What Respect is Owed to Illusions about Immigration and Culture?
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> "Fifty years from now, Britain will still be the country of long shadows on county grounds, warm beer, invincible green suburbs, dog lovers and pools fillers and, as George Orwell said, 'old maids bicycling to Holy Communion through the morning mist'…."[2]

I. INTRODUCTION

These reflections are part of an on-going project of thinking through the foundations of law and policy concerning immigration. They are also spurred by an uncomfortable awareness of the depth of feeling about the impact of immigration revealed in the June 23, 2016 vote by a majority of the British people to leave the European Union—a vote motivated (if surveys and interviews are to be believed) by widespread concern especially in non-metropolitan England about the free movement of people between member countries that EU membership requires. (Similar feelings are being expressed in Germany now, in response to Chancellor Merkl's generous impulses in the current refugee crisis, and elsewhere.)

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[2] From a speech given by former UK Prime Minister John Major to the Conservative Group for Europe, April 22, 1993: http://www.johnmajor.co.uk/page1086.html. The full context is:

> Fifty years from now Britain will still be the country of long shadows on county [*cricket*] grounds, warm beer, invincible green suburbs, dog lovers and pools fillers [*filling in forms for traditional lotteries on football results*] and—as George Orwell said—"old maids bicycling to Holy Communion through the morning mist"—and if we get our way—Shakespeare still read even in school. Britain will survive unamendable in all essentials. Surely we trust our own integrity as a people quite enough to fear nothing in Europe. We are the British, a people freely living inside a Europe which is glad to see us and wants us. After 20 years we have come of age in Europe. One Conservative leader put us there. This Conservative leader means us to thrive there. So let's get on with it.

I think it was David Miller who first drew my attention to this passage. See also Krishan Kumar, *The Making of English National Identity* (Cambridge University Press, 2003), p. 227.

When people express opposition to unrestricted immigration (of the kind required by EU law as between member countries), some of the concerns they voice are economic (concerns about the impact of immigration on the economy of the host country, on public services, and on the economic prospects of various sectors of the population);[3] and some of the concerns are about the compromising of culture and community.[4] In this paper I will focus on the latter (though I hope it will become apparent that some of what I say applies to the former as well). I want to ask how seriously we should take the claim that large-scale immigration disrupts and undermines the culture of the host country.

In the past I have been quite dismissive of arguments made on the basis of culture and community (in all sorts of contexts, not just immigration).[5] I come to these debates on immigration skeptical about the pre-existence of shared cultures and values; I am skeptical about the view that each person's identity is rooted in a particular societal culture;[6] I am skeptical too about arguments to the effect that participation in a stable national culture is a necessary aspect of individual flourishing; and I am skeptical about the claim that large-scale immigration has

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[3] There are also concerns about the economic impact of migration on the immigrants' countries of origin: see Paul Collier, *Exodus: How Migration is Changing Our World* (OUP 2015). But these are less commonly voiced in popular discussion.

[4] These are not the only arguments: also, there are concerns about security and terrorism and concerns about the integrity of the political system of the host country.

[5] I have written about culture, community, and identity in: "Minority Cultures And The Cosmopolitan Alternative," *University of Michigan Journal of Law Reform*, 25 (1992), 751, reprinted in Will Kymlicka (ed.) *The Rights of Minority Cultures* (1995); "Multiculturalism and Mélange," in Robert Fullinwider (ed.) *Public Education in a Multicultural Society* (Cambridge University Press, 1996); "Cultural Identity and Civic Responsibility," in Will Kymlicka And Wayne Norman (eds.) *Citizenship in Diverse Societies* (Oxford University Press, 2000); "Teaching Cosmopolitan Right," in Kevin McDonough and Walter Feinberg (eds*.) Education And Citizenship In Liberal-Democratic Societies: Cosmopolitan Values And Cultural Identities* (Oxford University Press, 2003); and "Tribalism and the Myth of the Framework: Some Popperian Thoughts on the Politics of Cultural Recognition," in Philip Catton and Graham Macdonald (eds.) *Karl Popper: Critical Appraisals* (Routledge, 2004).

[6] See also Samuel Scheffler's critique of this view in "Immigration and the Significance of Culture," in his collection *Equality and Tradition: Questions of Value in Moral and Political Theory* (Oxford University Press, 2010). Also see Anthony Appiah, *The Ethics of Identity* (Princeton University Press, 2005).

nothing but a destructive effect on shared culture and values in the host country. Those are my priors.

But, as I said, the depth of feeling revealed in the British electorate ought to be an occasion for further thought. In the wake of the Brexit vote, it is incumbent on us to think through the arguments again, if only as an exercise in intellectual due diligence. I was brought up as a fallibilist, and it is possible that I and people like me have got all or some of this wrong—in large part because of the distance between our theoretical discussions and the thought and attitudes of ordinary people (who are not immersed in the delicacies of political philosophy). Also, one has to reflect on one's own interest in the matter. I am a serial migrant. Though born, raised, and educated in New Zealand (itself a country of immigration), I have been for almost thirty years a permanent resident of the United States. And in the early 1980s and also for the four recent years (2010-14) in which I held the Chichele Chair in Social and Political Theory at Oxford, I enjoyed similar status in the UK. It is no surprise that I should hold pro-immigrant views. Perhaps it is worth my trying to appreciate these matters from the point of view of someone concerned about the impact of immigration on his own community as well as from the point of view of someone who has for decades enjoyed the hospitality of countries other than his own.

So: I want to reconsider the cultural argument against immigration (or the cultural argument in favor of certain kinds of restrictions on immigration). The particular mode of reconsideration is this:

> *Even if the skepticism about culture that I have just reported is justified, maybe it misses the point. Perhaps the cultural argument is not about real community, but about* imagined *community. The proposition that people cannot flourish without a secure culture may express what people think or feel they need; and it may be important for them even if it is (in some literal sense) objectively false. It may be important for people in a country to* believe *that they share a stable common culture with others; and widespread immigration may threaten that belief and the role it plays in people's lives, even if the real effect of immigration on the actual cultural situation of the host society is actually much more modest.*

That's clumsily put, but it's what I wish to consider in this paper. I want to reflect on the normative role of the imaginary in cultural arguments about immigration. One may think about it also in other areas of social and political argument: the

appropriate consideration due to popular fear of crime (and misapprehensions about the prevalence of crime) in criminal justice policy; and the appropriate consideration due to people's fear of terrorism (even people's exaggerated fear of terrorism) in national security policy.[7] But the cultural argument about immigration has a depth and complexity that goes beyond these other cases and it requires analysis in its own right beyond the general question: *What deference is due in public policy to the false beliefs of members of the public?*

I said this is a rethinking. It is by no stretch of the imagination a complete thinking of the immigration issue. It is not even a complete rethinking of the cultural argument about immigration. For that argument may, in certain settings— perhaps not Britain under the impact of EU migrants, but (say) Germany under the impact of Chancellor Angela Merkl's generous policy towards refugees from Syria and Iraq—be compelling. Its factual premises might be true.[8] But my aim in these thirty odd pages is to consider only what follows if they are false. I want to ask whether their falsity is necessarily fatal to this kind of argument against immigration. Whatever I establish here is, at best, only one part of a very complex analysis.

II. WHAT IS MEANT BY "CULTURE"?

I am going to focus on arguments concerning the impact of immigration on the culture of the host country.[9] Do we need a definition of "culture" to proceed with this consideration? Well, some things in the argument that follows will turn on what the culture of a community is taken to be, so I should say something about it.

Elsewhere I have proposed the following as a sort of "walking-around" definition of "culture." I said the phrase "the culture of a community" refers to

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[7] For a provocative discussion, see Saul Smilansky, "Terrorism, Justification, and Illusion, *Ethics*, 114 (2004), 790.

[8] See e.g. Ed West, *The Diversity Illusion: What We Got Wrong about Immigration and How to Set It Right* (Gibson Square 2013).

[9] There is also the question of the impact on immigration on the culture of immigrant communities themselves. For some insightful discussion, see Samuel Scheffler, "Immigration and the Significance of Culture," in his collection *Equality and Tradition: Questions of Value in Moral and Political Theory* (Oxford University Press, 2010).

ways of living, acting, and relating, affecting many or most of what are taken to be the more important as well as the more mundane aspects of life, and integrated more or less tightly into a single shared set of meanings, that is, a single way of life. ... The culture of a community is a way of doing things, particularly the things that are done together, throughout the whole course of human life: language, governance, religious rituals, rites of passage, family structures, patterns of material production and decoration, economy, science, warfare, and the sharing of a sense of history. It is a way that the members of the community have of enjoying and enduring the joys and vicissitudes of human life together—a way that they have, as they think their ancestors had and as they hope their descendants will have, of enjoying and enduring life together in their territory.[10]

I think this is a good starting point, but we may want to add a little to it.

It used to be customary to distinguish "high" culture from "low" culture. High culture was the culture of symphonies and poetry, of church architecture and painting that one found in the salons and galleries of aristocratic Europe in (say) the eighteenth and nineteenth centuries. Low culture, by contrast, was demotic in character; it had to do with the texture and quality of the lives of ordinary people. It included things like the vernacular language and the customs of everyday life. The growth of national(ist) sentiment in the nineteenth century was largely a matter of asserting the rights of low culture in this sense.

Unfortunately, there has been a tendency to identify low culture rather preciously with the distinctive folkways of particular ethnic groups: costume, rituals, stories, diet, dance, etc. But such ethnic folkways are far from giving us the full story about how ordinary people live and of the resources they rely on in the detail of their everyday lives; indeed it is far from giving us even a very interesting fragment of it. Low culture in the modern world is the culture of iPhones, fast food, rock music, printed T-shirts, mass-produced household appliances, pick-up trucks, unleaded gasoline, toys, movies, television, sneakers, deodorant, and so on. But it is not just material culture. Real culture is the practice of everyday life as well: organizing a public meeting, holding a wedding, going on a date, leaving candles and soft toys by the side of the road where some individual has been shot by the police. It is rules of the road, discounting practices

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[10] Waldron, "Multiculturalism and Mélange," pp. 93 and 96.

in supermarkets, the use of currency and credit cards, ante-natal classes, patterns of home-ownership, and the like. Sam Scheffler in his fine article on "Immigration and the Significance of Culture" mentions

> a range of informal customs and tendencies covering virtually every aspect of life, including modes of dress, habits of thought, styles of music, humor, and entertainment, patterns of work and leisure, attitudes towards sex and sexuality, and tastes in food and drink.[11]

All this is comprised in the genuinely demotic culture of our times. And if we want to have an accurate sense of the cultural status quo that is supposed to be challenged by immigration and of the impact of immigration on that status quo in modern democracies, we have to include all of this. And I believe including all of this makes it more difficult to sustain the sense that the cultures of particular societies were, once upon a time, unified and distinctive, not to mention the view that the disruption of such unity and distinctiveness can be laid at the door of immigration.

What about religion? Philosophers are (rightly) very nervous making claims about religious preservation or the protection of the religious character of a society. They are not comfortable with analogies between culture and religion and they say things about the preservation of culture that they would not dream of saying if it were a shared religion rather than a shared culture that was in question. But a shared religion is usually every bit as important to the people who enjoy it as the non-religious aspects of their culture; often more so. If we think that religion cannot possibly be a legitimate ground for restricting immigration, can we really think that culture is? Sometimes one gets the impression that cultural claims are substitutes for religious claims: I wonder sometimes about the way in which concerns about preserving the Catholic nature of Québec gave way in the 1970s to concerns about protecting its Francophone character.[12] Be that as it may, we

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[11] Scheffler, "Immigration and the Significance of Culture," p. 257.

[12] See Waldron, "Teaching Cosmopolitan Right," p. 32n: "I know that many who talk of cultural rights try to sideline the connection between culture and religion, insisting instead that the particular language of a people is much more important in their cultural life than anything associated with religious beliefs and experience…. I suspect that in recent Canadian political theory, this order of priorities—language more important for culture than religion—is a product of the anticlericalism (or, at best, the embarrassment about French Roman Catholicism)

mustn't neglect the religious element of culture, nor the sense in which something about religion is (really) at stake in what are presented as cultural arguments about immigration. At worst such arguments tend to be Islamophobic. Or, even when they are not, one hears people—most of whom (in England at any rate) haven't been inside a church in decades—saying resentful things like "This used to be a Christian country" whenever they see a newly built and well-attended mosque.

Two other points. In *Exodus*, Paul Collier has spoken about the "social model" that characterizes any stable community; he means its institutions, norms, and expectations and the way they fit together to define not so much a culture in the sense we have been discussing but a way of interacting—a way in which one person's getting on or one family's getting on relates to thousands or millions of others' getting on in the same society.[13] The social model is a set of established pathways of trust, discipline, improvement, and interaction—ways in which cooperation and competition among thousands or millions of strangers are made possible. A good social model, conducive to security and prosperity, is a long-term achievement, he says. It is social capital built up over centuries. Sometimes it is referred to under the heading of values and responsibilities, meaning something like a positive morality of social and economic interaction. It is undoubtedly important but it is likely to be an unwieldy aggregation; and that means it may be a mistake in Collier's analysis to assume that this phenomenon has (or had once) in each society an integrity that entitles us to talk about *the* social model of pre-immigrant Britain or pre-immigrant Germany or whatever.

Besides the items listed a few paragraphs back, Sam Scheffler talks about "national political cultures." He says that the "practices, affiliations, customs, values, ideals and allegiances" of the people who have lived in a particular country will help to shape the political and institutional culture that exists there. "They are likely to influence everything from the choice of official languages, national

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associated with the revival of Québécois separatism in the second half of the twentieth century. See Jeremy Webber, *Reimagining Canada: Language, Culture, Community, and the Canadian Constitution* (Montreal: McGill University Press, 1994), 44–7, quoted by Jean-Francois Gaudreault-Desbiens, "The Quebec Secession Reference and the Judicial Arbitration of Conflicting Narratives about Law, Democracy, and Identity," *Vermont Law Review*, 23 (1999), 793, at 813–4.

[13] Collier, *Exodus*, pp. 33 ff.

holidays, and public monuments and ceremonies to the regulation of work education, and family arrangements."[14] The political culture will also comprise a model of how to interact and get on: practices of dealing with officials, the distinction between the formal and the informal, how to deal with representatives, the culture of elections, dealing with the legal system from cultures of litigation to how you talk to the police (and how they talk back to you).

All of this has to be taken into account when we consider first the real impact of immigration on the culture of the host society and secondly the importance (or otherwise) of the dreams and illusions that people nurture and live by in this regard.

III. THE CULTURAL ARGUMENT ABOUT IMMIGRATION

The cultural argument in favor of restrictions on immigration has two lives. It is a strong element in popular attitudes about immigration. And it has a well-elaborated presence in theoretical argumentation. I guess the second life is partly a function of the first. But only in part. The political theorists' cultural argument (or arguments, for actually there are several) have, to a large extent, developed under their own academic steam. If they make contact with popular attitudes at all, they do so by foisting a theoretically framed description on ordinary people in characterizations of them that ordinary people never read.

Let's begin with the popular side. As an empirical matter, sociologist Elisabeth Iversflaten observes that although

> economic concerns … have an impact on the public's asylum and immigration policy preferences, … culture or identity concerns influence such preferences much more strongly. A surge in identity concerns is … likely to lead to more widespread opposition to immigration and asylum than a decline in confidence about the state of the economy. … When the public perceives that their national community is somehow threatened, many feel a strong desire—or can be led to feel a strong desire—to defend what they believe to be their way of life.[15]

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[14] Scheffler, "Immigration and the Significance of Culture," pp. 274-5.

[15] Elisabeth Ivarsflaten, "Threatened by Diversity: Why Restrictive Asylum and Immigration Policies Appeal to Western Europeans," *Journal of Elections, Public Opinion and Parties*, 15 (2005), 21 at pp. 23-4.

She thinks people are concerned about "the cultural, religious, and linguistic distinctness and unity" of their national culture and they claim to be worried that immigration is "weakening the uniqueness, specificity, and cohesiveness of the national community."[16] Iversflaten says there hasn't been a great deal of empirical research on this. But the research she undertook led to a striking conclusion:

> Very seldom in survey research are there results … as unambiguous as [these]. The main driving force behind western Europeans' support for restrictive immigration and asylum policies is their concern about the unity of their national community. A large majority sees great value in maintaining or creating the dominance of one language, one religion, and one set of traditions. Moreover, those who think this way are very likely to support restrictive immigration and asylum policies, because they believe that minorities threaten this cherished unity.[17]

Is this true everywhere? Jack Citrin and John Sides have argued that the matter is different in the United States, partly because in Europe "[i]mmigration does not figure in the construction of identities of most nation states…; instead, these states define themselves in bounded ethnic terms."[18] But there are elements of the cultural approach even in the US.

> From the 1840s on, nativist resistance to immigration in the United States rested on claims that the newcomers, particularly those differing from previous immigrants, would not or could not assimilate to America's democratic values. Most recently and trenchantly, Samuel Huntington (2004) has worried that the large and ongoing influx of immigrants from Mexico poses a threat to America's linguistic and cultural identity.[19]

As far as one can tell, these concerns about culture are concerns about the replacement of cultural unity with cultural diversity. The new diversity brings with it unfamiliarity, disorientation, and degraded forms of interaction. People feel that their social lives—the basis on which social relations are constructed and values

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[16] Ibid., p. 25.

[17] Ibid., p. 42.

[18] Jack Citrin and John Sides, "Immigration and the Imagined Community in Europe and the United States," *Political Studies*, 56 (2008) 33.

[19] Ibid., p. __. The Huntington reference is to Samuel Huntington, *Who Are We? The Challenges to America's National Identity* (Simon and Schuster, 2004).

articulated, upheld, and passed on—are radically compromised. People no longer know where they stand in relation to what used to be common practices or what they can count on in their own and others' values. Occasionally such concerns are expressed in terms of "identity." But they are not predicated on any fancy theory about how cultural identities are constituted or about their importance to individuals and the society in which they live. I don't mean there are no thoughts along these lines: there are, but they are not associated with any complex theoretical apparatus.

In political theory versions of these arguments, however, the structure of identity and self-constitution is front and center. One well-known theoretical version of the cultural argument "draws on the idea that the possession of a determinate cultural background is an important element of well-being and, more particularly, is a prerequisite for attaining individual autonomy."[20] The background idea was developed by Canadian political philosopher Will Kymlicka in his 1989 book *Liberalism, Community, and Culture.*[21] Kymlicka argued that cultural membership is an important primary good for individuals as they develop a secure sense of themselves and of the options they face.[22] The core of Kymlicka's view was a proposition about autonomy. When individuals make choices about the way they want to live their lives, the options and values they consider do not come out of nowhere; they don't come out of the air. They exist or their prototypes exist (in John Rawls's phrase) as "definite ideals and forms of life that have been developed and tested by innumerable individuals, sometimes for generations."[23] In other words, they exist in a social context, as aspects of a culture.

> [T]he range of options is determined by our cultural heritage. Different ways of life are not simply different patterns of physical movements. The physical movements only have meaning to us because they are identified as having significance by our culture, because they fit into some pattern of

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[20] Stephen Perry, "Immigration, Justice and Culture," in Warren F. Schwartz (ed.) *Justice in Immigration* (Cambridge University Press, 1995), p. __.

[21] Will Kymlicka, *Liberalism, Community, and Culture* (Oxford University Press, 1989).

[22] Will Kymlicka, *Multi-cultural Citizenship* (Oxford University Press, 1995), p. 106.

[23] Rawls, *A Theory of Justice*, pp. 563-4 [old edition], quoted in Kymlicka, *Liberalism, Community and Culture*, at p. 164.

activities which is culturally recognized as a way of leading one's life. We learn about these patterns of activity through their presence in stories we've heard about the lives, real or imaginary, of others. ... We decide how to lead our lives by situating ourselves in these cultural narratives, by adopting roles that have struck us as worthwhile ones, as ones worth living (which may, of course, include the roles we were brought up to occupy).[24]

It follows from this, says Kymlicka, that we ought to be "concerned with the fate of cultural structures, not because they have some moral status of their own, but because it's only through having a rich and secure cultural structure that people can become aware, in a vivid way, of the options available to them, and intelligently examine their value."[25] If a culture is degraded or decaying it will not offer the same riches to its members, in the way of viable and intelligible options and ideals, as a flourishing culture will.[26]

Kymlicka's argument was not developed for use in debates about immigration. He was interested in its application to minority cultures, including indigenous cultures. The immigration version of the argument is about majority culture in the receiving country. (However it can also be about minorities, in situations where indigenous or other privileged minorities such as the Francophone minority in Canada feel threatened by immigrant minorities.) However, Kymlicka is pretty insistent that its main use is in vindication of what he calls "societal cultures."[27]

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[24] Kymlicka, *Liberalism, Community and Culture*, p. 165.

[25] Ibid.

[26] So Kymlicka's core position is embedded within an overall liberal approach to political philosophy. His starting point is not a communitarian commitment to the intrinsic value of cultural community, but a liberal view about the conditions of individual autonomy.

[27] Cite and comment. See also Ryan Pevnick, *Immigration and the Constraints of Justice: Between Open Borders and Absolute Sovereignty* (Cambridge University Press, 2011), p. 144 for discussion of Kymlicka's skepticism about the application of the culture argument to immigration.

A version of this argument was developed also in an article by Avishai Margalit and Joseph Raz.[28] The authors ask us to imagine a large anonymous group that has

> a common character and a common culture that encompass many, varied and important aspects of life, a culture that defines or marks a variety of forms or styles of life, types of activities, occupations, pursuits, and relationships. With national groups we expect to find national cuisines, distinctive architectural styles, a common language, distinctive literary and artistic traditions, national music, customs, dress, ceremonies and holidays, etc. … They have pervasive cultures, and their identity is determined at least in part by their culture. They possess cultural traditions that penetrate beyond a single or a few areas of human life, and display themselves in a whole range of areas, including many which are of great importance for the well-being of individuals.[29]

People growing up in such a group (they call it an encompassing group) "will acquire the group culture [and] be marked by its character." The influence of such a pervasive culture will be far-reaching, say Margalit and Raz. The options that members of an encompassing group have will be affected by that culture to a significant degree. "Familiarity with a culture determines the boundaries of the imaginable. Sharing in a culture, being part of it, determines the limits of the feasible."[30] As in Kymlicka's argument,

> The types of careers open to one, the leisure activities one learned to appreciate and is therefore able to choose from, the customs and habits that define and color relations with strangers and with friends, patterns of expectations and attitudes between spouses and among other members of the family, features of lifestyles with which one is capable of empathizing and for which one may therefore develop a taste—all these will be marked by the group culture.[31]

From this we have to conclude that "the prosperity of the culture is important to the well-being of its members." It is partly a matter of identity. "People's sense of

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[28] Avishai Margalit and Joseph Raz, "National Self-Determination," *Journal of Philosophy*, 87 (1990), 439.

[29] Ibid., pp. 443-4.

[30] Ibid., p. 449.

[31] Ibid., p. 444.

their own identity is bound up with their sense of belonging to encompassing groups and that their self-respect is affected by the esteem in which these groups are held. "If the culture is decaying, or if it is persecuted or discriminated against, the options and opportunities open to its members will shrink, become less attractive, and their pursuit less likely to be successful."[32]

Like Kymlicka, Margalit and Raz do not develop their account in order to reach any conclusion about immigration. They are mainly interested in exploring the argument (such as it is) for self-determination of national communities. We need to remember that cultural arguments are used all over political philosophy— in respect of minority cultural and language rights, cultural accommodations, indigenous rights, claims about the basis of social solidarity; and identity politics generally. But the implications for the immigration debate are pretty clear. As Stephen Perry observes concerning theories of this kind, in regard to immigration

> [t]he basic argument is that the existing culture or cultures must be prevented from being overwhelmed by foreign influences … to ensure the individual well-being of current citizens. If excessive immigration from alien cultures were permitted, the argument runs, the original culture or cultures would be effectively displaced in public life and the persons who were raised in those cultures left rootless and alienated.[33]

The intermediate premises—intermediate between the importance of culture to individuals and conclusions about excessive immigration—are that immigration by people who belong (in this way) to other societal cultures is likely to have an effect on the societal culture of the host society, and that such effect needs to be limited and perhaps controlled by members of the host society if they are not to lose the benefits (for autonomy etc.) that their societal culture secures for them.

The arguments I have mentioned focus on the importance of culture for individuals and the constitution of their lives. But a cruder argument is sometime also made. It goes like this: forget about the conditions of individual autonomy

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[32] Ibid., p. ▮▮.

[33] Perry, "Immigration, Justice and Culture," pp. 111-12.

etc.;[34] people or peoples acting collectively have an interest in the integrity of their societal culture; they naturally want to protect it and they are entitled to do so. They may not be able to prevent cultural change; cultures change for all sorts of reasons and in all sorts of ways; some of them endogenous and some of them exogenous but having little or nothing to do with immigration.[35] Still, as David Miller puts it,

> the public culture of their country is something that people have an interest in controlling: they want to be able to shape the way that their nation develops, including the values that are contained in the public culture. They may not of course succeed: valued cultural features can be eroded by economic and other forces that evade political control. But they may certainly have good reason to try, and in particular to try to maintain cultural continuity over time, so that they can see themselves as the bearers of an identifiable cultural tradition that stretches backward historically.[36]

Since immigration is certainly going to be one of the things affecting the extent, quality, and rapidity of cultural change, people's interest in culture means they have an interest in controlling the rate of immigration. Now, unlike the Kymlicka version or the Margalit/Raz version, this argument does not really explain the importance of culture to people. It does not depend on anything like Kymlicka's views on autonomy. It simply asserts an undifferentiated interest in culture and bases the normative force of the argument on that. Just for that reason, it is a little bit closer to the popular version of the cultural argument against immigration, which is similarly uncontaminated by any extensive philosophical structure. (From a philosophical point of view, it is a pity that more is not offered, since not every interest is capable of supporting the legitimacy of the sort of coercion that restrictions on immigration involve.)[37]

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[34] The popular importance of the sort of cultural argument that Elizabeth Iversflaten talks about (*supra*, text accompanying notes 15-17) is not really based on the philosophical considerations about autonomy etc. that Kymlicka and others make central.

[35] For discussion of the Heraclitan character of culture, see Scheffler, "Immigration and the Significance of Culture," pp. 268-9 and 271-6. Get quote from Scheffler.

[36] David Miller, "Immigration: The Case for Limits," in Andrew Cohen and Christopher Wellman (eds.) *Contemporary Debates in Applied Ethics* (Blackwell, 2005).

[37] I emphasize that point in Jeremy Waldron, "Immigration: A Lockean Approach," NYU School of Law, Public Law Research Paper No. 15-37; available at http://ssrn.com/abstract=2652710

Among philosophers there are differences about what exactly these arguments entail. Some say that such arguments are not only arguments for limiting numbers of immigrants, but also for picking and choosing among would-be immigrants those whose cultural affiliations are closest to the societal culture of the host country.[38] (It might also be an argument for requiring assimilation—and classes and tests in "British values" etc.—for would-be immigrants.) However, as Stephen Perry observes, mostly what is at stake in these arguments is "the rate of cultural change." What it entails (or what is supposed to entail)

> is that cultural change, whether in the form of cultural diversification or transformation within a dominant culture, must be sufficiently gradual as to ensure social and political stability. … Restrictions on immigration that are intended to preserve cultural stability should therefore generally do so not by favoring certain cultures or discriminating against others, but rather by limiting the overall number of immigrants so as to ensure that cultural change within the state is not too rapid and present social forms are not simply overwhelmed.[39]

The challenge here involves correlating the optimal rate of change for the host culture with the objective demand for immigration. We may have to distinguish here between the implications in regard to discretionary immigration policy and obligations that arise under the refugee convention. The crises that produce (say) tens of thousands of refugees don't necessarily correspond in their rhythms and intensity to the tolerable rate of cultural change and accommodation in the societies to which people are fleeing.

Despite their difficulties, it is undeniable that arguments of this kind have widespread appeal. Joseph Carens, who is generally a strong advocate of open borders, has said that the case based on cultural preservation is "one of the few acceptable justifications for limiting migration."[40] He presents Japanese culture as

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[38] See Chaim Gans, "Nationalism and Immigration," *Ethical Theory and Moral Practice*, 1 (1998), 159.

[39] Perry, "Immigration, Justice and Culture," p. ▮▮.

[40] Joseph Carens, "Migration and Morality: A Liberal Egalitarian Perspective," in Brian Barry and Robert Goodin (eds.), *Free Movement: Ethical Issues in the Transnational Migration of People and of Money* (University of Pennsylvania Press, 1992), 25. For this citation, I am grateful to Paul Crider, "The Illusion of Self-Determination," Open Borders website, September 12, 2013: see http://openborders.info/blog/the-illusion-of-self-determination/

an example, and he says it would be worth preserving even to the inconvenience of would-be immigrants.[41]

> [M]ost people in Japan share a common culture, tradition and history to a much greater extent than people do in countries like Canada and the United States. It seems reasonable to suppose that many Japanese cherish their distinctive way of life, that they want to preserve it and pass it on to their children because they find that it gives meaning and depth to their lives. They cannot pass it on unchanged, to be sure, because no way of life remains entirely unchanged, but they can hope to do so in a form that retains both its vitality and its continuity with the past. In these ways many Japanese may have a vital interest in the preservation of a distinctive Japanese culture; they may regard it as crucial to their life projects. From a liberal egalitarian perspective this concern for preserving Japanese culture counts as a legitimate interest … It also seems reasonable to suppose that this distinctive culture and way of life would be profoundly transformed if a significant number of immigrants came to live in Japan. A multicultural Japan would be a very different place. So, limits on new entrants would be necessary to preserve the culture if any significant number of people wanted to immigrate.[42]

Whether the same considerations apply in the countries we are mostly considering—the United Kingdom for example—is an open question. The cultural argument (such as it is), the skepticism about it and the reflections upon its significance that I am presenting in this paper are surely all relative to circumstances.

IV. CULTURAL ARGUMENTS IN GENERAL

In the past, I have been scathing about the cultural argument against immigration theme. Here is what I said:

> Modern political philosophy has really never been shabbier than in its invocation of "culture." Citizens of prosperous and indubitably pluralistic societies feel entitled to cobble together some false albeit nostalgic image of French culture or English culture, as it might be, which they then maintain as being imperiled by immigration. I know the English case best. English

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[41] Crider, "The Illusion of Self-Determination."

[42] Carens, "Migration and Morality."

political philosophers talk about the importance of defending English culture. When challenged to say what it is, they will say something about a sense of fair play and queueing at bus-stops. And maybe they will invoke John Major's *bons mots*:

> Fifty years on from now, Britain will still be the country of long shadows on cricket grounds, warm beer, invincible green suburbs, dog lovers and pools fillers and, as George Orwell said, "Old maids bicycling to holy communion through the morning mist" and, if we get our way, Shakespeare will still be read even in school.

> It is on the basis of this sort of nonsense, that people who don't play cricket and wouldn't be seen dead going to Holy Communion claim they are entitled to resist the immigrant hordes.[43]

It is not only in the context of immigration. I am on record more generally as saying that a preoccupation with the integrity of particular cultures is self-defeating and inauthentic. A cosmopolitan perspective, opposed to this preoccupation, is not only a matter of taste and perception; it is a matter of responsibility.

> We live in a world formed by technology and trade … mass migration and the dispersion of cultural influences. In this context, to immerse oneself in the traditional practices of, say, an aboriginal culture … involves an artificial dislocation from what is actually going on in the world. That it is an artifice is evidenced by the fact that such immersion usually requires special subsidization and extraordinary provision by those who live in the real world…. The charge … is one of inauthenticity. … From a cosmopolitan point of view, immersion in the traditions of a particular community in the modern world is like living in Disneyland and thinking that one's surroundings epitomize what it is for a culture to really exist … neglecting the fact that the framework of Disneyland depends on commitments, structures, and infrastructures that far outstrip the character of any particular facade. It is to imagine that one could belong to Disneyland while professing … disdain for Los Angeles.[44]

The tone of this could have been a little more respectful. But the reflections that follow will not involve any abandonment of this background concern. It still seems to me important that, at some level in our thinking about the importance of

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[43] See Waldron, "Immigration: A Lockean Approach," pp. 19-20.

[44] Waldron, "Minority Cultures and the Cosmopolitan Alternative," p. __.

culture, we should be compelled to face with sober senses our real conditions of life and the reality of our relations with the rest of mankind.[45] Thoughts about quintessentially English artifacts, quintessentially English ways of life, and quintessentially English ideas and values may dominate the nostalgia of those Englishmen and women who voted for Brexit. But the values, artifacts, and material conditions that actually inform the way people lead their lives in England are cosmopolitan in character, drawing on ideas that flourish all over the world— some of them originating no doubt in the England of Magna Carta or the Industrial Revolution but many from other sources, whether it is the vibrant economy of the United States, the technology of East Asia, or the spirit of the Mediterranean. And whatever way of life is led in England depends in innumerable ways on the rest of the world—on the integrity of cosmopolitan structures of trade, law, finance, and ideas—and has done for centuries.

We miss all this when we are fixated on what is *distinctive* about the way of life practiced in each society; what is distinctive may be far from what is most important. As I have argued elsewhere, the features of a societal culture that are shared with the cultures of other societies—like (say) the Roman Catholicism shared by Irish, Italians, Poles, Brazilians, and Filipinos—may be much more important to the people concerned than anything a Tourist Board or a grade school teacher would use to highlight the cultural distinctiveness of each of these societies. We miss it too if we do not insist that the material infrastructure of ordinary economic life and consumption patterns be counted as part of the culture of the people concerned. That's why I insisted on it in section II. We cannot talk about English culture without taking into account the Budweisers ordered by young Englishmen who can't abide warm beer, the baseball caps they wear, their reasons for hating cricket, the technology of their iPhones, their holidays in Phuket and Marbella, the Japanese or German cars they drive, and so on.

More specifically, I continue to associate myself with those who criticize the exaggerated and distorted claims of identity politics[46]—the idea that there are such things as distinct cultures, each intelligible in principle as separate from other cultures; the idea that each individual's life usually is and ought to be structured by

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[45] Karl Marx and Friedrich Engels, *The Communist Manifesto* [details], p. __.

[46] See especially Scheffler, "Immigration and the Significance of Culture," pp. __

just one such culture (his or her cultural identity); and the idea that each nation or society is characterized in a pervasive and encompassing way by just one such societal culture. Such ideas tend to be the product of mythic thinking and nostalgia.[47] But they are often crucial to arguments made in favor of restricting immigration. Those who want to restrict immigration believe that new immigrants—bringing elements of a new culture to their host country as they inevitably do—will tend to compromise the cultural unity or purity of the host country, making it harder for those who already live there to frame their lives and constitute their social relations within the cultural framework that up till now has encompassed them.

V. ASSESSING THE CULTURAL ARGUMENT ABOUT IMMIGRATION

So let's consider how such arguments might be assessed. As we have seen, cultural arguments against immigration are diverse, and some of them have many elements. We need some sort of schema for evaluating them. I propose that we put a number of questions about the role and vulnerability of culture—some of them theoretical questions and some of them empirical, some particular and some general:

1. In general, how important is a single, unified, and stable culture in framing the lives and constituting the social relations of those who live in a given society?

2. In general, how great an interest do the existing members of a given society have in the singularity, unity, and stability of the culture that they live by?

3. As a matter of particular fact concerning a particular society, how singular, unified, and stable is the culture or the cultural situation of the society in question, considered in advance of the wave of immigration that is contemplated? (Or to put it another way: how singular and unified will the culture or the cultural situation of the society in question be, if the wave of immigration that is contemplated does not take place?)

4. As a matter of particular fact concerning a particular society (albeit a matter of fact that looks speculatively into the future), what is the likely impact on the culture or cultural situation of the society in question of the wave of immigration that is contemplated?

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[47] See also Pevnick, *Immigration and the Constraints of Justice*, pp. 140-4.

We ask (2) as well as (1), because as we saw in section III, those who make the cultural argument against immigration need not commit themselves to any version of the Kymlicka thesis about self-constitution. Though (1) and (2) are general questions, (3) and (4) are important for the application of any such argument. However, answers to questions (3) and (4) are likely to be different for different societies, at different times, and in relation to different prospects of immigration (Different migrants, different numbers, different velocities of arrival, as it were).

We can imagine that a cultural argument against a given wave of immigration might be sustained, for a given society, if the questions are answered as follows:

1. In general, how important is a single, unified, and stable culture in framing the lives and constituting the social relations of those who live in a given society?
        Answer 1a: *very important.*

2. In general, how great an interest do the existing members of a given society have in the singularity, unity, and stability of the culture that they live by?
        Answer 2a: *a very considerable interest*.

3. As a matter of particular fact concerning a particular society, how singular, unified, and stable is the culture or the cultural situation of the society in question, considered in advance of the wave of immigration that is contemplated? (Or to put it another way: how singular, unified, and stable will the culture or the cultural situation of the society in question be, if the wave of immigration that is contemplated does not take place?)
        Answer 3a: *quite singular, quite unified, and quite stable; sufficiently so to satisfy the concerns mentioned in questions 1 and 2.*

4. As a matter of particular fact concerning a particular society (albeit a matter of fact that looks speculatively into the future) what is the likely impact on the culture or cultural situation of the society in question of the wave of immigration that is contemplated?
        Answer 4a: *a drastic disruption to the singularity, unity and integrity of the culture of the society, making the tasks referred to in question 1 much more difficult for the existing members of the society and/or undermining the interest referred to in question 2.*

But a critique of the cultural argument will expect different answers, both at the theoretical level and at the level of particular empirical findings. The critique of

the cultural argument against immigration is predicated on answers like the following:

1. In general, how important is a single, unified, and stable culture in framing the lives and constituting the social relations of those who live in a given society?

    > Answer 1b: *not very important; people can frame their lives and constitute their social relations in circumstances of cultural diversity and mélange.*

2. In general, how great an interest do the existing members of a given society have in the singularity, unity, and stability of the culture that they live by?

    > Answer 2b: *a preference, maybe; but not the sort of important interest that is capable of legitimizing the use of coercion that is involved in a restrictive immigration policy.*

3. As a matter of particular fact concerning a particular society, how singular, unified, and stable is the culture or the cultural situation of the society in question, considered in advance of the wave of immigration that is contemplated? (Or to put it another way: how singular, unified, and stable will the culture or the cultural situation of the society in question be, if the wave of immigration that is contemplated does not take place?)

    > Answer 3b: *the cultural status quo is much less singular, unified, and stable than proponents of the cultural argument against immigration are disposed to say.*

4. As a matter of particular fact concerning a particular society (albeit a matter of fact that looks speculatively into the future) what is the likely impact on the culture or cultural situation of the society in question of the wave of immigration that is contemplated?

    > Answer 4b: *a slight increase in the diversity and fractured or compromised character of the cultural situation in the society, but not so as to undermine the legitimate interests of the existing members of the society or make difficult or impossible the tasks of framing a life and constituting social relations with others.*

So there—in crude schematic form—we have the stakes in the cultural debate about immigration. Notice that the terms used are all matters of degree, and there are of course intermediate possibilities. Notice too that what are called for are matters of amorphous judgment. Notice finally that neither the questions nor the answers are wholly value-neutral. This is a normative debate as well as a debate about the facts. We are asking about the impact of immigration on concerns that

are normatively important. What those concerns are and how far a given impact will undermine the normative concerns that make them important are of course the essence of the debate. In all of this we have to do the best we can.

I don't think the questions are unfair. David Miller, who makes the cultural argument, has acknowledged that there is an important issue corresponding to questions 1 and 2. He says there is a danger that proponents of the argument will exaggerate the importance of cultural singularity and unity.[48] He considers the possibility that s society's need for a shared culture may be satisfied by a diverse culture that is the resultant of immigration-fueled change as well as change driven by factors independent of immigration. He calls this the "any culture will do" position and he argues that actually not any culture will do, because of people's affection for the particular one they have grown accustomed to. Maybe he is right; but that takes us back to the question of how serious or compelling their affectionate investment is.

The "a" answers (1a, 2a, 3a, and 4a) support the cultural argument against immigration; the "b" answers (1b, 2b, 3b, and 4b) tend to undermine it. The particular critique of the cultural argument that I am interested in rests on the possibility that people believe in the "a" answers even though it is the "b" answers that are true. People are under misapprehensions, I want to say, about the importance of societal culture and/or about the impact of immigration upon it. Or at least that's what I want to ask about. I want to ask about the significance of this sort of mismatch—where it exists--between cultural reality and cultural illusions.

[The following paragraphs and accompanying notes are rough and incomplete.] One question to ask is: How might these misapprehensions arise? How are they sustained? A number of possibilities spring to mind. Social statistics are not easy to come by, and the misapprehensions may be based on simple mistakes about the facts of immigration itself:[49]

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[48] David Miller acknowledges possibility of exaggeration of the "our" in the title of his book *Strangers in our Midst* (Publisher, date), p. 18. Exaggeration of how much they depend on homogenous community. Also they exaggerate the moral importance that cultural community might have—and the importance of its not being undermined.

[49] Article about Wigan and tiny proportion of migrants in WSJ 7/6/2016

What do Americans and Europeans know about the size of the immigrant population? Do their perceptions mirror reality or are they systematically biased in some way? There is every reason to believe that these perceptions will be upwardly biased. … The fact of overestimation in every country is obvious: the estimate in every single country is above the line. Americans are some of the more egregious overestimators, if overestimation is measured as the percentage-point difference between the perceived number and the actual number. The average estimate in [*our*] sample is 28 per cent, while in reality only 12 per cent of the United States population is foreign born.[50]

The mistakes in question may be innocent, or they may be the product of manipulation, particularly when political advantage in general or in some particular campaign (such as Brexit) may depend on what people are induced to believe.[51]

But maybe we don't need any grand conspiracy theory. Immigration may present itself initially in terms of striking difference: new languages are heard, new modes of dress and demeanor on the street. Modern salience theory would predict that the vivid presentation of difference will prompt exaggerated beliefs about what we used to have in common and about ways in which that is threatened.[52] And the sort of information-cascades that Cass Sunstein and others have written about would confirm the likely dissemination of these impressions among the members of a society, talking and listening to one another about what they have and don't have in common.[53]

It may be helpful to think in terms of a certain sort of optical illusion, along the following lines. People tend to see the *status quo* in a given society in terms of a homogenous culture that really hasn't existed there for twenty or fifty years. (The John Major quote I used as an epigraph furnishes a good example.) And they use that as their point of reference, their baseline, in considering the cultural

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[50] Citrin and Sides

[51] For further consideration of the manipulation point, see text accompanying note 74 below.

[52] Cite to salience theory of choice among risks.

[53] Information cascades: Cass Sunstein

impact of immigration. This means they add to their estimation of the impact that immigration will have this year (for example) everything that also distinguishes the *status quo* (now) from the *status quo ante* (say in 1950). Considering immigration policy for 2017, they yearn for a cultural community that existed in fact in 1950, and when they assess the likely impact of the 2017 influx, they add in everything that distinguishes their situation now from 1950. Now, as a matter of fact, what we should say is that the cultural homogeneity of the relevant community is already compromised and has been for some time; as a matter of public policy, that is irreversible now. But still, the illusion is fostered that the 1950 to 2016 difference is in large part what is at stake in the issue of the 2017 wave of migration. The thought is: we should oppose that wave of migration now because it will compromise the culture we had in 1950!

I don't think this phenomenon is present in all instances of the use of cultural arguments against immigration. But it is suggested strongly by the culturalists' use of the John Major quotation about warm beer, county cricket grounds, and spinsters cycling through the mist to Holy Communion.

VI. RESISTING FALSE BELIEFS

If the cultural argument is based on false beliefs, however these are explained or produced, isn't the rational thing simply to denounce and berate the falsehoods and reject the cultural argument insofar as it depends on them? This is what we do—or what we should do—with false beliefs in other areas of public policy. We treat falsehood as wholly disqualifying—just as we would if people had false beliefs about interest rates or the balance of trade. Or think of some other examples. If people's fear of crime rests on exaggerated beliefs about its prevalence or about the direction of changes in the crime rate, what we do is denounce the falsehood, explain the true state of affairs, and predicate public policy as far as we can on a factual basis. If people hold false views about the characteristics or proclivities of members of a minority racial group, we denounce and berate the falsehoods and we accord no credibility to the arguments based on them.[54]

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[54] I will return to this below, in text accompanying note 75.

It is what we should do with other arguments concerning immigration as well. People say immigration drives up unemployment and makes many people who were born in the host country much worse off. They say the immigrants are taking way our jobs, especially at the lower paid end of the economic spectrum. Now, opinions differ on the validity of these argument and the truth of their factual premises. And, like other elements in the debate about immigration, there is probably some variation from case to case and country to country. Widespread beliefs in society—especially where there is prejudice against immigrants—may not accord with the facts. And most of us would say that, for the purposes of serious policy-making, it is important to cut through what is popularly believed and look at the facts. We need to find out what the true state of affairs is, the true range of impacts, the real economic trends and correlations and so on. And if this is what we should do with the economic case against immigration, surely it is also what we should do with the cultural argument. True, the cultural argument is more amorphous, with fewer real indicators or ways of measuring culture and cultural impact. But surely we should be doing the best we can to come up with veridical premises of public policy, not just pandering to existing opinions.

So, it is tempting just to take a hard (hard-ass) line on this. To the extent we can, we should find out the true state of affairs about culture and cultural impact and, in the public policy arguments that ensue, just call it as one sees it. If popular beliefs differ from the way things actually are, then we should not pander to such beliefs. We should insist on a reality check. (It is odd that people who are prepared to pander to such false beliefs are often called "realists." I suppose it is because the prevalence of such beliefs is taken to be part of the reality that any serious politician has to come to terms with.)

It may be hard to shake such beliefs or wean people away from them, but on this account we should try. It is said that say that people should just "get over" their apprehensions about migration, as though the apprehensions were nothing but false consciousness. On this account, people should just get used to globalization.

Admittedly this corrective exercise is not just a matter of substituting one set of statistics for another. It may involve changing a whole view about how things

are happening in the world.[55] But a normative impatience with falsehood can easily extend that far, as part of a general Enlightenment commitment to transparency, truth, and a bracing determination to see things without illusion. In the modern world, it is no longer necessary to base policy on false beliefs or for us to pander to false beliefs in order to make policies work.[56] In a formulation I used years ago:

> After millennia of ignorance … cowering before forces it could neither understand nor control, mankind faced the prospect of being able at last to build … a world in which it might feel safely and securely at home. … The drive for individual understanding of the world is matched in Enlightenment thought by an optimism at least as strong about the possibility of understanding society. In one aspect, this optimism is the basis of modern sociology, history and economics. But it is also the source of certain normative attitudes … towards political and social justification. It is the source of … a determination to make authority answer at the tribunal of reason and convince us that it is entitled to respect. If life in society is practicable and desirable, then its principles must be amenable to explanation and understanding, and the rules and restraints that are necessary must be capable of being justified to the people who are to live under them.[57]

In that robust spirit, we might say that there is no room for illusions and imaginings in the basis of public policy.

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[55] Think of the broad change of consciousness that Marx and Engels were calling for, much of which they attributed to their class enemies: "The bourgeoisie has through its exploitation of the world market given a cosmopolitan character to production and consumption in every country. To the great chagrin of Reactionists, it has drawn from under the feet of industry the national ground on which it stood. All old-established national industries have been destroyed or are daily being destroyed. They are dislodged by new industries, whose introduction becomes a life and death question for all civilised nations, by industries that no longer work up indigenous raw material, but raw material drawn from the remotest zones; industries whose products are consumed, not only at home, but in every quarter of the globe. In place of the old wants, satisfied by the production of the country, we find new wants, requiring for their satisfaction the products of distant lands and climes. In place of the old local and national seclusion and self-sufficiency, we have intercourse in every direction, universal inter-dependence of nations. And as in material, so also in intellectual production. The intellectual creations of individual nations become common property. National one-sidedness and narrow-mindedness become more and more impossible…." (Ibid., p. __) The amazing thing is that this was 1848!

[56] Cite to Rawls, TJ, on publicity; also PL.

[57] Jeremy Waldron, "Theoretical Foundations of Liberalism," *Philosophical Quarterly* 37 (1987), 127, pp. 134-5. (Reprinted in *Liberal Rights*.)

VII. REASONS FOR HESITATION

However, as I said at the beginning, the point of this paper is to pause and ask whether there might be a case for taking seriously people's views about the culture of their society and the impact on it of immigration, even if those views do not stand up to rational scrutiny.

In all sorts of areas there are reasons for respecting or taking seriously the beliefs that people actually hold, irrespective of their truth or plausibility. Religious rights are an example. A person injured in an accident refuses a blood transfusion because he believes (as many Jehovah's Witnesses believe) that God has commanded us to abstain from ingesting blood and a transfusion would be a violation of this commandment.[58] Medical professionals are obligated to refrain from transfusing blood into a person known to hold that belief even if the transfusion is medically necessary, even though many reckon the underlying theism to be irrational or mythological, or even when other more mainstream believers are convinced that the Jehovah's Witnesses misinterpret scripture when they apply it in this way. As a society we strain to accommodate people's religious beliefs—their beliefs about what God prohibits them from doing—even when we judge the beliefs to be false. (Think of the way statute law requires us to accommodate religious refusals in the case of military conscription.)[59] Our willingness to provide religious accommodations is not unlimited, as is shown in recent debates about religious objections to the issuance of licenses or facilities for same-sex marriage. But it is commonly accepted that in some areas at least—especially when the rights or interests of others are not immediately at stake (I'll return to this point in a little while)[60]—we should do what we can to accommodate such beliefs. And actually similar views are commonly held about the

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[58] Scriptural passages cited here are Genesis 9:4, Leviticus 17:10, Deuteronomy 12:23, Acts 15:28-9.

[59] § 6(j) of the Universal Military Training and Service Act (50 U.S.C. 456(j)): "Nothing contained in this title shall be construed to require any person to be subject to combatant training and service in the armed forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form." See the discussion in *Seeger v. United States* 380 U.S. 163 (1965).

[60] See below, text accompanying note 75.

accommodation of cultural beliefs as well.[61] People invest a lot in the integrity of their religious beliefs and their cultural practices, and it is disrespectful to approach these matters simply on the basis of what is objectively true and what is false.

We have to consider also subjective elements of feeling. Returning to our main topic (immigration): suppose people are genuinely distressed by what they think is happening to what they think is the culture of their society as a result of immigration. Is the distress to be dismissed because it is founded on false beliefs? In the paper mentioned earlier, Avishai Margalit and Joseph Raz talk about the importance of complementing a hard-headed pragmatism about culture with a "sensitivity to subjective elements" and a "responsiveness to the perceptions and sensibilities" of the people concerned.

> To a considerable extent, what matters is how well people feel in their environment: Do they feel at home in it or are they alienated from it? Do they feel respected or humiliated? etc. This leads to a delicate balance between "objective" factors and subjective perceptions. On the one hand, when prospects for the future are concerned, subjective perceptions of danger and likely persecution, etc., are not necessarily to be trusted. These are objective issues on which the opinion of independent spectators may be more reliable than that of those directly involved. On the other hand, the factual issue facing the independent spectators is how people will respond to their conditions, what will be their perceptions, their attitudes to their environment, to their neighbors, etc. Even a group that is not persecuted may suffer many of the ills of real persecution if it feels persecuted.[62]

Respecting people may mean respecting their view of their situation, even if it is not our view of their situation or even if it doesn't correspond to an objective view. This doesn't mean that we have a duty simply to connive in the falsehood or to act exactly as though what is false in these belief were true. We might try to correct it, and arguably that too is a mode of showing respect—respect for people as truth-seekers. As Raz and Margalit point out,

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[61] See Jeremy Waldron, "One Law for All? The Logic of Cultural Accommodations," *Washington and Lee Law Review*, 59 (2001), 3. For a harder-nosed view, see Brian Barry, *Culture and Equality* (Publisher, 2001).

[62] Margalit and Raz, "National Self-Determination," p. __.

> That [a people's] perceptions are mistaken or exaggerated is important in pointing to the possibility of a different cure: removing the mistaken perception. But that is not always possible, and up to a point in matters of respect, identification, and dignity, subjective responses, justified or not, are the ultimate reality so far as the well-being of those who have them is concerned.[63]

(I want to hang on to this point, even though it is not the direct upshot of the argument I will develop in sections VIII and IX.)

That illusions and mistaken perceptions can be part of mainstream reality has long been acknowledged. It has found a place in political theory at least since Edmund Burke talked of the "pleasing illusions," like monarchy for example, "which made power gentle and obedience liberal" in our political system and warned about the dire consequences of seeking to extirpate such illusions in the name of some Enlightenment ideal.[64]

So, in the light of all this and before we accept the epistemic impatience of section VI, it might be worth asking whether cultural community is part of Burke's "decent drapery of life," whether the distress that people feel when they believe that there is a threat to the cultural community they believe in is real distress, and how much of themselves people have really invested in these cultural illusions.

VIII. IMAGINED COMMUNITY

And there may be an even deeper reason for respect—one that I mentioned at the beginning of this paper. The critique of cultural arguments in favor of restricting immigration set out in section V and VI seemed to assume that there is some

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[63] Ibid., p. __.

[64] Edmund Burke, *Reflections on the Revolution in France* [editor] (Publisher, date), p. __: "All the pleasing illusions, which made power gentle and obedience liberal, which harmonized the different shades of life, and which, by a bland assimilation, incorporated into politics the sentiments which beautify and soften private society, are to be dissolved by this new conquering empire of light and reason. All the decent drapery of life is to be rudely torn off. All the superadded ideas, furnished from the wardrobe of a moral imagination, which the heart owns, and the understanding ratifies, as necessary to cover the defects of our naked, shivering nature, and to raise it to dignity in our own estimation, are to be exploded as a ridiculous, absurd, and antiquated fashion."

reality so far as cultural community is concerned, against which participants' perceptions and apprehensions should be measured. But what if the community in question is, to use Benedict Anderson's phrase, an *imagined community*?[65] Might we not want to say that its "imagined" character is essential to it rather than being a ground for dismissing it from consideration? Might we not also want to say that its value and its fragility are imagined attributes?

There is a sense in which culture by definition is a subjective attribute. It exists in the realm of thought, ideas, and the internal aspect of action. I don't mean "subjective" in the sense of idiosyncratic presence in one person's particular consciousness. But even in its aspect as shared, a culture or the cultural aspect of anything consists in large part of shared thoughts and ideas about that thing. True, there is such a thing as material culture: but consideration of a piece of pottery, a personal decoration, or an iPhone as (part of a) material culture involves reference to the (shared) subjective aspect of its use among those in whose lives it plays a part. Any account of the importance of culture is in large part an account of the importance of the subjective aspect of actions, interactions, uses, and practices that prevail in a given setting. One certainly cannot discredit any claim made about culture by dismissing it as subjective in this sense. Even if it were veridical, it would necessarily have a largely subjective dimension

But the idea of *imagined community* goes way beyond this. That a cultural community has the character of an imagined community is a kind of meta-subjective claim. It postulates a sort of fiction about the depth and extent to which certain cultural elements are shared, often a fiction entertained on a shared basis among those whose sharing of first-level cultural ideas is actually what's in question. Imagined community is about a sort of double consciousness. For example, consider the quote about warm beer and county cricket grounds that I use as an epigraph for this paper. A lot of English people will believe that these affections and yearnings are widely shared among people like them even though they know—perhaps generalizing from personal experience—that they are not (or not yet, or not any longer). They will recognize themselves and their friends in this vision of British culture even though at some level they know it is fictitious.

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[65] Benedict Anderson, *Imagined Community: Reflections on the Origin and Spread of Nationalism*, Revised edition (Verso, 2006).

Benedict Anderson's work was largely about nationalism and the cultivation of fellow-feeling and the sense of a shared culture that nation-building involved (for example, in the 19th and 20th centuries). The cultivation might be the work of elite national leaders, in Italy (say), who aspire to a unified nation, going way beyond the village-level or region-level solidarities that one might find in the existing society. And so one does things like publish cheap daily newspapers all over the land that talk about what Italians are thinking and which are read by villagers in the Abruzzo, conscious that at the same time they are being read in Emilia Romagna. Even where there are strong regional dialects, one puts it about that there is a standardized version of the language, correct Italian, in which the affairs of the nation are conducted. Though the history of the different regions may be quite distinct (distinct fortunes and misfortunes, distinct invasions and conquests), one cultivates a sense that defeats that were suffered in the South were in fact defeats for all Italians (North and South) and that the glories of Rome or Milan redound to the credit of villagers in Sicily and Apulia. For much of its early life, this "national" culture is a construction or fabrication. There may be no *there* there initially. The success of the national project however might depend on its coming to loom so large in the shared consciousness of the people as to establish itself with some authenticity among them. As Christopher Seton-Watson put it, "a nation exists when a significant number of people in a community consider themselves to form a nation, or behave as if they formed one."[66]

"Imagined community" in this sense is imagined, not just as to its content, but also as to its communal aspect. Anderson says, "It is imagined because the members of even the smallest nation will never know most of their fellow-members, meet them, or even hear of them, yet in the minds of each lives the image of their communion."[67] Moreover, it is

> imagined as a *community*, because, regardless of the actual inequality and exploitation that may prevail in each, the nation is always conceived as a deep, horizontal comradeship. Ultimately it is this fraternity that makes it possible, over the past two centuries, for so many millions of people … willingly to die for such limited imaginings.

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[66] Christopher Seton-Watson, *Nations and States*, [details] p. 5

[67] Anderson, *Imagined Community*, p. __.

It is imagined as sovereign even if it is for the time being dependent on others. It is imagined as the inhabiting of an immemorially fixed territory even if its boundaries have evidently been mutable in the surroundings in which it finds itself. It is imagined as having a single way of life even if the imagined singularity is a thin veneer newly spread upon some radical diversity of social practices.[68] It is imagined as having a single stream of history, "a single narrative that explains what it means to belong to this or that nation" even though that narrative is "at the very least highly selective and in the worst case starkly at odds with the historical facts."[69]

All this makes the imagining sound pathological—"the equivalent of 'neurosis' in the individual, with … a similar built-in capacity for descent into dementia, rooted in the dilemmas of helplessness thrust upon most of the world (the equivalent of infantilism for societies) and largely incurable."[70] But Anderson wants us to understand as a necessary stage in the growth of culture at the level that is required for national-fellow-feeling. If people from Milan to Palermo are to trust each other, put their fate in each other's hands, help each other, in the last instance sacrifice their lives for each other, they have to create some sense of commonality, of a common way of life that they share. Inventiveness on the part of those who are midwives to this creation is indispensable, as is solidarity in imagination on the part of those who are supposed to benefit from it. Or at least that's how the story is supposed to go.

People from Calabro and Macerata come to feel like Italians, think of themselves as Italians, imagine themselves as Italians, even during the period when the extent of what they have in common with the others in the whole country (who are thinking in the same way about them) is actually quite small. But it is not something they slough off as soon as it becomes apparent that it does not fit. They begin to fit themselves to the imaginings. Their shared imaginings get a grip on them, begin to matter to them, and become part of their shared aspirations, their vulnerability, and, in the twilight of the idea, their laments and their resentment.

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[68] See Anthony Smith, *Nationalism and Modernism* (Routledge, 1998), p. 132.

[69] This language is from Miller, *Strangers in our Midst*, p. 29

[70] Tom Nairn, *The Break-Up of Britain*, as quoted by Anderson, p. 5.

Imagined community is primarily a descriptive hypothesis. Benedict Anderson is a Marxist and not himself heavily invested—or invested at all—in the nationalist enterprise. But I think the account is also supposed to be an answer to those who denounce so-called national cultures as "mere" fictions. Anderson's point is: "Of course they are fictions. What else could they be? How else could they begin? That's how they do their work." His characterizing of national sentiment in terms of imagination is not cited by him as a ground for denouncing it (though he may have other grounds). On the contrary, his work acknowledges— even against the background of his own Marxist materialism—that people live in a world constituted in part by their imagination, particularly those parts of their imaginings that others share.

IX. THE RESPECT DUE TO ILLUSIONS

Benedict Anderson did not orient his conception towards arguments about immigration. And the immigration debate in turn is not necessarily oriented towards the strong nationalism that is the real subject of *Imagined Community*. But what Anderson says about cultural commonality in a national context is nevertheless important for the issue we are discussing, which is this:

> *What degree of respect or credence (if any) should be withdrawn from the cultural argument against immigration on account of the fact that those who make the argument entertain false beliefs about their cultural situation or about the impact of immigration upon it?*

Anderson's conception requires us to face the possibility that the non-veridical character of claims about culture (made from the inside) is both typical and intellectually respectable. A culture does not pop into existence or sustain itself by magic. Like Tinkerbell,[71] it works to come into existence, working in and through the shared determined resolve—even if it is just a half-conscious equivalent of shared determined resolve—in the minds of those who view themselves as the bearers of the culture in question.

Facing a situation of cultural fracture and diversity, the members of a community may still strive to view their cultural situation in terms of an integrated

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[71] For the idea of a Tinkerbell moment, see Jeremy Waldron, *Partly Laws Common to All Mankind: Foreign Law in American Courts* (Yale University Press, 2012), p. 55.

set of shared elements. They may refer to this—partly descriptively, partly prescriptively—as "their" culture even though at some level they know the situation they face is much more disparate than that. And, when they contemplate or experience a wave of immigration, they have to deal with a blow that strikes, not so much at their actual cultural situation, but at their ability to sustain this striving to imagine themselves as bound together by a shared culture. The imagining of it becomes more difficult and their alienation and disorientation is a result of this difficulty. From the point of view of social reality, they never really enjoyed the unified culture they have been treasuring, or not for decades. But from their internal point of view, something has been lost or is being lost right now: namely their ability to sustain this illusion. And it is all the fault of the "immigants."

So what are we to say about the impact of all this on the cultural argument against immigration? Does the imagined community analysis support the argument or undermine it? Well, one thing it means is that our becoming aware of the falsity of claims about the vulnerability of a shared culture to an influx of immigrants does not mean that those claims can be simply dismissed. It is not the end of the argument. If people's need for culture is partly a need to be able to imagine and share the imagining of a degree of cultural unity with those who surround them, then we need to ask whether a given influx of migrants—who in their language, mores, faith, practices, and appearance differ strikingly from what is imagined as the culture of the host country—makes it difficult to sustain those imaginings. Even if the real cultural infrastructure of a unified community has long since been compromised, people may continue to invest heavily in a shared *sense* of its existence, and we have to ask about the impact of immigration on that investment. A certain sort of valued dream is being threatened. It is conceivable that concerns of his kind may weigh significantly against other more advantageous consequences in a debate about immigration.

But it doesn't mean we are required to take the cultural argument, as presented by its initial proponents, at face value or to act as though the falsity of the social propositions on which its normative power is predicated didn't matter. For there are lots of ways in which an imagined-cultural-community argument will differ in its normative implications from the original cultural argument. And there are lots of ways in which the imagined-cultural-community argument may fail even on its own terms.

For one thing, it is possible that the shared sense of imagined community may *survive* the allegedly threatening influx of migrants just as it has survived the previous compromising of actual cultural community. People who have been able to talk and think confidently about the values of warm beer, county cricket grounds, and cycling down country lanes to traditional church services in a social environment that has long been populated by Indian restaurants, Jamaican green-grocers, the collapse of Anglican worship, and the bustling cosmopolitanism of London and Birmingham may well continue to be able to think in these terms despite an influx of Polish workers and Syrian refugees. One cannot simply *announce* that the breaking point has been reached so far as the sustaining of imagined community is concerned. The political motivation of such announcements may be all too clear. At the very least the claim needs to be scruitinized.

For another thing, we need to remember that the question is not about the harm that immigration is imagined to do; the question is about the harm that it actually does through its impact on our imaginings. This means that the subjective element has to face certain objective questions. Does the sense of imagined community actually do the work for social solidarity, or people's autonomy, or their interest in a secure identity that the reality of societal culture is supposed to do on (say) Kymlicka's account or on the account of Margalit and Raz. Without neglecting the Margalit/Raz point about sensitivity to subjective fears and alienation (which is a separate consideration),[72] we cannot assume that the role of imagined community is the same as the role of actual cultural community. That needs to be established. For example, it may turn out to be true that, in order to give their life choices meaning, people actually do need a number of rich culturally defined options but false that all these options need to be located in a matrix defined by a single culture.[73] In that case, people may be able to continue constituting themselves and sustaining a sense of solidarity even in a cultural setting that is diverse, fractured, and compromised by purist standards, both before and after the migrant influx that we are positing. Relative to this process, the work done by the *imagination* of a unified cultural community may be epiphenomenal.

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[72] Margalit and Raz, "National Self-Determination," p. ▆ and text accompanying note 62 above.

[73] This was the point of my argument in "Minority Cultures and the Cosmopolitan Alternative."

People may cherish and be buoyed by the sense that they are choosing from a unified cultural matrix of options even when they are not. We cannot infer that a threat to this imagining is necessarily also a threat to the underlying process of self- or social-constitution. Getting at the truth about this is difficult; even stating the question is difficult. But that is no reason for allowing the use of an imagined community argument to become self-certifying.

Let us not forget either that when we are addressing the importance of the imaginary in public policy, there are always at least two normative directions in which we may proceed. One is to protect the illusions and imaginations that people seem to be dependent upon. The second path is to educate or persuade people out of the relevant illusions and imaginations, getting them instead—in the phrase from Marx and Engels that we have used several times already—to face with sober senses their (and our) *real* conditions of life. The second path may seem condescending and manipulative, although manipulation may (as we have seen)[74] be involved on both sides of the aisle. Actually it is an open question whether what is required is some active scheme of "re-education" or a more passive withdrawal of the various ways in which such illusions are currently sponsored and sustained.

In any case, what I have called the second path may sometimes be morally necessary. Consider other instances where social illusions threaten to impact public policy: an exaggerated fear of crime for example or the apprehension that our electoral system is being undermined by voter fraud.[75] To pander to the illusion that crime is rising (even though it's not) or that tens of thousands of unqualified individuals are voting (even though the number of actual cases of voter fraud is vanishingly small) may require the authorities to inflict otherwise unwarranted harm or rights-infringements on innocent people: more stop-and-frisk, for example, or more stringent voter-ID laws. Even if such tactics would be an appropriate response to the reality of what is being in fact imagined, they cannot be justified by the fact of the imagining itself. Those affected have the right to expect that (at most) their rights are infringed only to the extent that this is necessary to avert actual threats. In these circumstances, it is right to insist on the true facts about

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[74] See text accompanying note 51 above.

[75] See also text accompanying note 54 above.

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crime and the true facts about voter fraud and to disseminate ways in which people can get access to the true facts and inform their attitudes accordingly. True, our response may be complicated. Perhaps if modes of enhanced policing can be figured out that do not threaten others' interests, such "reassurance policing" may be appropriate. And if people choose to vote on the basis of the misapprehensions they have about crime rates, their votes are entitled to respect at face-value. Still, the danger to other interests cannot be ignored and should not simply be balanced or outweighed by imaginary threats. The general point that follows from this is that the proper response to popular illusions in public policy is going to have to be different when other people's interests are affected.

Is immigration a case of this kind? Well, there are unresolved controversies here that remain open whatever we say about imagined community. Should arguments about the interests served and disserved by immigration include facts about the interests of the would-be migrants themselves? They stand in a somewhat different relation to the community than the people we imagined being prejudiced by unwarranted fears about the rise of crime or the prevalence of voter fraud. They are insiders, but the immigrants are not (or not yet). So: do the interests of the would-be immigrants count? Or are we entitled to settle our policy on immigration based on its beneficial or detrimental effects on present inhabitants of the host country alone? And does the answer to this question remain the same when we shift from a straightforward argument about social and economic consequences to an argument of the specific kind we have been entertaining?

I suspect the answer will differ depending on the character and motivation of the wave of migration we are considering. It is one thing to allow the interests and aspirations of so-called economic migrants to be blocked by concerns about the impact of migration on imagined community. It may be another thing to turn away refugees in desperate straits on this sort of ground.

X. CONCLUSION

Shouldn't the implications of our inquiry be clearer and more straightforward than this? (As in: "Stop pussy-footing around: either we pander to the cultural imaginary or we dismiss it as an illusion.") I don't think so. As I indicated at the end of section I, this has been a reflection on just one aspect of the debate about immigration and, as the last paragraph showed, its ultimate implications will have

to engage other controversial positions in the debate that have not been fully considered here.

I think also that it is just hard to figure out the appropriate role for the imaginary in debates about public policy. It can't be dismissed. People's well-being is bound up not just with objective facts about nutrition and longevity, not just with Rawls's "primary goods," and not just with measurable capabilities of the sort that Amartya Sen and Martha Nussbaum have emphasized,[76] but also with people's sense of themselves—what it is *like* to be them under the impact of this or that policy or this or that circumstance of the society in which they live. We can scratch the surface of this with crude ideas about subjective utility and the satisfaction of preferences—and some philosophical work has been done on the significance that should be attached to external preferences in a welfare calculus.[77] But that's only the beginning. Attention needs to be paid to layers of perception as well as preference, and to the back-and-forth between people of their shared construction of social experience. We don't yet have good ways of thinking about the normative implications of all this—good nuanced ways that would pay tribute to the sort of consciousness we have and the dignity of our self-understandings without neglecting the responsibility we have to discipline our self-understandings, both in personal ethics and social morality.

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[76] Rawls TJ; refer to Amartya Sen and Martha Nussbaum on capabilities

[77] See Ronald Dworkin, *Taking Rights Seriously*, pp. ___ (considering the tendency of external preferences to corrupt the egalitarian character of utilitarianism.