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## Immigration and the Significance of Culture

"We didn't want to publish anything that can be perceived as inflammatory to our readers' culture . . ."

Robert Christie, spokesman for *The Wall Street Journal*, explaining why the *WSJ* declined to reprint the caricatures of the Prophet Muhammad whose publication in the Danish newspaper *Jyllands-Posten* sparked a worldwide furor<sup>1</sup>

It is often said that immigration poses a threat to national identity. A country that experiences a large influx of immigrants will find it more difficult to sustain its national traditions and the practices in which they are enshrined. A country's unity is both expressed in and sustained by its citizens' shared sense of history; by their mutual recognition of national holidays, symbols, myths, and ceremonies; by their allegiance to a common set of values; and by their participation in 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 toward sex and sexuality, and

This article was originally written for a conference on "Multiculturalism and Nationalism in a World of Immigration" at the University of Copenhagen in May 2006. Versions of it were also presented under the auspices of the Humanities Center at the California State University, Chico; the Montreal Political Theory Workshop; the Ethics Center at the University of Zurich; the Department of Political Science and the Ethics Programme at the University of Oslo; the Columbia Law School; and the Colloquium in Legal, Political and Social Philosophy at NYU Law School. I am indebted to the members of all of these audiences and to many other people for helpful discussion and comments. I want particularly to thank Arash Abizadeh, Sarah Aikin, Norbert Anwander, Barbara Bleisch, Lene Bomann-Larsen, Joseph Carens, Ronald Dworkin, Jakob Elster, Samuel Freeman, Pablo Gilabert, Kent Greenawalt, Moshe Halbertal, Dale Jamieson, Troy Jollimore, Sandy Kadish, Ethan Leib, Jacob Levy, Kasper Lippert-Rasmussen, Catherine Lu, Liam Murphy, Thomas Nagel, Anne Phillips, Joseph Raz, Cristina Rodríguez, Peter Schaber, Kathryn Scheffler, Rosalind Scheffler, Sharon Street, Sarah Stroud, Dag Einar Thorsen, Jeremy Waldron, Daniel Weinstein, Jay Wallace, Wai-hung Wong, and the Editors of *Philosophy & Public Affairs*.

1. Quoted in *The New York Times*, February 4, 2006, p. A3.

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tastes in food and drink. Immigration transforms these sources of cultural unity into grounds of contention and conflict. Immigrants arrive with their own histories and traditions, customs and values, habits and ceremonies. The features and practices that define the host nation's distinctive identity—the very features that give its nonimmigrant citizens the sense of belonging to a single people—are experienced by immigrants as unfamiliar at best, and alienating or oppressive at worst. All too often, the symbols of inclusion and commonality are thus transformed into emblems of exclusion and discord. Once this happens, a country has in theory only two choices. It can resort to a kind of cultural apartheid, refusing to grant equal recognition or status to the traditions and practices of the newcomers, and enforcing as best it can the symbols of the old identity. Or it can abandon the old identity and reconceive itself as a multicultural society with a new, pluralistic identity. In practice, of course, there is also a third option, which may be the most popular one of all. This is to avoid honestly confronting the choice between the first two options, and to muddle along trying to have it both ways: paying lip service to the ideas of pluralism and multiculturalism without abandoning the privileged position of the dominant culture, and resorting to serious national soul-searching only when, periodically, the conflict simmering just below the surface of the social fabric erupts into a full-fledged crisis.

Some people conclude from reflections like these that immigration must be severely limited. A country need not apologize, they believe, for its desire to sustain its distinctive national culture and identity, so long as that culture is not intrinsically unjust or oppressive. And since large-scale immigration threatens a country's ability to sustain its national identity, a society may legitimately impose strict limits on the number of immigrants it will accept. Other people argue, by contrast, that limiting immigration is neither feasible nor desirable, and that nations must abandon their old identities, which are often largely fictional constructions in any case, in favor of newer, genuinely multicultural forms of self-understanding.

For myself, I agree that immigration poses many challenges, both practical and theoretical, which host societies can ill afford to ignore. Yet I am uneasy about the tendency, which is by now nearly universal, to frame those challenges, as I have so far been doing, using the discourse of "national identity," "national culture," and "multiculturalism." I have come to think that this discourse encourages a way of thinking about the challenges of immigration that is in some respects oversimplified and in

other respects distorted. In this article I want to explain the sources of my uneasiness. I do not think that simply framing the challenges in other terms will make them disappear. But I do believe that, in this case as in others, the unsatisfactory description of a problem may place obstacles in the way of understanding, and make the shape of possible solutions harder to discern.

Let me begin with a story drawn from my own family history. In about 1911, my great-grandfather, Josef Zuckerbrod, fearing for the future of his fourteen-year-old son Yidel (my grandfather), took him to the local train station in the southern Polish territory of Galicia, then under Austrian control, and put him on a train to begin the long journey to Glasgow, where Yidel's married sister lived. Yidel never again saw his father, who died a few years later, and the pain of their separation stayed with him for the rest of his life. He made his way across Europe alone, and joined his sister and brother-in-law in Glasgow. He remained there until early in 1914, when, traveling alone again, he boarded a ship bound for New York, where an older brother had settled.

The ship's manifest, filed upon arrival in New York, includes a statement from the Master that asserts that, to the best of his belief, none of the "aliens" on board "is an idiot, or imbecile, or a feeble-minded person, or insane person, or a pauper, or is likely to become a public charge, or is afflicted with tuberculosis or with a loathsome or dangerous contagious disease, or is a person who has been convicted of, or who admits having committed a felony or other crime or misdemeanor involving moral turpitude, or is a polygamist or one admitting belief in the practice of polygamy, or an anarchist, or under promise or agreement, express or implied, to perform labor in the United States, or a prostitute, or a woman or girl coming to the United States for the purpose of prostitution, or for any other immoral purpose."<sup>2</sup> The manifest also includes a notation of the race and nationality of each "alien," and the accompanying instructions specify that, in completing the manifest, "special attention should be paid to the distinction between race and nationality." The instructions go on to explain this distinction with exemplary clarity. Nationality, they specify, should "be construed to mean the

2. "Affidavit of the Master or Commanding Officer, or First or Second Officer," included in the ship manifest of the SS *Nieuw Amsterdam*, dated January 12, 1914. Available electronically at <http://www.ellisland.org>.

country of which [the] immigrant is a citizen or subject." Race, by contrast, should "be determined by the stock from which the aliens sprang and the language they speak," although it is further explained that "stock" is of primary importance, and that language is relevant only insofar as it may help to determine stock. "The original stock or blood shall be the basis of the classification independent of language. The mother tongue is to be used only to assist in determining the original stock."<sup>3</sup> A putatively exhaustive list of forty-six races is provided.<sup>4</sup>

Having been assigned a race (Hebrew) and a nationality (Austrian), and the ship's Master and Surgeon having certified that he did not appear to be suffering from a contagious disease or to be an idiot, imbecile, criminal, pauper, or anarchist, my grandfather was cleared to enter the United States. Years later, a stray checkmark on the ship's manifest led the anonymous person entering the passengers' names into an immigration database to misread the elaborately scripted "Y" of my grandfather's first name as an "F," and so he is listed in immigration records as having entered the country with the improbably multicultural-sounding name of "Fidel Zuckerbrod." "Yidel," in any case, soon gave way to "Julius," and, with the name "Julius Zuckerbrod," my grandfather settled in New York and lived there for the rest of his long life.

Although my grandfather never received a formal education, he read the newspapers avidly and took a strong interest in world affairs. Yet if someone had asked him whether it was important to him to have his culture recognized by his new country, or whether he thought the national identity of the United States should be replaced by a new, multicultural identity in order to accommodate him and other immigrants, I doubt that he would have known what to say. And I doubt this not merely because the terminology would have been unfamiliar to him, and not merely because he was a quiet man who was not in the habit of talking about himself. Even if the terminology had been familiar and he had been prepared to engage in the kind of reflection required

3. "Instructions for Filling Alien Manifests," *ibid.*

4. Here are the forty-six "races": "African (black), Armenian, Bohemian, Bosnian, Bulgarian, Chinese, Croatian, Cuban, Dalmatian, Dutch, East Indian, English, Finnish, Flemish, French, German, Greek, Hebrew, Herzogovinian, Irish, Italian (North), Italian (South), Japanese, Korean, Lithuanian, Magyar, Mexican, Montenegrin, Moravian, Pacific Islander, Polish, Portuguese, Roumanian, Russian, Ruthenian (Russniak), Scandinavian (Norwegians, Danes, and Swedes), Scotch, Servian, Slovak, Slovenian, Spanish, Spanish-American, Syrian, Turkish, Welsh, West Indian" (*ibid.*, commas added).

to answer the question, I think he would have found the formulation of the question puzzling.

What, to begin with, might he have seen as "his culture"? Not Polish culture, surely. My grandfather was not a Polish citizen—Poland was not a state at the time—nor was he of Polish "stock"; as the ship's manifest says, Poles and "Hebrews" were taken to belong to different "races." Was there such a thing as "Galician culture"? If so, then I am sure that my grandfather would not have been tempted to claim it as his own. Might he have thought that "his culture" was the culture of the Habsburg Empire? The suggestion is comical. Perhaps, then, the most plausible suggestion is that his culture was "Hebrew culture." But what is Hebrew culture? Judaism is a religion, which my grandfather took seriously, and which, like most religions, admits of many versions and variants. In addition, Jews, both religious and nonreligious, have sustained a sense of themselves as a distinct people over many centuries, and of course their enemies have always been happy to reinforce that sense if it was ever in danger of waning. Yet if there is a monolithic Jewish "culture," I have no idea what it is. Jews live in many different countries and participate in many different ways of life. The Jewish world, if it makes sense to talk in those terms, is notoriously variegated and even fractious. Jews are divided along lines of class, region, politics, language, ideology, skin color, sexual orientation, and religious practice and interpretation. They display wildly divergent attitudes toward Judaism as a religion, toward each other, and toward their own Jewishness. Whatever it is that Jews may be said to have in common, I am sure that it does not add up to a complete "culture."

So what, to repeat, might my grandfather have seen as "his culture"? It may be suggested that, even if there is no common culture that all Jews share, perhaps the Jews of his time and place—Eastern Europe in the late nineteenth and early twentieth centuries, say—did share a culture. However, although it may seem natural today to speak of "Eastern European Jewish culture," this way of speaking seems to me to owe a great deal to a combination of simple ignorance and gauzy post-Holocaust sentimentality. Even a glancing familiarity with the history of the Jews of Eastern Europe makes it evident that there were profound differences, of many different kinds, among and within the Jewish communities in that part of the world. This is true even of the Jews of Galicia. Yet it is also true that Galician Jews ("Galitzianers") were often regarded by other Eastern European Jews as forming a recognizable group or type. So perhaps,

despite my reservations, this is as close to an answer as we can come; perhaps my grandfather's culture was the culture of Galician Jews.

If that was his culture, however, then two facts seem striking. The first is that he, like so many other Galician Jews, took great risks and endured painful separations in order to uproot himself from Galicia and to begin a new life elsewhere. Furthermore, and this is the second point, there is no indication that something called "Galician Jewish culture" was a salient category for him, still less that it was something that he wanted recognized and preserved in the United States. To be sure, my grandfather wanted to live freely and without fear of persecution, and he wanted to be able to practice his religion as he saw fit. And he certainly wanted to maintain family relations, and to reestablish family networks that were disrupted by mass migration. Furthermore, many of his personal tastes, habits, and customs carried over from Galicia to New York; the formative influence of his upbringing in the old country did not simply disappear upon arrival in the new world. Immigration is not amnesia; and it does not wipe the slate clean. Yet immigration does involve change—*that's the point*—and my grandfather, who as a teenager traveled halfway around the world by himself to begin a new life, knew that as well as anyone. The life he made for himself was a life in New York, not in Galicia, and that, I assume, was how he wanted it. And if some of the customs and practices of his Galician past persisted, many others gave way to the new customs and practices that he inevitably acquired in his new surroundings. If, upon meeting him later in his life, you had been asked to say what his culture was, you would have been unlikely to say that it was "Galician Jewish culture." You might have been tempted to say that it was "New York Jewish culture," although that phrase conjures up a stereotype that in many ways he did not fit, and, once again, there is no evidence that it picks out a category that he operated with or cared about. More to the point, this culture could hardly have been one that he brought with him to New York from Glasgow and Galicia, or whose preservation might have been of concern to him upon his arrival in the United States. If it was his culture at all, it was a culture he acquired as the result of immigration. Indeed, if there is such a thing as "New York Jewish culture," then it is a culture that was created by immigration; if the Jewish immigrants who settled in New York had simply brought a fixed and determinate culture with them, and if the United States had somehow contrived to preserve that culture unaltered, then "New York Jewish culture" would never have existed.

In expressing doubts about what my grandfather might have taken "his culture" to be, I do not mean to suggest that he was a "cosmopolitan" or that he lacked particular loyalties and allegiances. Nothing could be farther from the truth. After the upheavals of his youth, he seldom traveled outside of New York. A man of great warmth and humor, he led a stable life that was firmly embedded in a web of family and communal relations and in which Jewish religious practice and observance continued to play an important role. There is no doubt that his identification of himself as a Jew and his sense of solidarity with the Jewish people were fundamental to his self-understanding. My point is not that he was so sophisticated and worldly that he transcended his culture; it is rather that, despite his strong family, religious, and communal allegiances, it is not clear that he ever had, still less that he brought with him from Galicia, a single fixed and determinate "culture."

My grandfather's story is not extraordinary, except in the sense in which every immigrant's story is extraordinary. But neither does it instantiate a pattern to which all immigrant narratives conform, for there is no such pattern. My grandfather's story contains some elements that are unique to him and his experience, other elements that are typical of the particular cohort of immigrants to which he belonged, and still others, such as the elements of separation and dislocation, that are, if not universal, then much more nearly so. Despite these more nearly universal elements, however, it would be rash to make generalizations about immigration based solely on my grandfather's experiences. Yet I do find that his story suggests certain broad lessons, primarily of a cautionary character, and that it helps to reveal some of the limitations of some recently popular ways of thinking about immigration.

The first lesson has to do with the difficulty, and the danger, of trying to identify for each immigrant a single culture to which that individual belongs. Many others have warned eloquently against the twin tendencies to reify cultures and to assign each individual to a single culture.<sup>5</sup> Sometimes these warnings emphasize the emergence of new,

5. See, for example, Kwame Anthony Appiah, *The Ethics of Identity* (Princeton, N.J.: Princeton University Press, 2005) and *Cosmopolitanism* (New York: W. W. Norton & Company, 2006); David Hollinger, *Postethnic America* (New York: Basic Books, 1995) and *Cosmopolitanism and Solidarity* (Madison, Wisc.: The University of Wisconsin Press, 2006); Jeremy Waldron, "Minority Cultures and the Cosmopolitan Alternative," *University of Michigan Journal of Law Reform* 25 (1992): 751-93.

distinctively cosmopolitan ways of living and hybrid forms of identity, which are contrasted with more traditional ways of life, and which are said to imply that some individuals cannot be assigned to any single, relatively homogeneous culture. I take my grandfather's story to suggest a different and more far-reaching point, though also one for which I claim no originality, which is that even for people whose lives may seem, superficially, to be assimilable within some fixed cultural framework, the appearance of cultural fixity and determinacy is often illusory or at least misleading.

This point does not apply only to immigrants, and it does not depend on a person's having undergone the changes that immigration by definition involves, although the fact that immigrants must undergo such changes suggests that the point holds even more strongly for them. The basic point has wider application, however. Most individuals in modern societies belong to groups of many different kinds; they participate in practices, customs, and traditions of very different provenance; and they have tastes, interests, and affinities in common with different sets of people.<sup>6</sup> Which of these multiple affiliations is salient, even for the individual himself, can vary depending on the context. Consider a simple example. From a European standpoint, it may seem natural to speak of "American culture," and for an American who is traveling in Europe, his status as an American may seem especially salient. Yet in other contexts the same person may feel—or be told—that he is part of "Western culture," where the West is taken to comprehend *both* Europe and North America. And, on the other hand, when this same American is in the United States, famously in the throes of its "culture wars," his status as a resident of one of the "blue states"—as a Californian, for example—may at times (on election night, say, or when he is visiting Texas or Alabama) seem more salient than his identity either as an American or as someone who belongs to Western culture. But it does not stop there. A Northern Californian and a Southern Californian may feel that they share a strong cultural bond if they meet in Appalachia or Addis Ababa, but Northern Californians who visit Southern California often profess to find it culturally alienating, and vice versa. Moreover, neither of these regions is itself culturally monolithic; indeed, there are significant cultural differences even between the neighboring Northern California university towns of

6. This is a prominent theme in the seminal essay by Waldron cited in note 5.



Berkeley and Palo Alto, as residents of either will attest. And I have so far said nothing of those many identifications and allegiances that cut across and transcend regional and political boundaries: identifications and allegiances based, for example, on class, religion, occupation, race, gender, or sexual orientation. Yet it is obvious that there are contexts in which one's identity as a Catholic, a physicist, a trade unionist, a black man, a soldier, or a lesbian may loom larger than any identification based on region or citizenship. And then there are identifications or cultural affinities based on shared interests in music, painting, literature, or other forms of artistic activity or appreciation; or on a shared commitment to a cause like environmentalism, vegetarianism, or pacifism; or on a shared passion for railroads or slow food or a particular football team; or for mountain climbing, surfing, collecting antiques, or playing bridge.

All of these identifications and passions and affiliations, and countless others, are aspects of human culture, and to live a human life is to trace a particular path through the space of possibilities they define. Admittedly, some people explore that space more intrepidly than others, and few people regard all of their identifications and affiliations as equally significant. For some people, there is a single affiliation that is central to their sense of themselves, while for others there may be a small number of such affiliations. Yet to insist that, for each individual, there must be some one identification that corresponds to his or her *real* culture is to misunderstand both identity and culture. Identity is a protean notion. Most people have multiple identifications and, even though some of those identifications are likely to be more central to their sense of themselves than others, people's perceptions of the relative importance or salience of their various identifications are almost always context-dependent to one degree or another. People's identifications are also subject to change over time, and even strong identifications sometimes change or fade away. Moreover, the idea that each person's most fundamental identification or identifications must have their source in some fixed and determinate culture is simply untrue. So although there may be room for legitimate variation in the extent to which different societies attempt to police the space of cultural possibilities, the idea of having the state assign each individual to a single culture chosen from a fixed menu of options based on geography, religion, skin color, or language, should—like the list of forty-six races—strike us as comically (if not

tragically) misguided. It is misguided not least because of its self-fulfilling character; there is no surer way to make a particular form of group affiliation a dominant feature of individual identity than for the state to make it the ascriptive basis for the assignment of legal status.<sup>7</sup>

In saying this, I do not mean to imply that states should always be insensitive to racial or religious or ethnic differences. On the contrary, there are contexts in which it is essential that they be sensitive to such differences. However, this sensitivity should be rooted in, and should encourage, an appreciation of the enormous variety of human experience. It should not be based on the false and pernicious idea that for each individual there is ultimately only one identification that really counts. Nor should it be allowed to degenerate into something that is the antithesis of a respect for human diversity, namely, the oppressive attempt to confine each individual, politically and legally, within some rigidly defined region of social space. In short, the presumption that each individual ultimately "has" a single, well-defined culture is false, and if we decide fundamental political questions based on that presumption, we are bound to go seriously astray.

The second lesson has to do not with the relation between individuals and cultures but with the nature of immigration. The reasons why people leave one country for another vary, as do the reasons why host countries accept new immigrants. As I have already said, however, immigration always involves change: *that's the point of it*. It changes the immigrants and it changes the host country. To the extent that there are costs and benefits associated with these changes, there are important questions about how they should be distributed. One thing is clear, however. It cannot be the aim of a reasonable immigration policy to insulate either the host country or the new immigrants against cultural change. To think that we must choose between preserving the national culture of the host country and preserving the imported culture of the immigrants is to accept a false dilemma. The truth is that we cannot preserve either of them. Or, at any rate, we cannot preserve either of them in unaltered form. This is so even if we waive, for the moment, the doubts I have been expressing about whether it is appropriate to think of each individual as

7. This and related points are emphasized by Chandran Kukathas, "Are There Any Cultural Rights?" *Political Theory* 20 (1992): 105-39. See also Donald Horowitz, *Ethnic Groups in Conflict* (Berkeley: University of California Press, 1985); the writings by David Hollinger cited in note 5; and Appiah, *The Ethics of Identity*, pp. 134-35.

having a single, determinate culture. Even if, for the sake of argument, we suspend our challenge to that assumption, the fact remains that neither the immigrants' culture nor the national culture can be preserved unaltered. *Of course* the immigrants' culture—their practices, customs, ways of living—will change. It will change because their new society presents them with a new predicament. They must come to terms with new rules, new options, new neighbors, new institutions, new history, new ideas, new customs, new values, new modes of dress, new climate, new cuisine, new tastes, new expectations, new language. How could their ways of living possibly be unaffected by these changes in their social and geographical surroundings? Even if they adopt as radically isolationist or separatist a stance as they can muster and as the new society will allow, their way of life will now be shaped by the need to insulate themselves against *these* options, neighbors, ideas, customs, modes of dress, expectations, values . . . , and that means that "their" culture will change. It will change because changing is what cultures do when they confront new situations, and immigration, by definition, presents immigrants with a new situation.

Equally, however, the "national culture" will change. It will change because the introduction into society of a new set of people presents the old residents—the putative bearers of the national culture—with a new predicament. They must come to terms with the presence in their midst of new neighbors, new customs, new ideas, new values, new modes of dress, new expectations, new languages, new cuisine, new tastes. Even if they adopt as radically exclusionary a stance as they can muster, their way of life will now be shaped by the need to exclude *these* neighbors, ideas, customs, modes of dress, expectations, values . . . , and this means that the national culture will change. It will change because changing is what cultures do when they confront new situations, and immigration, by definition, presents the host society with a new situation.

For cultural preservationists—for those concerned to preserve either the preexisting culture of the immigrants or the national culture of the host country—these reflections may seem to support a rejectionist attitude toward immigration. If, as I have been arguing, immigration inevitably brings cultural change, then, it may seem, the lesson for the first kind of preservationist is that prospective immigrants should stay put, and the lesson for the second kind is that prospective host countries

should refuse to accept those who do not. Wholesale rejectionism is not a tenable attitude, however. It is not tenable because it fails to engage with the compelling reasons that immigrants usually have for migrating, or with the compelling reasons that host countries usually have for accepting them. More fundamentally, it is not tenable because it rests on a misunderstanding of the nature and prospects of cultural preservation. Suppose that our country were today to seal its borders and reduce to zero the number of immigrants that it accepted. The fact remains that, within a relatively short period of time—let us be very optimistic and say 150 years—every single one of the country's current residents will be dead. If the country survives, it will be populated entirely by people who are as yet unborn—immigrants from the future, if you like. Do we really suppose, or could we really wish, that, despite undergoing a complete population replacement, our country's national culture might remain *exactly the same* in 150 years as it is today? To think that this is either possible or desirable is to imagine nothing at all happening in or to the country in the intervening period: no new ideas, no new challenges, no new discoveries or inventions, no advances in science or medicine or technology, no new works of literature or art or music, no new heroes or villains, no changes in fashion or style or entertainment, no new achievements, no new successes, no new failures. It is, in short, to imagine that our successors might not actually lead human lives, that history might simply be frozen, that our country might go on functioning with a past but no future. If cultural preservation is to be a reasonable or even a coherent goal, it cannot possibly mean this.<sup>8</sup> Cultures survive only by changing: by accumulating and interpreting and producing new ideas and experiences. There is no other way. So to the extent that the impulse

8. Compare the following passage from Alice McDermott's novel *After This* (New York: Farrar, Straus, and Giroux, 2006): "The piano player was just coming up the steps as Monsignor McShane opened the front doors. He was a young guy, small and dark-haired. A young man's beard under the fair skin. He wore a suit and carried a briefcase and introduced himself with a Scots Irish name that Monsignor didn't bother to retain. The two walked up the aisle together. 'This is some church,' the kid said, craning his neck to take in the Danish modern stained glass, the circus-tent ceiling. He then mentioned that he occasionally played at another Catholic church, an old-fashioned one, St. Paul's, near his school. 'I went to St. Paul's,' Monsignor said, 'as a boy.' And knew immediately, as if he had never understood it before, what his parishioners were lonesome for, in this monstrosity of his. It was not the future they'd been objecting to, but the loss of the past. As if it was his fault that you could not have one without the other" (p. 277).

behind blanket rejectionism is to preserve a culture by preventing it from changing, it is fundamentally misguided.<sup>9</sup>

To this point I have warned against an oversimplified understanding of the relation between individuals and culture, and I have argued that immigration inevitably changes both the culture of the immigrants and the culture of the host country. This suggests, on the one hand, that there is no general right of immigrants to resist changes demanded by the host society whenever those changes would conflict with norms or practices of the immigrants' culture. But it also suggests, on the other hand, that there is no general right of the host society to impose constraints on new immigrants whenever this is thought necessary to protect the national culture from change. These points serve to undermine strong preservationist claims, whether on behalf of immigrant culture or on behalf of national culture. They are worth making, obvious though they may seem, because strong preservationism is influential, and because debates about immigration are often distorted by unrealistic ideas about the extent to which it is either possible or desirable to resist cultural change. However, these points take us only so far. They do not tell us, for example, whether there are any demands for cultural change that new immigrants *are* entitled to resist, or any that the host society *is* entitled to press.

The general tenor of my remarks may seem to support negative answers to these questions. The spirit of those remarks suggests a general position that might be described as *Heraclitean pluralism*. Heraclitean pluralism asserts that culture and cultures are always in flux, and

9. These remarks leave open the question of whether and for what reasons immigration may ever legitimately be restricted. There is, of course, a large literature on these questions. Two valuable anthologies are W. Schwartz, ed., *Justice in Immigration* (Cambridge University Press, 1995) and B. Barry and R. Goodin, eds., *Free Movement* (University Park: The Pennsylvania State University Press, 1992). One of the most influential arguments for the legitimacy of immigration restrictions is developed by Michael Walzer in *Spheres of Justice* (New York: Basic Books, 1983), chap. 2. Joseph Carens presents an influential argument for open borders in "Aliens and Citizens: The Case for Open Borders," *Review of Politics* 49 (1987): 251–73. Many writers defend intermediate positions. See, for example, Veit Bader, "Fairly Open Borders," in *Citizenship and Exclusion*, ed. Veit Bader (New York: St. Martin's Press, 1997), pp. 28–60. Carens maintains that Rawls's theory of justice provides support for open borders, but Rawls himself cites Walzer's position with approval and expresses support for "a qualified right to limit immigration" (in *The Law of Peoples* [Cambridge, Mass.: Harvard University Press, 1999], p. 39 note.). On the other hand, Rawls suggests that immigration would cease to be a problem in the "Society of liberal and decent Peoples" (ibid. pp. 8–9), whereas Walzer insists that "immigration will remain an issue even after the claims of distributive justice have been met on a global scale" (*Spheres of Justice*, p. 48).

that individuals normally relate to culture through the acknowledgment of multiple affiliations and allegiances, and through participation in diverse practices, customs, and activities, rather than through association with some one fixed and determinate culture. It further asserts that, in light of these facts, states should be maximally accommodating of the cultural variety that free individuals will inevitably exhibit, without seeking to constrain that freedom in the vain and misguided attempt to preserve some particular culture or cultures in the form that they happen to take at a given historical moment.

Yet it is important to see that there is room within Heraclitean pluralism for a certain kind of conservative or traditionalist project. Most human beings have strong conservative impulses, in the sense that they have strong desires to preserve what they value, including what they value about past and present practices, forms of social organization, and ways of life. As we have already seen in the case of strong preservationism, these impulses sometimes issue in support for foolish or even dangerous policies based on false or incoherent ideas about the possibility of inhibiting cultural change. However, the problem with these policies lies not in the conservative impulse itself, but rather in the assessment of how best to act on it.<sup>10</sup> In fact, it is difficult to understand how human beings could have values at all if they did not have conservative impulses. What would it mean to value things but, in general, to see no reason of any kind to sustain them or retain them or preserve them or extend them into the future? Joseph Raz has argued that "there is a general reason to preserve what is of value."<sup>11</sup> By this he means that each person has reason to preserve anything at all that is of value, whether or not the person himself values that thing (or, in Raz's terms, is "engaged with" it). When it comes to the things that the person himself does value, however, a conclusion even stronger than Raz's seems warranted, for the idea that I might see no reason at all to preserve or sustain any of the things that I myself value seems not merely mistaken but incoherent. What then would it mean to say that I valued them? Even people who claim that they live only for the moment—that they value only momentary

10. I am indebted here to G. A. Cohen's unpublished paper "The Truth in Conservatism: Rescuing Conservatism from the Conservatives."

11. Joseph Raz, *Value, Respect, and Attachment* (Cambridge: Cambridge University Press, 2001), p. 162.

experiences—presumably value, and wish to sustain, a life that is rich in the right kind of momentary experiences. And even radicals who wish to overturn the established order seek to entrench the values that animate their revolutionary ambitions. If there is a conceptual gap between valuing and the impulse to conserve, it is not a very large one.<sup>12</sup>

For this reason, it would be fatal to Heraclitean pluralism if it could not in any way accommodate the conservative impulse, particularly the impulse to conserve valued traditions, customs, practices, and modes of living. However, the failure of strong preservationism helps point the way toward an alternative strategy of accommodation that is compatible with Heraclitean pluralism. Strong preservationism fails as a strategy for accommodating the conservative impulse because it fails to recognize that change is essential to culture and to cultural survival, so that to prevent a culture from changing, if such a thing were possible, would not be to preserve the culture but rather to destroy it. In other words, strong preservationism is self-defeating.<sup>13</sup> But this suggests that, paradoxical though it may sound, the right way to preserve a culture is to allow it to change. Of course, not every change in a culture will preserve it, and merely allowing a culture to change does not guarantee that the culture will survive: nothing can guarantee that. Still, what it takes for a culture to survive is for an ever-changing but sufficiently large and continuous group of people to use enough of the culture's central ideas, practices, values, ideals, beliefs, customs, texts, artifacts,

12. In "Relationships and Responsibilities" (*Philosophy & Public Affairs* 26 [1997]: 189–209, reprinted in *Boundaries and Allegiances* [Oxford: Oxford University Press, 2001], pp. 97–110), I argued that if one values one's relationship with another person non-instrumentally, then one will see oneself as having reason to devote special attention to that person's needs and interests. In "Projects, Relationships, and Reasons" (in *Reason and Value: Themes from the Moral Philosophy of Joseph Raz*, ed. R. J. Wallace, P. Pettit, S. Scheffler, and M. Smith [Oxford: Clarendon Press, 2004], pp. 247–69), I argued that, similarly, if one values a personal project noninstrumentally, then one will see oneself as having reason to devote special attention to the flourishing of that project. These claims might be seen as instances of a more general thesis about the relation between valuing something and seeing reasons to sustain or preserve it.

13. Compare Jeremy Waldron: "Cultures live and grow, change and sometimes wither away; they amalgamate with other cultures, or they adapt themselves to geographical or demographic necessity. . . . To preserve or protect [a culture], or some favored version of it, artificially, in the face of . . . change, is precisely to cripple the mechanisms of adaptation and compromise (from warfare to commerce to amalgamation) with which all societies confront the outside world" ("Minority Cultures and the Cosmopolitan Alternative," pp. 787–88).

rites, and ceremonies to structure sufficiently large portions of their lives and experiences. Obviously, this is not a precise formula; the multiple judgments of sufficiency that it calls for are all subject to interpretation, and in borderline cases there may be disagreement about whether a particular culture has survived or not. What is important for our purposes, however, is to understand what is meant in speaking of the use of cultural materials to "structure" people's lives. What this structuring involves is not the algorithmic application of the culture's values and ideals to new situations, nor the uncritical and unrevisable adherence to its ideas and beliefs, nor the exact reproduction of its ceremonies and practices and customs in precisely their original form. What it involves is the use of judgment and intelligence in determining which elements of a cultural heritage require modification and which should be carried forward unchanged; in interpreting the relevance of older values and ideals for novel problems and predicaments; in deciding how the culture's traditional ways of thinking can best be extended so as to assimilate the never-ending accumulation of new historical experience; and in deciding which influences from other cultures are to be welcomed and which are to be resisted.<sup>14</sup>

In short, the survival of a culture is an ongoing collective achievement that requires the exercise of judgment, creativity, intelligence, and interpretive skill. It also requires a healthy dose of good luck, for whether a culture will survive depends on whether its resources, effectively developed, are well suited to dealing with the contingent and ever-changing historical circumstances that the culture actually confronts. But one thing is certain. Any culture that survives will have changed over time: it will have assimilated new experiences, absorbed new influences, reaffirmed some prior practices and ideas, modified others, and dispensed altogether with still others. Survival is successful change. A reasonable cultural preservationism strives to achieve such change rather than seeking to preserve the past unaltered.

This explains why I said that there is room within Heraclitean pluralism for a certain kind of conservative or traditionalist project. Although it is opposed to any strong preservationist attempt to preserve a particular culture in the form that it happens to take at a given

14. Here I draw on my discussion in "Conceptions of Cosmopolitanism," reprinted in *Boundaries and Allegiances*, pp. 111-30.



historical moment, Heraclitean pluralism has no quarrel with the desire to preserve a culture *per se*. On the contrary, inasmuch as it seeks to accommodate cultural variety and change, it is hospitable in principle to the kind of change in which cultural preservation, properly understood, consists. Moreover, if the points about value made earlier are correct, then almost everyone is a conservative with respect to some values, and the difference between reasonable cultural preservationism and other cultural orientations is more a matter of degree than one of kind. Heraclitean pluralism asserts that the best way of accommodating the conservative impulse in general is also the best way of accommodating reasonable preservationist projects: namely, by giving individuals the freedom to structure their lives with reference to a diverse array of values, practices, and ideas.

This is, it must be said, a deeply counterintuitive position. How can it possibly be true that the conservative impulse is best accommodated by allowing people to change? And how can it possibly be true that the aim of cultural preservation is best accommodated within a pluralistic framework? To these questions Heraclitean pluralism responds as follows. The world is constantly changing, and so the successful conservation of valued practices, ideals, and ways of life necessarily involves their extension, modification, and reinterpretation in changing circumstances. It is a creative and dynamic process. To prevent people from changing in response to changing conditions would inhibit rather than facilitate cultural conservation, because it would prevent the creative reinterpretation and reinvention of inherited cultural materials that is essential to a culture's long-term survival. Cultural preservation is possible only if people have the freedom to engage in this interpretive process and to act on its conclusions. And since free people will inevitably be drawn to diverse ways of living and schemes of value, a genuinely free society must have a pluralistic framework. That is why, the Heraclitean maintains, the aim of cultural preservation is best accommodated within such a framework.<sup>15</sup>

15. In claiming not merely that the aim of cultural preservation can be accommodated within a pluralistic framework, but that this is the best way of accommodating it, the Heraclitean is not maintaining that cultural preservation is possible *only* within such a framework. That would be implausible, for a society might allow people enough interpretive freedom to enable them to sustain their culture without establishing a thoroughly

What is the bearing of Heraclitean pluralism on questions of immigration? As I have said, immigration on any significant scale inevitably alters the cultural landscape both for the immigrants themselves and for the host society. There is no possibility of preserving unaltered either the imported culture of the immigrants or the national culture of the host society, and neither the immigrants nor the host society has any general right to such preservation. As I noted earlier, however, these observations take us only so far. They leave open the question of whether there is *anything* that immigrants may demand of the host society, or that it may demand of them, in the name of cultural preservation.

Heraclitean pluralism, as I am understanding it, delivers a negative answer to this question. What immigrants may demand of the host society, it asserts, is justice, where justice is understood not to include any special cultural rights, entitlements, or privileges. Justice does include the basic rights and liberties—including freedom of thought, expression, association, and conscience—that are familiar from egalitarian liberal theories like that of John Rawls. It also includes, let us suppose, fair equality of opportunity and some conception of the just distribution of economic resources. More abstractly, the principles of justice set out fair terms of cooperation among free and equal citizens.<sup>16</sup> So in addition to demanding all of the rights, liberties, opportunities, and economic resources that are made available to other citizens, immigrants may legitimately demand to be treated as free and equal persons who are full-fledged participants in the scheme of social cooperation, and are entitled to be respected as such. The fulfillment of these demands, Heraclitean pluralism asserts, gives ample scope for

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pluralistic social framework. Nor is the Heraclitean claiming that the odds of any given culture's survival are always maximized within a pluralistic framework. It is possible that providing additional freedom beyond what is strictly necessary for cultural preservation may in some cases make such preservation more difficult. Instead, in saying that the aim of cultural preservation is best accommodated within a pluralistic framework, and not merely that it can be so accommodated, the Heraclitean is making an independent normative judgment about the importance of a wider freedom. I am grateful to Samuel Freeman and Kasper Lippert-Rasmussen for raising the question to which this note is a response.

16. Throughout this article I simply assume—I will not try to defend the assumption here—that all immigrants who enter a country lawfully and who continue to abide by its laws must be given the opportunity to become citizens after a reasonable period of time. I set to one side the question of whether the same applies to those who enter a country unlawfully. Nor shall I consider the legitimacy of "guest worker" programs.

immigrants (and others) to pursue reasonable preservationist projects. Within the framework of laws that themselves conform to the principles of justice, immigrants and others may take full advantage of their rights, liberties, opportunities, and economic resources to develop and extend inherited practices, customs, ideals, and traditions. What they cannot do is demand additional rights or resources, beyond those they are owed as a matter of justice, in the name of cultural preservation specifically. There is no guarantee, of course, that their preservationist efforts will be successful, but, as I have indicated, there is nothing in any case that the host society could do to guarantee that.

By the same token, however, there is nothing that the host society may legitimately demand of immigrants in the name of preserving the national culture. What it may legitimately demand of them is that they live peacefully in society and uphold the duties and obligations of citizens. These include the familiar duties to obey just laws, pay taxes, and the like. More abstractly, they include the obligations of citizens to do their fair share to uphold the scheme of social cooperation, but they do not include any obligation to preserve or uphold or participate in the historical culture of the nation *per se*. Individual citizens may, of course, pursue reasonable preservationist projects with respect to the national culture, just as they may with respect to any other culture, but they cannot use the coercive power of the state to require others to support those efforts, and laws that have this aim or effect are therefore unjust.

Understood in this way, Heraclitean pluralism is evenhanded in its refusal to endorse special state protections aimed at preserving a particular culture or cultures. Neither the national culture nor any immigrant culture should receive such protection. Within a liberal framework, individuals are free to structure their lives in accordance with inherited traditions of practice and conviction as they see fit, provided that they fulfill their duties as citizens and do not violate the rights of others. So, on the one hand, immigration inevitably changes both the culture of the immigrants and the culture of the host country, and neither of them can or should be immunized against change. Yet, on the other hand, change is compatible with cultural survival and renewal, and in a just society immigrants and nonimmigrants alike will have the freedom and the opportunity to engage in the dynamic and interpretative process of extending their inherited cultures in the altered circumstances to which immigration gives rise.

As will be apparent, I have a great deal of sympathy for Heraclitean pluralism, and I think that there is much to be said for the stance that I have just described, especially with respect to claims made on behalf of immigrant cultures. In general, the considerations I have been rehearsing about the relations between individuals and cultures and about the relations between conservatism and change serve to undermine strong preservationism and are congenial to the spirit of the Heraclitean position. In addition, I think that the demand for justice, which is central to that position, has great force when deployed on behalf of immigrants, and that it provides more support for reasonable preservationist efforts by the members of immigrant communities than is often recognized. Some people interpret the legitimate grievances of immigrant communities in existing liberal democracies as evidence that the familiar liberal conceptions of justice are inadequate and should be modified to incorporate a regime of cultural rights. The alternative conclusion that seems to me more plausible in many of these cases is that the societies in question have failed to meet the requirements of liberal justice, and that the remedy for the grievances of immigrants is not to modify those requirements but rather to ensure that they are satisfied.

Nevertheless, I do not think that Heraclitean pluralism as it stands provides a fully satisfactory way of thinking about issues of immigration and culture. Its limitations are most apparent in its attitude toward national culture. As we have seen, the Heraclitean position is that the power of the state may not be used to coerce citizens into supporting reasonable efforts to preserve the national culture. The problem with this is that the state cannot avoid coercing citizens into preserving a national culture of some kind. To begin with, the institutions of state and their laws and policies themselves define a political and civic culture, or what Rawls called a "public political culture,"<sup>17</sup> and that culture in turn shapes and constrains the conduct of daily life in countless ways. In effect, then, the political and civic culture serves partly to constitute and partly to shape a broader national culture, and in demanding obedience to its laws and support for its institutions the state is, in effect, requiring citizens to contribute to the preservation of that culture. For this reason, the national culture has a different status

17. John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993).

than other cultural traditions that may be represented within the society. It cannot be treated by the state as just one culture among others, nor can the state be expected to refrain from deploying its coercive power in support of a national culture. To suppose otherwise is to fall prey to a conceptual confusion, and to the extent that Heraclitean pluralism neglects this point it is unsatisfactory.

Nor is it reasonable to insist that the content of the public political culture should be determined solely by universal moral or constitutional principles that treat all citizens as equals, and that it should not contain any distinguishing ethnic or linguistic or particularistic elements. A country is a contingent historical formation. The history of any country is also the history of particular people—of its original population and their successors over time—with their contingent array of practices, affiliations, customs, values, ideals, and allegiances. Inevitably, elements of that array will help to shape the character of those basic social, political, and legal institutions that serve to enforce the political and civic culture. They are likely to influence everything from the choice of official languages, national holidays, and public monuments and ceremonies to the regulation of work, education, and family arrangements. In enforcing the political culture, then, and so in shaping the broader national culture, the state will inevitably be enforcing a set of practices and values that have their origins in the contingent history and traditions of a particular set of people.<sup>18</sup> This is not in itself inappropriate, and there is in any case no alternative. The state can neither avoid promoting a national culture nor invent that culture *ab initio*. It is worth noting that there is an important difference in this regard between religion and culture. A

18. Thus, although my ultimate conclusions differ significantly from his, I am generally in agreement with Will Kymlicka when he writes: "Some people suggest that a truly liberal conception of national membership should be based solely on accepting political principles of democracy and rights, rather than integration into a particular culture. This non-cultural conception of national membership is often said to be what distinguishes the 'civic' or 'constitutional' nationalism of the United States from illiberal 'ethnic' nationalism. But . . . this is mistaken. Immigrants to the United States must not only pledge allegiance to democratic principles, they must also learn the language and history of their new society. What distinguishes 'civic' nations from 'ethnic' nations is not the absence of any cultural component to national identity, but rather the fact that anyone can integrate into the common culture, regardless of race or colour" (*Multicultural Citizenship* [Oxford: Clarendon Press, 1995], pp. 23–24).

state need not recognize an official religion, but it cannot avoid promoting a national culture. Where culture is concerned, neutrality is not an option.<sup>19</sup>

This suggests the need to modify the Heraclitean position to recognize the special place of the "public political culture," to acknowledge the contingent historical circumstances that will inevitably have influenced both its form and its content, and to allow for its role in shaping a broader national culture. Although immigrants may find the public political culture alien and although its historical roots may be remote from their own, the coercive pressure that the culture exerts is not by itself unjust. It is not by itself unjust that immigrants should be expected to obey the laws and support the institutions of their new society, even when the character and the content of those laws and institutions has been shaped in part by historical circumstances and traditions with which the immigrants have no antecedent identification.

But if this suggests a modification of the Heraclitean position that works, so to speak, in favor of the host society, there are also considerations that pull the other way. First, and most obviously, although it is not *by itself* unjust that immigrants should be expected to obey the laws and institutions of their new society, it *is* unjust to expect them to obey gravely unjust laws or support severely unjust institutions, especially if the burdens imposed by those unjust laws and institutions fall primarily on the immigrants themselves.<sup>20</sup> Nor is it enough that the laws should be just; they must also be applied fairly and impartially to immigrants and nonimmigrants alike. Like any other citizens, immigrants are entitled to the equal protection of the laws, and they cannot be expected to acquiesce in the denial of equal protection or in unjust treatment more generally.

Second, the principles of justice may themselves require, by virtue of their guarantees of liberty of conscience and association, that certain limited exemptions from otherwise just laws should be provided to

19. Compare Kymlicka: "It is quite possible for a state not to have an established church. But the state cannot help but give at least partial establishment to a culture when it decides which language is to be used in public schooling, or in the provision of state services" (*Multicultural Citizenship*, p. 111).

20. This point is not specific to immigrants, of course. If severely unjust laws or institutions impose special burdens on any group of people, the duty of those people to comply is called into question.

people for whom compliance would conflict with deeply held conscientious convictions, whether religious or nonreligious in character. Justice may also require other forms of legal accommodation for conscientious convictions in some circumstances. To the extent that this is so, the conscientious convictions of immigrants must be considered on the same footing as those of nonimmigrants and must be judged by the same criteria; they too must be eligible for whatever exemptions or other forms of legal accommodation justice requires.<sup>21</sup>

Third, it is not quite true that what the society owes its immigrants is justice and nothing more. In expecting them to accept a civic and political culture that includes many contingent elements that are not requirements of justice, the society is in effect demanding that immigrants accommodate themselves to the commitments, traditions, and values of the preexisting population. If a society is conceived of as a fair system of cooperation among free and equal people with diverse aims and values, then the willingness of people to accommodate one another will be indispensable to its successful functioning. But accommodation is not a

21. In the United States, the discussion of legal accommodation is controlled by the religion clauses—the establishment and free-exercise clauses—of the First Amendment of the U.S. Constitution. However, I am assuming that, as a matter of justice, the legal accommodation of conscientious conviction should not be restricted to religious convictions. In *Religious Freedom and the Constitution* (Cambridge, Mass.: Harvard University Press, 2007), Christopher Eisgruber and Lawrence Sager argue that the religion clauses should be interpreted as equality or antidiscrimination norms, which single out religion for special mention, and which may support exemptions from otherwise valid laws or regulations in a limited range of cases, not because religion is uniquely privileged but rather because it is specially vulnerable to hostility and neglect. See also the earlier article by Eisgruber and Sager, “The Vulnerability of Conscience: The Constitutional Basis for Protecting Religious Conduct,” *University of Chicago Law Review* 61 (1994): 1245–1315. In “Religion and the Exemption Strategy” (Chapter 16 of *Religion and the Constitution, Volume 2, Nonestablishment and Fairness*, Princeton University Press, forthcoming), Kent Greenawalt interprets the religion clauses as supporting exemptions in a wider range of cases than Eisgruber and Sager recognize, and he argues that at least some of those exemptions rest on valid claims of privilege rather than on considerations of equality or nondiscrimination, but he also argues that conscientious convictions of a nonreligious character should sometimes be treated the same way. The whole idea of providing exemptions from otherwise justified laws is sharply criticized by Brian Barry in *Culture and Equality* (Cambridge, Mass.: Harvard University Press, 2001), especially Chapter 2. For a critical assessment of Barry’s position, see Samuel Freeman, “Liberalism and the Accommodation of Group Claims,” in *Multiculturalism Reconsidered*, ed. Paul Kelly (Cambridge, UK: Polity Press, 2003), pp. 18–30.

one-way street. If, as I have been arguing, it is not in general unreasonable to expect immigrants to accommodate themselves to aspects of the national culture that are not themselves required by justice, neither is it unreasonable to expect the wider society to make some effort to accommodate the traditions, practices, and values of immigrants, even when a failure to do so would not violate any principle of justice. Here I am thinking not of formal legal exemptions like those that may sometimes be required to accommodate religious or conscientious conviction, but rather of informal, ad hoc adjustments made by individual citizens and social institutions as a way of helping new immigrants to feel at home. In general, it is essential to the successful functioning of any society that its members be prepared to accommodate one another on an informal basis in a wide range of contexts, and this willingness to engage in informal accommodation is an especially important element of a society's treatment of new members, whose place in the society might otherwise seem marginal or precarious.<sup>22</sup> The territory of informal accommodation is bounded, on the one side, by what the state owes immigrants as a matter of justice and, on the other side, by the duties and obligations that the principles of justice and political morality assign to immigrants and other citizens. It is within this territory that many of the conditions of daily life are fixed. Unless the wider society makes a significant effort within this territory to accommodate the tastes, values, and traditions of newcomers, they are likely to feel that they have been denied equal respect and equal citizenship even if no principle of justice has been violated, and the consequences of persistent feelings of this kind can be explosive. In this arena, as in the content of the principles of justice themselves, there is an ideal of reciprocity that a decent and well-functioning society must strive in good faith to honor, and which it ignores at its peril.<sup>23</sup>

22. Compare Timothy Garton Ash: "It's the personal attitudes and behavior of hundreds of millions of non-Muslim Europeans, in countless small, everyday interactions, that will determine whether their Muslim fellow citizens begin to feel at home in Europe or not" ("Islam in Europe," *The New York Review of Books* LIII [2006]: 32–35, at p. 35).

23. Seana Shiffrin has discussed the importance of mutual accommodation as a general phenomenon with great insight and sensitivity. See her "Paternalism, Unconscionability Doctrine, and Accommodation," *Philosophy & Public Affairs* 29 (2000): 205–50, and "Egalitarianism, Choice-Sensitivity, and Accommodation," in *Reason and Value: Themes from the Moral Philosophy of Joseph Raz*, ed. R. J. Wallace, P. Pettit, S. Scheffler, and M. Smith, pp. 270–302.



Finally, the points that I have made about the special role of the national culture should not be understood to reinstate strong preservationism. The contingent historical character of the national culture is not in itself objectionable, and a society is not obligated to purge all of the contingent elements of the culture in order to accommodate new immigrants who may find those elements alien or unfamiliar. On the other hand, once a society accepts immigrants as new members, then they have as much of a part to play as anyone else in shaping the future character and culture of the society. They now belong to the society and are contributors to its ongoing history. Although the society remains subject to the standing requirements of justice, the character of its national culture cannot be insulated against change, any more than the character of any other culture can. Its new members are now part of the mix of people who will help to determine how the culture evolves, and it is only to be expected that large-scale immigration will lead to more or less gradual and more or less radical changes over time.

The various considerations I have been rehearsing suggest a number of modifications or qualifications of the Heraclitean position on immigration, but they do not undercut its central claims. It is true, as the Heraclitean says, that there is no possibility of preserving unaltered either the imported cultures of immigrant communities or the national culture of host societies, and that neither side has any general right to such preservation. It is also true that, in a just society, immigrants and nonimmigrants alike should have the freedom and the opportunity to engage in the dynamic and interpretative process of extending their inherited cultures in the altered circumstances to which immigration gives rise. Finally, I believe that the Heraclitean position is correct to forswear any appeal to cultural rights or to the language of multiculturalism in thinking about these questions. The constituents of political morality that are most relevant in thinking about the mutual responsibilities of immigrants and host societies are the principles of justice, which define a fair framework of social cooperation among equals (and which are understood to exclude special cultural rights); the basic liberties, including especially the liberties of speech, association, and conscience; and the important idea of informal mutual accommodation within the bounds of justice. Talk of cultural rights and of multiculturalism adds little that is useful to this, and it provides an invitation to mischief both by encouraging us to think in

unsustainable, strong-preservationist terms and by promoting a distorted and potentially oppressive conception of the relations between individuals and cultures.<sup>24</sup>

My resistance to employing the discourse of cultural rights and multiculturalism runs counter to strong currents in contemporary liberal thought, so it may be worth pausing for a moment to expand a bit on the reasons for that resistance. After all, the idea of treating diversity with respect to culture as calling for explicit protection under a regime of liberal rights and toleration may seem like a natural extension of basic liberal ideas and values. Historically, liberalism had its origins in the practice of religious toleration. Subsequent liberal theorists secularized and generalized the notion of a religious affiliation so as to include commitments of a nonreligious character as well. It is in this spirit that contemporary liberals emphasize diversity with respect to people's "conceptions of the good" or "comprehensive moral doctrines," which are understood to include but not be limited to distinctively religious commitments.<sup>25</sup> It is in this spirit, too, that many modern liberals speak, as I have done in this article, about "freedom of conscience" rather than "freedom of religion," since the assumption is that a person's conscientious convictions need not have a religious character. And just as the modern liberal focus on competing conceptions of the good represents a generalization from the case of diverse religious commitments, so too the idea that liberalism should protect diverse cultures may seem like a natural next step.<sup>26</sup> If it is important to protect diversity with respect to

24. Anne Phillips has suggested to me that these remarks may have an unfortunate resonance in the contemporary European context, where public discourse about the "failure of multiculturalism" has functioned as a kind of code in which to express hostility to immigration and support for anti-immigrant policies. I hope it is evident that, in arguing that the concepts of 'culture' and 'multiculturalism' are of limited analytic value in thinking about the rights and duties of immigrants and host societies, I am very far from endorsing such attitudes or policies. Nor, as Joe Carens has persuaded me, would I wish to reject all of the policies that have been implemented in Canada under the heading of "multiculturalism" or "cultural rights," even though I am skeptical about the way those policies have been conceptualized and justified.

25. For discussion of this point, see Jeremy Waldron, "Theoretical Foundations of Liberalism," *Philosophical Quarterly* 37 (1987): 127–50, especially pp. 144–45.

26. Waldron expresses qualified support for this step in "One Law for All? The Logic of Cultural Accommodation," *Washington & Lee Law Review* 59 (2002): 3–34. He says that it is desirable to think of the issue of "cultural accommodations as a *general* problem, in a way that is uncontaminated by the U.S. Constitution's particular emphasis on religious liberty

religion, conceptions of the good, and comprehensive moral and philosophical outlooks, then surely it is reasonable to protect diversity with respect to culture as well. A person's cultural affiliations may be just as central to her identity as her religious commitments or her moral and evaluative convictions, and so a liberal polity that is concerned to promote and protect fundamental human interests should be just as concerned to safeguard cultural diversity as it is to protect moral, religious, and philosophical diversity.

However, I believe that it is a mistake to extrapolate from the case of moral, religious, and philosophical convictions to the case of cultural affiliations. Moral, religious, and philosophical outlooks, as conceptualized within liberal theory, are explicitly justificatory structures; they are systems of norms and values that provide guidance about how to live. To the extent that there is a principled liberal case for accommodating diverse outlooks of this kind, it rests on the importance to people of being free to order their lives in accordance with values, norms, and ideals that they perceive as authoritative, that is, as defining the conditions of a good or worthy life. The special status of moral, religious, and philosophical doctrines derives from their role as perceived sources of normative authority. We may think of this role as follows. Many people have—and think of themselves as having—moral, religious, or philosophical convictions about how best to live. To describe these convictions as *convictions* is to say that those who hold them believe them to be true. And to describe them as convictions about *how to live* is to say that those who hold them see them as providing reasons for action. Thus, many people recognize moral, religious, or philosophical reasons for action, and take the force or authority of those reasons to derive from their association with presumed moral, religious, or philosophical truths. In that sense, morality, religion, and philosophy are perceived sources of normative authority.

Cultures are not in the same sense sources of normative authority, for they are not explicitly justificatory structures at all. As a first approximation, we may say that a culture is a web of formal and informal practices, customs, institutions, traditions, norms, rituals, values, and beliefs. Although norms and values are important aspects of all cultures, this

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and the arguably artificial distinction that such emphasis requires us to draw between religious and 'merely cultural' practices and beliefs" (ibid., p. 11 n.).

does not mean that the role of culture is parallel to the role of moral, religious, and philosophical doctrines. To begin with, there is no need for a culture to embrace a uniform normative outlook, and many cultures exhibit a high degree of moral, religious, and philosophical diversity. Moreover, as this formulation already implies, most of the values and principles that are aspects of culture are themselves regarded by their adherents as having a moral, religious, or philosophical character. They are not thought of by those who accept them as constituting an independent normative category. So while many people have what they take to be moral, religious, or philosophical convictions, few have what they think of as "cultural convictions." And while many people accept what they represent to themselves as moral, religious, or philosophical principles, and defer to the authority of considerations associated with those principles, few endorse what they think of as "cultural principles." Even when people realize that the principles they endorse are in fact widely shared within "their" culture, the authority of the principles is normally taken to derive not from their acceptance within the culture but rather from the direct normative force of the principles themselves.

It is true, of course, that we speak of "cultural norms" or "cultural values," but these expressions are normally used in descriptive or interpretive contexts. To describe something as a cultural norm or a cultural value is not to characterize its perceived authority but rather to indicate its prevalence within a certain social group. Except in special cases, people who actually accept such values and norms, and who feel their force, do not think of them in those terms, still less do they see the authority of the values and norms as deriving from their status within the culture. In fact, for this very reason, to describe something as being (merely) a cultural norm or value can sometimes be a way of debunking it: of denying that it has the kind of authority that its adherents take it to have.

In short, cultures are not perceived sources of normative authority in the same sense that moral, religious, and philosophical doctrines are. Those who think of them as being on a par commit something like a category mistake, for "culture" is a descriptive, ethnographic category, not a normative one. In other words, to classify something as a moral, religious, or philosophical value or principle is to say something about the kind of authority its adherents take it to have. By contrast, to classify something as a cultural norm or value is not to characterize its perceived authority but merely to indicate that a certain group of people subscribes

to it. This explains why, although many people have what they think of as moral, religious, or philosophical convictions, and regard those convictions both as true and as action-guiding, few people think of themselves as having a comparable class of "cultural convictions." And it explains why "cultural reasons" rarely feature as such in individual deliberation; from a deliberative perspective, these supposed reasons do not constitute a special class of norm- or value-based considerations over and above the various norm- and value-based considerations that agents already recognize.<sup>27,28</sup>

Perhaps this will change as the discourse of multiculturalism becomes increasingly pervasive and begins, in self-fulfilling fashion, to alter the

27. Brian Barry makes very similar observations about the concept of "culture" in *Culture and Equality*, especially at p. 253. However, although he comes close to noticing (on p. 33) that these observations point to important disanalogies between culture and religion, he seems not to consider the possibility that, in so doing, they may provide reasons for treating culture and religion differently.

28. One important question, which I cannot address adequately here, concerns the implications of these arguments for debates about the so-called cultural defense in criminal law. One preliminary observation is that the idea of a cultural defense appears to hover uneasily between "interpretive" and "normative" readings. That is, it appears to hover between (a) the claim that information about a defendant's cultural background is sometimes necessary for the interpretation of his or her beliefs, intentions, and other mental states, which the law already deems relevant in establishing culpability or deciding on an appropriate sentence; and (b) the claim that an otherwise criminal act should sometimes be treated less harshly if, in performing the act, the defendant was acting in accordance with the norms of his or her culture. Consider, for example, the case of Jacob Zuma, the former Deputy President of South Africa, who was tried on rape charges and acquitted in 2006. According to Michael Wines of *The New York Times* ("A Highly Charged Rape Trial Tests South Africa's Ideals," April 10, 2006, p. A3), Mr. Zuma claimed in his trial that he was "being persecuted for his cultural beliefs," and "cast himself as the embodiment of a traditional Zulu male, with all the privileges that patriarchal Zulu traditions bestow on men." More specifically, he argued that his accuser "had signaled a desire to have sex with him by wearing a knee-length skirt to his house and sitting with legs crossed, revealing her thigh." Furthermore, "he said, he was actually obligated to have sex. His accuser was aroused, he said, and 'in the Zulu culture, you cannot just leave a woman if she is ready.' To deny her sex, he said, would have been tantamount to rape." Here, it seems, we have (a) an interpretive claim about what, in light of his relation to Zulu culture, it was reasonable for Zuma to believe about his accuser's behavior (that she was signaling a desire to have sex with him), and (b) a normative claim to the effect that Zuma should be exonerated because his purportedly criminal conduct was in fact obligatory according to the norms of Zulu culture. I believe that the arguments of the first part of my article have implications for interpretive versions of the cultural defense, while the arguments of the last several pages have implications for normative versions. I am grateful to Sarah Aikin for pressing me on this question, which I hope to address more fully at some point.

way that we think and deliberate, and the kinds of consideration that we deem authoritative in practical reasoning. To some extent, this may already be happening. In the course of a discussion about the remarkable global spread of the concept of culture, Kwame Anthony Appiah relates the following story about an experience he had in his hometown of Kumasi, Ghana: "I was setting out with a friend who works at the palace of the Asante Queen Mother for some celebration about which he was greatly excited, and I asked him why it mattered so. He looked at me in puzzlement for a moment and replied: '*Ēyē yē kōkya.*' It is our culture."<sup>29</sup> So perhaps people are already starting to think of themselves as having "cultural reasons." On the other hand, Appiah's story would hardly be worth telling if his friend's comment did not strike us as in some way surprising or anomalous, and I have tried to suggest one reason why that might be so.

I do not mean to deny that the fact that one is associated with a particular culture may be an important aspect of one's identity. By the same token, however, a commitment to a particular moral, religious, or philosophical doctrine may also be an important aspect of one's identity, and yet these identity-based considerations are not what ground the special status of such doctrines within liberal thought. Thus, the relation between culture and identity does not support an extrapolation from the case of moral, religious, and philosophical convictions to the case of cultural affiliations. Of course, one might propose that the need to protect individual identity should be treated as an independent basis for a regime of cultural rights. However, as I argued earlier, "identity" is too protean and variable a notion to warrant this sort of protection. Individuals' identities are fluid, context dependent, and mutable. In providing the familiar liberties of thought, speech, association, and conscience, a liberal polity already affords individual identity the only kind of legal protection that it can or should receive. Furthermore, as I also argued earlier, the relations between individuals and cultures are complex, and it is a mistake to suppose that each individual "has" a single fixed and determinate culture. So if one reifies cultures as privileged sources of individual identity and seeks to protect

29. Appiah, *The Ethics of Identity*, p. 119. Chapter 4 of Appiah's book, "The Trouble with Culture," where this passage appears, provides a trenchant critique of the language of culture and cultural diversity.

them on that basis, the effect is to rigidify the notions of culture and identity in a way that is false to the facts and is liable to encourage illiberal social arrangements.<sup>30</sup>

To avoid misunderstanding, there are two points that I particularly want to emphasize. First, my arguments against relying on the language of culture and identity in thinking about problems of immigration should not be mistaken for a general skepticism about the moral significance of particularistic attachments and group affiliations. People's lives are enriched beyond measure by such attachments and affiliations and, as I have argued elsewhere,<sup>31</sup> the responsibilities that we acquire by participating in personal relationships and belonging to groups and associations are among the most important and deeply rooted responsibilities that we have. In these respects, personal relationships and group affiliations are of the greatest moral significance. The doubts that I have registered in this article have to do with the normative significance of the concept of 'culture' in particular, and with the idea that cultural preservation as such is a goal that the state should take special measures to advance or achieve.

Second, although I have argued that cultures are not explicitly justificatory structures in the same sense that moral, religious, and philosophical outlooks are, I do not mean to deny—indeed I wish to insist—that cultures include normative materials of many different kinds. As I have

30. In *Multicultural Citizenship* and in his earlier book *Liberalism, Community, and Culture* (Oxford: Clarendon Press, 1989), Will Kymlicka has argued forcefully that liberal societies must provide special protections for threatened "societal cultures." For Kymlicka, a societal culture is "an intergenerational community, more or less institutionally complete, occupying a given territory or homeland, sharing a distinct language and history" (*Multicultural Citizenship*, p. 18). Kymlicka argues that it is through one's membership in a societal culture that one comes to have the options that are preconditions for the kind of autonomous choice that liberals value. National minorities with distinct societal cultures, such as indigenous or aboriginal peoples, may require, and should receive, special protections so that they can continue to provide their members with the preconditions of freedom and autonomy. Kymlicka also cites the importance of individuals' identifications with their societal cultures to explain why the members of threatened minority cultures cannot simply be absorbed into the surrounding societal culture. I am skeptical of Kymlicka's option-based defense of cultural rights. However, since he distinguishes between national minorities and immigrants, and explicitly denies that the latter have the right to preserve their societal cultures, I shall not address his arguments here. Brian Barry subjects Kymlicka's position to severe criticism in *Culture and Equality*, as does Kwame Anthony Appiah in *The Ethics of Identity*.

31. For example, in the essays cited in n. 12 and 14 above.

emphasized, for example, the moral, religious, and philosophical values that people accept also belong *eo ipso* to those people's cultures. In arguing that 'culture' is nevertheless not a normative category in the same sense that morality and religion are, my point is simply that the fact that something is part of a culture does not itself confer any normative authority on it, even for those who belong to the culture. After all, many things can be part of a culture, including, for example, not only social norms but also patterns of deviation from those norms. So the mere fact that something is a feature of a culture to which one belongs does not confer any normative authority on it, nor is it ordinarily seen as so doing. Instead, people respond to perceived values, ideals, and principles, when they do, *as* values, ideals, and principles, and not as features of culture. In the same spirit, my contention is not that we should ignore the values, ideals, and principles that the members of a culture espouse, but rather that we should assess the significance of those values and ideals as such, instead of supposing that what gives them their normative character is the fact that they are part of a culture.

The implication of my argument, then, is not that all of the political claims advanced under the heading of cultural rights or cultural preservation should automatically be dismissed, but rather that those claims should be redescribed in such a way as to make clear the values, ideals, and principles that are at stake. Very often, I believe, these will turn out to be moral, religious, or philosophical values or ideals, so that the appeal to culture will turn out to have been redundant. Occasionally, the values or ideals in question may be ones that cannot naturally be subsumed under the heading of "moral, religious, or philosophical values," in which case it is the weight and significance of these new values, rather than their status as features of the culture, that need to be assessed. Finally, it may in some cases turn out that there was really no value at all at stake, and that the appeal to culture was sheer bluff: that it was simply an appeal to the brute fact that some people behave in a certain way, which by itself has no normative force.<sup>32</sup> In cases of all three kinds, I believe, the elimination of the language of culture will have proven salutary.

32. The obvious exceptions to this claim are cases of purely conventional solutions to coordination problems. The brute fact that everyone else is driving on the right does give me a compelling reason to drive on the right. But precisely because driving on the right is a matter of pure convention, and expresses no distinctive value, it would be mad to think



My discussion has been very abstract and has provided little specific guidance about how societies should organize themselves to accommodate new immigrants. My primary proposal, some may complain, has been the purely verbal or terminological recommendation that we avoid using *culture* and *cultural preservation* as central analytic categories in thinking about the challenges posed by immigration. Yet this, it may be protested, provides no assistance in coping with those challenges. It tells us nothing about the specific policies and practices that societies should implement to deal with problems of immigration. It tells us nothing about how to resolve hard cases or about how to defuse the most serious conflicts.

To this I can only reply by reiterating some points that I made at the beginning of my discussion. I believe that, in thinking about the challenges of immigration, an excessive reliance on the discourse of culture and identity has produced distortions and oversimplifications both in the theoretical literature and in popular debates. Framing the challenges in other terms will not by itself make them disappear. However, understanding a problem is the first step toward solving it. And since the unsatisfactory description of a problem can cloud the understanding and make the shape of possible solutions harder to discern, there is much to be said for trying to frame the issues in ways that enable us to keep the real challenges clearly in view. It is true that I have not provided solutions to those challenges here. The challenges are, in any case, only partly philosophical, and real solutions will require political judgment and institutional resolve at least as much as they will require philosophical analysis. I have tried to indicate some of the categories and principles that may guide us in attempting to devise such solutions, however, and to warn against some ways of conceptualizing the problems that seem to me unhelpful or worse.

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that we should find ways to preserve the practice of right-hand driving in a world in which driving on the left was becoming the dominant convention.

## Notes on the Contributors

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