole.

These claims correlate with Letki's findings that it is citizens' *perceptions* of the trustworthiness of an institution that determines the extent to which rules and laws imposed by such institutions are observed and obeyed (Letki 2005, see also Listhaug and Miller 1985; Steinmo 1993; and see Uslaner and Stolle 2003 for the perceptions about the courts in Canada). In other words, it is irrelevant to my level of trust in the workings of an institution whether said institution actually lives up to my trust or whether my perceptions of the trustworthiness of the institution are in fact accurate (Letki 2005:7). What matters is my *belief* in the trustworthiness of the institution (Levi 1998), a belief that can be built on the principles the institution proclaims to espouse, or on the process through which these principles are established and implemented such as channels of redress.

Arguments about the relevance of individual perceptions tie in with the original definition of trust I adopted earlier and to which I will only briefly refer here. It is worth remembering that, in Luhmann's words, to trust is to behave "as though we knew;" we need to acknowledge, however, that we do not actually know. Trusting, as I explained, bears a certain level of risk-taking (Seligman), a betting on "contingent actions by

others" (Szompka) – and this, it seems to me, is as valid on the individual level as it is on the institutional one. For Hardin to believe governmental trust to be impossible simply because we do not know enough about the incentive structure for individual representatives of institutions puts the bar for institutional trust very high – much higher, it seems, than for individual trust.

Finally, Hardin has a complaint charging some studies with mixing up trust in government with confidence in government:

> there is a widely held view that government needs the trust of citizens if it is to work well ... but the more recent view of the role of trust can make sense only if by trust is meant essentially confidence and, perhaps, some element of cooperativeness. Government might need this much if it is to gain citizen compliance with sometimes hard laws, such as those concerning taxes and conscription. (Hardin 2002: 35)

If I understand this correctly, then, we should not speak of questions of trust in government and of institutional trustworthiness, but rather of situations of confidence or lack thereof. Yet to my mind, to speak of confidence in institutions of government – which is in fact how the question aiming to evaluate social or political trust in the WVS is phrased – depends on solving the question of trust. I accept that we may need confidence in government in order to cooperate, i.e. in a scenario in which we do not have to re-evaluate the performance of institutions continuously before taking decisions about trust. However, if we revert to Luhmann's definition of confidence – which Hardin himself does – confidence is based on *repeatedly fulfilled trust* or a history of trustworthy behavior of, in this case, governmental institutions and their representatives. It is not of a different nature, as Hardin seems to believe, but *results* from trust in government.

So far, then, I have supported arguments claiming that, if built on a proper set of principles, governmental institutions can instill institutional trust and, subsequently, a

sense of civic morality that will facilitate collective action. I will now turn to the Canadian case, which I read as supporting these theoretical arguments.

5 "Oh Canada, ...true patriot love in all thy sons command"

If patriot love has anything to do with trust, Canadians seem to comply with the call of their anthem since they – not only Canada's sons, I presume – "are among the most trusting people in the world" (Uslaner and Stolle 2003: 1). Several studies have tried to investigate the extent to which social trust reigns in Canada[146] and I will refer to some of their findings. Before entering into an analysis of the Canadian case, however, my interest in it warrants specification.

I want to explore if the social solidarity caveat against redistributive immigration schemes can be verified for the Canadian context in so far as it relates to concerns about social trust and the provisions of the social welfare state in ethnically diverse societies. I have summarized arguments against redistributive immigration schemes to hold that social trust will be undermined because ethno-culturally diverse immigration leads to ethno-cultural pluralism in host communities. Support for policies of redistribution to further social justice will be undermined because collective action will be rendered difficult, if not impossible, those arguing in this vein continue, if social trust is lacking. How would this assumption materialize in the Canadian context? To my mind, it would imply that members of the host-community would stop supporting the institutions of the social welfare state because, for example, they come to believe that these institutions are no longer impartial and non-discriminatory and that they will cater to particularized

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[146] For a good overview see Banting and Kymlicka (forthcoming); Eisenberg (forthcoming); Soroka et al. (2004); Uslaner and Stolle (2003).

interests rather than to those of the community. Indeed, the compartmentalization of Canada's population in different ethno-cultural ghettos has long been decried as the inevitable outcome of Canada's multicultural policies (MCPs) (see Bissoondath 2002). In line with the fear of ghettoization, ethnic pluralism in Canada could lead traditional members of the host community, i.e. those Canadians of British or French background, to suspect unfairness and injustice in Canadian institutions. For example, Canadians could come to believe that refugees or family-category immigrants – those immigrants who come to Canada under family-sponsorship programs – are treated better than, say, Canada's pensioners.[147] On the other hand, the level of trust in the institutions of the social welfare state in Canada's setting of ethno-cultural pluralism should tell us something about the veracity of the social solidarity caveat as it pertains to ethnic diversity. Put pithily, if Canadians continue to support the social welfare state *even though they live in a highly ethnically diverse state*, then we could plausibly conclude that something other than a historic, ethno-cultural community membership instills them with enough civic morality to do so. My quest to evaluate social trust in Canada is thus in line with the argument supported earlier and which is to be verified for the Canadian case study, that it is institutional trust we need in order to foster a sense of civic morality aimed at preparing the ground for collective action to support the social welfare state. I accept that this cannot be proven to be the case beyond doubt. For the purposes of my project, however, what is needed is no such proof, but only the fact that there is at least

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[147] I am thinking here of a recent slip in an editorial of the *Toronto Sun*, which proclaimed that refugees could collect up to $2100 in monthly support which would be more than Canada's federal old age pension for all Canadians over 65. These figures turned out to be wrong, but were based on fears of institutions of the welfare state favoring some to the detriment of the welfare of others (see *The Taxpayer* 2005)

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one country – maybe even more (see Banting et al, forthcoming) – in which ethnic diversity does not seem to affect levels of social trust and social solidarity.

My interest in Canada, therefore, is different from many other studies which investigate the level of trust among immigrants and national minorities (see for example Eisenberg, forthcoming), even though my investigation and those studying levels of trust among immigrants might come to the same conclusions about the importance of institutional trust (see Rothstein 2003 for a similar argument for the case of immigrants to Sweden). My exploration of the Canadian case is also different from those surveys that hope to shed some light on people's attitudes towards the aims of society in general; that is, whether the ideal society should be more egalitarian or more competitive, whether it should aim for extensive welfare or for levying lower taxes (see WVS questions E066 and E067 respectively). To my mind, these questions are general in nature and their answers will depend on how individual respondents frame the qualifying criteria of "extensive" welfare or "lower" taxes, for example. To be sure, they are coupled with questions trying to assess respondents' takes on the actual make-up of their society and the values they think society is modeled on and espouses at the time of questioning (see questions E 063 and E064) – i.e. questions which are geared towards assessing people's support for social justice. These questions, however, do not provide us with clear-cut tools to evaluate people's trust in the institutions of the welfare state which is precisely what I have established to be the most important variable if what we are interested in is to evaluate the chances for success of the social welfare state. Moreover, in answering these questions, respondents rely on their subjective take on what constitutes the "right"

level of equality or of taxation. And I would argue that the answers to these questions will simply reflect the very different stances individual respondents could take.[148]

Finally, some studies are interested in the extent to which trust in government may spill over, as it were, into interpersonal trust (Uslaner and Stolle 2003). We could summarize these studies as investigating a reverse form of the "bridging effect" of trust, namely that of institutional trust leading into interpersonal trust rather than Putnam's version in which interpersonal trust is meant to build bridges into social trust. But, as I explained at the outset of the previous section, I am interested instead in the generation and support of a sense of civic morality that will help support the social welfare state. Following Letki's argument that civic morality most importantly relies on institutional trust, what I am solely interested in here is the level of institutional trust Canadians exhibit. Or, to put this in the context of Miller's two models of generating trust – the national community in the common sense, or the political community – I am interested in the political community, which, to my mind, is not tied to interpersonal trust.[149] Because I subscribe to arguments tying a sense of civic morality to one of trust in institutions, I am interested in exploring to what extent Canadians trust the institutions of the welfare

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[148] If, say, I answered that society should be more competitive, it may be because I do not believe in the value of more egalitarianism generally or not any more – maybe due to the fact that I have lost trust in the institutions that were set up to bring egalitarianism about. However, I might give the exact same answer because, very differently, I may think that the level of egalitarianism achieved is highly sufficient and that a little competitive boost would help society to value egalitarianism anew. The same answer, that is, may be motivated entirely differently. Of course, some would charge that these are the kind of contextual comments political theorists are prone to make to tailor empirical findings to their own purposes – however, as Marshall and Stolle (2004) have argued convincingly, they are vital in order to make sense of and draw the appropriate conclusions from the answers respondents in value surveys provide us with.

[149] Andrew Mason has made an argument for the idea that "belonging" should be conceptualized as a part of a political community, employing the same distinction between national and political community (Mason 2000: Ch. 5). If I read his account correctly, he could go either way on the question of interpersonal trust: he might suggest that we need interpersonal trust for the support of a political community, or that the political community can function independently of interpersonal trust, but rather in a setting of institutional trust. In the first case, and based on the evidence I have collected from studies about ethnicity and interpersonal trust, his argument might run into problems if the political community is characterized by ethnic diversity.

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state which I will use as an indicator of their likelihood to have a sense of civic morality and thence to be willing to co-operate in collective action schemes. If, in other words, Canadians trust their institutions, I posit, they will be most likely to pay their taxes and contribute their fair share in schemes of redistribution.

To treat institutional and interpersonal trust separately is justified (cf. Uslaner 2002). There is a good case to analyze institutional trust independently. We should then ask whether these levels of institutional confidence have been influenced or affected by levels of ethnic diversity in Canada. Or, to tie the working question of this section into the larger context of my project, does this case show that Canadians' support for the social welfare state is in decline because of ethnic pluralism and diversity? While there has indeed been a slight decline in Canadians' institutional trust over the years, can this be plausibly attributed to increased ethnic diversity? Canada changed its immigration policy in the 1960s to one based on points – i.e. to criteria that aimed to combine domestic need for skilled labor with non-discriminatory practices about who to let in (Carens 2003). Since 1965, the number of immigrants living in Canada has continuously been above 3 million, with annual immigration intake peaking in the early 1990s at over 250,000 immigrants. According to Canadian Heritage projections by the end of 2006 numbers for "Canadians with Central and South American, Indo-Chinese, Arab, Caribbean, Filipino and Chinese backgrounds will have doubled in numbers since 1991," while the numbers for Canadians of British and French origin will only have increased by 5.9% and 7.5% respectively (Canadian Heritage 2004). Members of visible minorities, i.e. those who "are non-white in color and non-Aboriginal and non-Caucasian by 'race'" (Canadian Heritage 1998: n.18) represented more than 11% of the overall

population in 1996, with figures constantly rising,[150] and Canadians of Chinese descent are expected to be the fourth largest ethnic group by 2006 (Canadian Heritage 2004). In fact, China was the top country of origin for both 2004 and 2005 immigration, followed by India, the Philippines, and Pakistan (Citizenship and Immigration Canada 2005: *The Monitor*, Fall 2005 edition). These figures do not include all those Canadians who have an ethnic origin other than a mix of or with British, French, Aboriginal or Canadian origin, but who are not considered visible minorities (another 14% of the overall population in 1996). Suffice it to say, then, that ethnic diversity – including its visible signs – is and has steadily been on the rise in Canada. Has this affected Canadians' support for the welfare state?

According to my reading, the level of trust in institutions does not seem to indicate this. The level of confidence in the police and the justice system in 1981 – that is, in the decade immediately after changes in Canada's immigration selection process and the implementation of Canada's Multiculturalism Act in 1971 – are in fact quite high and remain so in the following decades, even though the percentage of the population represented by immigrants has steadily increased over the 20 year period under review.

I have supported arguments conceptualizing institutional trust as the main motivation for individuals to adopt a sense of civic morality and argued that a sense of civic morality, in turn, will enable collective action. I have looked at the levels of institutional support that Canadians show for some of the institutions that matter for the administration of the social welfare state. In general, Canadians seem to be very trusting, as Uslaner and Stolle (2003) have claimed, and consistently trust their civil service (a lot

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[150] Numerically, this rise translates to 3 197 480 people as visible minorities in 1996, up from about 2 500 000 in the 1991 census (Canadian Heritage 1998: 18).

or more). I have shown that these levels of trust were not influenced by the ethnically

diverse immigration which occurred after Canada changed its immigration policy to one

based on points for language and work skills, job experience and the like, rather than the

previous one which was largely based on country of origin. Based on my previous

argument about the relevance of institutional trust for a sense of civic morality, this

would suggest that support for the welfare state – as it is expressed by compliance with

tax laws, for instance, and which enables the state to implement welfare legislation – is

still high. While it seems next to impossible to obtain figures about tax evasion in the

Canadian context,[151] my admittedly cursory analysis of the Canadian set of the WVS

data is supported by appropriately in-depth analysis by other authors. According to

Soroka et al. (2004), there is little evidence for a consistent relationship between

"ethnicity and ethnic context [and] support for the welfare state." (Soroka et al 2004: 51).

Or, more explicitly for the question of this project, "there appears to be no direct impact

of ethnic diversity on support of social welfare state programmes" (ibid, 52). These

findings are further supported by the fact that between 1990 and 2000, the percentage of

respondents to the WVS who agreed or tended to agree with the idea that "governments

should take more responsibility to provide for individuals" has risen from 28.8% to

38.8% of the population.[152] Support for the measures of the welfare state is still high in

the Canadian context in which respondents would have to assume that government

monies would flow to members of all ethno-cultural groups, not only to their own. This

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[151] Unfortunately, neither Statistics Canada nor the Department of Revenue could provide me with actual sets of data on percentage of tax evasion, figures that seemed easily obtained by Rothstein for the case of Sweden and Russia. The Canadian taxpayer's association could also not be of assistance, maybe for obvious reasons.

[152] The usual disclaimer applies, of course, that we do not actually know what "more" means, except of course, more than what government already does. In this sense, again, this statistic can serve as an indicator of a supportive attitude, which is all I want it to do.

obviously confounds the liberal nationalist claim that ethnic diversity will spell the end of the social welfare state as we know it.

Soroka et al. have since, and based on their original results, expanded their research in an attempt to find out what the effect of MCPs might be on support for the welfare state (see Banting, Johnston, Kymlicka and Soroka (henceforth Banting et al), forthcoming). Taking up the fears by some, like Barry and Miller, that multiculturalism policies are a threat to social redistribution because MCPs will hamper the grounds on which collective action can be built[153] – what I have referred to as the heterogeneity/redistribution trade-off – Banting et al. set out to investigate a potential correlation between strong MCPs and declining social spending and redistribution.[154] Contrary to mainstream opinion that seems in rare agreement about the detrimental effects ethnic diversity will have for western social welfare states,[155] the authors argue that one of the important reasons for the continuous support of the welfare state in Canada is, in fact, the *presence* of strong MCPs. While they accept that rapid changes in the level of ethnic diversity matter for the overall acceptance of ethno-cultural pluralism – the faster ethnic diversity comes about, the harder it is for people to accept it – they find that MCPs actually help to buffer the effect ethnic diversity may have on the level of social welfare. In fact, "for countries facing medium to high changes in migrant stock, high levels of MCPs appear to enhance social spending" (Banting et al, forthcoming: 24).

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[153] See Miller (1995: Ch. 5; idem 2000: 105-106). Barry actually singles out Canada as having gone "farther down the path" of multiculturalism (or multiculturalist doom, one feels inclined to say) than any of the other three misguided sheep, although Australia is closer to Canada than the US or the UK (see Barry 2001: 294). To be fair, the fear of consequences for social welfare states brought about by multiculturalism has also been articulated from other quarters. For a comparative perspective see Alesina and Glaeser (2004).

[154] Their criteria of changes in social welfare are the following: "social spending as a proportion of GDP; the effect of redistribution in reducing poverty; the effect of redistribution in reducing inequality; the level of child poverty; the level of inequality" (Banting et al. forthcoming: 13).

[155] See Kymlicka (forthcoming) for a review of the literature.

Rather than assaulting the social welfare state as some, based on the heterogeneity/redistribution trade-off, fear, Banting et al. argue that MCPs actually help overcome such a trade-off when they suggest that it is through the successful implementation of strong MCPs that Canada has been able to strike a balance between increased ethnic diversity and pluralism on the one hand, and continuous support for the social welfare state on the other.

As I intimated above, this positive verdict on Canada's ethno-cultural integration record has been, and continues to be, heavily disputed from all fronts (see e.g. Bissoondath 2002; Gregg 2006). And to be sure, Canada's success in balancing different sorts of interests through MCPs may be due to a set of specifically Canadian factors that might be difficult to reproduce in other countries. Kymlicka, for example, identifies two significant components of the acceptance of MCPs: namely, the time-frame when Canada's MCPs were originally drafted – and when these policies were aimed at white European immigrants rather than others – and Canada's geography which makes much illegal immigration unlikely (Kymlicka 2004).[156] Whether or not we travel down the road of ethno-cultural ghettoization and fail to integrate Canada's ethno-cultural diversity into an encompassing national identity "in the traditional sense," as Miller phrases it, does not, however, affect the findings of the study by Banting et al.; indeed, this particular study shows that Canada does exhibit a combination of high levels of ethnic diversity and a strong social welfare state. This is the reason for my interest in them.

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[156] However, it is worth recalling that MCPs are implemented in Europe, as I illustrated in my example from the UK in Chapter Three. To some extent, then, we may acknowledge that the Canadian success story might not be easily replicated – but that implementation of MCPs has nevertheless become a necessity in most western countries in the face of ethno-culturally diverse immigration.

Neither the authors around Banting nor those collaborating on the earlier study led by Soroka verify to what extent Canadian's strong performance as a social welfare state has anything to do with the fact that Canadians trust in the institutions of the welfare state. While an in-depth study of the possible links between trust in institutions, support of the welfare state and MCPs is beyond the scope of this project and will have to be the subject for future research, the studies by Banting and Soroka should still make us pause. Could it be that considering the levels of trust in institutions I have gleaned from the WVS set of data for Canada – trust in institutions that are at the forefront of implementing laws and regulations based on MCPs, such as the police and the judiciary – that there is in fact a link between the level of ethno-cultural pluralism brought about through immigration, MCPs and institutional trust in Canada? Returning to Miller's argument, that levels of immigration have to be kept to the point for the host community to be able to absorb newcomers and integrate them successfully into the fabric of an encompassing national identity because of concerns for social solidarity and social trust, Banting et al. acknowledge that

> on a theoretical level, [Miller's] argument rightly insists that in trying to understand the impact of MCPs on the welfare state, it is a mistake to view MCPs in isolation to the larger context of public policies that shape people's identity, beliefs and aspirations. Whether or not MCPs encourage trust and solidarity, for example, will heavily depend on whether the MCPs are part of a larger policy package that simultaneously nurtures identification with the larger political community. (Banting et al., forthcoming: 27)

In other words, MCPs must be understood within the socio-political context in which they operate. If MCPs help to stimulate support towards continuing high levels of social welfare, could we not speculate that it is because they fit in with values and principles of the political community that implements them? As I explained in section 4, I subscribe to the argument that it is just institutions that will foster identification with a political

community, if we understand identification to imply that we share a sense of responsibility for the welfare and the functioning of our community – what I have called a sense of civic morality. Put differently, if we show a sense of civic morality– which we will have if we live in a setting dominated by just institutions – then we will be able to accept MCPs for what they are intended to be, namely tools of integration and accommodation of all members of society. We will then continue to support the social welfare state because we do not take MCPs to *undermine* social justice, but rather, we will understand MCPs as a tool towards the proliferation of social justice. MCPs are thus one way of integrating society. They will only work, however, in a setting with an already established civic morality. If this is the case, then what mitigates the effects of increased ethnic diversity – namely, MCPs – relies on a setting of institutional trust that can indeed be engineered "from above," through the establishment of just institutions. To counter the challenge of ethno-cultural diversity through immigration, societies must, then, establish a setting of just institutions. Such institutions would instill a sense of civic morality, as it is necessary to enable successful collective action. Once these parameters in place, I would argue, a society can start designing policies like MCPs to accommodate the ethno-cultural diversity in its midst. I would therefore argue, to return to my original question, that a blanket objection to ethno-culturally diverse immigration in the wake of redistributive immigration schemes because of its potentially negative effects on domestic social justice and social welfare is not a defensible position. Rather, what the Canadian case study suggests is that it is a question of fostering institutional trust and sets of social policies, which strike a balance between the interests of the members of the host community and potential newcomers.

6   Conclusion

This chapter has tackled one potential fear about the effects of redistributive immigration policies: namely, the erosion of social trust in ethnically diverse societies. I have examined what it means to trust in a general sense and why we need to have social trust in particular. One kind of social trust, I accepted, is fundamental in bringing about collective action, as it is needed to support the social welfare state. I then continued to investigate exactly what kind of social trust we would need, and have sided with those who argue for a link between trust in just institutions and a sense of civic morality that such institutional trust breeds and on which collective action relies. I have supported this argument with a look at the Canadian case study, arguing that institutional trust in Canada is high and that ethnic diversity has not hampered support for the Canadian welfare state. More countries have been examined with regards to the link between their demographic make-up and the well-being of their welfare state (see Banting and Kymlicka, forthcoming). For the purposes of my project, however, what is important is that ethno-cultural diversity *does not necessarily* stand in the way of social solidarity, social trust, and the social welfare state. Such fears about ethno-culturally diverse immigration and its potential impact on the achievement of social justice in host communities are therefore neither warranted nor justifiable. More importantly, such fears should not be used to argue against using redistributive immigration as one way of living up to robust duties of redistribution.

Conclusion

> Here is what we need to do: Make it a little more difficult for educated, well-off people to get into Canada. And make it much, much easier for unskilled, poor people, especially from Sub-Saharan Africa, to immigrate in great numbers, and soon.
> Doug Sanders in *The Globe and Mail* (June 17, 2006: F3)

While writing this thesis, I have lived and worked in three different countries, two of which are not my country of citizenship. I did not leave my country of origin because of a need to move abroad in order to have access to opportunities that would enable me to lead a valuable life – I could easily have led such a life in my country of origin. Rather, I moved to Canada and to the UK because I chose to, because I had the opportunity to do so and because I was eager for the experience. In the last stages of this thesis, I moved to Canada with the intention to apply for permanent residency status, and it is remarkable how little I had to do in order to fulfill the demands of Canada's immigration policy. Once in Canada, in fact, the requirements are far less demanding than if I had applied from outside Canada. It is my German citizenship that puts me in a position to apply from within Canada because I can enter Canadian territory and remain as a tourist for up to six months.

All of these conditions would be dramatically different if I had been born in Mali. Nevertheless, thousands of people try to enter Europe every day in search of the kind of opportunities that I and many of my compatriots take for granted. This movement of people towards Europe is well documented and extensively discussed in the European media. For, to be sure, it is not *my kind* of immigrant the tabloids in Europe write against, or who cause concern to politicians. Rather, it is the "unskilled and poor" kind that

dominates public debate – those, in other words, whose immigration is not sought by rich western countries. They are, however, often the worst-off in the world, and their countries of origin do not provide them with the kind of opportunities that enable individual autonomy and a life worth living. The differences in individual opportunities that make people want to move to Europe, Canada or the US, and the distinction between desirable and undesirable immigrants in national immigration policies, I have argued, needs to be addressed by liberal authors concerned with social justice and individual autonomy. If we accept that we do not live in a just world, which I take to be an uncontroversial claim, the stark inequalities in conditions of autonomous living between those living in rich countries and those living in poor ones must be cause for concern. Moreover, any policy that *compounds* such differences in individual opportunity needs to be scrutinized and changed to transform it into an instrument serving the goal of social justice.

In Chapter One, I have elaborated on the claim that the world is unjust in its distribution of individual opportunities and that this injustice is compounded by unfair national immigration schemes that favor desirable immigrants who come from rich countries and who can immigrate with relative ease into other rich countries compared with undesirable immigrants who come from poor countries. Instead of accepting the conventional assumption that domestic needs of the host community should determine immigration regimes, a principled liberal position on immigration should aim at providing access to opportunities of autonomous living for those who lack them. One way towards this goal would be to adopt immigration policies that specifically target those living in countries that cannot provide individual opportunities and bring them into the countries that can provide such opportunities, or redistributive immigration policies.

Such policies, I have explained, should be based on a global principle of fair equality of opportunity that is modeled on Rawls' blueprint for a theory of justice regulating access to social goods that enable individual autonomy. My defense of this proposal has in the first instance focused on those who deny that Rawls' theory can be applied on a cosmopolitan scale, and I have referred to the work of liberal egalitarians who have shown what form cosmopolitan principles of redistribution could take. In response to Rawls' rejoinder and critique of cosmopolitan interpretations of his theory, I have accepted his principles of a *Society of Peoples* as a blueprint of international justice – indeed, to clarify, the ideal is to have a just world made up of decent societies. We are far from such a world, however, and in the non-ideal world we live in, and while working towards more just international conditions, redistributive immigration policies can serve as a means of remedial justice for the global poor. To propose redistributive immigration policies as a tool of remedial justice situates my proposal squarely within Rawls' framework. Although I refer to those writing in the cosmopolitan vein sympathetically, I am not advocating a global egalitarian principle that aims to *equalize* conditions of living for all human beings. Neither do I believe, however, that obligations of justice on an international scale can be restricted to humanitarian aid and assistance. Instead, I am concerned with providing all human beings with adequate conditions of individual autonomy and access to fair equality of opportunity when choosing what life to lead. Such conditions are most obviously lacking for those 2.6 billion people who live on US $ 2 per day, and it is towards them that redistributive immigration policies ought to be directed and to whom they should be applied.

Redistributive immigration policies rely on the premise that international principles of redistribution are plausible and defensible. The most acute challenge to this

premise comes from liberal nationalism as a particular strand of liberal egalitarian thinking. Liberal nationalists – and David Miller in particular, on whose work I have focused in much of this discussion – endorse the goals of social justice and redistribution my proposal espouses. In fact, some liberal nationalist principles are explicitly modeled along liberal egalitarian arguments for the redistribution of access to social goods. For example, the liberal nationalist postulate of access to a viable cultural background has been justified with the claim that such a cultural context is a social good and hence should be considered as part of the goods that principles of redistribution regulate (see Kymlicka 1989). Miller insists, however, on the important role a shared national identity and community life plays in designing and implementing principles of social justice. Norms of social justice, he claims, are socially contingent. I have argued against this assumption in Chapter Two, making the case instead that access to social goods that provide individual opportunities and enable an individual to lead an autonomous life must be framed in universal terms.

I have then examined Miller's second point claiming that while citizens of rich countries should accept universal duties of humanitarian assistance to help alleviate absolute deprivation, they do not incur global duties that arise from a situation of relative deprivation – from a perspective that compares the set of opportunities and conditions of individual autonomy of those living in rich countries to those available to the global poor. Duties of redistribution that address relative deprivation, Miller holds, are situated in the domain of domestic politics since we have a different set of duties towards compatriots than towards non-compatriots. If duties of redistribution cannot be universalized a policy of redistributive immigration is rendered implausible.

I have made several points in response to this challenge to redistributive immigration policies. First, I refuted the model underlying Miller's conception of the nature of our duties – what I referred to as the concentric circle model of our duties – and have instead shown that outside an intimate core of people, strangers are strangers, whether they live in the same state or on the next continent. In this vein, the duty to redistribute access to opportunities on the cosmopolitan scale is based on the same premise as the duties of redistribution we have in the domestic sphere. Second, I have addressed Miller's claim that we share a special relationship with fellow nationals, which warrants domestic redistribution. Here I have relied on Scheffler's work, which provides different models of relationships that may bear special moral obligations. Analyzing Miller's account of the relationship we have with compatriots, I have deducted that he could not plausibly refer to two of these models to explain special moral obligations. Instead, I have taken Miller to argue for a contractual relationship with compatriots, which I identified to be fundamentally instrumental and hence not warranting special moral obligations, according to Scheffler. Shedding my doubts for the purposes of the argument, moreover, and accepting Miller's claims about the ethical relevance of the relationship among compatriots, and his premise for the special relationship between compatriots, I have nevertheless maintained that sharing special relationships does not absolve us from moral obligations towards the global poor. It is unconvincing to articulate ethical principles that would simply result in support for a club of the wealthy against the legitimate moral claims of those outside the club. In other words, even if we were to convince ourselves of a special relationship with compatriots and were to derive special duties from such a relationship, we cannot neglect moral duties that arise from the principle that all humans are morally equal and should be able to lead autonomous lives.

In this vein, I have interpreted Scheffler's idea of a distributive objection to entail that moral equality represents a constraint on the effect special relationships may have on conceptualizing moral duties.

After having defended the hypothesis on which my proposal is based, I imagined some more possible objections to redistributive immigration schemes. The objections I had in mind for the remainder of the thesis related to the effects such policies might have. To reiterate, the relevance of liberal nationalist arguments against redistributive immigration policies stems from the fact that Miller in particular subscribes to egalitarian principles of social justice. But what if redistributive immigration were to counteract the implementation of principles of social justice in the host community? My proposal would be indefensible if a change in the ethics of immigration were to result in a deterioration of conditions of social justice in host communities. If the driving motivation for redistributive immigration is to expand access to individual opportunities, it would be implausible to accept that those who might have enjoyed access to opportunities so far were to lose such access.

I have argued that redistributive immigration schemes have to be incorporated into the context of redistributive domestic social justice – they are not simply an addition to existing unjust social conditions. Providing the example of employers who may lose some profits as a consequence of stricter wage laws that cut them off from access to inexpensive immigrant labor, I would maintain that such a change in condition of employers' balance-sheets is not my concern since the previous relationship was exploitative and unjust. Similarly, I would argue that it does not pose a challenge to my proposal if the high-earning percentage of the population in a host community has to pay higher taxes in order to finance redistributive immigration schemes. Rather, their higher

tax contribution would be part of the redistribution that principles of social justice would call for. These, then, are not the kind of fears I have discussed.

Instead, and in order to address legitimate concerns about the conditions of social justice in the host community, I have first asked what form a decline of social justice might take and have construed it as the decline of the social welfare state in host communities. I have then, in Chapters Three and Four, confronted fears that redistributive immigration policies might generate, which I have summarized as the social solidarity caveat and concerns for social trust. These fears take a very particular shape in their liberal nationalist interpretation. The worry is that a change in immigration regimes geared towards the global poor would result in increased ethno-culturally diverse immigration, and that such levels of ethno-cultural heterogeneity would challenge feelings of social solidarity and social trust in the host community. I have summarized this as the heterogeneity/redistribution trade-off, to which Miller explicitly draws attention.

In Chapter Three, I scrutinized the social solidarity caveat and argued that Miller makes several different arguments that are worth analyzing separately. One is that feelings of solidarity are tied to a national identity and community. The challenge from ethno-cultural heterogeneity would then derive from my perception that the national community and its identity features have changed to the point that I no longer have these feelings of solidarity. I have challenged this claim by first defining social solidarity as relying on a moral ideal that acknowledges interdependence and ties between people. This moral ideal is not tied to any specific community, however, and Miller does not make a convincing argument for why we should think of solidarity as framed by national

identity, or only in the context of a national community rather than in a cosmopolitan one.

The second argument Miller proposes to substantiate the social solidarity caveat is built on an instrumental account of the ties between social solidarity and social cooperation. The idea here is that only if we have feelings of sharing in a national identity and community will we cooperate in the realm of the social welfare state. More explicitly, only if I identify with my fellow compatriots will I be willing to pay my taxes, rather than move my money elsewhere. With increased ethno-cultural heterogeneity, this underlying assumption for social cooperation would be challenged in so far as the make-up of the national community would change and its members would no longer be able to refer to a shared national identity in Miller's sense, that is one that relies on a shared history and culture. I have challenged this instrumental assumption by analyzing findings from the UK indicating that recent immigrants – i.e. those who do not share in the national identity of their host community yet – contribute overwhelmingly more in income taxes than their hosts. If tax contribution is at the basis of the social welfare state, then it is not clear why ethno-cultural heterogeneity that results from redistributive immigration should pose a threat to the implementation of social justice in host communities. I concluded Chapter Three by proposing an alternative account of what motivated such contributions, what I call a sense of civic mindedness that is generated by rule compliance in the host community.

Finally, Chapter Four addressed another social condition of a functioning social welfare state, namely that of social trust. The assumption Miller makes is that social trust is important for social cooperation, which in turn supports the social welfare state. And again, Miller ascribes properties to a shared national identity – to induce trust – which

will be challenged by ethno-cultural heterogeneity. In the course of this chapter, I ventured into previously unknown territory, as it were, in so far as I analyze writings in social theory and empirical analysis. This is fascinating literature and extremely enjoyable to read for a political theorist, or so it seemed to me: to read how individuals respond to questions regarding their levels of trust should bring those often accused of residing in the ivory tower back to life. In this vein, I share some of Miller's convictions, namely that it is important to make a methodological choice, between an abstract normative position or one that takes into account how individual actually think about social justice – or, as I describe, that they have intuitions and ideas about whom to trust and whom not to trust.

Chapter Four relates the most important lesson I draw from the empirical literature concerning questions of trust, which is that, when analyzing trust, important distinctions need to be made. Individuals will make distinctions of individual trust based on ethno-cultural parameters and will be more likely to trust those with whom they share an ethno-cultural background. However, this individual bias towards one's own ethno-cultural background does not affect social cooperation and support for the social welfare state. Such support, rather, depends on a sense of civic mindedness, which in turns depends on levels of institutional trust. I explain that non-corrupt and just institutions will induce trust. Making this argument, I join those like Rothstein and Stolle who argue that the important kind of trust for social cooperation can be brought about through institutional design, and need not rely on an existent sense of community, which is how I interpret Miller's conception of social trust.

With this conceptual clarification in mind, I then returned to Miller's argument that ties national community, solidarity and trust together and which anticipates that with

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an increase in ethno-cultural pluralism a society will witness a deterioration of the social conditions of social welfare. Miller argues strongly against multicultural policies (MCPs) as detrimental to the bases of the social welfare state and to the implementation of policies of social justice. His stance against the instruments countries like Canada, Australia and, to some extent, Britain have chosen to deal with ethno-cultural heterogeneity is simply misguided; instead, what studies from Canada show is that MCPs play a vital role in producing the kind of institutional trust that instills feelings of civic mindedness. MCPs actually help integrate ethno-culturally plural polities and help stimulate institutional trust.

Chapters Three and Four have shown that the concerns for social justice in the host community based on conditions of a functioning welfare state are not warranted. Redistributive immigration policies, in other words, cannot be refuted based on the fear of the heterogeneity/redistribution trade off. The results of these chapters thus support my proposal for change in the ethics of immigration. However, I accept that my summary of the social welfare caveat and concerns for social trust as arguments against redistributive immigration policies does not include other problems that may arise in the context of the welfare state and newcomers. To conclude, then, I will sketch some of the work that should be done in order to address the important concerns that reflect yet again the need to balance the justice concerns of the host community with those arising from the international differences in conditions of autonomy.

It could be argued that redistributive immigration schemes challenge a sense of social justice if immigrants were to receive welfare state benefits. I have explained that an important part of national immigration policies to date focus on speedy and successful integration of immigrants into the social fabric of the host community. And I have

supported considerations for integration since the motivation for redistributive immigration policies is to provide individuals with opportunities in their host community, which they will only be able to seize and use if they have a basic knowledge of the language of their host community, for example. Since my proposal is aimed at the global poor, it is fair to assume that those immigrating under redistributive schemes would not be in a position to pay for language training – in fact, I have criticized the new Dutch immigration regulations to impose high language training costs onto hopeful immigrants arguing that this rule may make it next to impossible for the global poor to fulfill the requirements. In the context of redistributive immigration scheme, it would then be plausible to expect national governments to pay for language training as part of their commitment to redistribute access to opportunities.

Traditionally, of course, the funds national governments spend on welfare state schemes are financed through contributions citizens have made over time. Because of the accumulative character of welfare state provisions – for example, into pension schemes, national health or unemployment insurance schemes – some could argue that it would be unfair to provide newcomers with benefits others have paid for even though they themselves have not or have not yet contributed to these schemes. One way national governments have chosen to decide who should enjoy welfare benefits is by making access to welfare benefits contingent on years of residency and contribution to a welfare scheme. And to be sure, this is a reasonable stipulation for people like myself who move from one country to another because of interest rather than need. To have to pay for private healthcare, say, is then simply one of the costs one has to face when making the decision of exchanging residency in one wealthy country against another one, and residency requirements are a legitimate tool to use when ensuring that the welfare state is

not exploited by somebody moving from the UK to Sweden because she realizes that she will receive better and free healthcare there. However, this stipulation would obviously defy the premise of redistributive immigration schemes. In a more general sense, therefore, the adoption and implementation of redistributive immigration schemes would necessarily entail a reconceptualization of national welfare state schemes.

While relatively little has been written on this specific topic – beyond calls to actually think about it (cf. Kukathas 2003), that is – there are three sets of literature one could employ when thinking about principled solutions to these problems. First, there is the vast and ever growing normative and theoretical literature produced by political theorists and philosophers theorizing what cosmopolitan policies should look like and indeed taking into account what members of one nation should do for those of another (e.g. Pogge 2005). This literature, however, does not address the very specific question of the normative and economic basis of the welfare state and how it would have to be reconceptualized to, say, justify systematic distribution of tax monies to people who have not (yet) contributed to the benefits scheme. Second, there is the literature on the effects of ethnic diversity and the welfare state in multipluralist countries that I have referred to in Chapter Four. And while this set of literature helps to shed light on people's attitude towards others, specifically members of other ethno-cultural groups, to participate and contribute in the workings of the social welfare state, it rests squarely in the traditional mindset of the welfare state as relying on nation-state principles of reciprocity. This literature should be analyzed in order to evaluate the attitudes of members of the host community towards extending welfare benefit provisions to non-compatriots. Finally, I believe that studies examining the deepening integration of the European Union should be explored. The EU has been the subject of studies investigating issues of national

sovereignty and common policies of social welfare, health care and the like (e.g. Pagano 2004). This literature can help to evaluate arguments for transnational considerations of welfare and to see how these arguments conceptualize ideas of national sovereignty and autonomy when it comes to welfare state provision.

Immigration is an issue of everyday life for many individuals around the world. I have aimed to highlight some of the problems and inequities that arise from current immigration schemes which compound international injustices and the stark differences in opportunities and conditions of individual autonomy that characterize the world today. Immigration schemes ought not to and, indeed, do not need to work only to the advantage of the rich, or of rich countries. If they are remodeled along the lines of my proposal, they can actually be a means to further international social justice.

Bibliography

Abella, Irving and Harold Troper (2000) *None is too many: Canada and the Jews of Europe 1933-1948*, Toronto, Key Porter.

Ackerman, Bruce A. (1980) *Social Justice in the Liberal State*, New Haven, Yale University Press.

Agbu, Osita (2003) "Corruption and Human Trafficking: The Nigerian Case" in *West Africa Review*, Vol. 4 (1), available at www.westafricareview.com/vol4.1/agbu.html.

Alesina, Alberto and Edward Glaeser (2004) *Fighting Poverty in the US and Europe: A World of Difference*, Oxford, Oxford University Press.

Amnesty International (2005) "Italy: Lampedusa, the island of Europe's forgotten promises" available at http://web.amnesty.org/library/Index/ENGEUR300082005

Archard, David (2000) "Nationalism and Political Theory" in Noël O'Sullivan (ed.), *Political Theory in Translation*, London, Routledge.

Arneson, Richard (1993) "Equality" in Robert E. Goodin and Philip Petitt (eds.), *A Companion to Contemporary Political Philosophy*, London, Blackwell.

Arneson, Richard (1989) "Equality and equal opportunity of welfare" in *Philosophical Studies* 56 (1), 77-93.

Baier, Annette (1986) "Trust and Anti-Trust" in *Ethics* 96 (2), 231-260.

Banting, Keith; Richard Johnston, Will Kymlicka, and Stuart Soroka (forthcoming), "Do Multiculturalism Policies Erode the Welfare State? An Empirical Analysis" in Will Kymlicka and Keith Banting (eds.), *Multiculturalism and the Welfare State: Recognition and Redistribution in Contemporary Democracies*, Oxford, Oxford University Press.

Banting, Keith and Will Kymlicka (2004) "Do Multiculturalism Policies Erode the Welfare State?" in Philippe van Parijs (ed), *Cultural Diversity versus Economic Solidarity*, Brussels, Editions De Boeck Université.

Barbieri, William A. (1998) *Ethics of citizenship: immigration and group rights in Germany*, Durham NC, Duke University Press.

Barry, Brian (2005) *Why Social Justice Matters*, Cambridge, Polity Press.

Barry, Brian (2001) *Culture and Equality: An Egalitarian Critique of Multiculturalism*, Cambridge, MA, Harvard University Press.

Barry, Brian (1995) *Justice as Impartiality*, Oxford, Oxford University Press.

Barry, Brian (1989) "Self-Government Revisited" in ibid, *Democracy, Power, and Justice*, Oxford, Oxford University Press.

Barry, Brian (1992) "Free Movement: A Skeptic's Perspective" in Brian Barry and Robert E. Goodin (eds.), *Free movement: ethical issues in the transnational migration of people and money*, University Park, PA, Pennsylvania State University Press.

Bauböck, Rainer (1998) *Blurred Boundaries: Migration, Ethnicity and Citizenship*, Aldershot, Ashgate.

Bauböck, Rainer (1994a) *Transnational Citizenship*, Edward Elgar, Cheltenham

Bauböck, Rainer (1994b) "Changing the Boundaries of Citizenship" in ibid (ed.), *From Aliens to Citizens*, Aldershot, Avebury.

Bell, Daniel (2003) "Is Republican Citizenship Appropriate for the Modern World?" in Daniel A. Bell and Avner de-Shalit (eds.), *Forms of Justice – Critical Perspectives on David Miller's Political Philosophy*, Lanham MD, Rowman and Littlefield

Beitz, Charles (2001) "Does Global Inequality Matter" in *Metaphilosophy*, 32 (1/2), 95-112.

Beitz, Charles (1991) "Sovereignty and Morality in International Affairs" in David Held (ed.), *Political Theory Today*, Stanford, Stanford University Press.

Beitz, Charles (1983) "Cosmopolitan ideals and national sentiments" in *Journal of Philosophy*, 80 (10), 591-600

Beitz, Charles (1979) *Political Theory and International Relations*, Princeton, Princeton University Press.

Benhabib, Seyla (2002) *The Claims of Culture: equality and diversity in a global era*, Princeton, Princeton University Press.

Berlin, Isaiah (1969) "Two Concepts of Liberty" in ibid, *Four Essays on Liberty*, Oxford, Oxford University Press.

Bissoondath, Neil (2002) *Selling Illusions: the cult of multiculturalism in Canada*, Toronto, Penguin Canada.

Blake, Michael (2003) "Immigration" in Frey and Wellman (eds.), *A Companion to Applied Ethics*, Oxford. Oxford University Press.

Blake, Michael (2001) "Distributive Justice, State Coercion, and Autonomy" in *Philosophy and Public Affairs*, 30 (3), 257-296.

Bohnet, Iris, Bruno S. Frey, and Steffen Huck (2001) "More Order with Less Law: On Contract Enforcement, Trust, and Crowding" in *American Political Science Review*, 95 (1), 131-44

Bok, Sissela (2002) "From Part to Whole" in Martha Nussbaum, *For Love of Country?*, Boston, Beacon Press.

Bok, Sissela (1999) *Lying – Moral Choice in Public and Private Life*, New York. Vintage Books.

Boxill, Bernard R. (1987) "Global Equality of Opportunity and National Integrity" in *Social Philosophy & Policy*, 5 (1), 143-168

Brehm, John and Wendy Rahn (1997) "Individual-Level Evidence for the Causes and Consequences of Social Capital" in *American Journal of Political Science*, 41 (3), 999-1023

Brubaker, Rogers W. (1992) *Citizenship and Nationhood in France and Germany*, Cambridge, MA, Harvard University Press.

Canadian Heritage (2004) "Multiculturalism: a Public Policy Issue" available at www.pch.gc.ca

Canadian Heritage (1998) *Multicultural Canada – A Demographic Overview*, Ottawa.

Caney, Simon (2005) *Justice Beyond Borders: A Global Political Theory*, Oxford, Oxford University Press.

Caney, Simon (2003) "Entitlements, Obligations, and Distributive Justice: The Global Level" in Daniel A. Bell and Avner de-Shalit (eds.), *Forms of Justice – Critical Perspectives on David Miller's Political Philosophy*, Lanham MD, Rowman and Littlefield

Caney, Simon (1999) "Nationality, Distributive Justice and the Use of Force" in *Journal of Applied Philosophy*, 16 (2), 123-138.

Canovan, Margaret (1996) *Nationhood and Political Theory*, Cheltenham, Edward Elgar.

Carens, Joseph (2003) "Who Should Get in? The Ethics of Immigration Admissions" in *Ethics and International Affairs*, 17(1), 95-110.

Carens, Joseph (1995) "Immigration, welfare, and justice" in Warren E. Schwartz (ed.), *Justice in Immigration*, New York, Cambridge University Press.

Carens, Joseph (1994) "Cultural Adaptation and Integration. Is Quebec a Model for Europe?" in Rainer Bauböck (ed.), *From Aliens to Citizens*, Aldershot, Avebury.

Carens, Joseph (1992) "Migration and Morality: A liberal egalitarian perspective" in Brian Barry and Richard E. Goodin (eds.), *Free movement: ethical issues in the transnational migration of people and money*, University Park, PA, Pennsylvania State University Press.

Carens, Joseph (1989) "Membership and Morality: Admission to Citizenship in Liberal Democratic States" in R. Brubaker (ed.), *Immigration and the Politics of Citizenship in Europe and North America*, Lanham, MD, University Press of America.

Carens, Joseph (1988) "Immigration and the Welfare State" in Amy Gutmann (ed.), *Democracy and the Welfare State*, Princeton, NJ, Princeton University Press.

Carens, Joseph (1988a) "Nationalism and the Exclusion of Immigrants: Lessons from Australian Immigration Policy" in Mark Gibney (ed.) *Open Borders? Closed Societies? The Ethical and Political Issues*, New York, Greenwood Press.

Carens, Joseph (1987) "Aliens and Citizens: The Case for Open Borders" in *The Review of Politics*, 49 (2), 251-273.

Carens, Joseph (1986a) "Rights and Duties in an Egalitarian Society" in *Political Theory*, 14 (1), 31-49.

Carens, Joseph (1986b) "The Virtues of Socialism" in *Theory and Society*, 15 (5), 679-687.

Christman, John (1989) "Liberalism, Autonomy, and Self-Transformation" in J. Christman (ed.), *The Inner Citadel*, New York, Oxford University Press.

Citizenship and Immigration Canada (2004) *Facts and Figures: Immigration Overview – Permanent and Temporary Residents*, available at www.cic.gc.ca/english/pdf/pub/facts2004.pdf

Cohen, Jean (1999) "Trust, voluntary association and workable democracy" in Mark Warren (ed.), *Democracy and Trust*, Cambridge, Cambridge University Press.

Crepaz, Markus (forthcoming) "'If you are my brother, I may give you a dime!' Public opinion on multiculturalism, trust and the welfare state", in Keith Banting and Will Kymlicka (eds) *Multiculturalism and the Welfare State: Recognition and Redistribution in Contemporary Democracies*, Oxford, Oxford University Press.

Crocker, Lawrence (1977) "Equality, Solidarity and Rawls' Maximin" in *Philosophy and Public Affairs*, 6 (3), 262-266.

Darwall, Stephen (1995) *Equal Freedom: Selected Tanner Lectures on Human Values*, Detroit, University of Michigan.

Die Zeit (2006) "Schluss mit dem Versteckspiel – Warum Deutschland auch korrupten Ländern Entwicklungshilfe zahlen muss," 12th April, 2006.

Die Zeit (2006) "Amnestie in Spanien," 30th March, 2006.

Dowty, Alan (1987) *Close Borders: The Contemporary Assault on Freedom of Movement*, New Haven, Yale University Press.

Doyle, Michael (2000) "Global Economic Inequalities: A Growing Moral Gap" in Paul K. Wappner and Lester E. Ruiz (eds.), *Principled World Politics: The Challenge of Normative International Relations*, Lanham MD, Rowman and Littlefield.

Dworkin, Gerald (1993) "The Concept of Autonomy" in Robert E. Goodin and Philip Petitt (eds.), *A Companion to Contemporary Political Philosophy*, London, Blackwell.

Dworkin, Ronald (1989) "Liberal Community" in *California Law Review*, 77 (3), 479-504.

Dworkin, Ronald (1981a) "What is Equality? Part I: Equality of Welfare" in *Philosophy and Public Affairs* 10 (3/4) 185-246.

Dworkin, Ronald (1981b) "What is Equality? Part II: Equality of Resources" in *Philosophy and Public Affairs* 10 (3/4), 283-345.

Eisenberg, Avigail (2006, forthcoming), "Equality, Trust, and Multiculturalism" in Fiona Kay and Richard Johnston (eds.), *Social Capital, Diversity and the Welfare State*, Vancouver, UBC Press.

Elster, Jon (1992) *Local Justice – How Institutions Allocate Scarce Goods and Necessary Burdens*, New York, Cambridge University Press.

Frankfurt, Harry (1987) "Equality as a Moral Ideal" in *Ethics*, 98 (1), 21-43.

Freitag, Matthias (2006) "Bowling the state back in: Political institutions and the creation of social capital" in *European Journal of Political Research*, 45 (1), 123-152.

Fukuyama, Francis (1995) *Trust – The Social Virtues and the Creation of Prosperity*, London, Penguin Books.

Gans, Chaim (1998) "Nationalism and Immigration" in *Ethical Theory and Moral Practice*, 1 (1), 159-180.

Gellner, Ernest (1988) "Trust, Cohesion, and the Social Order" in Diego Gambetta (ed.), *Trust: Making and Breaking of Cooperative Relationships*, Oxford, Basil Blackwell.

Goodin, Robert E. (1992) " If People were Money…" in Brian Barry and Robert E. Goodin (eds.), *Free movement: ethical issues in the transnational migration of people and money*, University Park, PA, Pennsylvania State University Press.

Goodin, Robert E. (1988) "What is so special about Our Fellow Countrymen?" in *Ethics*, 98 (4), 663-686.

Gray, John (1991) "Mill's conception of Happiness" in J. Gray & G.W. Smith (eds.), *J. S. Mill – On Liberty*, London, Routledge.

Gregg, Alan (2006) "Identity Crisis: Is Canadian Multiculturalism dangerously outdated?" in *The Walrus*, 3 (2), 38-47 .

Habermas, Jürgen (1999) *Die Einbeziehung des Anderen*, Frankfurt am Main, Suhrkamp.

Hall, Stuart (1996) "Who Needs 'Identity'?" in S. Hall & Paul de Gay (eds.), *Questions of Cultural Identity*, London, Sage.

Hampton, Jean (1993) "Contract and Consent" in Robert E. Goodin and Philip Petitt (eds.), *A Companion to Contemporary Political Philosophy*, London, Blackwell.

Hardin, Russell (2002) *Trust and Trustworthiness*, New York, Russell Sage Foundation.

Hardin, Russell (2001) "Trust in Society" in Karen Cook (ed.), *Trust in Society*, New York, Russell Sage Foundation.

Hardin, Russell (1998) "Trust in Government" in Valerie Braithwaite and Margaret Levi (eds.), *Trust and Governance*, New York, Russell Sage Foundation.

Hardin, Russell (1996) "Trustworthiness" in *Ethics* 107 (3), 26-42.

Hardin, Russell (1993) "The Street-Epistemology of Trust" in *Politics & Society*, 21 (4), 505-529.

Hayter, Teresa (2000) *Open Borders: The case against Immigration Controls*, London, Pluto Press.

Held, David (1995) *Democracy and the Global Order. From the Modern State to Cosmopolitan Governance,* Stanford, Stanford University Press.

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Hollis, Martin (1998) *Trust Within Reason*, Cambridge, Cambridge University Press.

Home Office (2004) *Control of Immigration: Statistics United Kingdom, 2003*, available at http://www.homeoffice.gov.uk/rds/immigration1.html HOSB12/04

Home Office (2002) *Labour Market Performance of Immigrants in the UK* available at www.homeoffice.gov.uk/rds/onlinepubs1.html

Honig, Bonnie (2001) *Democracy and the Foreigner*, Princeton, Princeton University Press.

Honneth, Axel (1998) *Kampf um Anerkennung*, Frankfurt am Main, Suhrkamp.

Hurka, Thomas (1997) "The Justification of National Partiality" in R. McKim and J. McMahan (eds.), *The Morality of Nationalism*, New York, Oxford University Press.

Ignatieff, Michael (1994) *Blood and Belonging: journeys into the new nationalism*, New York, Farrar, Strauss and Giroux.

Inglehardt, Ronald (1999) "Trust, Well-Being and Democracy" in Mark Warren (ed.), *Democracy and Trust*, Cambridge, Cambridge University Press.

IPPR (2005) *Paying Their Way- The Fiscal Contribution of Immigrants in the UK*, available at www.ippr.org

Jones, Charles (1999) *Global Justice: Defending Cosmopolitanism*, Oxford, Clarendon Press.

Joppke, Christian (2005) *Ethnic Immigration*, Cambridge, MA, Harvard University Press.

Joppke, Christian (1999) *Immigration and the Nation-State: The United States, Germany and Great Britain*, Oxford, Oxford University Press.

Joppke, Christian & Ewa Morawska (eds.) (2003) *Toward Assimilation and Citizenship: Immigrants in Liberal Nation-States*, New York, Palgrave.

Kukathas, Chandran (2005) "The Case for Open Borders" in Andrew I. Cohen and Christopher H. Wellmann (eds.), *Contemporary Debates in Applied Ethics*, Malden, Blackwell.

Kukathas, Chandran (2003) "Immigration" in Hugh LaFollette (ed.), *The Oxford Handbook of Practical Ethics*, Oxford, Oxford University Press, 567-590.

Kymlicka, Will (forthcoming), "The Multicultural Welfare State" in Will Kymlicka and Keith Banting (eds.), *Multiculturalism and the Welfare State: Recognition and Redistribution in Contemporary Democracies*, Oxford, Oxford University Press.

Kymlicka, Will (2002) *Contemporary Political Philosophy*, Oxford, Oxford University Press.

Kymlicka, Will (2001) *Politics in the Vernacular*, Oxford, Oxford University Press.

Kymlicka, Will (1998) *Finding our Way*, Oxford, Oxford University Press.

Kymlicka, Will (1998a) "Introduction: An Emerging Consensus?" In *Ethical Theory and Moral Practice*, 1 (1), 142-157.

Kymlicka, Will (1995) *Multicultural Citizenship*, Oxford, Oxford University Press.

Kymlicka, Will (1989) *Liberalism, Community and Culture*, Oxford, Clarendon Press.

Kymlicka, Will and Wayne Norman (2000) "Citizenship in Culturally Diverse Societies" in ibid (eds.), *Citizenship in Diverse Societies*, Oxford, Oxford University Press.

Kymlicka, Will and Christine Straehle (1999) "Cosmopolitanism, Nation-States, and Minority Nationalism: A Critical Review of Recent Literature" in *European Journal of Philosophy*, 7 (1), 65-88.

Letki, Natalia (2005) "Investigating the roots of civic morality: Trust, social capital and institutional performance" Paper presented at the conference *The Quality of Government: What It Is, How to Get It, Why It Matters*, November 17-19, 2005, The Quality of Government Institute, Department of Political Science, Göteborg, Göteborg University.

Levi, Margaret (1998) "A State of Trust" in Valerie Braithwaite and Margaret Levi (ed.), *Trust and Governance*, New York, Russell Sage Foundation.

Levi, Margaret (1997) *Consent, Dissent, and Patriotism*, Cambridge, Cambridge University Press.

Levi, Margaret (1996) "Social and unsocial capital: A review essay of Robert Putnam's *Making Democracy Work*" in *Politics and Society*, 24 (1), 45-55.

Levinson, Sanford (1995) "Is Liberal Nationalism an Oxymoron?" in *Ethics*, 105 (3), 626-645.

Listhaug, Ola, and A. H. Miller (1985) "Public Support for Tax Evasion: Self-Interest or Symbolic Politics?" in *European Journal of Political Research*, 13 (2), 265-82.

Lu, Catherine (2006) *Just and Unjust Interventions in World Politics – Public and Private*, New York, Palgrave Macmillan.

Lu, Catherine (2000) "The One and Many Faces of Cosmopolitanism" in *Journal of Political Philosophy*, 8 (2), 244-267.

Luhmann, Niklas (1979) *Trust and Power*, New York, Wiley.

Luhmann, Niklas (1988) "Familiarity, confidence, trust: problems and alternatives" in Diego Gambetta (ed.), *Trust: Making and Breaking of Cooperative Relationships*, Oxford, Basil Blackwell.

Macedo, Stephen (1990) *Liberal virtues: citizenship, virtue, and community in liberal constitutionalism*, Oxford, Clarendon Press.

MacIntyre, Alistair (1984) *Is Patriotism a Virtue?*, Lindley Lecture, Lawrence KS, University of Kansas.

Marshall, Melissa and Dietlind Stolle (2004) "Race and the City: Neighbourhood Context and the Development of Generalized Trust" in *Political Behaviour*, 26 (2), 125-153.

Mason, Andrew (2000) *Community, Solidarity and Belonging*, Cambridge, Cambridge University Press.

Mason, Andrew (1999) "Political Community, Liberal Nationalism, and the Ethics of Assimilation" in *Ethics* 109 (2), 261-286

Mason, Andrew (1998) "Solidarity" in *Routledge Encyclopedia of Philosophy*, New York, Routledge.

Mason, Andrew (1997) "Special Obligations to Compatriots" in *Ethics*, 107 (3), 427-447.

Meilaender, Peter C. (2001) *Toward a Theory of Immigration*, New York, Palgrave.

Miller, David (2005) "Immigration – The Case for Limits" in Andrew I. Cohen and Christopher H. Wellmann (eds.), *Contemporary Debates in Applied Ethics*, Malden, Blackwell.

Miller, David (2004) "Holding Nations Responsible" in *Ethics* 114 (2), 240-268.

Miller, David (2004a) "Social Justice in Multicultural Societies" in Philippe Van Parijs (ed.), *Cultural Diversity versus Economic Solidarity*, Brussels, Editions De Boeck Université.

Miller, David (2002) "Two Ways to Think About Justice" in *Politics, Philosophy and Economics* 1, 5-28.

Miller, David (2000) *Citizenship and National Identity*, Cambridge, Polity Press.

Miller, David (1999) *Principles of Social Justice*, London, Harvard University Press.

Miller, David (1995) *On Nationality*, Oxford, Clarendon Press.

Miller, David (1991) "Liberty" in David Miller (ed.), *Liberty*, Oxford, Oxford University Press.

Miller, David (1989) *Market, State and Community*, Oxford, Clarendon Press.

Miller, David (1988) "In What Sense Must Socialism be Communitarian?" In *Social Philosophy and Policy*, 6 (1), 51-73.

Ministerie van Justitie (2006) "Civic integration examination abroad introduced", March 15th, available at www.ind.nl/en/inbedrijf/actueel/basisexamenvervolg.asp

Misztal, Barbara A. (1996) *Trust in Modern Societies*, Cambridge, Polity Press.

Moore, Margaret (2001) *The Ethics of Nationalism*, Oxford, Oxford University Press.

Nagel, Thomas (2005) "The Problem of Global Justice" in *Philosophy and Public Affairs*, 33 (2), 113-147.

Nagel, Thomas (1991) *Equality and Partiality*, New York, Oxford University Press.

National Statistics UK, *www.statistics.gov.uk*

Nathanson, Stephen (1993) *Patriotism, Morality and Peace*, Lanham, Rowman & Littlefield.

Nett, Roger (1971) "The civil right we are not ready for: The right of free movement of people on the face of the earth" in *Ethics*, 81 (3), 212-227.

Nickel, James (1993) "How Human Rights Generate Duties to Protect and Provide" in *Human Rights Quarterly*, 15, 77-86.

Nozick, Robert (1974) *Anarchy, State and Utopia*, Oxford, Blackwell.

Nussbaum, Martha (2002) "Patriotism and Cosmopolitanism" in ibid, *For Love of Country?*, Joshua Cohen (ed.), Boston, Beacon Press.

Nussbaum, Martha (2000) "Duties of Justice, Duties of Material Aid: Cicero's Problematic Legacy" in *Journal of Political Philosophy*, 8 (2), 176-201.

Nussbaum, Martha (1997) "Capabilities and Human Rights" in *Fordham Law Review*, 66, 273-300.

Nussbaum, Martha and Amartya Sen (1993) (eds.) *Quality of Life*, Clarendon Press, Oxford.

Oberman, Kieran (2005) "Does a Right to Leave Impose Duties to Admit?" Paper presented at the *Colloquium on Justice, Security and Rights*, University of Stirling, October 5-6.

Offe, Claus (1999) "How can we trust our fellow citizens?" in Mark Warren (ed.), *Democracy and Trust*, Cambridge, Cambridge University Press.

Oliver, Eric J., and Tali Mendelberg (2000). "Reconsidering the environmental determinants of racial attitudes" in *American Journal of Political Science*, 44 (July), 574–589.

O'Neill, Onora (1991) "Transnational Justice" in David Held (ed.), *Political Theory Today*, Stanford, Stanford University Press.

Pagano, Ugo (2004) "Cultural Diversity, European Integration and the Welfare State" in Philippe Van Parijs (ed.), *Cultural Diversity versus Economic Solidarity*, Brussels, Editions De Boeck Université.

Parfit, Derek (1984) *Reasons and Persons*, Oxford, Clarendon Press.

Patten, Alan (2005) "Should we stop thinking about Poverty in Terms of Helping the Poor?" in *Ethics & International Affairs*, 19 (1), 19-27.

Patten, Alan (2003) "Can the Immigrant/National Minority Dichotomy be defended?" in Allen Buchanan and Stephen Macedo (eds.), *Secession and Self-Determination*, Nomos 45, New York, New York University Press.

Patten, Alan (1999) "Liberal Egalitarianism and the Case for Supporting National Cultures" in *Monist*, 82 (3), 387- 410.

Perry, Stephen R. (1995) "Immigration, Justice and Culture" in Warren E. Schwartz (ed.), *Justice in Immigration*, New York, Cambridge University Press.

Putnam, Richard (2000) *Bowling alone: the collapse and revival of American community*, New York, Simon and Schuster.

Putnam, Richard (1995) "Tuning In, Tuning Out: The Strange Disappearance of Social Capital in America" in *PS: Political Science and Politics*, 24 (4), 664-683.

Putnam, Richard (1995a) "Bowling Alone – America's declining Social Capital" in *Journal of Democracy*, 6 (1), 65-78.

Putnam, Richard (1993) *Making Democracy Work*, Princeton, Princeton University Press.

Pogge, Thomas (2005) "Recognized and Violated by International Law: The Human Rights of the Global Poor", Paper presented at the *Colloquium on Justice, Rights and Security* at the University of Stirling, October.

Pogge, Thomas (2002) *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reform*, Cambridge, Polity Press.

Pogge, Thomas (2001) "Justice in Health Care – Reflections on the Foundations of Health Equity" in Sudhir Anand (et al.) (eds.), *Health, Ethics and Equity*, Oxford, Clarendon Press.

Pogge, Thomas (1992) "Loopholes in Moralities" in *Journal of Philosophy*, 89 (1), 79-98.

Pogge, Thomas (1989) *Realizing Rawls*, Ithaca, Cornell University Press.

Rahn, Wendy M., and Thomas J. Rudolph (2002) "Trust in Local Governments" in Barbara Norrander and Clyde Wilcox (eds) *Understanding Public Opinion*, 2nd edition, Washington, DC, CQ Press.

Rawls, John (1999) *The Law of Peoples*, Cambridge, MA, Harvard University Press.

Rawls, John (1999a) "Social Unity and Primary goods" in Samuel Freeman (ed.), *John Rawls: Collected Papers*, Cambridge, MA, Harvard University Press.

Rawls. John (1999b) "Kantian Constructivism in Moral Theory" in Samuel Freeman (ed.), *John Rawls: Collected Papers*, Cambridge, MA, Harvard University Press.

Rawls, John (1999c) "Justice as Fairness: Political not Metaphysical" in Samuel Freeman (ed.), *John Rawls: Collected Papers*, Cambridge, MA, Harvard University Press.

Rawls, John (1996) *Political Liberalism*, New York, Columbia University Press.

Rawls, John (1971) *A Theory of Justice*, Cambridge, MA, Harvard University Press.

Raz, Joseph (1995) "Duties of Wellbeing" in (ibid), *Ethics in the Public Domain*, Oxford, Clarendon Press.

Raz, Joseph (1986) *The Morality of Freedom*, Oxford, Clarendon Press.

Rosenblum, Nancy L. (1998) *Membership and Morals: The Personal Uses of Pluralism in America*, Princeton, Princeton University Press.

Rothstein, Bo (2003) "Social Capital, Economic Growth and Quality of Government: The Causal Mechanism" in *New Political Economy*, 8 (1), 49-71.

Rothstein, Bo (2000) "Trust, Social Dilemmas and Collective Memories" in *Journal of Theoretical Politics*, 12 (4), 477-501.

Rothstein, Bo (1998) *Just Institutions Matter – The Moral and Political Logic of the Universal Welfare State*, Cambridge, Cambridge University Press.

Rothstein, Bo and Dietlind Stolle (2003) "Social Capital, Impartiality and the Welfare State: An Institutional Approach" in M. Hoogher and D. Stolle, *Generating Social Capital: Civil Society and Institutions in Comparative Perspective*, Palgrave, New York.

Rousseau, Jean-Jacques (1997) *The Social Contract and other later political writings*, V. Gourevitch (ed.), Cambridge, Cambridge University Press.

Rubio-Marin, Ruth (2000) *Immigration as a Democratic Challenge*, Cambridge, Cambridge University Press.

Scheffler, Samuel (2001) *Boundaries and Allegiances – Problems of Justice and Responsibility in Liberal Thought*, Oxford, Oxford University Press.

Seligman, Adam (1997) *The Problem of Trust*, Princeton, Princeton University Press.

Sharma, Nandita (2006) *Home Economics: Nationalism and the Making of "Migrant Workers" in Canada*, Toronto, University of Toronto Press.

Sen, Amartya (1999) *Development as Freedom*, Oxford University Press, Oxford

Sen, Amartya (1992) *Inequality Reexamined*, Harvard University Press, Cambridge

Sen, Amartya (1980) "Equality of What?" *Tanner Lectures on Human Values*, Vol 1, Cambridge, Cambridge University Press, 195-220.

Shklar, Judith (1991) *American Citizenship – The Quest for Inclusion*, Cambridge, MA, Harvard University Press.

Shklar, Judith (1990) *The Faces of Injustice*, New Haven, Yale University Press.

Shue, Henry (1996) *Basic Rights*, Princeton, Princeton University Press.

Shue, Henry (1988) "Mediating Duties in *Ethics*, 98 (4), 687-704.

Singer, Peter (1981) *The Expanding Circle: Ethics and Sociobiology*, Oxford, Clarendon Press.

Singer, Peter (1972) "Famine, affluence and morality" in *Philosophy and Public Affairs* 1 (3), 229-243.

Soroka, Stuart N. and Richard Johnston and Keith Banting (2004), "Ethnicity, Trust, and the Welfare State" in Philippe Van Parijs (ed.), *Cultural Diversity versus Economic Solidarity*, Brussels, Deboeck Université Presses.

Statistics Canada (2000) *Health Reports* Vol 12 (1), available at www.statcan.ca/english/kits/preg/preg3.htm

Steinmo, Sven (1993) *Taxation and Democracy – Swedish, British and American approaches to financing the modern state*, New Haven, Yale University Press.

Steiner, Hillel (1992) "Libertarianism and the transnational migration of people" in Brian Barry and Robert E. Goodin (eds.), *Free Movement – Ethical Issues in the transnational movement of people and money*, University Park, PA, Pennsylvania State University Press.

Stolle, Dietlind (2001) "Getting to Trust: An Analysis of the Importance of Institutions, Families, Personal Experiences and Group Membership" in Paul Dekker and Eric Uslaner (eds.), *Politics in Everyday Life: Social Capital and Participation*, London Routledge.

Stolle, Dietlind (1998) "Why Do Bowling and Singing Matter? Group Characteristics, Membership and Generalized Trust" in *Political Psychology*, 19 (3), 497-526.

Stolle, Dietlind (2001) "Clubs and Congregations: The Benefits of Joining Associations" in Karen S. Cook (ed.), *Trust in Society*, New York, Russell Sage Foundation.

Szompka, Piotr (1999) *Trust – A Sociological Theory*, Cambridge, Cambridge University Press.

Tamir, Yael (1990) *Liberal Nationalism*, Princeton, Princeton University Press.

Tamir, Yael (1997) "Pro Patria Mori" in J. McMahan &R. McKim (eds.), *The Morality of Nationalism*, Oxford, Oxford University Press.

Tan, Kok-Chor (2004) *Justice without Borders – Cosmopolitanism, Nationalism and Patriotism*, New York, Cambridge University Press.

Taylor, Charles (1989) *Sources of the Self*, Cambridge, MA, Harvard University Press,

The Economist (2006) *Pocket World in Figures*, London, Profile Books.

The Economist (2006) "When east meets west", 11th February, 2006.

The Guardian (2006) "Easter Sunday – The day we start living off the rest of the world" 15th April, 2006.

The Guardian (2006) "EU plans immigrant's contract", 24th March, 2006.

The Guardian (2006) "Spain steps up patrols as 1000 migrants die during desperate quest for Europe", 23rd March, 2006.

The Guardian (2006) ""Brain Drain' damaging African HE", 17th March, 2006 .

The Guardian (2005) "Of course the wealthy want an immigration free-for-all", 11th October 2005.

The Guardian (2005) "Italian Journalist posing as a migrant reports abuse at detention camp", 8th October, 2005.

The Guardian (2005) "The Outsiders who are really doing the business", 13th August, 2005.

The New York Times (2006) "As an Immigration Tide Swells, Europe Treads Water", 01st August, 2006.

The New York Times (2006a) "U.S. Plan to Lure Nurses May Hurt Poor Nations", 24th May, 2006.

The Taxpayer (2005) "Refugees in Canada", September/October, available at www.taxpayer.com/main/content.php

Treblicock, Michael J. (1995) "The case for a liberal immigration policy" in Warren E. Schwartz (ed.), *Justice in Immigration*, New York, Cambridge University Press.

Tushnet, Marc (1995) "Immigration policy in liberal political theory" in Warren E. Schwartz (ed.), *Justice in Immigration*, New York, Cambridge University Press.

United Nations (1948) *Universal Declaration of Human Rights*, available at www.un.org/Overview/rights.html

UNHCR (2000) *The State of The World's Refugees*, Geneva, available at www.unhcr.org

UNHCR (1951) *Convention and Protocol Relating to the Status of Refugees*, Geneva, available at www.unhrc.org

Uslaner, Eric M. (2002) *The Moral Foundations of Trust*, Cambridge, Cambridge University Press,

Uslaner, Eric M. and Richard S. Conley (2003), "Civic Engagement and Particularized Trust – The Ties that Bind People to their Ethnic Communities" in *American Politics Research*, 31 (10), 1-30.

Uslaner, Eric and Dietlind Stolle (2003) "The Structure of Trust in Canada", Prepared for presentation at the 2003 Biennial Meeting of the Association for Canadian Studies in the United States, November 19-23, Portland, OR.

Van Parijs, Philippe (2001) "A Basic Income for All" in ibid, (ed.) *What's Wrong With a Free Lunch?*, Boston, Beacon Press.

Van Parijs, Philippe (1996) "Justice and Democracy: Are They Incompatible?" in *The Journal of Political Philosophy*, 4 (2), 101-117.

Van Parijs, Philippe (1995a) *Real Freedom for All*, Oxford, Clarendon Press.

Van Parijs, Philippe (1995b) "Social Justice and Individual Ethics" in *Ratio Juris*, 8 (1), 40-63.

Van Parijs, Philippe (1993) *Marxism Recycled*, Cambridge, Cambridge University Press.

Van Parijs, Philippe & Robert van der Veen (1986) "The Capitalist Road to Communism" in *Theory and Society*, 15 (5), 635-655.

Waldron, Jeremy (2000) "What Is Cosmopolitan?" in *Journal of Political Philosophy*, 8 (2), 227-243.

Waldron, Jeremy (1995) "Minority Cultures and the Cosmopolitan Alternative" in Will Kymlicka (ed.), *The Rights of Minority Cultures*, Oxford, Oxford University Press.

Waldron, Jeremy (1989) "Autonomy and Perfectionism in Raz's *Morality of Freedom* in *Southern California Law Review*, 62 (3/4), 1097-1152

Walzer, Michael (1983) *Spheres of Justice*, Basic Books, New York

Warren, Mark (1999) "Democracy and Trust" in ibid (ed.), *Democracy and Trust*, Cambridge, Cambridge University Press.

Weinstock, Daniel (2003) "Miller on Distributive Justice" in Daniel A. Bell and Avner de-Shalit (eds.), *Forms of Justice: Critical Perspectives on David Miller's political philosophy*, Lanham MD, Rowman and Littlefield.

Wellman, Christopher Heath (2005) "Famine Relief: the duties we have to others" in Andrew I. Cohen and Christopher H. Wellman (eds.), *Contemporary Debates in Applied Ethics*, Malden MA, Blackwell.

Whelan, Frederick G. (1988) "Citizenship and Freedom of Movement: An open Admission Policy?" in Mark Gibney (ed.) *Open Borders? Closed Societies? The Ethical and Political Issues*, New York, Greenwood Press.

Williams, Bernard (1967) "The Idea of Equality" Peter Laslett and W.G. Runciman (eds.) *Philosophy, Politics, and Society*, (second volume) Oxford, Basil Blackwell.

Williams, Melissa (1998) *Voice, trust, and memory: marginalized groups and the failings of liberal representation*, Princeton, Princeton University Press.

World Bank (2006) *Issues Brief: Poverty*, available at web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTPOVERTY/EXTPA/0,,contentMDK:20040961~menuPK:373757~pagePK:148956~piPK:216618~theSitePK:336992,00.html

World Bank (2004) "Appendix A: Enhancing the Developmental Effect of Workers' Remittances to Developing Countries" in *Global Development Finance 2004*, 169 - 173, available at http://siteresources.worldbank.org/GDFINT2004/Home/20175281/gdf_appendix%20A.pdf

World Values Survey, available at www.worldvaluessurvey.org

Young, Iris Marion (1999) "Self-Determination and Global Democracy: A Critique of Liberal Nationalism" in Ian Shapiro and Stephen Macedo (eds.), *Designing Democratic Institutions*, New York, New York University Press.

Young, Iris Marion (1990) *Justice and the Politics of Difference*, Princeton, Princeton University Press