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ABSTRACT

A cloud has settled over the immigration regimes of the European welfare states and the United States. Confidence has waned in the viability and value of integrating newcomers into a system of social solidarity. The weakening of civic nationalism and secular constitutional patriotism has unsettled national identities and undermined efforts to facilitate the inclusion of immigrants, especially Muslims. More forceful integration policies might better sustain the welfare state, but individual liberties and group recognition make this more difficult. Ironically, immigrants may now fare better in more unjust neoliberal societies such as the United States than in the advanced welfare states. This article looks at Europe (Germany in particular) and the United States to assess recent developments. Current arrangements are inadequate to resolve the dual crisis of integration and solidarity at the very moment that social equality is increasingly undermined by fiscal crises and aggressive neoliberal social policies.

I t is not easy to believe that just a decade and a half ago, a major conference on "Integrating Immigrants in Liberal States" could open with the following optimistic assessment of immigrants and their progress, liberal states, and already entrenched neoliberal economies: "'We are all multiculturalists now,' admits Nathan Glazer. . . . Why? In postfordist economies that thrive on flexible specialization, and in post-national, liberal states that bind their members through a commitment to procedural rules rather than shared life forms, the fear of difference has dissipated. . . . [There is instead] a plurality of cultures and the tolera-

tion, even celebration, of difference."[1] That now seems very long ago. The years since then have seen both "liberalization" and "backlash" in Europe and America in the areas of immigration, immigrant absorption, and citizenship acquisition while the post-Fordist welfare state has faced ever greater stresses under the assault of aggressive neoliberal economic policy.[2] Questions of social capital and the effects of immigration-based diversity on everything from rising income inequality to the reinsertion of religion and other values into politics, to the delegitimation of EU and American federal authority, have helped mobilize right-wing populist politics and otherwise deform socioeconomic debate.

On the immigration liberalization side, there have been three main developments. Almost everywhere in Europe there is now a legal entitlement to citizenship for second generation migrants through jus soli (birth on the soil) principles. It is no longer a matter of exception or grace, and absolute jus sanguinis is now rare. Everywhere, it seems, the civic, though variously defined, has eroded the ethnic. Second, naturalization is generally possible after a shorter period of time and with fewer behavioral requirements. Third, the United States and most European states (though not Germany) have come to accept dual citizenship and eliminated citizenship coverture.[3]

But there has also been a legal as well as social backlash. Its central elements have been the following: First, what began as talk on both sides of the Atlantic of limiting jus soli benefits to children born to mothers or fathers legally in the country for longer periods of time (variously, three, five, eight years, or even a whole generation) has become law everywhere in Europe—Ireland was the last to abolish absolute jus soli in 2004, a move ratified by popular referendum.[4]

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1. Opening remarks by Christian Joppke, *Integrating Immigrants in Liberal States*, European Forum Centre for Advanced Studies, European University Institute, May 8, 1998 (on file with author).

2. Wolfgang Streeck, *Gekaufte Zeit: Die vertagte Krise des demokratichen Kapitalismus* (Frankfurt: Suhrkamp, 2013).

3. See Holger Hoffmann, "The Reform of the Law on Citizenship in Germany," *European Journal of Migration and Law* 6, no. 3 (2004): 195–203, esp. 203; David Abraham, "After Ethnicity and 'Constitutional Patriotism': Searching for a Capacious German Membership," in *Toward the Completion of Europe*, ed. Joaquin Roy (Miami: European Union Center, 2006), 88–100; Europe-wide, see Marc Howard, *The Politics of Citizenship in Europe* (New York: Cambridge University Press, 2009); and, for prior to the most recent developments, Randall Hansen and Patrick Weil, *Dual Nationality, Social Rights, and Federal Citizenship* (New York: Berghahn, 2002).

4. When Peter Schuck and Rogers Smith some 25 years ago very tentatively proposed the possibility that birthright jus soli citizenship might be withheld from the children of those illegally present in the United States, they were criticized harshly. Peter Schuck and Rogers Smith, *Citizenship without Consent: Illegal Aliens in the American Polity* (New Haven, CT: Yale University Press, 1985), 116–18. Yet almost overnight in summer 2010 the issue of birthright citizenship exploded onto the US political scene, a key theme in right-wing populist discourse. Aggravating matters is the fact that the 3.8 percent of the

Second, there has been an effort, in Germany but also elsewhere, to make more difficult access to migration and citizenship through marriage. Despite the German constitution's strong commitment to family rights, the importation of "country girl" wives from the old country (Turkey and Morocco in particular) is widely seen as setting back integration and especially language acquisition. Third is what Joppke describes as "the attempt by states to tie citizenship more firmly to shared identities, civic competence," thereby combating the "centrifugal tendencies" of increasingly diverse societies through means such as citizenship tests and integration courses.[5] New citizens (unlike born citizens) are called on to consent explicitly to a contractual conception of membership; they are joining an already-existing association, one with specific rules, a specific history, and maybe specific political and cultural norms and values—all of which may be tested, both literally and metaphorically. Finally, the term "multiculturalism" itself has been rejected by most European (though less so American) politicians, even where practices themselves have not changed much. No single or simple assessment seems possible.[6]

These contradictory tendencies have contributed to immigration's becoming a very difficult and painful topic for both liberal social theory and liberal and

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population that is in the United States illegally has 7 percent of the nation's children, 79 percent of them birthright citizens. Pew Hispanic Center, "Unauthorized Immigrants and Their US Born Children," http://pewhispanic.org/reports/reporthp?ReportID=125. In fact, the United States, Canada, and Brazil are the only large or significant countries with an "all persons born" rule, and almost all the others are small Caribbean/Latin American lands. For an explanation of the various European jus soli/jus sanguinis rules, see http://eudocitizenship.eu/index.php?option=com_content&view=article&id=190&Itemid =33&search=1&country=&idmode=A02&page=1. The United Kingdom was the first to end absolute birthright citizenship, in 1983, and the trend has spread to many immigrant societies: Australia in 1986, India in 1987, New Zealand in 2006, and even the Dominican Republic (explicitly at the expense of its Haitian neighbors) in 2010.

5. For an overview, Christian Joppke, "Comparative Citizenship: A Restrictive Turn?," *Law and Ethics of Human Rights* 2, no. 1 (2008): 1–41. Some of the more extreme measures include having to study and learn Dutch overseas at one's own expense prior to receiving permission to join a spouse already in Holland. Even famously liberal multiculturalist Canada has introduced more rigorous language capacity requirements, at least for unskilled immigrants. Since July 2012 applicants in the Provincial Nominee Programs have had to pass English or French tests before immigrating (Kurzmeldungen, *Migration und Bevölkerung*, May 2012, 8), and in the name of "openness and social cohesion," covered faces are prohibited at naturalization ceremonies.

6. Sara Goodman and Marc Howard, despite noting a perceived shift from "rights" to "obligations," overall "see a combination of both liberalizing and restrictive measures that provide a more variegated picture than either a 'liberalizing convergence' or a 'restrictive backlash' perspective could offer." "Evaluating and Explaining the Restrictive Backlash in Citizenship Policy in Europe," in *Who Belongs? Immigration, Citizenship, and the Constitution of Legality*, ed. Austin Sarat, Studies in Law, Politics, and Society 60 (Bingley: Emerald, 2013), 118. Even identifying and scoring specific "multicultural policies" is not simple, but two substantial efforts, using a large number of indicators, have been undertaken—one at Queens University in Canada (http://www.queensu.ca/mcp), the other at the Wissenschafts Zentrum Berlin (http://www.wzb.eu/en/persons/ruud-koopmans?s=12394).

left political actors in the rich countries of the North. In effect, two paired questions have risen to near the top of legal and political agendas in the immigrant-receiving countries: (1) who belongs to the national political and social community of the "we"; and (2) what does belonging entail in the way of rights and obligations. Under the impact of unprecedented free mobility for both capital and labor and the crises of the social welfare state, the borders and bonds of citizenship have been changing and mostly weakening—to the detriment of both citizenship and democracy.[7] At the same time, there remains considerable connection between the intensity or thickness of belonging, of being a citizen of a particular country, and the intensity of the process of incorporating newcomers into that country. The "container" of citizenship and its "contents," rights and obligations, have somehow diverged and both, as well as the relationship between them, have come into question.[8] This article argues for a more avowedly national and integrationist approach in immigration matters as part of a strategy to defend an inclusive welfare state under increasing assault by both neoliberal economic policy and exclusionary populist politics.

WHAT SOCIAL SOLIDARITY AND THE WELFARE STATE REQUIRE AND RESTRICT

Such unsettling times have awakened an always-latent worry over social solidarity or social cohesion that has troubled social theory and liberal political action since Durkeim. The advent of the welfare state—with its simultaneous construction by elite statecraft from above and solidaristic mass mobilization from below—put an additional premium on social integration, with its inevitable coercion, because, as we know, schemes of economic redistribution do not come easily within capitalist economies. The social cohesion/welfare state/immigration/integration argument is built on the following logic, which, for argument's sake, is put here in bald and unsympathetic terms. The argument is more pertinent to Europe than to the United States, but, as we shall see, it has relevance for all immigrant societies, including our own, as well as direct relevance to various "multiculturalism" debates:

7. As the always-prescient Charles Tilly observed years ago, "To the extent that it undermines the capacity of states to deliver on their commitments to citizens, globalization of the world economy and polity will weaken both citizenship and democracy." Charles Tilly, "Citizenship, Identity, and Social History" (Center for Studies of Social Change working paper 205, December 1994), 12.

8. See Peter Flora, with Stein Kuhnle and Derek Urwin, eds., *State Formation, Nation-Building, and Mass Politics in Europe: The Theory of Stein Rokkan* (New York: Oxford University Press, 1999).

(1) Immigration increases ethnic and cultural diversity in European na-
tion states. (2) Publically sanctioned and institutionalized diversity puts so-
cial cohesion at risk. (3) A significant level of social cohesion is required
for the level of solidarity necessary for a welfare state. (4) Therefore, im-
migration risks undermining (but is not certain to undermine) the welfare
state. (5) The welfare state is a condition for equality and a functional de-
mocracy. (6) Therefore immigration may risk undermining the level of equal-
ity achieved in Europe's social liberal societies. (7) Democratic states should
act to create and extend equality. (8) Therefore democratic welfare states
must deal with the impact of immigration by restricting immigration—or
accelerating integration.[9]

Very roughly speaking, we may say that there was long an inverse relation-
ship between the ease of access to citizenship and what citizenship offers. Citizen-
ship is easiest to acquire in the United States, but it is of less social and economic
value and offers less of a premium over mere legal residence.[10] "Hyphenated
Americanism" has offered a relatively viable integration strategy for most groups
and fits into a dominant ideology of a weak state and pluralistic society, unlike,
say, France.[11] Germany, in turn, has until very recently had a very restrictive im-
migration regime, offering permanent admission and prospective citizenship on
only a very selective (largely ethnic) basis and has had a difficult time integrat-
ing even many of its EU foreign-born residents. In the public perception, neither
multiculturalism nor explicit integrationism has been especially successful. On
the other hand, entrance into most European social-market societies offers a pan-
oply of social and economic rights not contemplated in America's less egalitarian
and less solidaristic free-market, individualist society.

9. The roots of this argument certainly go back to Brian Barry, *Culture and Inequality: An Egalitarian
Critique of Multiculturalism* (Malden, MA: Polity, 2001). This particular version of the syllogism is ruth-
lessly borrowed from Nils Holtug, "Immigration and the Politics of Social Cohesion," *Ethnicities* 10,
no. 4 (2010): 435–51, quote on 436–37.

10. Nonetheless, during the "transnationalism/globalization" of the 1990s, naturalization rates in
the United States among those eligible dropped significantly: as low as the 35 percent among eligible
Mexican-Americans. Rates remained very high among other groups, however—for example, over 80 per-
cent among Korean-Americans. See Peter Schuck, *Citizens, Strangers and In-Betweens* (Boulder, CO: Westview,
1998), 161–206. For an assortment of reasons, rates are rising again. Naturalization rates in Germany
remained flat during this period as well, despite dramatic legal liberalization.

11. Compare Richard Alba, *Remaking the American Mainstream; Assimilation and Contemporary Immi-
gration* (Cambridge, MA: Harvard University Press, 2003); and the classic view, Dominique Schnapper,
La France de l'Intégration (Paris: Gallimard,1991).

Liberal democracies today are based on and promise three kinds of rights: civil, political, and social. "Toleration" creates civil rights that limit the sovereign's power and reduce fear of the ruler while, however, sparking anxieties about what one's fellows may be up to. This is the problematic of liberalism. To move on from civil to political rights requires the establishment of "trust," namely, the confidence that one's fellow citizens will not use their rights to promote ignorance or evil. This is the problematic of democracy. Finally, social rights demand social "solidarity," the willingness to engage with and assume duties on behalf of others, fellow citizens who may or may not contribute as much or need as much as they draw out of the system. This is the problematic of the welfare state or of social democracy.[12]

Social rights famously demand more of a society and its members than do civil and political rights. As Bowles formulates it, "Individually costly voluntary contribution to a public good to be shared with strangers is surely a measure of the civic virtues," which in turn are enhanced by "the rule of law . . . cultural standardization, and mobility."[13] Of course, all rights carry with them enablement costs—costs required for the exercise of rights (such as the provision of free legal counsel to indigents) and their enforcement. But as Ferrera has stressed, "resting as they do on material transfers and services, social rights give rise to 'substance' costs as well. They require the availability of significant amounts of material resources that are not easy to extract from society, and of moral commitments to 'sharing with others' that are not easy to activate at the individual and primary group levels."[14] The social rights of the welfare state are thus difficult both to establish and to maintain. Even once established, commitment to the principles of justice that justify the redistributive policies of the welfare state is often tenuous, as is sometimes even any common identification with society's institutions. Identity may bolster trust, which encourages patience when demanding reciprocity. Hence, there may be something communitarian—community dependent and community-building—about the welfare state.

12. See David Abraham, "Solidarity and Particularity: E Pluribus Unum?," *Hagar: Studies in Culture, Polity, and Identities* 6, no. 1 (2005): 147–56; Claus Offe, "Political Liberalism, Group Rights and the Politics of Fear and Trust," *Hagar: Studies in Culture, Polity, and Identities* 3, no. 1 (2003): 5–17.

13. Samuel Bowles, "Is Liberal Society a Parasite on Tradition?," *Philosophy and Public Affairs* 39, no. 46 (2011): 46–81, quotes on 67, 75.

14. Maurizio Ferrera, *The Boundaries of Welfare* (New York: Oxford University Press, 2005), 46. See also Claus Offe, "How Can We Trust Our Fellow Citizens?," in *Democracy and Trust*, ed. Mark Warren (Cambridge: Cambridge University Press, 1999), 42–86.

Toleration, trust, and solidarity are not simply institutional and not simply a matter of rules. A political culture that creates a nation of compatriots is arguably also needed to construct a "we." Shared and overarching identities are more difficult to construct or maintain in a world of multiplied identities, one that has forsaken solvent universals like "class." It seems now that liberal philosophical efforts like those of John Rawls to establish an overarching or overlapping consensus of political liberalism or of Jürgen Habermas to propagate a "constitutional patriotism" grounded in largely legal-procedural values have proven problematic, particularly in countries with significant ethnic and cultural divides. Deliberative procedures and an inclusive conception of voice in decision making are essential but maybe not enough. Culture wars are thus very disruptive. Although he rejects the argument, Arash Abizadeh states it rather well: "if values such as democracy and freedom are to be sufficiently realized, citizens must be situated within an affective or cultural horizon they could realistically call their own. While the ethnic nationalist answer is too thick, neo-Kantian constitutional patriotism is too thin: The fact that we find the principles embodied by political institutions rationally defensible is simply not enough to ground our identification with them."[15]

Creating cultures of solidarity and integrating immigrants into such a culture are two difficult tasks, approached differently by each country. When it comes to incorporating new immigrants, countries based on a historic or titular nation are at a distinct disadvantage compared with America. American law is libertarian and values toleration and some trust, but it is no friend to social solidarity. To the extent, then, that democratic citizenship "involves the sovereign self-determination of a people, and the will to act in its name and to make sacrifices," a demos, a "we" to which members belong and "in whose deliberations they have a voice" and "feel a sense of shared fate and solidarity,"[16] American citizenship is indeed weak. Shared affective identities are minimal. But to the extent that the

15. Arash Abizadeh, "Does Liberal Democracy Presuppose a Cultural Nation? Four Arguments," *American Political Science Review* 96, no. 3 (2002): 495–509, quote on 496. He goes on to add that it is claimed that "justice (and particularly distributive justice) and democratic legitimation presuppose a thicker sort of shared affective community." Abizadeh labels this view "communitarian" and associates it with the Sandelian critique of Rawls's "difference principle": to wit, before there can be a contractarian agreement for social cooperation, there must be a community, a motivating common identity, in order for individuals to be willing to treat resources as assets undeserved by individuals and to be willing to share them.

16. Jean Cohen, "Changing Paradigms of Citizenship and the Exclusiveness of the Demos," *International Sociology* 14, no. 3 (1999): 245–68, quotes on 246–47.

American demos is experienced in civic and political-institutional rather than ethnocultural terms, it is open and egalitarian. The combination of easy entry for newcomers, decentralized labor markets, modest social transfers, and weak democratic self-rule has prevented American citizenship from thickening culturally. Most ascriptive, heavily embedded, prepolitical, and exclusionary elements are now marginal compared with other times and places. "Common sympathies" and a "proper patriotism" are not hard for newcomers to come by in the United States, while current "civic identity" myths remain effective.[17]

American-style civic nationalism, a public philosophy that has included "a confident faith in the natural, easy melting of many peoples into one," may thus have the potential to create a "level playing field" for free individuals, but it is unsuited for the "solidarity" of social justice. Most American rights are negative liberties, and they are accorded to all persons rather than just to citizens.[18] Human-rights liberalism in its current form makes few social demands and so works well as an adjunct to the reigning liberal ethos of the country. Ideologically, if not in perfect reality, America gives everyone a level playing field but not a ladder.[19] Certainly it does not fix the social floor: mobility comes with self-responsibility, and those who decry the welfare state almost always enjoy the ideological advantage. Though this view of society is heading Europe's way, it has not yet conquered the continent.

17. Alex Aleinikoff, *Semblances of Sovereignty* (Cambridge, MA: Harvard University Press, 2002), 478 (quoting J. S. Mill). This is not to deny that, as Ernest Renan observed, today's nation "is the culmination of a long past of endeavors, sacrifice, and devotion" that go beyond any shared political principles or constitutional patriotism to create an inherited cultural identity. "What Is a Nation?," in *Nation and Narration,* ed. Homi Bhabha (New York: Routledge, 1990), 19. Bernard Yack underscores that, alongside the ethnic nation myth of inherited cultural identity, there is a civic nation myth suggesting that "national identity is nothing but your choice: you are the political principles you share with other like-minded individuals." "The Myth of the Civic Nation," *Critical Review* 10, no. 2 (1996): 193–211, quote on 198. None of this is to deny the exclusions, racism, and discriminations that are part of American history and practice and accompany the "confident faith"; John Higham, *Strangers in the Land: Patterns of American Nativism* (New York: Athenaeum, 1963), 234.

18. The Fourteenth Amendment defines citizens without empowering them and then proceeds to accord rights to all persons. See San Antonio Independent School District v. Rodriguez, 411 U.S. 1 (1973) and Jackson v. City of Joliet, 715 F2d 1200 (1983). Those rights are negative, uninfluenced by material circumstances, and exist mainly to protect individuals from the state.

19. An almost absurdist rendering of the US situation was offered by the Federal Reserve Bank of Dallas, which concluded that what immigration does do is lower the price of "immigrant-produced goods and services," which equates to an income gain of $3.4 billion to $6.6 billion a year. And while this needs to be offset against the rising strain on public infrastructure and services, this is not such a big issue in bare-bones Texas, which has "a skimpy safety net and lower levels of publicly provided services than other large states." Gillian Tett, "A Lone Star in the Immigration Debate," *Financial Times,* November 30, 2013, 14.

Some thicker sense of affinity, similarity, shared identity or social cohesion may be necessary for social-rights citizenship, and Germany (like Scandinavia) has over the years stood for that.[20] Acceptance of the multicultural, or at least pluralist and more diverse, composition of German society has been gaining ground in theory as well as in practice. The years 1999 and 2005 saw the first German citizenship laws embodying jus soli principles, and 2003 then saw the formulation of the first immigrant-attracting immigration law in modern German history (a *Zuwanderungsgesetz*). Given these two concerns—citizenship and immigration—a Red/Green coalition government, committed to a series of liberal and neoliberal reforms, focused first on introducing the jus soli principle and easier naturalization requirements.

The central goal of the reformers was to ease access into German society for all those born in Germany. Legally, that meant introducing birthright citizenship to the children of long-term resident aliens and easing the naturalization process for those residents not born in Germany. By thus distancing, if not divorcing, citizenship and membership from ethnicity, the reformers sought to facilitate integration into a more capacious German identity and society. Immigrants would more easily and more willingly become German, while "German" itself would come to mean something broader. Naturalization provisions and citizenship criteria were, symbolically, moved from the Aliens Act (now renamed the Residence Act) to the Citizenship and Nationality Act. The chief object of the new legislation was to institute jus soli, naturalization as a matter of right, and a constitution-affirming integration commitment in which language replaced ethnicity. Herewith Germany legislated a civic national identity open to all, including the over 10 percent of the population classified as foreigners (and of whom one-fifth were German-born.)

Even civic national identities are culturally inherited artifacts, however, developing as they pass from generation to generation. National belonging is more than rational attachment; it encompasses "the contingent inheritance of distinctive experiences and cultural memories that is an inseparable part" of every national identity. It assumes some measure of shared prepolitical community arch-

20. Keith Banting and Will Kymlicka reject the former proposition, which will be discussed at greater length below. Keith Banting and Will Kymlicka, eds., *Multiculturalism and the Welfare State: Recognition and Redistribution in Contemporary Democracies* (New York: Oxford University Press, 2006). In declaring parts of the neoliberal Hartz IV welfare reforms unconstitutional, the German Constitutional Court declared that the constitution provides "a fundamental right to the guarantee of a decent humane standard of living" (*menschenwürdigen Existensminimums*). *Süddeutsche Zeitung*, February 10, 2010, 1; the full *Bundesverfassungsgericht* decision is available at *BVerfGE* 125 (February 2010): 175. Nonetheless, Hartz IV marked a sea change for Germany and one that came at the hands of Social Democrats.

ing over any agreement on legal-procedural rules and making a nation more than a political community organized around voluntary association. Perhaps it demands integration, not just mutual respect. German administrators may have been naively optimistic when they wrote in 2000 that "the acquisition of nationality marks the beginning of social integration," whatever "integration" might mean, relationally and normatively.[21] Legal status and full access to legal and social rights may facilitate but cannot, it now appears, be the actual driver of social integration.

Here Germany has had problems, reflected in the continued poor educational and socioeconomic performance of immigrants and increased tensions between Muslim self-assertion and enlightened European secular liberalism—caricatured by some, and praised by others, as "secularized Christianity," "Catho-laïque,"[22] or Christianity modernized by Enlightenment, "complementary intellectual formations." Inadequate integration, in turn, threatens Germany's high collective social wage and solidarity principles.[23] Social policies in the welfare state operationalized citizenship and provided a domain where it was constituted—albeit not equally for everyone—through a political economy. A much more individualized, "thinner," neoliberal society would perhaps be in a better position to pursue integration around civic, constitutional, and civic-cultural principles lead-

21. Bundesministerium des Innerns, "Policy and Law concerning Foreigners in Germany" (Berlin: BMI, 2000), 54. "Integration" is rarely defined, but we may assume that it is marked by immigrant autonomy and participation under conditions of equal opportunity. Integration would include hard facts like labor market participation, education, income, residential patterns, and health and welfare, as well as sociocultural indicators like language, family and gender models, identification with constitutional values, and civic participation. See Werner Haug, "Lässt sich Integration messen?," *Terra Cognita* 9 (2006): 68–71, esp. 68–69; Ines Michalowski et al., "What about National Models of Citizenship?," *Perspectives on Europe* 40, no. 2 (2010): 35–39, esp. 36.

Phil Triadafilopoulos stresses the relational as well as normative understandings of integration: "relational," i.e., resembling the natives in earnings and employment, doing as well in school, speaking the national language, holding to the same system norms, etc., and "normative," decently employed, patriotic, ready to naturalize, vote, and serve, etc. "From National Models to Indices: Immigrant Integration in Political Science," *Migration and Citizenship: Newsletter of the American Political Science Association* 1, no. 1 (2012–13): 22–29.

For current measures or indexes of "integration" for a broad range of countries, see http://mipex.eu. Currently, Germany ranks high on labor market participation and protection; weak on school success; weak on antidiscrimination measures; weak on family-unification procedures; weak on immigrant political participation; and well above the EU average on ease of naturalization.

22. Cécile Laborde, *Critical Republicanism: The Hijab Controversy and Political Philosophy* (New York: Oxford University Press, 2008) examines the problem of status quo bias inherent in neutral and secular laïcité—excessively antireligious while also discriminating among religions to the detriment of minority faiths.

23. Still right about this, I believe, is Gary Freeman ("Migration and the Political Economy of the Welfare State," *Annals of the American Academy of Political and Social Science* 485 [1986]: 51–63).

ing newcomers to become adherents of the society in which they now find themselves.

Surveying a wide swath of evidence, Kurthen and Schmitter Heisler hypothesize that in the market sector there has been less integration over time in Germany than in the United States, "reflecting Germany's more controlled and less flexible labour market structures and highly institutionalized credentialism [e.g., apprenticeships]" compared with the "more flexible labor market, especially in the low wage sector, low degree of unionization and lower degree of credentialism" in the United States.[24] Contrariwise, they find "more integration in the welfare [benefits] sector in Germany, reflecting the more generous and more inclusive German welfare state, potentially compensating for the lower degree of labour market integration."[25] Finally, in the cultural sector, notwithstanding a variety of barriers, Mexicans are "comparatively more integrated than (Muslim) Turks," suffer less exclusion, and express more positive norm identification with their new country, though both groups continue to show poor school and language performance.[26] In all cases, the effects of low human, social, and economic capital are hard to overcome, though one suspects that revivalist religion is more obdurate and demanding an issue than language, independent of human capital level.

From Werner Sombart to the present,[27] there has been a long tradition of explaining America's inequality and lack of redistribution by pointing to its diversity, above all racial but also immigrant (along with slavery and racism, the absence of feudalism, immigration itself, and the size and wealth of the continent). Yet ethnic and cultural diversity may well have the same type of negative impact

24. Hermann Kurthen and Barbara Schmitter Heisler, "Immigrant Integration: Evidence from the U.S. and Germany," *Ethnic and Racial Studies* 32, no. 1 (2009): 139–70, quotes on 153–54. Though only one-fifth of the population, persons with a migration background constituted one-third of the unemployed in Germany in 2012.

25. It must be noted, as Kurthen and Schmitter Heisler do, that above-parity levels of welfare receipts may be a sign of either strong integration—knowing one's rights and vindicating them—or weak integration—being especially poor and needing help more.

26. Recent figures for Germany show 7 percent of Turkish immigrant-family youth attaining the *Abitur* (A-levels, bac, university-qualifying high school diploma) compared with 31 percent of native German youth. Throughout the OECD and even controlling for individual background characteristics, Muslims perform worse in labor market and education measures than other minority groups. Ruud Koopmans, "Multiculturalism and Integration: A Contested Field in Cross-national Comparison," *Annual Review of Sociology* 39 (July 2013): 147–69. Muslim immigrants to North America generally come with considerably greater human capital than those coming to Europe. In the United States, the high school dropout rates of legally present Mexican immigrants and their children remain frightening: nearly 70 percent in the first generation, 51 percent in the second generation, and 33 percent in the third generation. *Migration und Bevölkerung* 6 (July 2010): 3–4.

27. The Sombartian argument has most recently been reformulated by S. M. Lipset, *American Exceptionalism: A Double-Edged Sword* (New York: Norton, 1996).

in Europe. Over a decade's worth of survey research, ethnographic investigation, and policy analysis research has produced some troubling findings—troubling for those who support the welfare state and who would value also liberalism's equal simultaneous desire to accept difference in its multiple forms. "Social capital" research on trust, networks, and reciprocity as well as "social cohesion" research on intergroup cooperation and commonality have reached similar conclusions or, at least, provided the site for sustained debate on diversity and cohesion.[28]

Among the unwelcome findings are those of the very careful work by Alberto Alesina and colleagues: if those who are "different," or construed as different, are concentrated among the poor, then programs that support the poor become the objects of transposed hostility—and this is true internationally.[29] In addition, half the gap between welfare spending in the United States and Europe is explained by American heterogeneity, something they fear bodes ill for Europe.[30] Arguably, it is at least possible that "social capital" or generalized trust and even the readiness for reciprocity, civic and political engagement, and loyalty is negatively related to the public diversity of communities, as argued by Putnam—especially when coupled with residential segregation.[31]

Trust seems to suffer the same fate in Europe.[32] Further, flows of foreigners are negatively related to spending on welfare state programs. Even some of the

28. By no means is all of this research marked by the same worry: See, e.g., Alejandro Portes, "Social Capital: Its Origins and Applications in Modern Sociology," *Annual Review of Sociology* 24 (1998): 1–24; Alejandro Portes and Erik Vickstrom, "Diversity, Social Capital, and Cohesion," *Annual Review of Sociology* 37 (2011): 461–79. Still, the concept plays a largely positive role in Alejandro Portes and Ruben Rumbaut, *Immigrant America: A Portrait*, 3rd ed. (Berkeley: University of California Press, 2006), but less so in Roger Waldinger and Michael Lichter, *How the Other Half Works: Ethnicity and the Social Organization of Labor* (Berkeley: University of California Press, 2003). Since their focus is immigration to the United States, problems of the welfare state play a lesser role in their analyses, though not so the issue of segregation, which is acute and exacerbated by multicultural policies.

29. Even, apparently, in Sweden, the paragon of the social democratic welfare state. A recent television campaign ad by the anti-immigrant, antiwelfare Sweden Democrats "showed a white pensioner being overtaken by a group of Muslim women in burqas as they rushed toward a line for welfare payments." Stephen Castle, "Anti-immigrant Party Rises in Sweden," *New York Times*, September 14, 2010, A8.

30. Alberto Alesina and Edward Glaser, *Fighting Poverty in the U.S. and Europe: A World of Difference* (New York: Oxford University Press, 2004), 133, 175; Alberto Alesina, Reza Baqir, and William Easterley, "Public Goods and Ethnic Divisions," *Quarterly Journal of Economics* 114, no. 4 (1999): 1243–84.

31. Robert Putnam's recent statement of the argument appears in "E Pluribus Unum: Diversity and Community in the Twenty-First Century," *Scandinavian Political Studies* 30, no. 2 (2007): 137–74, at 137. Brian Barry made the argument years ago that "there is a strong causal link between cultural similarity and trust." *Democracy and Power* (Oxford: Clarendon, 1991), 177. This does not make immigration a bad thing, but it does underscore the need for integration. Putnam, "E Pluribus Unum," 138; Holtug, "Immigration and the Politics," 442.

32. Martin Gesthuizen, T. van der Meer, and P. Scheepers, "Ethnic Diversity and Social Capital in Europe: A Test of Putnam's Thesis in European Countries," *Scandinavian Political Studies* 32, no. 2 (2009): 121–42, at 121.

staunchest defenders of the multicultural immigration model have concluded that the typical industrial society would be spending 15–20 percent more than it now does on social services had it kept its foreign-born percentage where it was in 1970.[33] Immigrants are, of course, those most affected by the policies applied to them, but so is the entire society. Social heterogeneity and the fact that newcomers, almost everywhere poorer and less educated than the resident population (Canada, with its prized points system heavily favoring the educated and prosperous, being a prominent exception), are easily seen as exploiting social benefits and may undermine those programs.[34] Of course, by no means are all immigrants in the United States or Europe short on human and social capital, but for redistributive issues these are the populations that matter.[35]

It is difficult to establish the precise relationship between reduced levels of face-to-face trust and social engagement or "particular trust," on the one side, and macro decisions as to social welfare and economic policy, or "general trust," on the other. Recent interviews, field experiments, and institutional observation in Berlin, for example, have tended to support the less happy claims and findings made by Barry, Putnam, Alesina, and others. Indeed, the very presence of ethnic diversity lowers social trust in Berlin neighborhoods, and people behave in less solidaristic ways, akin to "hunkering down": "The causes, however, are neither a result of ethnic prejudice nor conscious discrimination against members of other ethnic groups. Rather, it is the perception of differences (especially in norms and values) that gives people a general sense of insecurity."[36]

33. As noted above and to be discussed below, Banting and his "Canadian School" colleagues disagree with much of this, though they have nuanced their position. See Stuart Soroka, Keith Banting, and Richard Johnston, "Immigration and Redistribution in a Global Era," in *Globalization and Egalitarian Redistribution*, ed. Pranab Bardhan, Samuel Bowles, and Michael Wallerstein (Princeton, NJ: Princeton University Press, 2006), 261–88. Critically, "multicultural" Canada has much less low-end labor migration than Europe or the United States. Although limited to the foreign born themselves (and not considering their children), a strong defense of the multiculturalist view of integration from the perspective of the new immigrants is offered by Matthew Wright and Irene Bloemraad, "Is There a Trade-off between Multiculturalism and Socio-Political Integration? Policy Regimes and Immigrant Incorporation in Comparative Perspective," *Perspectives on Politics* 10, no. 1 (2012): 77–95, esp. 77, 89; Irene Bloemraad, *Understanding "Canadian Exceptionalism" in Immigration and Pluralism Policy* (Washington, DC: Migration Policy Institute, 2012).

34. Empirical evidence on whether they do or don't "overuse" benefits is mixed and inconclusive. See, e.g., Kurthen and Schmitter Heisler, "Immigrant Integration: Evidence," 155.

35. Marc Hooghe, Tim Reeskens, et al., "Ethnic Diversity and Generalized Trust in Europe," *Comparative Political Studies* 42, no. 2 (2009): 198–223, esp. 198, 213. Portes ("Social Capital") obtains similar troublesome findings for the capital-weak and downwardly mobile within the "segmented assimilation" of certain American immigrants.

36. Susann Veit, "Fremdeln in der Vielfalt," *WZB Mitteilungen* 135 (March 2012): 9; the experiments are explained on 10–12. Ruud Koopmans, Anna Dunkel, Merlin Schaeffer, and Susann Veit, "Ethnische Diversität, soziales Vertrauen und Zivilengagement" (discussion paper, Bundesministerium für Familie, Senioren, Frauen, und Jugend, Berlin, 2011).

This reduced social solidarity and trust affects and applies to "not just the perception of or the avowed trust in one's neighbor, but rather the actual behavior of residents in heterogenous neighborhoods. The lessened trust on the part of residents of heterogenous neighborhoods thus seems at least in part justified." Researchers found that the perception of heterogeneity leads people to retreat socially, independent of the particular cultural identities involved: "no proof of the significance of prejudice or discrimination toward members of particular groups could be found."[37] Koopman's rather stark conclusion seems, in fact difficult to resist: "Societies rely on people cooperating with each other and being ready to trust one another. The welfare state rests on reciprocal trust between citizens and their readiness to share with or surrender things to their fellows with the expectation that such contributions will not be abused. . . . In ethnically diverse societies, readiness to invest in the commonweal and to trust others is less developed."[38]

How may this problem of trust, solidarity, and reciprocity be addressed given current liberal commitments to various forms of multiculturalism, commitments that are unlikely to be reversed? Political and social psychologists have long concerned themselves with issues of in-group/out-group behaviors and "othering." Opponents of discrimination and exclusion have argued that contact with difference can create tolerance and that humans have a cosmopolitan as well as a parochial potential; they can bridge as well as bond. Indeed, the welfare state attempts to further this possibility by creating as well as relying on institutions of reciprocity. Let us help each other through each of our tough times. Such altruism may be calculated over repeated encounters—game theory style—or predicted on the basis of a broader empathy.[39] In any event, if I am "my brother's keeper," I want to be confident of either reciprocity or familial resemblance. I want to avoid risk and be able, most of the time, through trust-inducing shared values, to predict the (good) behavior of others, preferably without risking much should I be proven wrong.[40] Distrust, especially of the unfamiliar, can, however, be highly rational.[41]

37. Veit, "Fremdeln in der Vielfalt," 12.

38. Koopmans et al., "Ethnische Diversität," 16. A lemma to this conclusion is that "politicians should ease up on depicting social problems as ethnic" and "reconsider" whether the emphasis on diversity and multiculturalism is such a positive thing (18).

39. Staffin Kumlin and Bo Rothstein, "Making and Breaking Social Capital: The Impact of Welfare State Institutions," *Comparative Political Studies* 38, no. 4 (2005): 339–65.

40. Belief that contact with difference will create trust has been a staple of American liberal optimism since at least *Brown*. For a calculus of distrust, including its usefulness, see Russell Hardin, "Distrust," *Boston University Law Review* 81, no. 3 (2001): 495–522, esp. 495, and *Trust* (Malden, MA: Polity, 2006).

41. Driving in my city, Miami, may exemplify the triumph of rational distrust. Social norms supporting traffic laws are weak and unravel almost completely in the absence of state sanctioning. Even should one somehow establish some predictability—more difficult in a heavily immigrant environment—

But political psychologists have also stressed that particularism and distrust may be overcome. Superordinate identities reduce social distance and improve intergroup relations. Examining support for and opposition to redistributive tax and minority opportunity programs, some experimental social identity theorists have concluded that "when people identify with broader groups they deemphasize competition, conflict, and negative evaluations among the members of the subgroups nested within those broader groups."[42] Including people within a common social boundary may reduce the distance between them and reduce zerosum thinking, improving both trust and solidarity.

Ideally, the welfare state creates virtuous circles of reciprocity and builds the trust that would fight off political entrepreneurs who would use "weak family resemblance" to divide the people. The creation of social solidarity and trust is an outcome of a successful welfare state, while the welfare state is the product of and dependent on a society with a considerable degree of social solidarity.[43] The feedback is such that the social rights of citizenship constitute expectations, the satisfaction of which strengthens trust in the state and the sense of social belonging that then augments trust. To most Europeans, at least of a previous generation, this seems obvious. Either way, "the welfare state," as Gary Freeman observed long ago, "rests on a moral and political consensus binding members of the national community in a set of reciprocal relationships"[44] directed toward equality on the bordered inside.

In this regard, we are impelled toward a rather unattractive conclusion. The United States is more successful in integrating immigrants, and immigrants are more successfully incorporated in the United States, precisely because the United States is marked by low levels of solidarity and a weak welfare state. Immigrants

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the relationship still contains no trust and remains one of structured antagonism, along the lines of American labor law or foreign relations law. Under such circumstances, though mutual cooperation would be better for everyone, defection is the best response to the defection of others. Here strangers, even within a framework of liberal institutions, represent danger rather than opportunity. See Bowles, "Is Liberal Society a Parasite on Tradition?," 73.

42. See, e.g., John Transue, "Identity Salience, Identity Acceptance, and Racial Policy Attitudes," *American Journal of Political Science* 51, no. 1 (2007): 78–91. Much survey data points in the same direction. H. J. Smith and T. R. Tyler, "Justice and Power: When Will Justice Concerns Encourage the Advantaged," *European Journal of Social Psychology* 26, no. 2 (1996): 171–200.

43. Neil Gilbert, *Transformation of the Welfare State* (New York: Oxford University Press, 2002), 157, 161–62. Gilbert points out that Los Angeles alone, a blend of Hispanics, non-Hispanic Caucasians, Asians, Native Americans, and African-Americans, many or all of whom are first-generation immigrants, is twice the size of homogenous, isolated, stable Finland and hence a more difficult place to make social capital.

44. Freeman, "Migration and the Political Economy," 60.

are on their own—along with everyone else in an environment made worse in the era or "age of fracture."[45] In social democratic Europe, where social bonds and the welfare state are thicker, more thoroughgoing integration is and will remain necessary to preserve social solidarity and maintain the welfare state with immigrants as functioning participants in it. The "sink or swim" of America may, perversely, facilitate immigrant membership while impoverishing nearly everyone.[46]

Europe today, Germany included, is undergoing the weakening of the tie between social justice and social cohesion, between redistribution and solidarity. As in the US model, rights-bearing individuals, natives and immigrants alike, are called on to prove their worth as active, productive individuals. In a reversal of the Marshallian model, citizenship and social justice are decoupled, and "belonging" is not a status achieved through the extension of social rights or benefits. Now the excluded, whether poor or immigrant, are no longer brought into society through the extension of provisions. Instead of providing a safety net, the state now aids in individual "capabilization." Human capital development, lifelong learning, adaptation and reinvention, "creating one's own opportunities," to be sure in an environment of choice and liberty—these are the substitutes for social solidarity, membership, and redistribution that the new, or postwelfare, state seeks to encourage. Immigrant integration and the revised welfare state "both prescribe the individual, rather than the state, as the main bearer of responsibility for social cohesion" and the basic unit of moral concern.[47]

THE FUTURE PAST OF SECULARISM, NATIONALISM, AND SUPERORDINATE IDENTITIES

The secular and universalist civic foundations of the welfare state have eroded considerably over the past generation or so. One of the key supports for redistributive politics has been the mythic universalism of "class," which reduced the salience of, for example, cultural identities, especially when such identities were

45. Daniel Rodgers, *The Age of Fracture* (Cambridge, MA: Harvard University Press, 2012) describes a recent exacerbation of the American, Sombartian norm.

46. For a more detailed statement of this argument, see David Abraham, "Doing Justice on Two Fronts: The Liberal Dilemma in Immigration," *Ethnic and Racial Studies* 33, no. 6 (2010): 968–85; independently, Stephen Macedo, "The Moral Dilemma of US Immigration Policy," in *Debating Immigration*, ed. Carol Swain (New York: Cambridge University Press, 2007), 63–81. A similar, comparative European analysis is offered by Ruud Koopmans, "Trade-offs between Equality and Difference: Immigrant Integration, Multiculturalism and the Welfare State," *Journal of Ethnic and Migration Studies* 36, no. 1 (2010): 1–26.

47. Yasemin Soysal ("Citizenship, Immigration and the European Social Project: Rights and Obligations of Individuality," *British Journal of Sociology Public Lecture* 63, no. 1 [2012]: 1–21, esp. 12, 13) makes these points.

cabined as private rather than public matters.[48] But with the decentering of iden-
tities and the demise of grand socialist alternatives, especially after 1989, "culture"
has taken much of the place of "class," and various "identity" claims have dis-
placed broad economic categories.[49] As long as there was a balance of class forces
in Western capitalist societies, political economy was a virtuous way to organize
conflict. In distributional matters, compromise was generally possible. For a num-
ber of reasons, including but not limited to the overweening power of capital, many
societies have arrived at a culturalization of social conflict, a situation where, for
example, group demographics replaces class conflict as an explanation for electoral
and political outcomes.

Of course, an unacceptable politics of intolerance and exclusion can follow
from any insistence on the strictly cultural foundations of national unity. Any
serious departure from constitutionalism as the integument of a pluralist society
carries real risks.[50] Problems of immigrant integration, rooted nearly everywhere
in social and human capital deficiencies, ought not to be culturalized, whether in
opposition to or in championing the rights of Islam, Spanish, or the like. Mem-
bership in the polity and constitutional commitment are what matters, not cul-
tural difference or private ethical postures. While the goal of membership does
mean "becoming" something one has not hitherto been, being something, a citi-
zen "in waiting," the currently Other already belongs and is not just to be toler-
ated on this or that condition.

But the genie is out of the bottle, and issues of culture and identity are not to
be denied or returned to a private sphere separated successfully from a public
one. Just as economic progressive liberalism has become neoliberalism, so social
democracy has become social liberalism. Multiculturalists and nationalists alike
have succeeded in this regard, and citizenship cannot be dissociated from cul-
ture.[51] So if, as so many say we must, we leave the world of Marx and secularism

48. See Adam Przeworski, "Proletariat into Class: The Process of Class Formation," *Politics and
Society* 7, no. 4 (1977): 343–401, for a classic discussion.

49. The fundamentals of this debate were captured by Nancy Fraser and Axel Honneth, *Redistribution
or Recognition?* (London: Verso, 2003); see also Seyla Benhabib, *The Claims of Culture: Equality and Diversity
in the Global Era* (Princeton, NJ: Princeton University Press, 2002). Most recently, President Obama's 2012
election victory has been explained, especially by media supporters, as a triumph of identity demograph-
ics, not class interest.

50. This is an essential point made by Ulrich Preuss, "Kein Ort, nirgends: Die vergebliche Suche
nach der deutschen Leitkultur," *Blätter für deutsche und internationale Politik* 6 (2010): 67–79.

51. As Bryan Turner puts it, market liberalism and cultural diversity both undermine solidarity and
"the tension between the universalistic principles of secular solidarity associated with national citizen-

behind for the world of identity and values and postsecularism, then we must return to those, like Max Weber, who wrestled with the importance of prepolitical and noneconomic values in underpinning social systems. Let us begin, however, not with Weber but with the important 1960s German Catholic jurist and sometimes bogeyman Ernst-Wolfgang Böckenförde, author of the so-called Böckenförde Paradox. The paradox holds that our liberal states sit atop value-laden societies:

> the liberal, secularized state is nourished by presuppositions that it cannot itself guarantee. That is the great gamble that it has made for liberty's sake. On the one hand, it can only survive as a liberal state if the liberty it has allowed its citizens regulates itself from within, on the basis of the moral substance of the individual and the homogeneity of society. On the other hand, it cannot attempt to guarantee those internal regulatory forces by its own efforts—that is to say with the instruments of legal coercion and authoritative command—without thereby abandoning its liberalness and . . . lapsing into that pretension to totality . . . of the denominational civil wars.[52]

The liberality of the liberal state is, in other words, nourished by and dependent on a certain value consensus, generally left undiscussed, except perhaps in times of revolution or constitution writing.[53] In order to be able to dispute and fight democratically and stably over a certain range of matters, there needs to be a background consensus on numerous other matters, a consensus that goes

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ship and the cultural diversity that flows from contemporary patterns of globalization" is a dangerous one that, in a more ethnic and religious world, only citizenship equality can mitigate. "Managing Religion, Citizenship, and the Liberal Paradox," *Citizenship Studies* 16, no. 8 (2012): 1059–72, quote on 1061.

52. The English translation is from Ernst-Wolfgang Böckenförde's collection *State, Society, and Liberty: Studies in Political Theory and Constitutional Law*, trans. J. A. Underwood (New York: Berg, 1991), 45. Formulated in 1967, Böckenförde's Paradox was intended to counter the materialism and secularist new leftism of the period with a reminder of salient role of religion in a democratic Germany. I use it here for purposes of discussing noneconomic, identity values generally, not religion specifically. For a renewal of the Böckenförde discussion with reference to religious values, see Jürgen Habermas and Josef Ratzinger, *The Dialectics of Secularization: On Reason and Religion* (San Francisco: Ignatius, 2006); and Jürgen Habermas, ed., *An Awareness of What Is Missing: Faith and Reason in a Post-secular Age* (Malden, MA: Polity, 2010), 18–19, 21.

53. Ulrich Preuss, "Der Begriff der Verfassung und ihre Beziehung zur Politik," in *Zum Begriff der Verfassung. Die Ordnung des Politischen*, ed. Ulrich K. Preuss (Frankfurt: Fischer, 1994), and *Constitutional Revolution: The Link between Constitutionalism and Progress* (Atlantic Highlands, NJ: Humanities Press, 1995); see also Martin Loughlin and Neil Walker, eds., *The Paradox of Constitutionalism: Constituent Power and Constitutional Form* (New York: Oxford University Press, 2007).

sometimes to prepolitical as well as political values and not just rules, to justice and not just fairness. In order to enjoy the pacific and tolerant liberalism of Montaigne and Montesqieu, we need to agree on much beforehand.[54] And that agreement cannot be limited to procedures or legality but must, *pace* both Rawls's overlapping or overarching consensus and Habermas's "constitutional patriotism,"[55] implicate historically and locally produced sets of values, visions of justice, and a core of ethics.

The reality of pluralism, the fact that consensus may be more an overlapping of different views than a single, capacious, overarching view, a fortiori commits the state itself to remain agnostic or neutral in its worldview and conceptions of dignity or justice. For Habermas, Rawls, and Müller, the democratic constitutional state is self-sufficient, able by itself, without prepolitical foundations, to supply normative justifications for loyalty and legitimacy. It is the democratic constitution and rational-discursive way of life itself that engenders legitimacy without metaphysics. This response to the Böckenförde Paradox is arguably persuasive insofar as the political arena is concerned—"trust" and "toleration" are generated through democratic constitutionalism.[56] But it is more problematic in the social arena where legality alone may not be sufficient to generate legitimacy. While the "existence of a democratic constitutional state make[s] higher demands" of citizens than the rule of law alone might do, a redistributive social state "demands a more costly commitment and motivation, and these cannot simply be imposed by law" but rather are "embedded in a civil society that is nourished by springs that well forth spontaneously—springs that one may term pre-political."[57]

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54. Standing in contrast to this vision of how liberalism works is, for example, John Gray's view of a liberalism that is always ready to be (perhaps even always already is) illiberal in compelling people to be liberal. *The Two Faces of Liberalism* (New York: New Press, 2000).

55. Jan-Werner Müller (*Constitutional Patriotism* [Princeton, NJ: Princeton University Press, 2007]) defends the adequacy of the concept for a well-ordered, sometimes civically national state even while acknowledging the troublesome fact that such states sometimes need to be "*wehrhaft*," watchful and militant in their self-defense. I am not entirely persuaded. David Abraham, "Constitutional Patriotism, Citizenship, and Belonging," *International Journal of Constitutional Law* 6, no. 1 (2008): 137–52. For the Rawlsian position, see John Rawls, "Justice as Fairness: Political not Metaphysical," *Philosophy and Public Affairs* 14, no. 3 (1985): 223–51, esp. 241, and *Political Liberalism* (New York: Columbia University Press, 1993), 145–70. The evolving but basic Habermasian position was laid out in Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (Cambridge, MA: MIT Press, 1996), and *The Inclusion of the Other: Studies in Political Theory* (Cambridge, MA: MIT Press, 1998), 105–54. See Attracta Ingram, "Constitutional Patriotism," *Philosophy and Social Criticism* 22, no. 6 (1996): 1–18.

56. See nn. 7–8.

57. Habermas and Ratzinger, *Dialectics of Secularization*, 30–31.

Although the recent revival of Carl Schmitt is generally associated with states of exception, terrorism claims of executive authority, and so on.[58] it should be remembered that Schmitt's visceral critique of parliamentarism was fundamentally animated by hostility toward its materialism, logrolling, superficiality, egalitarianism, and secularism. What Max Weber called the process of "disenchantment," begun in science, had created polities and societies in which only contingent functional rules and consequences and not moral values or their grounds mattered: the "metaphysical dignity" of immanence and virtue in law had given way to a "technical means of . . . compromis[ing] between conflicting interests." Largely disgraced by Nazism, however, Schmitt's critique of disenchantment in constitutional law and politics generally was marginalized, and, in the West, the claims of religion and ultimate values diluted or trivialized through positivist rationalization. Schmittian "political theology" was largely unwelcome even in the Catholic Church. Yet the tide has maybe turned against the secularist political vision.[59]

Böckenförde, his Schmittian echoes notwithstanding, and even the pope (now emeritus) do seem cautiously to agree with, or at least accept, the fundamental principle of constitutional self-sufficiency. Perhaps a polity composed of members of any ethical or cultural views could constitute a successful constitutional democracy, so long as discourse, deliberation, and fundamental rights are in place. Habermas insists, and the pope does not later contradict, that legal regimes "can be legitimated only in a self-referential manner, that is, on the basis of legal procedures born of democratic procedures. . . . If one sees them as a method whereby legitimacy is generated by legality, there is no 'deficit of validity' that would need to be filled by the ethical dimension."[60]

58. David Abraham, "The Bush Regime from Elections to Detentions: A Moral Economy of Carl Schmitt and Human Rights," *University of Miami Law Review* 62, no. 2 (2008): 249–74.

59. There are at least some grounds for believing that the tide is turning, and not just in or because of the Muslim world. See Yishai Blank, "The Reenchantment of Law," *Cornell Law Review* 96, no. 4 (2011): 633–70; Jose Casanova, *Public Religions in the Modern World* (Chicago: University of Chicago Press, 1994); Olivier Roy, *Holy Ignorance* (New York: Columbia University Press, 2010). Weber's original statement appears in Max Weber, *Economy and Society*, ed. Guenther Roth and Claus Wittich (Berkeley: University of California Press, 1978), 874–75, 889. At times, Weber feared that rational disenchantment sat on top of a volcano—from which the "routinization of charisma" might not offer adequate protection. Unsatisfied by fairness, claims of justice and transcendent authority could not forever be repressed. Not for naught is Schmitt also Weber's student.

60. Habermas and Ratzinger, *Dialectics of Secularization*, 27–28. Habermas, ever aware of the Schmittian threat, declares Böckenförde's wish for a religious "sustaining force," a grounding in "prepolitical ethical convictions of religious or national communities," mistaken (27). Critical of Habermas's acceptance of the postsecularism problematic is Veit Bader ("Post-secularism or Liberal Democratic

For his part, however, Habermas nonetheless recognizes that prepolitical civil society energies are what motivate citizens to go beyond their selfish interests to seek a common good and practice the solidarity and political virtue essential to a democracy: "liberal societal structures are dependent on the solidarity of their citizens."[61] Further, "not only in their abstract substance, but very specifically out of the historical context" of each nation is anything like constitutional patriotism possible. In the end, concedes Habermas, "the cognitive process on its own does not suffice": "An abstract solidarity, mediated by the law, arises among citizens only when the principles of justice have penetrated more deeply into the complex of ethical orientations in a given culture."[62]

Rejecting the explicitly religious "uniting bond" that both Böckenförde and Ratzinger wish, Habermas nonetheless elides something critical to cohesion when he concludes that rational conviction has it so easily over sentiment: "The uniting bond . . . is the democratic process itself—a communicative praxis that can be exercised only in common and that has as its ultimate theme the correct understanding of the constitution."[63] It is simply difficult to imagine a circle of the "we" united by a search for the correct understanding of our constitution. Later, Habermas finally grants that it is "cultural resources that nourish citizens' consciousness of norms and their solidarity."[64] In turn, it is the search for the proper role of a common culture and identity that fuels much of the current contention over immigration and integration.

The power of Ratzinger's critique was perhaps reflected in a recent European Court of Human Rights (ECHR) opinion, which held that crucifixes in Italian classrooms were a manifestation of a "historical and cultural" identity representing "liberty and freedom" for all, the rights of man, and indeed "the modern secular state"—and not an exclusionary religious symbol. The crucifix, concluded the court, is "the universal sign of the acceptance of and respect for every human being as such," and though it may have a religious meaning, "the crucifix symbol-

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Constitutionalism," *Erasmus La Review* 5, no. 1 [2012]: 5–26), who urges inclusive neutrality within a liberal constitution.

61. Habermas and Ratzinger, *Dialectics of Secularization*, 30–31, 32.
62. Ibid., 33, 34; see also Yack, "Myth of the Civic Nation."
63. Habermas and Ratzinger, *Dialectics of Secularization*, 32.
64. Ibid., 46. Here we are on territory similar to Sandel's criticism of Rawls, namely, that my community, toward which I am partial, precedes my contracts; Michael Sandel, *Liberalism and the Limits of Justice* (New York: Cambridge University Press, 1982), 77–83; Charles Taylor, *Philosophical Arguments* (Cambridge, MA: Harvard University Press, 1995), 184. This was one reason for Taylor's support of Quebecois separatism.

ized the principles and values which formed the foundation of democracy and western civilization."[65] The instability of the secularist "disenchantment" perspective becomes clear, for the members of the ECHR are very far from alone in believing what they assert.

Enter here "the nation" with its dual constructions of "public/private" and what Weber called "the feeling of belonging together" (*Zusammengehörigkeitsgefühl*).[66] Weber's huge oeuvre offers only some brief comments on what he called "ethnic communities," but he hinted strongly at what today we would call "social constructivism" when discussing identity issues. To enable a liberal state to work, to enjoy an overarching consensus, or to be true over time to a set of liberal constitutional rules required the privatization, if not secularization, of key value commitments. And it required, as Weber argued, a sense of social and perhaps national solidarity, the feeling of belonging together (*Zusammengehörigkeitsgefühl*) or having critical things in common (*Gemeinsamkeitsgefühl*).

Essentially, Weber argued that ethnic identity was artificial (*künstlich*), a social construct based on a socially and politically created "we." Further, groups created the belief in shared community; there was no preexisting belief in a "we" that created the boundaries of the group. Finally, Weber believed that drives for power and status led to group formation. In other words, the boundaries of the "we" define the group, not what the boundary encloses. Actors want economic and social privileges for themselves and their allies and use language, religion, customs, memories, and whatever else to create *Zusammengehörigkeitsgefühl*. Such sentiment, despite, or perhaps indeed because of, its artificiality, at the same time fits well with modern industrial and bureaucratic society's need for efficient instrumental rationality, inclusion, and consistency.

"The belief in group affinity," Weber wrote, "regardless of whether it has any objective foundation, can have important consequences especially for the formation of a political community." In turn, the potentially democratic civic creates the ethnic: "it is primarily the political community, no matter how artificially organized that inspires the belief in common ethnicity."[67] Mass culture and a particular shared language make mutual understanding possible and helps engender sentiments of likeness. In a manner quite pertinent to contemporary immi-

65. European Court of Human Rights, Lautsi et al. v. Italy, application 30814/06, judgment of March 18, 2011. Take away these assertions, and the court's 15–2 opinion is an absurd piece of hypocrisy. See Laborde, *Critical Republicanism*, and the "Catho-laïque" synthesis that she decries.

66. Weber, *Economy and Society*, 389–98.

67. Ibid., 389.

grant integration difficulties, Weber saw as potentially problematic the "perceptible differences in the conduct of everyday life." "Precisely those items which may otherwise seem to be of small social relevance" can be significantly disruptive because "it is always the conspicuous differences that come into play."[68]

A subjective feeling of shared identity, a "shared affective identity" such as should very much interest immigrant advocates and welfare state advocates alike, could emerge from common activities, whether taking place in civil society or directed by the state. In the France of Weber's and Durkheim's time, sports leagues, the boulevard press, road construction, the highly centralized educational system, the levee en masse, trade union involvement in elections, civil service recruitment, and party competition all contributed to turning provincial peasants, Alsatians, and eastern European immigrants into the privileged status of Frenchmen.[69] With that status came a claim on one's fellows, a fundamental prerequisite for a redistributional welfare system.[70] Indeed, not only in the French case did the state produce the nation and ethnic identity and *Zusammengehörigkeitsgefühl*.[71] Such insider status could be denoted as "citizenship," and some states, including the United States, France, and India, have succeeded in creating non- or multiethnic civic nations, while others, like Prussia and many one could name today, failed because they did not make citizens of their subjects, and still others failed because other identities were allowed to win out.[72]

Some of the difficulties experienced recently in writing a preamble for the ill-fated Constitution for Europe may be traced back to such software deficiencies— as may problems like "democratic deficit," "lack of popular legitimacy," and "failed

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68. Ibid., 390.

69. In this sense, immigrants and provincial peasants were both turned French by the institutions of the secular Third Republic. See Eugen Weber, *Peasants into Frenchmen: The Modernization of Rural France* (Stanford, CA: Stanford University Press, 1976). I do not consider here the misbegotten idea that this might have been a terrible thing; see James Scott, *Seeing like a State* (New Haven, CT: Yale University Press, 1998).

70. Jack Hayward, "Solidarity: The Social History of an Idea in Nineteenth Century France," *International Review of Social History* 4, no. 4 (1959): 261–84, and "Solidarisme: The Official Social Philosophy of the French Third Republic," *International Review of Social History* 6, no. 1 (1961): 19–48.

71. Of course while excluding others. There is an "us" there is also a "not us," a "them," and there is sometimes occasionally something Schmittian about the us/them boundedness. See Linda Bosniak, *The Citizen and the Alien: Dilemmas of Contemporary Membership* (Princeton, NJ: Princeton University Press, 2006); David Abraham, "The Geometry of Inside and Outside," *Berkeley Issues in Legal Scholarship* 9, no. 1 (2011): 10–24.

72. One could here construct a long list of nation-building successes and failures, where states constructed nations, and where they failed. Suffice it here to say that Weber was strikingly prescient in his discussion of the Hapsburg lands, Yugoslavia, Ireland, Poland, Ukraine, and the Baltic.

European identity."[73] As the German Constitutional Court recently found in criticizing the 2009 Lisbon Treaty, the "political formation of economic, cultural, and social living conditions" needs be left to member states, because these matters "rely especially on cultural, historical, and linguistic perceptions and which develop within public discourse in the party political and parliamentary sphere of public politics."[74] Although unpopular with postnational intellectuals, the court's opinion captured the core of the Weberian position and statist practice.

In short, the invented or "imagined" political community is a constructed community created around shared attributes or commonality, relational ties that link members to each other facilitating "connectedness," and the sense of groupness, of together belonging to something distinctive.[75] The community has a hardware of institutions and a software of a culture of collective memory, often involving common and particularly salient political and social experiences. These include or are supplemented by "the deliberate creation of memorials, museums, flags, songs, patriotic symbols, standardized languages, educational systems, national histories, and popular justifications for . . . homogeniz[ing] national cultures."[76] These may all be sufficiently indeterminate or capacious as to permit considerable compatibility and the achievement of trust among those who also have much that divides them—such was the liberal version of the Weberian nation-state model that Tilly and so many others endorsed before the current crisis of migration and the welfare state challenged it.

This software in turn strengthens the sense of *Zusammengehörigkeitsgefühl* that undergirds the civic and political action core of shared identity and powers the state in many of the tasks it undertakes, including redistribution. In so doing, outsiders and newcomers may be integrated to everyone's advantage. Political scientists have found that "when members of an outgroup are recategorized into a shared super-ordinate identity, affect and attitudes toward the (newly recognized) ingroup members become more positive." Common nationality makes it possible to reduce zero-sum anxieties and enhance a sense of cooperation, be-

73. One can envisage the components of such an identity: Enlightenment and secularized Christianity (again), a deliberative public sphere, a pacific and mediating role in international affairs, and a social version of capitalism—much like in West Germany, 1968–90. See Müller, *Constitutional Patriotism*, 93–139.

74. *BVerfG*, 2 BvE 2/08, June 30, 2009, Leitsatz 4.

75. "Imagined community" is, of course, the term made famous by Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1983), 5–7.

76. Tilly, "Citizenship, Identity, and Social History," 9. For a range of examples presaging the invented traditions and lieux de memoire schools, see John Gillis, ed., *Commemorations: The Politics of National Identity* (Princeton, NJ: Princeton University Press, 1996).

cause when it comes to welfare transfers, "it is not just a matter of who benefits from programs, but a matter of the perceived relationship between a person bearing costs and the beneficiaries."[77]

The motivation and coordination necessary for social integration thus come to be based on more than mere calculation.[78] As Ernest Gellner has put it, "A mere category of persons (say occupants of a given territory) . . . becomes a nation if and when the members of the category firmly recognize certain rights and duties to each other in virtue of their shared membership of it." There is a place here for culture as well, as the voluntaristic construction of mutuality can be facilitated by a shared "system of ideas and signs and associations and ways of behaving and associating."[79]

Against postnational and other tendencies that see these insights as demystifications of obfuscatory nationalist ideology and unrelated to redistributional issues, it is worth recalling, as Anderson does, that invention here is not fabrication or falsity but rather imagination and creation.[80] The machinery and the national integument imagined and created remain unrivalled and do not preclude internationalism or extended solidarity.[81] The ability of a society to integrate immigrants and to maintain a system of social transfers and redistribution depends, in no small part, on its members' maintaining and learning "the rich legacy of memories," "the long past of endeavors" good and bad, sharing a "heritage and regrets," and together using the "social capital" of the past to test through "daily plebiscite" whether there is "consent, the clearly expressed desire to continue a common life."[82]

Alternatively, David Miller offers five criteria for identifying something like a "nation": "a community (1) constituted by shared belief and mutual commit-

77. Transue, "Identity Salience," 81, 89. Such a politics may offer mitigation of Alesina's predicament: "when the perceived relationship between whites and minorities is one of a shared identity, particularism loses its power to diminish whites' support for programs that benefit only minorities. That is, the particularism effect is contingent on the salient identity of the respondents" (ibid., 88).

78. Abizadeh, "Does Liberal Democracy Presuppose," 496; Walter Powell and Paul DiMaggio, eds. *The New Institutionalism in Organizational Analysis* (Chicago: University of Chicago Press, 1991).

79. Ernest Gellner, *Nations and Nationalism* (Ithaca, NY: Cornell University Press, 1983), 6–7. E. J. Hobsbawm (*Nations and Nationalism since 1780* [New York: Cambridge University Press, 1990]) suggests that Marxist views are quite similar.

80. Anderson, *Imagined Communities*, 5. See also Rogers Brubaker and Frederick Cooper, "Beyond 'Identity,'" *Theory and Society* 29, no. 1 (2000): 1–47, esp. 20.

81. As Marx put the matter in the *Communist Manifesto*, "Though not in substance, yet in form, the struggle of the proletariat with the bourgeoisie is at first a national struggle. The proletariat of each country must, of course, first of all settle matters with its own bourgeoisie."

82. Renan, "What Is a Nation?" Despite its alleged mawkishness, Renan's 1882 address retains considerable force.

ment, (2) extended in history, (3) active in character, (4) connected to a particu-
lar territory, and (5) marked off from other communities by its distinctive public
culture."[83] Here a common identity and a "common public culture," shared val-
ues and sentiments, provided they are the right ones[84]—explicitly facilitate moti-
vating people to trust, to participate, to share, to reciprocate. From this perspec-
tive, shared norms and beliefs emerge from a combination of a cultural and
territorial civic nationalism with a civic republicanism that stresses institutions
and history. Newcomers are initiated into the traditions of that culture. Together
these national and nonuniversal sentiments enable political institutions based on
Kantian rationally defensible principles, such as constitutional patriotism, to op-
erate and, especially, to weather difficulty so that popular nationalism contrib-
utes to rather than detracts from social justice.[85]

Thus established, "national identity" becomes a category of practice, an emic
category, whether or not it is an adequate analytical or etic category. Battles
between identities (class, race, religion, tribe) are always first battles to construct
those identities, whose existence is surely a political as well as sociological mat-
ter, relational as well as categorical.[86] The us/them conflict inevitably takes place
simultaneously with the "who are we" struggle. Consider the resentments of res-
idents of New Orleans after Hurricane Katrina that they were not being treated
as Americans but rather as refugees and the equally problematic assertion, by
thinkers such as Richard Rorty, that being formally American is itself an ade-
quate basis for solidarity.[87]

83. David Miller, *On Nationality* (New York: Oxford University Press, 1995), 27. To this way of
thinking, socialism must inevitably be communitarian. David Miller, "In What Sense Must Socialism
Be Communitarian?," *Social Philosophy and Policy* 6, no. 2 (1989): 51–73.

84. Holtug, "Immigration and the Politics," 441 n. 9, correctly observes that "a common identity of
intolerance, egotism, pessimism, inequality and lack of faith in dialogue and democracy will probably
not" generate trust but rather a world of amoral familialism.

85. See, e.g., Dominique Schnapper, *Community of Citizens: On the Modern Idea of Nationality* (New
Brunswick, NJ: Transaction Press, 1998); Schnapper, in the Jacobin and Durkeimian traditions, stresses
the internalization of common public norms. And, for the United States, see Robert Wiebe, *Who We
Are: A History of Popular Nationalism* (Princeton, NJ: Princeton University Press, 2012); and Michael
Lind, *The Next American Nation* (New York: Free Press, 1996), 259–98.

86. Adam Przeworski, *Capitalism and Social Democracy* (New York: Cambridge University Press,
1985), chaps. 2–3, 5; see also n. 48; Erik Olin Wright, ed., *Approaches to Class Analysis* (New York:
Cambridge University Press, 2005), 4–30, 180–92, and *Classes* (London: Verso, 1985).

87. Richard Rorty's assertion (*Contingency, Irony, and Solidarity* [New York: Cambridge University
Press, 1989], 181) seems at once obvious and problematic while bespeaking the crisis of the politics it
describes:

Consider . . . the attitude of contemporary American liberals to the unending hopelessness and
misery of the lives of the young blacks in American cities. Do we say that these people must be

This collective understanding is forged by and in the state and a raft of its institutions, most densely in the welfare state. Ways of thinking, talking, praying, making sense of the world, and so on are shared unthinkingly, as local knowledge, as a national vernacular, even when they are the objects of contestation and struggle. Self-identification, self-representation, and even self-understanding are linked together here. Like all identity politics, all politics probably, the politics of the welfare state creates the categories it invokes. We can, of course, deconstruct them, but only because they have been made to exist.[88] The fact that nations are imagined and contingent does not mean that nation building does not take place and that immigration and the welfare state have not been and are not part of that process. If we are now in a postuniversalist and postsecular world, the nation may offer an avenue to an efficacious state.

WELFARE STATE, IDENTITY, AND INTEGRATION

Commonality and connectedness, including the rights and obligations of a welfare state, create the groupness, the relations, and the networks that are at the root of social solidarity. Identification, categorization, and representation are not only part of the feeling of belonging together. They are also regularly repeated aspects of governing and being governed in a welfare state. The welfare state "rests on a moral and political consensus binding members of the national community into various reciprocal relationships." This binding and reciprocation means that the welfare state can actually help further immigrant integration—and yet integration is a prerequisite for effective participation in and even first acceptance into it.

Implicitly at least, the lesson from Weber and the emphasis on political nation building has been taken on board even by those who advocate significant multi-

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helped because they are our fellow human beings? We may, but it is much more persuasive, morally as well as politically, to describe them as our fellow *Americans*—to insist that it is outrageous that an *American* should live without hope. . . . Our sense of solidarity is strongest when those with whom solidarity is expressed are thought of as "one of us," where "us" means something smaller and more local than the human race.

Yet the "us" must be big and capacious enough: apparently in New Orleans it was not enough to be an American. Margaret Somers, *Genealogies of Citizenship: Markets, Statelessness and the Right to Have Rights* (New York: Cambridge University Press, 2008), 63–117.

88. Classic discussions of how the welfare state creates the categories that make it work while also exposing the contradictions that its participants struggle over appear in Claus Offe, *Contradictions of the Welfare State* (Cambridge, MA: MIT Press, 1984), and *Disorganized Capitalism: Contemporary Transformation of Work and Politics* (Cambridge, MA: MIT Press, 1985). It is fundamentally through the aegis and institutions of the nation-state that markets may be at all regulated or tamed. Gøsta Esping-Andersen, *Politics against Markets* (Princeton, NJ: Princeton University Press, 1985).

culturalism. Thus, Keith Banting and Will Kymlicka acknowledge that multicultural immigration and integration policies must do what many of them, whether mere declaratory celebration of diversity or real enforceable group rights, actually do not do: "nurture identification with the larger political community. In the absence of appropriate nation-building policies, a particular MCP [multicultural policy] may reduce solidarity and trust, by focusing exclusively on the minority's difference. But in the presence of such nation-building policies, the same MCP may in fact enhance solidarity and trust, by reassuring members of the minority group that the larger identity promoted by nation-building policies is an inclusive one that will fairly accommodate them."[89] Furthermore, if they are correct that the relative size of the immigrant minority is not critical to social spending, then it is indeed the fullness of integration that matters.

Unsettled is the matter of how far "outreach" and "accommodation" should go and in what direction. The integration anxieties referred to at the start of this article are palpable. Citizenship tests—testing cultural as well as historical and practical knowledge—are springing up in countries that have never had them as part of their naturalization requirements.[90] France and others are requiring immigrants to sign on to "integration contracts," the breach of which would presumably have consequences. The Dutch now test suitability for coming to the Netherlands before granting admission, including at least 600 hours of language instruction before a long-term visa will be granted, and in an effort doubtlessly aimed at discouraging Muslims, require applicants' cinematic consideration of gay couples and of seminude women. Denmark now requires explicit renunciation of prior loyalties and seeks a subjective "attachment" requirement as well as an "active participation" pledge from prospective naturalizers. Even the United Kingdom seems to be searching for (if not to have found) "Britishness" and now requires a "Life in the UK Test" of long-term residents.[91]

It is doubtful whether any of these measures can (let alone should) accomplish Bökenförde's goal of a self-restrained and homogenous culture or whether

89. Keith Banting and Will Kymlicka, "Do Multiculturalism Policies Erode the Welfare State?," in *Cultural Diversity versus Economic Solidarity*, ed. Phillipe van Parijs (Brussels: Deboeck, 2004), 251–52; on the relative size of the immigrant population's not mattering, see Banting and Kymlicka, *Multiculturalism and the Welfare State*, 79. Whereas Koopmans sees no clear connection between multiculturalism and integration, Wright and Bloemraad ("Is There a Trade-off?," 78, 80) insist on a positive relationship.

90. For a sampling of the recent debates on the new wave of citizenship tests in Europe, see "How Liberal Are Citizenship Tests?," http://eudo-citizenship.eu/citizenship-forum/255?start=10, sponsored by the European University Institute's Robert Schuman Centre.

91. See Dieter Grimm, "Integration by Constitution," *International Journal of Constitutional Law* 3, nos. 2–3 (2005): 193–210, where living under the law does the primary work.

they will undermine rather than secure and reinforce the conservative leader-ships of immigrant groups in multicultural societies. Certainly any insistence on the preservation of putatively distinct cultures cannot help but entrench purist conceptions of that culture and foster group separatism.[92] Is the moral panic one sees today throughout Europe (and increasingly in the United States) entirely without either foundation or purpose? Both the data and the meaning of the panic are unclear. Some days it appears that fundamental distinctions like pub-lic/private or legal/moral are being challenged by Europe's new, especially Mus-lim, immigrants while at other moments nothing seems to be at work beyond the normal pressures of poverty and exclusion weighing on anxious newcomers. At other times still, the integration clamor—as in the recent "what is French" debate—seems to mask simple restrictionism and to be directed, like the mosque construction debates in Switzerland and the United States or the harassment of Roma in France or Chinese in Florence, primarily at agitating the natives rather than integrating the immigrants. Perhaps immigrants from further away are harder to integrate.[93]

Illiberal practices like female circumcision, honor killings, forced marriages of youngsters, religious fundamentalism, and the like garner a great deal of atten-tion,[94] whether merited or not—not to mention the wearing of headscarves and other coverings by students (in France, where schools are secular), by teachers (in Germany, where teachers are supposed to be neutral civil servants), and by others.[95] Indeed, the headscarf debate may be seen at the terrain on which the

92. Joseph Raz, "Multiculturalism: A Liberal Perspective," in *Ethics in the Public Domain* (New York: Oxford University Press, 1995), 155, 170. Raz argues that multicultural society "tends to encourage conservative elements in cultural groups" who fear that change will dilute their identity and weaken their hold on their constituents. Most versions of group rights have this effect. Offe, "Political Liberal-ism, Group Rights," 5–17.

93. Ibrahim Baylan, the Turkish-born national secretary of Sweden's Social Democrats maintains that "it is harder to integrate immigrants than it once was." Today's immigrants are poorer and more illiterate and "less skilled than in the 1970s and 1980s." His assessment is perhaps ironic but perhaps also true. Castle, "Anti-immigrant Party Rises."

94. One can, of course, reject these practices and seek to overcome them while still concluding that the attention lavished on them functions to marginalize and oppress. Gökçe Yurdakul and Anna Korteweg, "Gender Equality and Immigrant Integration: Honor Killing and Forced Marriage Debates," *Women's Studies International Forum* 41, no. 3 (2013): 204–14; see, more generally, Nira Yuval-Davis, "Intersectionality, Citizenship and Contemporary Politics of Belonging," *Critical Review of International Social and Political Philosophy* 10, no. 4 (2007): 561–74.

95. It is certainly the case that the French government's attention to the burqa goes far beyond the miniscule number of women in France who wear it. On the other hand, if the burqa or other dress masks individuals so as to remove them from society or threatens other individuals (like a Klan uni-form), then suppression may be in order. On the great headscarf debate, see John Bowen, *Why the*

two liberalisms collide—the liberalism of hard-fought religious tolerance and personal freedom and the liberalism of progress and indispensable secular enlightenment.[96] (Madisonian "perfect separation" of ends, institutions, and laws between state and church mitigates this problem a bit in the United States, but even it is better suited to individualistic than to community-oriented religions.)

Under either version of liberalism, however, some kind of shared public culture—to be sure, always hybridizing and nonessentialist—facilitates participation and redistribution. The intersubjective communication necessary for Habermasian constitutional patriotism, for example, is difficult to imagine without the transparency of a common national public culture and language.[97] Absent such commonality and citizens communicating with each other and having access to the same fora, social integration weakens and separate bodies of public opinion are generated and then made subject to elite negotiations. In such negotiations, neither democracy nor social redistribution tends to win.[98] This may be why politicians and the public have been moving away from multiculturalism, even as it retains its hold in normative political theory. In the end, even a multicultural democracy of overlapping, crisscrossing, porous public spheres will need some unified overarching sphere that reflects at least a minimum of Rawlsian overlapping consensus and sense of fair play.[99] And it is not entirely clear where in a postsecular, postconstitutional-patriotic world, that might come from.

There may therefore be reason to worry about the deep conflict of values and lifestyles that is reported in Europe by both the boulevard press and serious

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French Don't Like Headscarves: Islam, the State, and Public Space (Princeton, NJ: Princeton University Press, 2007); Joan Scott, *The Politics of the Veil* (Princeton, NJ: Princeton University Press, 2007).

96. Patrick Weil, "Why the French Laïcité Is Liberal," *Cardozo Law Review* 30, no. 6 (2009): 2699–2714. Weil had earlier published an article on headscarves titled "Lifting the Veil of Ignorance" (*French Politics, Culture, and Society* 22, no. 3 [2004]: 142–49). But see Gray, *Two Faces of Liberalism*, on the coercive presumption of illiberal liberalism, freeing others of their ignorance.

97. Language policy has been distinctly understudied in the United States and has been prisoner to multicultural clichés. See Ronald Schmidt, *Language Policy and Identity Politics in the United States* (Philadelphia: Temple University Press, 2000); April Linton, "A Critical Mass Model of Bilingualism among US-Born Hispanics," *Social Forces* 83, no. 1 (2004): 279–314; Alejandro Portes and Richard Schlauffer, "Language and the Second Generation: Bilingualism Yesterday and Today," *International Migration Review* 28, no. 4 (1994): 640–61.

98. Abizadeh, "Does Liberal Democracy Presuppose," 502, here summarizing the arguments of Miller ("In What Sense"), Barry (*Community of Citizens*), and Schnapper (*Culture and Inequality*). Elite negotiated policy outcomes are an unfortunate outcome of "enclave" immigrant cultures, Miami being a prime example in the United States. Again, conservative community elites are bolstered in such regimes.

99. See James Tully, *Strange Multiplicity: Constitutionalism in an Age of Diversity* (New York: Cambridge University Press, 1995).

social science.[100] Nearly half of Germany's Muslims hold that the Koran's injunctions are more important than democracy and legislation, but then again one-third of Americans thinks the words of the Bible are literally true.[101] The real political and social implications of such views are not easy to discern. At this time, religious fundamentalism is much more common among European Muslims than among Christians, a matter of legitimate alarm, particularly as there is good reason to believe that there is a strong link between religious fundamentalism (whether among majorities or minorities) and hostility toward other groups.[102]

A majority of Muslim school pupils in the Netherlands believes that, in the event of conflict, loyalty to God comes ahead of the constitution, and not long ago over 60 percent of British Muslims wanted to be governed by religious sharia rather than state secular law, perhaps because half thought there was a natural conflict between being a "good Muslim and living in a modern society."[103] Secular liberals often find it hard to accept how seriously religious folks take religion and what that means for social integration.[104] Finally, an EU population that goes from today's 5 percent Muslim to 20 percent within the next 40 years frightens many, for reasons of all sorts, and renders Europe's situation much more challenging than that of multicultural and middle class–friendly Canada. Declining naturalization rates are in some countries also a source of concern, especially where the requirements have actually been eased through the liberal campaigns and reforms of the previous decade.[105]

There is little doubt that Islam in Europe is a protest ideology, generally among the marginal and particularly among the young and the poor, and not

100. See, e.g., the disturbing reports on modernity, democracy, suicide bombing, etc., in "The Great Divide: How Westerners and Muslims View Each Other," Pew Global Attitudes Project (June 2006), http://www.pewglobal.org/files/pdf/253.pdf.

101. On the Koran versus democracy, see Christine Schirrmacher, *Muslims in Germany: A Study by the Federal Ministry of the Interior* (Berlin: BMI, 2008), 8. On Americans and the truth of the words of the Bible, see Frank Newport, "One-Third of Americans Believe the Bible Is Literally True" (May 25, 2007), http://www.gallup.com/poll/27682/onethird-americans-believe-bible-literally-true.aspx.

102. Ruud Koopmans ("Fundamentalismus und Fremdenfeindlichkeit: Muslime und Christen im europäischen Vergleich," *WZB Mitteilungen* 142 [December 2013]: 21–25) finds this consistently across six diverse European countries: Germany, France, the Netherlands, Belgium, Austria, and Sweden.

103. On Holland, as reported by Ian Buruma, *Murder in Amsterdam: Liberal Europe, Islam, and the Limits of Tolerance* (New York: Penguin, 2006), 94; on the United Kingdom, see Alan Travis, "British Muslims Want Islamic Laws and Prayer at Work," *Guardian*, November 30, 2004, http://www.guardian.co.uk/uk/2004/nov/30/immigrationpolicy.

104. Sarah Carol, Marc Helbling, and Ines Michalowski, "Gretchenfrage der Integration: Religiöse Praxis prägt das Zusammenleben starker als angenommen," *WZB Mitteilungen* 142 (December 2013): 18–20.

105. See, e.g., "Immer weniger Türken lassen sich einbürgern," *Süddeutsche Zeitung*, June 16, 2010. Whether this is a sign in Germany as elsewhere of the declining marginal utility of formal citizenship, of immigrant disaffection, of the demands of former sovereigns, or of popular cosmopolitanism and

just a matter of religious exercise. At the same time, religious rights are more demanding legally and socially than, for example, language rights. The opposition to some notion of anti-Islamic, Western hegemony is given some substance by developments in the Near and Middle East. Yet neither ambiguous religious philosophizing nor demagogic anti-integration interventions by sending-country heads of state have done much to calm the waters.[106] When the president of Mexico calls for homeland patriotism and three generations of reentry rights (for those whom his own policies of free-trade immiseration had driven off), or the prime minister of Turkey characterizes assimilation as a crime against humanity and calls for Turkish-as-first-language schools in Germany,[107] they may score points at home but do not make the lives of those who have emigrated to the United States or Germany any easier or more comfortable. Nor, generally, are the emigrants able to do much for the home country.

Quite the opposite: their emerging vision of emigrants as assets and agents deployed abroad (and not only for the sake of remittances, at $26 billion or $2,300 per migrant annually, Mexico's second largest source of income)[108] inhibits the latter's integration in their new countries and creates resentment among natives whose efforts at building solidarity and trust in a shared public culture are undermined, all while providing only minimal psychic benefits, if any, to the immigrants. The immigrants, in turn, and despite their best intentions and remittances, are not much able to assist in real development back home. "Migrant associations" simply "have limited capacity and power to overcome structural economic problems and to compensate for the failure or absence of national development poli-

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diasporaism has long been a subject of dispute. See Schuck, *Citizens, Strangers*, 161–205; Peter Spiro, *Beyond Citizenship: American Identity after Globalization* (New York: Oxford University Press, 2008). See also n. 10.

106. Christian Joppke makes some of these points succinctly while also calling out theorists like Tariq Ramadan for juxtaposing French and Muslim in the language of opposing peoplehoods. *The Role of the State in Cultural Integration* (Washington, DC: Migration Policy Institute, 2012), 6–7.

107. Erdogan's comments on "crimes against humanity" were delivered at a rally in Cologne, February 11, 2008, and his comments on the desirability of Turkish-language schools in Germany in a March 25, 2010, interview with *Die Zeit*. Mexican policy in this regard is perhaps even more cynical since the highly deliberate policies of the Mexican elite (including NAFTA) have created the mass poverty and rural immiseration that have sent millions over the border. Former President Vincente Fox went so far as to brag that Mexico had gifted the US workers who would do work "that not even Blacks want to do," and for less. Abraham, "Doing Justice on Two Fronts," 973, 980. Unlike the United States, apparently, Mexico, only one-quarter of whose 15-year-olds are in school, does not spoil its lower classes. Turkey is, at least, mercantilist about its people.

108. Hein de Haas and Simona Vezzoli, "Time to Temper the Faith: Comparing the Migration and Development Experiences of Mexico and Morocco" (Migration Policy Institute, Washington, DC, 2010), 6. Wealthy East Asians in Canada may be an exception, fruit of Canada's selectivity.

cies." In turn, the "home" governments' role in migrant initiatives is "ambiguous, contested, and not necessarily desirable" with inequalities exacerbated, development distorted, significant brain drain (once denied) in fact taking place and elites more rather than less entrenched.[109]

The principles of equal citizenship and democratic self-governance, which are fundamental to citizenship in the democratic welfare states, preclude simply leaving immigrants to their own devices.[110] As presumed "citizens in the making"[111] immigrants are entitled to a broad range of rights, including social rights and cannot anymore be headed for mere metic or denizen status—notwithstanding the popularity of the latter in the 1990s. Even the exclusion nearly everywhere of permanent resident noncitizens from voting and serious civil service positions, the "core" of sovereignty however defined, is now justified and must be, at least in part, by reference to the possibility of naturalization of integrated admitted residents.

Nor could European welfare states (unlike the United States) simply announce policies of benign neglect and exclusion for immigrants and immigrants alone.[112] One reason guest worker programs today arouse widespread (though not universal) hostility is precisely because they take people—even though not citizens in the making, but still people inside the country—and exclude them from the prospect of insider rights and status.[113] The democratic welfare state

109. Ibid., 9. De Haas and Vezzoli see the same disappointing failures in Morocco as in Mexico: "Philanthropic projects do not appear to trigger development," "migrants are not willing or able to become entrepreneurs or 'development workers,'" and "migrant projects do not necessarily support initiatives that would help most local communities." Often, in fact, they lead to greater inequality. Migration generally hurts the homeland. See, most recently, Paul Collier, *Exodus: Immigration and Multiculturalism in the 21st Century* (Oxford: Oxford University Press, 2013); and Stephen Castles, "Understanding Global Migration: A Social Transformation Perspective," *Journal of Ethnic and Migration Studies* 36, no. 10 (2010): 1565–86.

110. Joseph Carens ("The Integration of Immigrants," *Journal of Moral Philosophy* 2, no. 1 [2005]: 29–46) and David Miller ("Immigrants, Nations, and Citizenship," *Journal of Political Philosophy* 16, no. 4 [2008]: 371–90) agree.

111. See Hiroshi Motomura, *Americans in Waiting: The Lost Story of Immigration and Citizenship* (New York: Oxford University Press, 2006); Noah Pickus, *True Faith and Allegiance: Immigration and Civic Nationalism in the U.S.* (Princeton, NJ: Princeton University Press, 2005).

112. See Bosniak, *The Citizen and the Alien*, 57–63, on alienage discrimination in the United States. Under Mathews v. Diaz, 426 U.S. 67 (1976), the federal government may exclude recent legal and non-long-term aliens from most welfare programs.

113. There are a few very serious-minded exceptions; on the United States, see, e.g., Portes and Rumbaut, *Immigrant America*, 366–69; on Europe, Patrick Weil, like Douglas Massey, prefers to describe the program as "circular migration." See Patrick Weil, "All or Nothing: What the United States Can Learn from Europe as It Contemplates Circular Migration and Legalization for Undocumented Immigrants" (German Marshall Fund Immigration Paper Series, April 2010), 6–8.

must be about inclusion of all who are inside. Promising people that they can come again so long as they go now is generally implausible in a free society and is unwelcome to both capitalist and democratic ideals.[114]

Yet liberal principles of toleration make promoting a common national identity problematic, in both theory and practice. Personal freedom makes it difficult to strictly separate private culture from public (e.g., in the matter of language); demands for recognition and accommodation may not be turned away, particularly when adherence to universalist human rights itself has become a touchstone of legitimacy for liberal states.[115] Raison d'état and even the protection of social welfare systems may not trump such freedoms. Over the last generation, the Declaration of the Rights of Man (now "Person") have largely trumped the Rights of the Citizen, as reflected in EU requirements as well as in efforts to describe a "minimal universal morality" that executes such rights and might include life, liberty, basic education and health, due process, and nondiscrimination. Perhaps, however, both the preferred rules and the citizens themselves emerge from a cultural context.[116] But even this universalist system of principles adopted in most politically liberal states creates options and freedoms that have more to do with culture and conceptions of the good than we have wanted to admit.[117] The current crises of the welfare state and of immigrant integration compel us to confront this unsettling possibility.

Simple readings of public opinion on both sides of the Atlantic, from Arizona and Pennsylvania to Britain and Holland, as well as sophisticated analyses of American census and European social survey data, demonstrate that immigration and integration issues have created widespread concern about political and

114. In Weil's version, in exchange for granting seasonal passage to some of its worker citizens, Mexico would "control its southern and northern borders," something that seems quite unlikely. Weil also seems to assume the efficacy of holding spouses and children hostage ("remaining at home") while taking for granted the celibacy of circular migrants, at least while they are circulating ("All or Nothing," 7). To the extent that Weil's proposal resembles the US H2A agricultural labor visas, that program works only in areas like sugar plantations where workers can be kept away from the general population.

115. Christian Joppke, *Selecting by Origin: Ethnic Migration in the Liberal State* (Cambridge, MA: Harvard University Press, 2006); and David Abraham, review of *Selecting by Origin: Ethnic Migration in the Liberal State* by Christian Joppke, *Journal of Modern History* 79, no. 3 (2007): 658–61.

116. The 1993 Copenhagen EU Accession requirements reflect this as well: democracy, rule of law, human rights, protection of minorities, and a market economy are prerequisites. On minimal universal moralities and the need for broad religious accommodation, see Veit Bader, *Secularism or Democracy? Associational Governance of Religious Diversity* (Amsterdam: University Press, 2007), 70–88.

117. This is a conclusion one has to draw from even the most sensitive and supportive readings, such as Seyla Benhabib, *The Claims of Culture: Equality and Diversity in the Global Era* (Princeton, NJ: Princeton University Press, 2002), 49–81, 162–76.

social community and identities.[118] Politicians and institutions that are supposed to protect the national community are seen to have failed in the face of both global economic and identitarian challenges, undermining political trust and facilitating a widespread neoliberal, antiwelfarist populism. McClaren, for example, concludes that "the relationship between concern about immigration and political distrust exists regardless of the presence or absence of . . . right-wing parties. . . . Europeans generally have fears about the impact of immigration on their national communities and that, in many cases, weakens their feelings of connectedness to their political systems and elites."[119]

Whether the assumptions of recent years will now change is at yet unclear. There are on both sides of the Atlantic plenty of advocates of a weak welfare state combined with relaxed or multicultural immigrant integration policies—sometimes expressed in terms of "global justice" concerns.[120] Second, there are advocates of a weak welfare state combined with strong or intensive integration policies, a free market plus Jacobin direction.[121] Thus, Randall Hansen worries that "income support in Europe is causing more harm than good in creating an incentive structure . . . which encourages migrants and residents to opt for welfare rather than work." Social benefits should be linked, he argues, to intensive language and training opportunities and requirements in the schools and communities, firm discipline for the wayward, and a program of internships and

118. Paul Sniderman, Louk Hagendoorn, and Markus Prior, "Predisposing Factors and Situational Triggers: Exclusionary Reactions to Immigrant Minorities," *American Political Science Review* 98, no. 1 (2004): 35–49.

119. Lauren McClaren, "Cause for Concern? The Impact of Immigration on Political Trust" (September 2010), http://www.policy-network.net. People in countries with effective political institutions worry the most about immigration and losing trust in their institutions. Ominously, "in countries where the policies towards immigrants are immigrant-friendly, the impact of concern about immigration is stronger than in countries where migrant policies make it harder for immigrants" (17).

120. This category certainly includes most of the American political class, which today cares little for the welfare state or labor regulation and, perversely, a goodly portion of academia, which today believes in "global" justice. A recent variant is offered by Ryan Pevnick, "Social Trust and the Ethics of Immigration Policy," *Journal of Political Philosophy* 17, no. 2 (2009): 146–67. Pevnick claims that it would be a positive global justice policy to admit more immigrants while dealing with the trust-solidarity problem by restricting welfare benefits to citizens along with access to citizenship itself.

121. Randall Hansen, for one, summarizes this position for Europe going forward: "If Europe is to cope with a new century of immigration, it needs labor market policies à l'américaine and integration policies à la française." "The Free Economy and the Jacobin State, or How Europe Can Cope," in *Debating Immigration,* ed. Carol Swain (New York: Cambridge University Press, 2007), 223–36, quote on 236. McClaren ("Cause for Concern," 18) writes that "countries that adopt less immigrant-friendly policies appear to be able to temper the effects of concern about immigration."

early employment.[122] Active labor market and community incorporation poli-
cies such as have emerged in Denmark and Sweden seem to be of this spirit.
Third, there are many, particularly in the post-left, who endorse a strong welfare
state but have given little thought to this aspect of immigrant integration poli-
cies or who, like Kymlicka and Banting, see little problematic in the relationship
between welfare policies and integration policies.[123]

In a recent set of reflections, Kymlicka asserts that as the "legal and political
accommodation of ethnic diversity," multiculturalism has helped in "replacing
older forms of ethnic and racial hierarchy with new relations of democratic
citizenship."[124] There is little hint that multiculturalism might have implied
group rights or privileges, reified and celebrated "authenticity" at the expense of
adaptation, reinforced power relations within immigrant communities, or trivi-
alized problematic practices. Rather, it is "human rights ideals" that animate
multiculturalism rather than any "celebration of diversity" or lack of concern
with "societal problems such as unemployment and social isolation." Kymlicka
now sees the conditions for successful multiculturalism more narrowly than be-
fore: borders must be secure; immigrants themselves must be diverse (rather than
stemming from the same country or two); immigrants must be perceived as hard
workers; and immigrants must share a commitment to human rights. This may
well describe Canada but not so much contemporary Europe or the United States:
"Multiculturalism tends to lose support in . . . situations where immigrants are
seen as predominantly illegal, as potential carriers of illiberal practices or move-
ments, or as net burdens on the welfare state." On balance, however, multicul-
turalist policies have been a real "success story," "fully consistent with . . . civic
integration policies."[125] Such success notwithstanding, Kymlicka is fair enough in
suggesting why legal and political practice might now want to develop a postmul-
ticulturalism approach, one that emphasizes: "(1) Political participation and eco-
nomic opportunities over the symbolic politics of cultural recognition, (2) human

122. Randall Hansen, *The Centrality of Employment in Immigrant Integration in Europe* (Washington,
DC: Migration Policy Institute, 2012), 8.

123. This unreflecting category includes most American immigration scholars and quite a few Europe-
ans as well. For his part, it is this "combination of strong welfare states and multicultural policies" that
Koopmans finds "has lowered incentives to acquire the skills and interethnic contacts to be successful on the
labor market" ("Multiculturalism and Integration," 30); and see Koopmans, "Trade-offs between Equality
and Difference," 13–15.

124. Will Kymlicka, *Multiculturalism: Success, Failure, and the Future* (Washington, DC: Migration
Policy Institute, 2012), 1.

125. Ibid., 2, 10, 21.

rights and individual freedom over respect for cultural traditions, (3) the building of inclusive national identities over the recognition of ancestral cultural identities, and (4) cultural change and cultural mixing over the reification of static cultural differences."[126]

Thus, the future may indeed require us to consider a fourth possibility: how we may best strongly integrate immigrants into and for the sake of the European, or even American, redistributive welfare state so essential for maintaining even a minimal level of democracy and individual freedom.[127] Individual equal rights and strong antidiscrimination policies—along with accelerated language instruction, job training programs, and liberal naturalization rules and jus soli policies—are an obvious start. But the protection of equality and redistribution will continue to require "robust and effective institutions around egalitarian citizenship," forms of inclusive adaptation to counter both cultural fissiparousness and neoliberal economics.[128] Preferring inclusive citizenship, individual rights, and interethnic contact—integration rather than multicultural group rights and long-term enclave residence—is central to this undertaking. The bonding and bridging of immigrants and natives accomplished by trade unions in the era of Fordist production systems may be more difficult to achieve in today's economies, but they are no less necessary.

In addition to the greater or lesser demand for integration and the greater or lesser development and availability of social welfare, the facilitation or ease of integration must also be taken into account and assessed against the receiving society's demand for it.[129] Thus, a host society that makes high integration demands of immigrants while doing little to facilitate that integration engages in ethnocratic or exclusionary policies—much like Germany before the 1999 and 2005 reforms or those policies urged by many populist politicians. On the other hand, a country demanding high levels of integration but offering plentiful opportunity for that integration engages in assimilationist policies—much in the way of classic Jacobin

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126. Ibid., 5.

127. Holtug ("Immigration and the Politics," 437) assumes throughout that the social cohesion and integration argument must be restrictionist as to immigration numbers. Experience suggests that this need not be the case.

128. See also Turner, "Managing Religion," 1062, 1069. What some, like Portes, consider functional "enclaves" more than transitional bridgeheads, others consider dysfunctional "segregation"; Eric Uslaner (*Segregation and Mistrust: Diversity, Isolation, and Social Cohesion* [New York: Cambridge University Press, 2012]) in fact argues that segregation, not diversity, is the problem and that integration is the key to successful diversity.

129. A very similar typology is offered by Claus Offe, "From Migration in Geographic Space to Migration in Biographic Time," *Journal of Political Philosophy* 19, no. 3 (2011): 333–73, esp. 352–54.

France. Of those countries making moderate or lesser integration demands, some offer or allow much to facilitate that integration, and these are pluralist policies—historically, but not always, practiced in the United States.[130] Finally, there are countries or practices that raise only moderate or lesser integration demands while also not doing much to facilitate that integration—this is the combination that has been caricatured as side-by-side multiculturalism, *nebeneinander* coexistence, by chancellors and prime ministers.[131]

In turn, whatever specification or refinement of "trust" one might introduce, it is needed to promote effective solidarity, and trust in an integrated society may even broaden itself over time, reducing its own simply strategic qualities.[132] In the course of integration, trust is built in much the same way social and human capital is acquired: through personal encounters and civil-society institutions, through public institutions, and through the acceptance and transmission of cultural norms in families and neighborhoods. Immigrants, like domestic minorities, if they are to accept integration, must be able to count on the "perceived fairness and impartiality of the institutions responsible for the implementation of public policies," including having redistributive policies undertaken without corruption or discrimination.[133]

Immigrants join a sailing ship, whose future course they will help determine. Immigrants thereby "come to share a common national identity, to which they may contribute their own distinctive ingredients."[134] That ship, it has to be remembered, is a historic and civic community, a "contingent historical formation

130. Offe finds these policies more difficult for European states because of the presence of "titular" nations, "historically validated, dignified and privileged majorities" who claim "always been here" status—in contrast to the "new nations" that make up the new world and who found civic identities easier to establish (ibid., 354). His measures of integration are quite like Triadafilopoulos's and http://mipex.eu; see n. 21; see also Wright and Bloemraad, "Is There a Trade-off?," 80. The latter acknowledge that "it is possible that multiculturalism imperils a common sense of 'we' among second and third generation immigrants" (88).

131. Although it is tempting to dismiss this last as fantasy political posturing, the record in Germany reveals real support for it. See, e.g., Sabine von Dirke, "Multikulti: The German Debate on Multiculturalism," *German Studies Review* 17, no. 3 (1994): 513–36, esp. 528; Daniel Cohn-Bendit and Thomas Schmid, *Heimat Babylon: Das Wagnis der multikulturellen Gesellschaft* (Hamburg: Hoffman & Campe, 1993) (Cohn-Bendit became Frankfurt's "Senator for Multiculturalism"); Claus Leggewie, *Multi kulti: Spielregeln für die Vielvölkerrepublik* (Berlin: Rotbuch, 1993).

132. See Eric Uslaner, *The Moral Foundations of Trust* (New York: Cambridge University Press, 2002).

133. Holtug, "Immigration and the Politics," 445, citing Bo Rothstein and Dietlind Stolle, "Social Capital, Impartiality, and the Welfare State," in *Generating Social Capital. Civil Society and Institutions in Comparative Perspective*, ed. Marc Hooghe and Dietlind Stolle (New York: Palgrave, 2003), 191–209. See also Bo Rothstein and Eric Uslaner, "All for All: Equality, Corruption, and Social Trust," *World Politics* 58, no. 1 (2005): 41–72. But see nn. 29 and 93, reporting from the heartland of fairness, Sweden.

134. Miller, *On Nationality*, 26.

[that] is also the history of particular people . . . with their contingent array of practices, affiliations, customs, values, ideals, and allegiances" shaping and enforcing social, political, and legal institutions and cultures.[135] It is, then, a particular state and not just a liberal state; it is a contingent community of memory and experience united also by shared attachment to a body of principles.[136] It is already well under way and sails through rough waters bearing a fragile social cargo. Under these circumstances, the task of creating an open and more capacious "we" requires not the dilution of membership's meaning but rather the very social equality whose foundations and mechanisms immigration itself challenges.[137] At a time when that social equality is increasingly undermined by fiscal crises and aggressive neoliberal advances, the integration of immigrants into the evolving national community should be seen as a key defense, a critical element in the construction of social solidarity and the ability to fight back.[138]

135. Samuel Scheffler, "Immigration and the Significance of Culture," *Philosophy and Public Affairs* 35, no. 2 (2007): 93–125, quote on 113.

136. David Abraham, "The Boundaries and Bonds of Citizenship," in *Migration in History: Human Migration in Comparative Perspective*, ed. Marc Rodriguez and Anthony Grafton (Rochester, NY: University of Rochester Press, 2007), 204; John Rawls, *The Law of Peoples* (New York: Cambridge University Press, 1999), 23, 44.

137. For a discussion of what this might require in the schools, for example, see Steven Macedo, *Diversity and Distrust: Civic Education in a Multicultural Democracy* (Cambridge, MA: Harvard University Press, 2003), together with "Moral Dilemma," and "When and Why Should Liberal Democracies Restrict Immigration," in *Citizenship, Borders, and Human Needs*, ed. Rogers Smith (Philadelphia: University of Pennsylvania Press, 2011), 301–23.

138. This conclusion I believe parallels Streeck (*Gekaufte Zeit*, 240–56)—namely, a strong citizenry in a reinvigorated nation state stands a better chance against aggressive capitalism than do transnational, supranational, or multinational players.