The Integration of Immigrants*

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This paper considers normative questions about the integration of legally resident immigrants into contemporary liberal democratic states. First, I ask to what extent immigrants should enjoy the same rights as citizens and on what terms they should have access to citizenship itself. I defend two general principles: (1) differential treatment requires justification; (2) the longer immigrants have lived in the receiving society, the stronger their claim to equal rights and eventually to full citizenship. Second, I explore additional forms of economic, cultural, social, and political integration. I argue that the integration of immigrants depends upon a process of mutual, but asymmetrical adaptation and that it is precisely because the immigrants have to adapt more that the receiving society bears a greater responsibility to take steps to promote equality between the immigrants and the existing population.

The challenges posed by immigration vary significantly from one country or region to another, and liberal democratic states vary in the ways they interpret and institutionalize norms of democracy, justice, freedom, and human rights. Nevertheless, it is possible to make some general claims about how liberal democratic states ought to respond to the immigrants in their midst, and that is what this paper will try to do. Let me add that there is a fair amount of convergence in practices as well, so the arguments here are not disconnected from the world as we find it.

Like most academics, I want to begin with some distinctions and clarifications. First, in talking about the integration of immigrants, I will be concerned not only with people who arrive as immigrants themselves but also with their

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descendants who are born in the new country, the so-called second and third generations. Some of the most important questions about the integration of immigrants concern the fate of these second and third generations (e.g., how does their descent from immigrant parents or grandparents affect their life chances, how do they relate to the society in which they live) even though they are natives and hence not properly classified as immigrants. For the sake of simplicity of exposition, I will often speak only of immigrants, but, unless otherwise specified, I mean this term to include their descendants.

Second, since my focus is on the integration of immigrants, I will not say anything about the process of admissions. I am concerned with those who have in fact arrived. Furthermore, I will focus primarily on immigrants who have legal permission to reside in the receiving society on an ongoing basis. I’ll call them residents for short. There are two other important categories of immigrants: those who are present legally but only with limited terms and conditions (e.g., as students, guest workers, etc.) and those who are residing without formal legal authorization (whether they arrived legally and overstayed a visa or crossed a border in a clandestine manner or went underground after a refugee claim failed). For the question of the integration of immigrants, the most crucial question about people in these other two categories is whether and how they ought to be moved into the first category, i.e., become people with a legal right to remain on an ongoing basis, but I will not pursue that issue here.

Third, in talking about how states ought to respond to immigrants, I want to distinguish between two ways in which policies may be right or just. On the one hand, we may describe a policy as just in the sense that it is morally required, and on the other hand we may call a policy just in the sense that it is morally permitted, i.e., not prohibited by justice. In the latter case, we may want to try to identify the best practices among those that are morally permissible to the extent that we can generalize across different cases.

Fourth, in thinking about the ways in which states respond to immigrants with regard to integration, I want to distinguish between requirements, expectations, and aspirations. A requirement is something that is formal and explicit. For example, states may specify conditions that must be met before immigrants obtain certain legal rights or before they become citizens through naturalization. An expectation is a norm that is enforced through informal social sanctions rather than legal mechanisms. For example, the public officials or ordinary citizens in the receiving state may have expectations about how immigrants should behave or how they should adapt culturally, and, if these expectations are not met they may be critical of the immigrants even though no formal sanctions follow. Finally, public authorities or citizens may have hopes about the ways in which immigrants will integrate with the receiving society without thinking that these aspirations are enforceable in any sense, even through informal social sanctions. For example, people might think that the process is really going well only if there are high levels of residential and social mixing between immigrants and their descendants on the one hand
and the rest of the population on the other without thinking that it would be appropriate to impose particular expectations on people about where they should live and with whom they should socialize. These distinctions matter descriptively because they draw our attention to the range of formal and informal ways in which the receiving society responds to immigrants and they matter normatively because they may affect the moral quality of a policy or practice. For example, a demand that may be morally permissible if expressed as an expectation may be morally impermissible if constructed as a formal legal requirement.

Finally, to avoid misunderstanding, let me distinguish at the outset between the question of who has the right to make a decision and the question of whether or not a decision is morally right. The mere fact that we assign responsibility for making decisions on some matter to an individual or a collective does not mean that we have no independent basis for critically evaluating those decisions. This is abundantly evident in the case of individuals. We have good reason to construct legal regimes that leave individuals great discretion in deciding how to live their lives, but that does not mean that we can never have a basis for moral criticism of the choices they make. Not everything that is legally permissible is morally justifiable. So, too, with states. The fact that states are sovereign and that the ideal of democracy entails a deep commitment to collective self-determination does not mean that we cannot criticize the choices that democratic states make.

I will divide the rest of my discussion into three main parts. The first will be concerned with the legal rights that immigrants should have. The second will focus on access to citizenship. The third will consider questions about the policies and practices that can promote the integration of immigrants once they have the appropriate bundles of legal rights (including access to citizenship).

**Legal Rights of Immigrants**

In modern liberal democratic societies legal rights are fundamental. It is true, of course, that formal legal equality is not sufficient. Legal equality may coexist with great substantive inequality among citizens. Nevertheless, any conception of equal citizenship has to start from the idea of legal equality.1

What about immigrants who are not citizens? What legal rights should they have? Is that even a question that we can answer in a general way? To begin, we should notice that states routinely grant many legal rights not only to citizens and immigrants but to anyone who is on their territory and

1. Of course, some forms of differentiated legal rights (e.g., affirmative action rights) may be designed to realize rather than deny the ideal of civic equality. Whatever one’s view of the merits of such contested arrangements, it is clear that they are not intended to enforce subordination and inequality in contrast to, say, feudal legal distinctions between the nobility and the peasantry.
subject to their jurisdiction (like tourists or other temporary visitors). Everyone is entitled to protection of their person and property, for example, and, in principle, the quality of protection is not supposed to depend in any way on one’s citizenship status. Anyone accused of a crime is entitled to a fair trial, regardless of one’s national origin or citizenship status. Of course there are differences between states in the way these legal rights are constructed and interpreted, so that, for example, the rules of evidence or of criminal procedure may vary from one state to another so that evidence that would be considered in one jurisdiction may be excluded in another. But the treatment of individuals within the same jurisdiction is not supposed to vary. For example, states cannot legitimately have one set of rules regarding what counts as evidence in a criminal trial for citizens and a different set of rules (presumably less favourable to the accused) for non-citizens or even non-residents. In principle at least, these sorts of fundamental rights apply even to those who are present without authorization, although, in practice, their rights are much less secure because they are afraid to appeal to the authorities for protection.

While everyone who is subject to the state’s jurisdiction, even if only temporarily, enjoys some legal rights, citizens possess legal rights that temporary visitors or unauthorized residents normally do not. The right to vote in elections, the right to participate in the labour market, and the right to receive social services are some obvious examples. Again, we may note that the precise bundle of rights citizens enjoy varies from one state to another because different states have different institutions and policies (e.g. with respect to income support and health care). In another context one might want to evaluate these arrangements critically, but here we want to keep the focus on the integration of immigrants. For those purposes, therefore, we can simply take whatever bundle of rights citizens have in a given state as the standard against which to compare the rights of immigrants and ask how they should resemble or differ from one another.

My central claim is that, with the exception of the right to participate in national elections or hold high public office and with a few other minor qualifications involving the passage of time, immigrants should enjoy the same legal rights as citizens. Furthermore, I contend that this equivalence of the rights of citizens and the rights of residents is not simply the best practice but rather that it is something that justice requires.

My argument rests upon an understanding of the nature and purpose of political authority in liberal democratic states. Liberal democratic principles may be interpreted in various ways, but, however interpreted, they entail a deep commitment to treat those subject to the state’s authority fairly and

2. It may seem that I am belabouring the obvious here but recent statements and actions by the Bush administration in response to the terrorist attacks of September 11 2001 make it necessary to emphasize the point since they explicitly envisage the idea of using different standards for citizens and non-citizens in prosecuting those accused of terrorism.
equally. So, the first principle is that differential treatment requires justification. That is why it is not morally permissible to have two sets of procedures in legal proceedings, one for citizens and another for non-citizens.

Now, differential treatment may often be justified. Those (like tourists) who are subject to the state’s authority only on a genuinely temporary basis may legitimately be denied the legal right to work or to benefit from social programmes because they are visitors, not members of society. But what about immigrants who have a right of ongoing residence? They are in a very different category. Living in a society on an ongoing basis makes one a member of that society. The longer one stays, the stronger one’s connections and social attachments. For the same reason, the longer one stays the stronger one’s claim to be treated as a full member. At some point a threshold is reached, after which one simply is a member of society, tout court, and one should be granted all the legal rights that other full members enjoy.

The norm I am defending here is not very far from existing practice in Europe and North America. One of the striking developments in the area of immigration during the late twentieth century was the extent to which the legal distinctions between citizens and resident non-citizens were reduced. Scholars disagree about the source of these developments. Some emphasize the pattern of convergence on a new status for immigrants and attribute this to the emergence of new international human rights norms. Others insist that attention to the details of particular cases will show that the changes were due to local causes, the political and legal factors at play within particular national traditions. Whatever explanatory account one accepts—in my view, those emphasizing domestic factors have provided convincing evidence that the changes were not an explicit or even conscious response to emerging international norms but they offer no explanation for the convergence—the facts of the matter are not in dispute. A pattern of systematic and widespread legal differentiation between immigrants and citizens has been replaced by a pattern in which immigrants generally enjoy the same civil, social and economic rights.

3. I am implicitly assuming here, for the purposes of this essay, the right of the state to control immigration, at least for the most part. In another context, one might want to challenge that presupposition, and I have done so in Joseph H. Carens, ‘Aliens and Citizens: The Case for Open Borders’, Review of Politics 49.2 (Spring 1987), pp. 251-73 and idem, ‘Reconsidering Open Borders’, International Migration Review 33.4 (Winter 1999), pp. 1076-91.


as citizens (and in which people who are initially admitted on a temporary basis acquire stronger rights of ongoing residence the longer they stay). Many of these changes were brought about by courts acting in the name of legal norms that reflected deep liberal democratic principles. In other words, they were seen not merely as prudent changes in policy but rather as transformations required by justice.

There are two important caveats to this broad picture. First, while security of residence and access to employment of immigrants have greatly improved, there remain some significant gaps between the rights of immigrants and the rights of citizens in these areas. Second, the trend towards equality of rights between citizens and immigrants is not inevitable or irreversible. In the late 1990s the United States restricted the access of legal immigrants, even long-settled ones, to a variety of social programmes. To the best of my knowledge, this sort of policy change has not yet been introduced in Europe, but it has been advocated by some. In Europe, moreover, the development of the European Union has led to the creation of important new rights for citizens of member states, including mobility rights and rights of access to employment. Most of these rights have not been accorded to people who are permanent residents in an EU state but who hold citizenship only in a state outside the EU (so-called third country nationals). So, the gap between the bundle of legal rights enjoyed by citizens and the bundle enjoyed by residents has widened.

Both justice and wise policy require the consolidation of this general movement in the direction of reducing differences between citizens and residents. EU rules have done that for citizens of other EU countries, effectively sweeping away many of the past objections about feasibility. For example, the EU rules on access to public employment in member countries have opened up this important sector of the labour market (at least in terms of legal principle) to non-citizens from other EU countries. As a result, none of the objections to restricting the access of immigrants from outside the EU carry much persuasive weight. It becomes a transparent device for favouring citizens over residents, i.e., for discriminating against people who are permanent members of society but do not yet have the status of citizen. (The same discrimination occurs at the federal level, though not at the state or provincial level, in the United States and Canada.) There is no plausible moral justification and no persuasive policy reason for not granting third country nationals who are established residents in one EU country the same bundle of legal rights with respect to other EU member states that EU citizens enjoy.


8. Ricard Zapata-Barrero, ‘State-based Logic versus EU-based Logic towards Immigrants: Institutional Evidences and Normative Dilemmas (or EU’s State Fundamentalism towards Immigrants)’, paper presented at 29th Joint Sessions of Workshops, European Consortium for Political Research, 6–11 April 2001, Grenoble, France.
Access to Citizenship

If immigrants have most of the same rights as citizens, why does formal citizenship still matter? There are three reasons. First, the key political rights of voting in national elections and holding high public office remain attached to citizenship. This is an arrangement that seems to me likely to persist for the foreseeable future and also one that is morally permissible (though I do not think it would be unjust for a state to extend these rights to non-citizens) so long as immigrants have appropriate access to citizenship itself. (I will say what counts as appropriate access below.) Second, the political and legal reality is that the rights of citizens are generally more secure than the rights of non-citizens. The developments in the US and the EU that I cited above that have increased the relative value of citizenship rights illustrate the point, and the US case shows that even established legal rights may be taken away. Moreover, other legal rights, such as rights of residence and re-entry from abroad, are likely to remain more extensive and certainly more deeply entrenched institutionally for citizens than for residents. These advantages of citizenship may not be defensible on the basis of moral principle but they are real. Third, citizenship has great symbolic importance as a mark of full membership. Who is a citizen and who is not is obviously a fundamental element of political life. It involves the construction of the political community itself. Therefore, it might be thought that something of this sort ought to be regarded as beyond the purview of external critics, something to be decided only by current citizens on the basis of their understanding of the community. As I noted at the outset, however, there is a crucial difference between saying someone has a right to decide some issue and saying that whatever they decide is right. Obviously, states must decide for themselves what their laws regarding access to citizenship (by birth or naturalization) will be. This does not mean, however, that their laws cannot be subject to critical scrutiny from the outside. For example, it is not morally permissible for states to exclude people from citizenship on the basis of race or religion as the United States, Germany, and South Africa have done at times in their past.

What does justice require and what does it permit with regard to access to citizenship for immigrants and their descendants? Let’s look first at the claims of the descendants and then work our way back towards the immigrants themselves. And to see what is owed to the recent descendants of immigrants, let us consider the claims of people whose immediate ancestors are not immigrants. In other words, I want to look first at what justice requires with regard to access to citizenship for the children of citizens in order to investigate the question of what justice may require regarding access to citizenship for the children of those who are not (yet) citizens.

One of the puzzles about asking what justice requires with regard to access to citizenship is that citizenship is a status that is usually acquired at birth. (At least this is true of the first citizenship[s] one acquires.) How can anyone
deserve anything at birth? Of course, no one can deserve citizenship at birth in the sense of having done something personally that merits it, but one can deserve it in the sense that denying citizenship to someone situated in a particular way at birth would be wrong. Consider what one might call the ‘normal’ case: a child born within the territory of a state in which his or her parents are already citizens. Every state grants citizenship automatically to such children at birth. This is more than an administrative corollary of an international system in which the world is divided into states, however. It would be morally wrong to deny citizenship to such children. Why? Citizenship is the status that establishes one’s position as a full member of a political community (even though many of the rights of membership cannot be exercised until the children mature). Children of citizens born in a state in which their parents are citizens are morally entitled to that status because of the social ties between them and the wider society created by and foreseeable from the circumstances of their birth. It is reasonable to expect that these children will grow up in the society in which they have been born, receive their social formation there, and acquire a fundamental interest in being able to participate as full members of the political community. That is why they deserve citizenship. Of course, these expectations may not be fulfilled. The child’s parents may take her to another country at an early age. She may choose herself to leave as an adult. But these possibilities are not enough to make the transmission of citizenship contingent, dependent on how things go in the child’s life. She is a citizen at birth and she remains one unless she deliberately does something to renounce that citizenship as an adult or her parents do that on her behalf while she is still a minor.

Consider now the children of citizens who live outside their country of citizenship. So far as I have been able to determine, if the citizen parents once lived inside their country of citizenship for some period of time, every country in Europe and North America also grants their children citizenship at birth, although in some cases if the child also has another citizenship this transmission of parental citizenship is made contingent upon the child spending some years living in the country of parental origin before a certain age. Even if the transmission to the first generation born abroad is not contingent, the transmission to the next is likely to be. I am not aware of any country in Europe or North America today that provides citizenship on the basis of descent no matter how remote, so long as there is some citizen ancestor.

What should we make of this pattern from a moral perspective? I think these rules are generally defensible and that they reflect the same normative logic that informs the automatic granting of citizenship to the children of resident citizens, namely that moral claims to citizenship depend on one’s social ties and on the likelihood that one will actually live in the community. For the first generation born abroad the parents’ connections to the community of origin are sufficiently strong to create a powerful interest for the children to have a right to ‘return’ and settle there whether with their parents or
as an independent life choice. It would be wrong to deny these children some effective access to citizenship. But the ties are much weaker in the succeeding generation and of vanishing significance in the one after that.\(^9\) It would be wrong to regard citizenship in a liberal democracy as a sort of feudal title or property right that could be passed on from one generation to the next regardless of where the heirs actually lived their lives. As the proximity to an ancestor who lived in the country decreases, so too does the plausibility of any justification for automatically granting citizenship.

What does this suggest about access to citizenship for the descendants of immigrants? It suggests that what matters normatively are the strength of one’s social ties and the likelihood that one will spend one’s life in the community. Justice requires that the descendants of immigrants be granted citizenship automatically, as the children of citizens are, when they grow up in a country and receive their social formation there. We have every reason to believe that such children will live their lives in the society and they have a right to be treated as full members of the political community. Since the state has considerable power to shape their social formation (through systems of compulsory education and by other means), these children cannot rightly be subjected to any tests of acculturation or adaptation as a condition for acquiring citizenship (just as the children of citizens are not subject to such tests).

I would go further and insist (although I do not have the space to spell out the argument here) that it would not be sufficient merely to give them a right to citizenship, leaving it optional as to whether they take up that right or not. Citizenship is not optional for the children of citizens, and it would be wrong to make it so. For the same reasons, it is wrong to make it optional for those descendants of immigrants who grow up in a country. It should be conferred automatically at birth if the child is born in the country and the parents are permanent residents or automatically at some later stage (say, after a certain number of years of schooling) if the child arrives in the new country at a young age. (Of course, I do not mean to deny here the right of expatriation and abandonment of one’s citizenship, but that is a basic human right that everyone enjoys, not something distinctive to the descendants of immigrants. Moreover, one normally cannot exercise the right of renouncing one’s nationality while one is still a resident. One must leave, thus severing the key social ties that undergird citizenship.)

If we look at practice, we can see that reforms in citizenship and naturalization laws in a number of European countries in the past few decades have produced dramatic changes in access to citizenship for the descendants of immigrants that fit with the normative logic I have outlined here, even if

\(^9\) In all this I am assuming that there are no special circumstances such as forced exile by the parents and effective impossibility of return by the children for a couple of generations or persecution of the descendants of the expatriates because of their identification with the country of origin. These sorts of factors (which reflect actual histories) would complicate the analysis and would perhaps justify exceptions to the generalizations in the text.
they do not always go as far as I think they should. These reforms have been introduced in the face of deeply entrenched conceptions of citizenship and political community that many people thought would make such changes impossible. In general terms, and with occasional exceptions, the pattern is this. There is widespread acceptance of the view that excluding the descendants of immigrants from citizenship generation after generation is incompatible with any plausible account of liberal democratic principles. Countries with traditions of *ius sanguinis*—transmission of citizenship on the basis of descent from citizen parent(s)—have supplemented those rules with provisions for the acquisition of citizenship on the basis of *ius soli*—transmission of citizenship on the basis of birth in the country—for children born to parents who are permanent residents. Almost every European country now has a law providing for the automatic acquisition of citizenship by the third generation and for automatic or at least optional acquisition of citizenship by the second generation.

In North America both Canada and the United States have followed the common law tradition of *ius soli* which made anyone born on the soil of the country a citizen. North American smugness on this point (‘we have no problem of the second generation’) should be slightly tempered by recognition of the fact that the use of this rule is largely a historical accident of a legal inheritance from Britain where the rule reflected the attempt by British kings to consolidate their sovereign power not any deliberate effort to integrate immigrants. From a normative perspective a *ius soli* rule that grants citizenship to everyone born on the territory is considerably broader than justice requires, and the reforms by other common law jurisdictions such as the UK, Ireland, and Australia to limit *ius soli* to the children of citizens and permanent residents is morally permissible in my view. Moreover, complacency about the integrative effects of a *ius soli* rule has led North Americans to ignore the claims of those in the second generation who are born abroad (and so do not acquire citizenship at birth) but come at a very young age. Access to citizenship for these members of the second generation is sometimes better protected in European legislation than it is in North America.

Finally, what about the first generation? It follows from the logic of the arguments sketched out above, with regard to the attribution of citizenship at birth, that the immigrants themselves should have access to citizenship.

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11. I would add two provisos to this, however. First, if children are raised in a society, they should automatically acquire citizenship regardless of the legal status of their parents for the sorts of reasons laid out in the text. (British law recognizes this.) Second, it would be morally wrong for the United States to modify its *ius soli* provisions for historical and symbolic reasons that are contextually specific, and it would be a bad practice for Canada to do so in large part because this practice has become so firmly associated in Canadian public discourse with a welcoming stance towards immigrants.
once they have firmly established themselves as members of society. The issue here cannot be whether they still have ties to another society or whether they might return there someday but rather the fact that they have made a life for themselves in the society they have entered and have a right to continue living there. In these circumstances it is wrong to deny them the status of full political membership with a right to participate in the self-determining processes of the community.

What may be required as conditions for the acquisition of citizenship? The key difference between the immigrants themselves and the second and third generations is not that they might leave. After all, people from the second and third generations and indeed citizens who are not the descendants of immigrants emigrate as well. The key difference is that society has not had the opportunity to shape their social formation as children. Does this mean that it is morally permissible to require proof of adaptation from them? I think not (though I should acknowledge immediately that my contention here departs much further from practice and even from current trends than my earlier claims). All that may be required in the end is that immigrants live in the country long enough.

I offer two arguments in support of the view that a long-established residency should be a sufficient basis for the acquisition of citizenship, one from the interests of the individual and the other from the nature of democracy. First, the longer one lives in a society, the stronger one’s interest in living there, and, at some point, a threshold is passed that should entitle a person to the full protections of citizenship itself. Second, sane, competent adult members of a democratic community should be able to participate in the community’s process of self-determination, and the fact that one lives on an ongoing basis within the boundaries of the community should be sufficient to establish that one is a member of the community. If the political authorities or even a democratic majority were morally entitled to exclude people from citizenship on the basis of their views about what one should know or how one should behave in order to be a citizen, that would undermine the very idea of democracy as an inclusive form of political community. Everyone recognizes this with regard to the children of citizens and they have begun to see it with regard to the descendants of immigrants, but it also applies to the immigrants themselves.

In thinking about the acquisition of citizenship by immigrants, we should keep in mind the distinction that I introduced at the outset between requirements, expectations, and aspirations. There may well be forms of adaptation that it is reasonable to expect of immigrants without constructing those expectations as requirements for citizenship. Similarly one may hope for and even encourage certain forms of integration without using these as standards for granting or withholding citizenship.

If we look at practice, we can see that most states are a long way from the position I have argued is required by justice. Nevertheless, what is most striking about policy developments in recent years is the tendency within Europe
to ease the requirements for naturalization and to shift from a discretionary system where public officials assess applicants for citizenship in light of vague criteria and with some conception of the interests of the state in view to an entitlement system where the applicant has a right to citizenship if certain relatively clear criteria are met. Both of these developments reflect movement in the direction I am advocating.

All states have residency requirements for naturalization. Some residency requirement is clearly permissible under my analysis. The real question is when does the residency requirement become too demanding. There is no way to answer this question with any precision. I can note that in European countries there seems to be an emerging norm of requiring about five years as a permanent resident before one becomes eligible for naturalization. That does not seem unreasonable to me so long as provision is made to give substantial credit for any time spent living legally in the country even if the immigrant had a more provisional sort of residency permit at first. States often require some competence in an official language and sometimes require proof of economic self-sufficiency, some knowledge of the history and institutions of the country, and the absence of any serious criminal convictions. I would criticize all of these requirements for the reasons given above, although I would also concede that none of them pose major obstacles to most immigrants seeking naturalization so long as they are set at modest levels and applied reasonably.

The biggest formal obstacle to voluntary naturalization is the requirement that some states impose that applicants for citizenship renounce any previous citizenship when the new one is granted. Many states do not require this and even more do not enforce the requirement. Nevertheless, there is probably no more important formal (and feasible) step that could be taken to promote the naturalization of immigrants and thus their full legal integration than to abolish even the symbolic opposition to dual citizenship. I cannot review here all the arguments on this issue which has now generated a significant scholarly discussion. I will simply note that there has been an increasing incidence of dual and multiple citizenships, even in countries that require renunciation of prior citizenships in naturalization. This results in part from the elimination of gender bias in the transmission of citizenship so that a child whose parents have different citizenships almost invariably inherits both. Many of the practical problems that opponents of dual citizenship feared

have simply not arisen, making the opposition to it now largely one of (dubi-
ous) principle.

Finally, I will note that all states treat the acquisition of citizenship as
something that ought to be left to the choice of immigrants rather than con-
ferred upon them automatically. This was my own view in the past as well,
but I have to say that I have been persuaded by Ruth Rubio-Marin’s argu-
ment in a recent book that this is wrong.13 Once the immigrants are full mem-
bers they should in principle become citizens. We do not treat the acquisition
of citizenship as an optional matter for people who acquire it at birth, even
when they have a second or third citizenship, and we are mistaken in treating
it as entirely optional for immigrants. At some point when people have lived
in a country long enough, they should simply become citizens automatically.14

Beyond Legal Integration

Equal legal rights and the acquisition of citizenship are necessary and impor-
tant means for the integration of immigrants and their descendants, but they
are not sufficient. Everyone knows that formal equality may often mask great
substantive inequalities, and that legal rights may mean different things
depending upon how public officials and even ordinary citizens treat the
holders of those rights.

What does justice require and permit with regard to the integration of
immigrants and their descendants beyond granting them equal legal rights
and access to citizenship? What may immigrants reasonably expect of the
receiving society and what may the receiving society reasonably expect of
them? What policies should states adopt with regard to housing, education,
employment, language, religion, and political participation in order to promote
the integration of immigrants? How should people (officials, established citi-
zens, immigrants and their descendants) behave and what should be done if
people do not behave as they should?

It is much more difficult to answer these sorts of questions with precision
than the earlier questions about whether immigrants should have the same
legal rights as citizens and should have access to citizenship. One key prob-
lem is that institutions, public cultures, and policy environments vary signifi-
cantly from one state to another for reasons and in ways that have nothing
to do with immigrants. One state may have a highly regulated labour market
and another decentralized, unregulated one. One state may have extensive
public housing and another very little. The ways in which public services are
delivered, the culture of the civil service, and the patterns of politics may

14. It might be appropriate to modify this general principle, however, when the laws of
the country of origin would impose negative consequences on any of their citizens who
acquire a new citizenship, even involuntarily.
vary considerably from one state to another. Any policies designed to promote the integration of immigrants must inevitably be inserted into and interact with these pre-existing contexts. So a policy that works well in one environment may be a complete failure in another.

Even that statement may be problematic because it assumes that we can distinguish a successful policy from a failure. But what presupposition lies behind that? Should we assume that successful integration of immigrants means that their descendants will be indistinguishable from the rest of the population: spacially intermixed in their homes and workplaces, socially intertwined through marriages and friendships, culturally alike in their beliefs, behaviours, and ways of life, and comparably placed in the kinds of work they do and in the patterns of their educational and economic achievement? There is certainly considerable attraction to this vision, because it enables us to extend the idea of equality that we used earlier for legal rights to other spheres and other dimensions of social life. It enables us to distinguish general problems in a society (say, an inequality of life chances due to inadequacies of education or economic policy) from problems connected specifically to immigration. It establishes a critical standard.

On the other hand, the standard may be too critical or not critical enough, precisely because it implicitly takes as a standard whatever the non-immigrant population has and does. It is, at least potentially, an assimilationist standard. What is wrong with assimilation as a standard? For one thing, it is incompatible with the kinds of liberal legal rights the enjoyment of which we are assuming here has been assured and with the norms about free choice and privacy that undergird many of those rights. In a liberal state, the government cannot tell people where to live or whom to marry or what people to have as friends or what jobs to take, or what to wear or how to live, so long as they are not harming others. Indeed, if one accepts Mill’s argument in *On Liberty*, as I do, it is not morally permissible to use the informal sanctions of public opinion to determine these matters for individuals or to impose expectations based on the majority’s way of doing things. Moreover, if one adds to this rather individualistic account of why liberalism must be open to pluralism, some recognition of the ways in which cultural traditions and identities can be collective goods, one broadens the basis for challenging any ideal of assimilation. Here we can pay attention to the interests that people may have in associating with people with whom they share a particular cultural identity, in having that identity reflected in the public sphere and accommodated in public life, and in passing that identity on to their children. Therefore, we cannot simply take as unproblematic the notion that we can measure the success of the integration of immigrants against the standard of proportional sharing in whatever the majority has and does.

Does this mean that we cannot say anything after all about the integration of immigrants beyond the sphere of equal legal rights? No, but the first point about the variation in public institutions and cultures means that in making
claims that apply to a wide range of liberal democratic states we may have to be content with general principles about outcomes, attitudes, and approaches and their implications in various areas rather than specific policy prescriptions. The latter require a much more fine-grained contextual analysis. And the second point about cultural pluralism means that we will have to try to distinguish the differences between immigrants and the rest of the population that flow from the cultural commitments of the immigrants from the ones that are the product of obstacles placed in their way by the receiving society.

Let me sketch briefly the sorts of things I think can be said from a normative perspective, given these limits—first with regard to the general principles that we can use to evaluate outcomes, approaches, and attitudes, and second with regard to the application of these principles to a couple of concrete areas: housing and language. This sketch will be illustrative rather than exhaustive.

First, the standard of proportional equality does provide a good first measure of integration. If immigrants and their descendants are not receiving a share of the social goods that a society produces proportional to their share of the population, that requires an explanation and a justification if it is to escape condemnation. Any appeal to the immigrants’ own culture or preferences as the explanation and justification should be scrutinized with care. This is especially true as one moves from the immigrants themselves to the second and third generation. Those who migrate to advanced industrial societies often do so because they value the economic opportunities that these societies offer. In these respects at least, they want what most of the rest of the population wants. It may be inevitable that new arrivals fare somewhat less well on average, other things being equal, than those already there, because new arrivals have less of the informal knowledge and other forms of social capital that one acquires from growing up in a society and that enable people to navigate a social order successfully (although the fact that immigrants who are not refugees have been willing to move from a familiar social context may suggest that they are particularly willing to sacrifice and work hard to achieve their material goals). In any event, the second and third generations, by definition, have grown up in the society. If they lack social capital, it is society that has failed to provide it.

With regard to approaches, the first principle should be that of evenhandedness rather than either strict equality or complete indifference. Immigrants bring change with them. That is inevitable, and it is not grounds for constructing the immigrants as a threat or a problem. What is required is the recognition of the need for some sort of mutual adaptation between immigrants and those in the receiving society. This mutual adaptation cannot be mechanically equal, however. The people in the receiving society have a legitimate interest in maintaining most of their institutions and practices.

Formal and informal norms are pervasive in any complex modern society. They are often an important kind of collective good, making it possible for people to coordinate their activities without direct supervision or instruction. To a considerable extent, it is reasonable to expect that immigrants will learn how things work in the receiving society and will conform to these formal and informal norms. At the same time, however, it is not reasonable to insist that nothing can change, that the distinctive experiences, values, and concerns of the immigrants can never be relevant to an evaluation of the formal and informal norms. The way things are done may reflect unconscious and unnecessary elements that come to light only when they are confronted by people who object to them. If immigrants have reasons for wanting things to be done differently, they deserve a hearing and their interests must be considered. Sometimes practices can be changed without any real loss to anyone else beyond the adjustment to the change. Sometimes it may be appropriate to leave existing rules in place and provide exemptions for immigrants. What is required, in short, is a sensitive balancing of considerations that takes the interests of the immigrants seriously.

Third, with respect to attitudes, what justice requires is a certain kind of public culture, one that recognizes the immigrants as legitimate members of society and treats them with respect. One might think this is already established with the granting of equal rights, but what is at issue here is the way people behave, especially public officials but also ordinary citizens. The value of formal equality is greatly reduced if the representatives of the state and the rest of the citizenry treat you as outsiders who do not really belong and who have somehow acquired a status that is really undeserved.

This claim that justice requires certain attitudes towards immigrants may seem at odds with my earlier embrace of Millian liberalism which emphasizes the rights of individuals to think and act as they choose without being subject to the sanctions of public opinion. There is a tension here but it is one that is internal to this kind of liberalism. On Liberty itself, which is famous for its critique of the coercive force of public opinion, is, at the same time, an attempt to change public opinion. Mill is trying to persuade people that certain kinds of behaviour are wrong and unjust. If the project is successful, a new social norm emerges, one that brings the sanction of public opinion down upon those who act as though they are entitled to criticize the self-regarding actions of others.¹⁶

Let me try to indicate briefly how these general guidelines might be applied to a couple of particular areas of public policy affecting the integration of immigrants. Take housing first. On the one hand, where people choose to live must be regarded as a matter of individual choice, and, in a capitalist

¹⁶. I don’t know how far this norm has become entrenched in Barcelona, but I can attest that it is very well established in the Toronto classrooms where I teach. There students are very reluctant to pass judgment on anything about the way people live except the tendency to pass judgment.
economy, of their ability to pay. But even among people who have comparable levels of income, some may choose to spend more on their housing than others (because of differences in their preferences). For these reasons, it might seem difficult to say whether a particular housing pattern for immigrants is objectionable.

On the other hand, it is helpful to remember that the defenders of racial segregation in the American South (which had as one of its many consequences that African Americans lived in wretched housing conditions, even by the standards of the times) always used to say that African Americans preferred to live with their own kind and under those conditions. It is one thing if people from a similar ethnic background choose to live in the same area because they want the comforts and opportunities that come from living in a place where there are people who speak one’s native tongue, where the shops and restaurants provide familiar and desired products, and where there are other people at hand who can help one navigate the unfamiliar byways of the wider society. It is quite another matter if people have no real alternative because they are shut out of housing opportunities elsewhere by formal or informal mechanisms.

For some new immigrants the quality of housing is a relatively low priority compared with the desire to save money to enable their family to join them, but this is a transitional phase. No one really chooses to live in a shanty town or a bidonville.

These arguments, like many of the others, apply with even more force to the second and third generations. By that stage, any patterns of ethnic housing concentration should be examined closely to ensure that they actually reflect the choices of those who are concentrated, not their exclusion from other alternatives.

Now consider the issue of language. A shared language or a small set of shared languages is an important, arguably essential, collective good in a modern society. It is reasonable, for the most part, for those in the receiving society to expect that immigrants will adapt to them in this area, at least over time, but for the same reason it is obligatory for the receiving society to facilitate that adaptation for the first generation and to secure it for the second and third in a way that enhances their life chances. This means that those responsible for public education have to pay attention to the difficulties that arise when the language of the school is not the language of the home and have to think about ways to prevent immigrant children’s capacities from being underdeveloped and undervalued. (The precise form such policies should take will depend on local factors but it would not be right simply to assume that things will work out without any policy at all.)

At the same time it is desirable, though I would not claim it is morally required, to provide public support for the languages of the immigrants (e.g., through supplementary heritage language programmes or other means).

17. This was not the term they used, of course.
These languages are a potential resource for the receiving society and often an important source of cultural identity for the immigrants.

One cannot reasonably expect the languages of immigrants to become new official languages in most circumstances (though there may be exceptions in particular cases) nor can one expect that most public employees will learn the language of the immigrants. In some rare cases (as when one is accused of a crime), an immigrant may have a fundamental right to a translator. In most others, translation services are not required as a matter of justice, but they are not purely discretionary either. If the number of immigrants who speak a particular language is at all significant, then they may reasonably expect that some public employees will try to learn their language and also that native speakers of their language (who also speak the dominant language) will be hired into the public service and will be able to serve as linguistic (and cultural) mediators. Immigrants are members of the public, and so their needs should be taken into account in the delivery of public services. This is true not just of social service agencies with the primary task of dealing with immigrants, but also of core public services such as the police and fire protection agencies, bureaucracies charged with routine administrative tasks, and so on. Thus even in the area of language, where the need for immigrants to adapt to the receiving society is perhaps the greatest, there is an obligation for the receiving society also to adapt to the immigrants in some respects.

Conclusion

In sum, liberal democratic states that receive immigrants must take a number of steps to see that the immigrants are not left on the margins of society. First, they must provide the immigrants with a bundle of legal rights that is basically the same as the rights accorded citizens, except for the right to vote or to run for high public office. Second, they must provide citizenship automatically to any of the descendants of immigrants who receive a substantial part of their social formation in the new country, and they must provide relatively easy access to citizenship to the first generation of immigrants, even to the point of conferring citizenship automatically upon them too, once they have been in the country for many years. Finally, they must devise a range of substantive policies that take into account the desires that most immigrants have for economic and social opportunities similar to those enjoyed by the existing population so that the receiving society is not placing obstacles in the way of immigrants who seek to pursue these opportunities. At the same time the receiving societies have to respect the cultural identities and commitments that the immigrants want to maintain. What this requires in any particular case can be determined only by a sensitive contextual analysis.