



**ESSAY FRONT PAGE**

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convincing?.....  
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## **Introduction**

Does the right to control one's borders obtain its legitimacy from the morally justified interest in controlling the national culture? David Miller thinks it does. He argues that people have a right to democratically decide which elements of their public culture deserve to be protected from the inflow of immigrants with different cultural backgrounds.

I will argue that this argument is not convincing by looking more thoroughly at the connection between a national culture and the right of self-determination, thus criticizing the democratic part of Miller's argument. I will claim that cultural consideration cannot be ascribed to the list of acceptable public reasons. The justification of this claim will highlight that cultures cannot be thought of as fixed list of characteristics to be agreed upon as Miller conceives them. In turn, this more descriptively accurate account of culture will be used to claim that it is wrong to believe that there must be one fixed fundamental source of cultural identity and that this is the national one.

Finally, by looking at the way a national culture promotes solidarity between citizens, I will argue that newcomers will not threaten social cohesion and the provision of public services.

## **2. Miller's Argument**

Miller's argument can be schematically summarized as follows:

1. Nations are ethical communities promoting solidarity between citizens and individual identification through a shared public culture.
2. People that are part of a community also have a right to self-determination, which allows them to decide society's goals.
3. Given (1) and (2) and given that uncontrolled immigration changes the nation's culture, citizens have a right to shape their immigration policy and limit the influx of foreigners with different cultures.

Miller's commitment to incorporate the emotional attachment people feel towards their community in his political theory leads him to argue that we have more extensive obligations toward co-nationals than toward foreigners.

What grounds these moral obligations and justifies partiality in the design of immigration policies, is the fact that nationalities are a source of identity for individuals and that, in turn, the sense of belonging they promote fosters solidarity between otherwise unrelated strangers. Our understanding of morality itself stems partly from our membership in a community, which "provides us with a language of shared evaluation" (Miller, 2000, 100).

The societal fabric is made of a shared public culture, which incorporates values and traditions that draw from a historical narrative of the nation and is seen as distinct from the one of other countries. Nations are historical communities that stretch into the past and ground obligations on present day members to carry traditions and customs into the future. Using Miller's words: "if there was no distinct culture to protect, there would be no reason for the state to exist as an independent entity." (Millier, 2008, p. 375)

Citizens see themselves as bound by a collective consciousness that goes beyond history, since a feature of nationality is that it requires a present active identity. In other words, nations are not politically immobile groups who interpret the words of God like religious institutions, but communities that decide and do things through their representatives.

The capacity and right of each nation to decide its goals and shape its own future through deliberative democratic processes (P2) is what enables the expression of this active identity. At the same time, the self-determining character of nations strengthens its claim on members both "as a source of identity and as a source of obligation" (Miller, 2000, 28).

Since the acceptance of new members from different cultures has an impact on something as valuable as a nation's culture, citizens have a right to shape their immigration policies as they see fit. This right is grounded both in their claim of self-determination and in their morally justifiable interest in protecting their national culture (Miller, 2015, 10).

### **3. 1. Distinctiveness and Value**

My first criticism is that Miller offers no independent moral criteria, with which to judge the legitimacy of the values promoted by the public culture, nor does he specify which features of it are worthy of being included as criteria for membership. Indeed, not all features of a culture can be deemed legitimate (Seglow, 2005, 322) and used as a reason for partiality to other community members. A country's practice of systematic discrimination cannot justify more extensive obligations toward co-nationals (Jones, 2001, 159). Miller's methodological choice of trying to build a political philosophy which incorporates national allegiances (Miller, 1993 ,4) made him miss a fundamental point: the mere fact that a culture shows some particular features does not give those features any normative authority, not even for those who are part of the cultural group (Scheffler, 2007, 124).

The implication of this point for immigration policy is easy to see. Absent any moral standard to justify a particular national culture, how can I use its defense from foreign influence as a reason for exclusion? Why would I be justified in defending something that does not have value?

From this point Miller could answer in two different ways. Firstly, he could rightly contend that many cultural features do, in fact, have a value. Secondly, he could respond that even if not all characteristics have a value, a common national culture is still a fundamental source of identity.

#### **3.1.1. National Culture and Public Reasons**

Commitments to democracy, freedom and equality are surely among the defining features of western culture. They are expressed in the way we govern and organize our public institutions and in the way we structure our social relations. We thus have a right to decide if and to which extent these aspects of our culture will be influenced by the acceptance of new members in our political community.

This counterargument is surely right and there is little I can object to it. However, what is essential to note here is that democracy freedom and equality are values that do not derive their authority from their being part of our western culture, but from their independent normative force. The same cannot be said about other cultural features, like religious commitments, cooking habits or aesthetic preferences, which are only a source of distinctiveness. A culture, because it is by definition the grouping of values, principles, preferences and traditions, cannot be thought of as a coherent justificatory structure like a philosophy (Scheffler, 2007, 125). A culture is not required to have coherent principles as it is not a normative category.

Following this line of reasoning one can see the limit of the “democratic” part of Miller’s argument. He endorses a deliberative form of democracy, in which the reasons for each decision need to be recognized by other members of the constituency, if we are to avoid a forceful imposition of rules on the minority. In spite of this, he does not seem to see anything wrong in ascribing general cultural considerations, over which there can be reasonable disagreement and that are by definition morally partial perspectives, to the list of acceptable public reasons.

How are citizens supposed to agree on which cultural features are worthy of acceptance into their territory? This matter is made even more complicated and morally indefensible if one considers that different ethnicities, languages, minorities and cultural traditions coexist in every state. Indeed, Miller’s argument seem to fit homogenous isolated communities rather than countries (Higgins, 2008, 58), let alone nations, which in most cases are “a watered-down version of community compared with more local levels” (Cole, 2000, 89). In turn, this means that the

recognition of a particular religious practice, for instance, as unwelcome in a given country could rightly be considered an injustice from the point of view of current citizens or minorities residing within the same borders.

This leads to a more general consideration, which will be useful in the next counterargument: it is wrong to describe cultures as a fixed list of elements or as following national geographic boundaries. Cultures are fluid and constantly mutating concepts, because the people that give meaning to them have different cultural backgrounds themselves.

It may well be the case that all Dutch believe that there is a national culture. But it may be equally true that each of them has a slightly different view of what are the characteristics of this culture depending on his/her place of birth, those of his/her parents, the history of the specific city town and village.

All this does not deny the existence of a national culture, but reinforces the point I made above regarding the admissibility of cultural preferences as valid public reasons. It seems impossible to find a common denominator between the ideas that each citizen has about the national culture that is specific enough to the point of still deriving its value from being a cultural trait and not from its independent moral weight.

### **3.1.2 National Culture and Identity**

Miller could reply to the first objection by reaffirming that the national culture has instrumental value, to the extent that it allows personal identification with the political community. Using his words: “culture is not only a matter of belief or of practice, but also of identity” (Miller, 2015, 10).

The sense of identity and belonging is valuable per se: it entails the recognition of oneself in the actions and characteristics of a group. In other terms, viewing myself as member of a community and being recognized as one gives meaning to my

existence. Moreover, Miller could insist that national identity provides the context of choice, in the sense that it provides the general framework in which people can meaningfully decide the goals they want to pursue. The special character of a national identity justifies its protection through a regime of cultural rights.

The problem with this position is that it still does not seem avoid my first criticism: even if we recognize that people have an interest in identifying themselves with the community, we cannot give this interest any moral weight, without first assessing the specific goals of the society (Higgins, 2008, 54).

But most importantly, Miller's description does not accurately describe the notion of identity and its relationship with culture, as I described it in the previous section. Firstly, the idea that only national identity provides a context of choice seems very simplistic. Religious affiliations, sexual orientations and even professional pathways can structure and influence individuals' decision even more than a national culture (Behrensen, 2012, 51). A monk, for instance, might be so influenced by the structure of beliefs and principles that catholic religion imposes on him so as to feel free if he embraces a monastic life, which may be considered repressive by many. It may be the case that it is this or other particular affiliations or groups that motivates individual choices and represent their moral compass.

Secondly, personal identification is highly context-dependent and changes with time. People feel the salience of their different cultural affiliations depending on the time and place they find themselves into.

Because people have different sources of identifications and because a national culture cannot be understood as a fixed list of elements (see previous section), it seems wrong to claim that for each individual there is one fundamental source of cultural identification, let alone that this source of identification must be the national culture as specifically defined by the state (Scheffler, 2007, 100). Personal identification is rather the outcome of *free* personal reflection on and juxtaposition

to diverse groups' ways of living, which cannot be traced back to a unitary cultural scheme.

All in all, Miller owes us more explanation as to why the usual liberties of expression, thought and conscience are not enough to secure our sense of belonging and identity.

### **3.2.1 Nationality and Solidarity**

Apart from giving citizens a source of identity, the national culture and the psychological bonds it creates between co-nationals perform a second valuable function, namely: the creation of relationships of solidarity. In turn, solidarity is instrumental and essential to the proper functioning of redistributive policies (Miller, 1995, 67).

A first problem with this part of his argument is that Miller offers no justification of the need for redistributive policies of the kind modern states engage with. But even if we assume that redistributive policies are desirable, their link to solidarity seems weak. Most redistributive programs, like insurance mechanisms and social services do not seem to require a high level solidarity after all. Many citizens may be willing to pay taxes to fund such schemes, but it seems at least descriptively inaccurate to assume that solidarity is what motivates all contributions. Taxes are coercive as much as laws and citizens risk hefty fines if they don't pay what the state demands. This seems to clash with Miller's empirical claim that redistributive policies require a kind of social cohesion based on a shared national identity.

If Miller believes that the welfare state performs valuable functions, and to the extent that its funding is made factually easier and morally acceptable if based on voluntariness, then it seems like immigrants are actually those that could make it function more smoothly. Their arrival and request of admission represents a more



explicit type of consent to the institutions of the specific country that the tacit one often imputed to citizens to justify authority.

### 3.2.2. Solidarity and Difference

If one of the benefit of a common national culture is the instantiation of relationship of solidarity among citizens, then it seems right to conclude that the refusal of admission of immigrants is grounded on the belief that their culture will diminish solidarity among people and social cohesion with it (Miller, 2015, 161).

What could happen if an immigrant from a far away country became citizen of a liberal democratic state that decided not to evaluate his/her cultural affinity as a criterion for granting citizenship rights? Would solidarity between the citizens of the now more populous and culturally heterogeneous state decrease?

Taylor (2015) highlights that a necessary condition for the existence of solidarity is the presence of a joint interest, which cannot be satisfied individually, but only through the actions of the collective. Members in the group should perceive this common interest as valuable and link its satisfaction to their personal well-being. This does not mean that disagreement cannot arise. Indeed, Taylor distinguishes between an executive interest, which is shared by all members, and many “subsidiary” interests, which some (as opposed to all) members may find important to promote the executive one.

The question is then, what the executive interest among co-nationals actually is and whether it can fail to be shared by newcomers. Because it must be widely shared and because of the existence of a plurality of views, it cannot reflect specific political positions, over which much disagreement still persist. It cannot be, for instance, the creation of a particular form of socialist state, which instead fits the description of a subsidiary interest accepted by some but not all citizens.

Miller's description of the national public culture seems to come close to Taylor's definition of an executive interest. He describes it as including principles like the "belief in democracy or the rule of law" (Miller, 1995, 26 ) and "may be seen as a set of understandings about how a group of people is to conduct its life together."

If this is the case, then it seems like most immigrants would share the same general goal, thus posing no threat to solidarity from the point of view of having a joint interest if they are to become citizens.

However, Miller would rightly contend that a joint interest is not enough to create solidarity and, consequently, the moral obligations of the kind citizens have among each other. Indeed, solidarity requires trust, which can diminish if newcomers increase the cultural heterogeneity of the country. In his 2008 paper Miller uses the statistical survey of Alesina (2002, 1) to back up his claim and turn it into a fact. He writes: "[t]he evidence is sufficient to justify the basic claim that a culturally divided society without a source of unity to hold its constituent together would be unlikely to support a democratic welfare state" (Miller 2008, 9).

With this claim, however, he seems to commit a classic naturalistic fallacy: the fact that people report lower levels of trust in more ethnically heterogeneous communities, does not imply that this phenomenon is justified from a moral perspective, or that things should not be changed. Indeed, if the reason why people feel like they could rely less on each other is that they have wrong beliefs about the immigrants' cultures and backgrounds or about their impact on the community's welfare, then any policy motivated by these beliefs, even if supported by the majority, cannot be morally justified. Mistrust of newcomers is frequently grounded on mere preconceptions and fostered by wrongful depictions by the media or the political class.

It also seems correct to point out that we tend to trust some people more than others, because we are more accustomed to encounter them. I trust my friends more than my neighbors, because through time I learned that they are reliable people. That an important determinant of trust is the frequency of contact, should already

make us doubt the implicit claim in Miller's argument that difference (cultural in this case) is instead what matters. Multicultural countries like Canada, which still manage to sustain their welfare state, exemplify this point quite clearly.

#### 4. Conclusion

What I argued so far does not imply that borders should be open, nor that we have the same obligations toward all people. Instead I argued that Miller's culture-based argument does not give us morally good reasons to limit immigration. I focused on the role national culture should play as a source of identity and of solidarity and concluded that new ways of life introduced by newcomers are not a threat to any of them.

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