



# LEAP

LAW, ETHICS AND PHILOSOPHY

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# Constrained Apartheid and the Wrong of State Laws

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## ABSTRACT

This paper considers a troubling form of apartheid (“constrained apartheid”) on the basis of race, ethnicity or religion, and demonstrates that the major views claiming that subjection to the state’s laws is a *prima facie* wrong or normative burden or cost (“subjection theories”), cannot easily challenge such an apartheid system. The analysis has several implications, which are briefly explored in the paper.

**Keywords:** apartheid, segregation, race, state laws, subjection, coercion, relational equality.

## 1. INTRODUCTION

Imagine that the sizeable majority political faction in a state wants to keep new members of a certain race, ethnicity, or religion out of mainstream society. To reduce those members’ influence on the country’s culture and values, this faction wants to limit their say in domains like higher education policy, controlled-substance laws, and family law. To constrain the members’ use of the state’s resources, it wants to restrict their access to only those welfare goods and services that are required for their basic needs. Finally, to limit its interactions with those members, the faction wants to physically segregate them by blocking their access to a variety of shared public spaces, including parks, beaches, and museums.

The faction’s critics respond that people subject to the same laws and directives are entitled to equal participation in every way. In response, the faction proposes that, aside from the laws needed for securing the

conditions required for a minimally decent life, those members' subjection to the state's laws be limited. All of this is done against the latter's expressed preferences.

The kind of systematic inequality described in this scenario is a form of apartheid, and, I will assume, it is plainly objectionable. This paper aims to show that on the major views claiming that subjection to the state's laws is a *prima facie* wrong or normative burden or cost ("subjection theories"),<sup>1</sup> such an apartheid system, including the relevant physical segregation, is not easily challenged. Moreover, these views encounter significant difficulty in opposing, in the first place, the idea of limited subjection to the state's laws.

While this sort of apartheid society shares certain features with the way many actual states treat certain nonmember residents, there are some important differences. First, one salient distinction is that, aside from guest workers in certain states who might be confined to a particular location, nonmember residents do not typically experience physical segregation from nonessential public spaces (Walzer 1983: 48-63; Altman and Wellman 2009: 178, 184). Second, and more generally, the imagined sort of society represents *systematic* inequality for certain people. Finally, in the imagined society, the latter *lack* membership in other states (in contrast to nearly all nonmember residents). Nonetheless, insofar as the actual situation of nonmember residents resembles that of the imagined apartheid society, this paper's analysis applies to their situation.

The primary aim of this paper is to demonstrate that a form of morally objectionable apartheid puts significant pressure on views that construe state laws primarily as wrongs or burdens that stand in need of a kind of justification or compensation. Since subjection theories are widespread and are arguably the most accepted normative understandings of living under state laws, the fact that they cannot easily oppose such a system is, I believe, important. Though not critical to my primary aim, there are different implications of my analysis, and I will conclude the paper by briefly explaining two of them. First, and most straightforwardly, the analysis provides some support for rejecting the view that state laws should

1 These include traditional Lockean and libertarian views, such as Robert Nozick's (1974) and more egalitarian views, including Blake's (2002) and Nagel's (2005). Additionally, much work on democracy's boundary problem construes (at least many forms of) subjection similarly. For some examples, see Abizadeh (2008) and Miller (2009). One might characterize Niko Kolodny's (2023) recent work as a subjection theory, whereby the central wrong of subjection is that it enmeshes us in relations of inferiority. However, in the conclusion I discuss my reasons for distinguishing his analysis from those of the other theorists mentioned here.

be conceived as *prima facie* wrongs or normative costs.<sup>2</sup> After examining constrained apartheid, it seems that subjection to at least some state laws could be a straightforward good or benefit—that is, not in the sense of being “converted” to a good or benefit only after justification or normative compensation is provided. More specifically, subjection to some laws might be directly autonomy-enhancing and rights-protecting. Second, the analysis offers further support for the moral significance of relational or social equality—relating to others with whom we have ongoing social, political, and economic relations as moral equals.<sup>3</sup>

Section 2 clarifies the project and outlines the relevant system of apartheid. Section 3 demonstrates the difficulties that subjection theories face in explaining why one is entitled to the same rights and benefits as other members if one experiences limited subjection of the sort discussed in this paper. Section 4 shows that subjection theories do not seem capable of saying why the limited subjection at issue is morally wrong. Section 5 concludes by briefly highlighting some possible implications of my analysis.

## 2. CONSTRAINED APARTHEID AND CLARIFICATIONS

Subjection theories, as defined here, maintain that subjection to the state’s laws, directives, rules, and policies—or simply “subjection”—constitutes some sort of *prima facie* wrong or normative burden that must be compensated for or otherwise justified. Moreover—though it is not central to this paper—subjection theories often argue that compensation or justification must issue in equality for every member, because equality is constitutively required in order to render any member’s subjection not wrong (see, especially, Blake 2002; Nagel 2005); not because of instrumental concerns that inequality might lead to mistreatments or harms, including

<sup>2</sup> Andrea Sangiovanni (2012) has effectively argued that what I am calling “subjection theories” cannot easily determine the content or scope of distributive justice principles. My aim here is different; it is to show that, whatever the appropriate such principles are, subjection theories cannot easily challenge their systematically unequal application within the same state, and thus cannot easily challenge systematically unequal rights and participation among members of the same state.

<sup>3</sup> These ideas have been gaining more support. See, for instance, Anderson (1999), Fourie (2012), Kolodny (2014), and Fourie *et al.* (2015).

the violation of basic human rights.<sup>4</sup>

My question in this paper is, can such theories successfully challenge the sort of apartheid system that is described in my introduction and elaborated on below? I will call this “constrained” apartheid, to contrast it with the kind of apartheid that characterized South Africa (Clark and Worger 2004). What distinguishes constrained apartheid is that the essential conditions needed for developing and acting on a plan of life, or put differently, the fundamental conditions for a minimally decent life—the conditions that answer to our basic human rights—are secured for everyone. Such conditions include physical security, subsistence, free expression, and free association.

Before elaborating on constrained apartheid, some clarifications are needed. First, my analysis is limited to “unremarkable” members. By this, I mean people who do not commit serious crimes, pose no major safety or security concerns, and experience no significant physical or cognitive impairments.

Second, even in non-apartheid states, we are not all subject to *exactly* the same policies and laws as every other member. Rather, we typically live in a condition of *roughly* common subjection with each other. Sometimes the differences in our subjection to laws are minor (e.g. helmet laws that only apply to motorcyclists). At other times, such as when separate jurisdictions under federalism have different laws, the differences in our subjection might be more significant. But even in the more significant cases, the relevant kinds of differential subjection are ultimately voluntary. For instance, under federalism, residents of one subunit are typically not barred from relocating to another.<sup>5</sup> My focus, to be illustrated shortly, is on *systematic* and *involuntary* differences in subjection between (unremarkable) members.

Third, as will be discussed in the next section, to object to the inequality that characterizes constrained apartheid, subjection theories need only maintain that all members of the society are entitled to a kind of formal equality. That is, they need not argue that the society must conform to

4 For instrumental concerns, see Christiano (2011). But it is worth noting that various kinds of systematic inequality appear to be consistent with protecting all members’ basic human rights. A case in point is Estonia’s Russian “gray passport” holders, who do not have citizenship in any state and possess far weaker rights than Estonia’s other members. (They aren’t allowed to occupy office or vote in parliamentary elections, and are denied full participation in the scheme of goods. They moreover face restrictions on unionizing and forming political parties.) Yet it seems that the essential conditions are protected for them, at least as well as such conditions are protected in states where all members are included on equal terms. See Nørgaard (1999) and Poleshchuk (2009).

5 If they are so barred, the analysis here is relevant.

some specific notion of equality, such as an egalitarian one.<sup>6</sup> So I will employ a formal notion of equality in terms of “equal participation”—both (1) a right to an equal say in the state’s political process, and (2) equal access to its welfare goods and services—without necessarily assuming any distributive standard.

Now, by “equal participation”, I do not mean that all members possess the exact same political and welfare rights and access to benefits. For, even in non-apartheid states, we do not always have the same rights and benefits as everyone else. Rather, we have *roughly* equal participation. But, importantly, whatever differential rights and benefits we experience are typically tied to certain actions (e.g. veterans having special health and retirement benefits), or ultimately voluntary (e.g. voting rights and welfare benefits that vary between different jurisdictions under federalism), or both. But when (unremarkable) members *systematically* and *involuntarily* have weaker rights and benefits, especially on the basis of their identity, equal participation is clearly violated. This is at the heart of the (very minimal) nondiscrimination principle (Khaitan 2016).

Now, consider a sketch of constrained apartheid. A state’s current members (the “Alphas”) decide to withhold equal terms from a group of newcomers (the “Betas”) because the Betas fall into a different racial, ethnic, or religious group. Against their will,<sup>7</sup> and in contrast to Alphas, Betas experience the following conditions: (I) “Basic Subjection” and (II) “Basic Participation”. “Basic” refers to anything pertaining to the essential conditions required for a minimally decent life;<sup>8</sup> “secondary” refers to anything not so required.

(I) *Basic Subjection*

Betas are only bound by *basic laws, regulations, and policies* (including laws against theft and harming others, laws related to safety and traffic, and public health and basic-education laws). They are exempted from secondary laws, regulations, and policies (the possibilities include many exemptions concerning educational curricula, enrollment, and testing; drug and alcohol use; and—when dealing with other Betas—marriage and divorce, consensual sexual activity, contract laws, and media and workplace practices).

6 If it can be shown that someone is not owed formal equality, it seems to follow that they are not owed egalitarian rights.

7 The importance of this condition was briefly illustrated in the immediately preceding paragraphs and will be further explored in section 3.3.2.

8 “Basic” here refers to essential laws and rules, not to Rawls’s understanding of the “basic structure”, which may include all legal institutions.

Moreover, Betas are only made to pay taxes toward basic, not secondary, goods and services (examples of each type will be mentioned next).

(II) *Basic Participation*

1. Betas only have *basic political rights*: they have a right to some say, but not to an equal say (the possibilities include having a right to vote at the local level but not to hold office, and, at the state level, having only special representation).<sup>9</sup>
2. Betas only have access to *basic goods and services* (including national security, the criminal justice system, infrastructure, emergency health care, and basic education), and lack access to secondary goods and services (the possibilities include education past a certain age, comprehensive health care, retirement benefits, and access to nonessential public spaces, including museums, state parks, and beaches).

In the next section, I will demonstrate that subjection theories face significant problems explaining why Basic Participation is wrong, *given* Basic Subjection. Then, in section 4, I will show that these theories do not seem capable of challenging Basic Subjection.

First, however, let me clarify that this framework can accommodate different examples. For instance, it might be thought that the prerequisites for a minimally decent life require that everyone be, say, bound by at least some workplace laws or permitted to attend all years of primary education. But so long as we retain the general structure of systematic differences between Alphas and Betas, we could choose different examples. For instance, we could suppose that both Betas and Alphas are bound by workplace laws pertaining to physical security, harassment, and health; but that only Alphas, when dealing with other Alphas, are also bound by laws requiring, say, a substantial minimum wage, participation rights in one's place of employment, and extensive leave and holiday time. Similarly, we could suppose that both Betas and Alphas are afforded all years of primary education, but that only Alphas have the right to state-funded college and professional education.

Importantly, it could turn out that even more significant systematic differences are compatible with protecting the conditions needed for a

9 These examples are borrowed from Estonia's case. See my footnote 4.

minimally decent life, such as the establishment of a variety of separate facilities. Thus, though some details of the Betas' participation could be refined, the issue for us is whether they are owed equal participation with Alphas. More generally, we will see that while one might successfully demonstrate that Betas are entitled to more or different forms of participation than those outlined under Basic Participation, constrained apartheid is surely objectionable not simply because Betas lack the right level or sort of participation, but because Betas lack (roughly) *equal* participation with Alphas.

### 3. SUBJECTION THEORIES

#### 3.1 State Laws and Justification

We have seen that subjection theories maintain that subjection must be justified. It is not always clear how subjection theories delineate a single law, policy, or directive, or whether they are concerned with sets of these. For now, nothing hinges on their precise meaning. What requires justification under these theories is subjection to the state's laws, but the exact instantiation of the laws does not seem to bear on the demand for, or nature of, justification.

The overarching reason that subjection requires justification is that it is considered to be some sort of *prima facie* wrong to, or normative burden for, the agent—especially because it infringes their autonomy, makes them morally liable for the exercise of state power, or violates their natural rights. Before exploring these different understandings, we must determine the general form that justification must take.

One traditional understanding of justification requires that one's subjection to state laws be consented to.<sup>10</sup> While I will discuss this understanding briefly in section 3.3, my focus is on the other central method of justification, since reliance on it is far more prevalent. This is the idea of hypothetical consent, which requires the subjection someone faces to be something that, if rational, they would endorse (Blake 2002: 283-4). Hypothetical consent, however, is open to at least two different interpretations. Under the broader interpretation, it might be rational to endorse one's subjection, and if so, one's subjection would be justified if there were a good reason for it. But since this reason may have little to do with the agent's own interests, needs, or well-being, their subjection could potentially be justified by how it secures morally important interests for

<sup>10</sup> Most of the main accounts of subjection's wrong—including, as we'll discuss in section 3.3.3, Nozick's (1974)—do not require consent for justification.

*others* (Sangiovanni 2012).

For subjection theories to have their best chance at explaining why the subjected agent is owed not just a good reason but equal participation, justification should be interpreted in a narrower sense, as issuing in some *good or benefit for the subjected agent* (Sangiovanni 2012).<sup>11</sup> This more intuitive reading of hypothetical consent allows us to construe the demand for justification as a requirement that the state, or other members of the state, secure the agent some good in order to either remedy, outweigh, or compensate them for the purported *prima facie* wrong of being subjected. Some have argued that subjection theories face difficulty determining the *specific* content of the owed good—in particular, whether distributive principles must be egalitarian (Christiano 2008; Sangiovanni 2012)—but our formal notion of equality allows subjection theories to avoid this problem. We can grant that for an agent’s subjection, the state must secure the agent, at a minimum, the good of participation, in terms of both political rights and access to goods and services, without defining their more specific content. The critical issue here is whether people are owed these things in (roughly) *equal* measure.

### 3.2 Subjection’s Extent

Before exploring the main accounts of why subjection is considered a *prima facie* wrong, we should examine how to think about the *extent* or *magnitude* of one’s subjection with others and the latter’s relation to the participation that one is entitled to. One reason for doing this is that there may be concerns about subjection that are unrelated to the main accounts of subjection’s wrong, and considerations about extent seem independent of any particular account.

Another reason to consider extent is connected to how states regularly impose their laws, policies, and directives on those living outside their borders, or outsiders. To clarify, the relevant point is not about the power of international organizations, such as the IMF and the World Bank.<sup>12</sup> The point is that a state typically *directly* subjects outsiders to its laws and policies—often in ongoing ways—such as through its system of border

11 This interpretation doesn’t mean that subjection theories are construed in consequentialist terms. “Good” is merely a placeholder that could pertain to various valuable moral conditions, including rights protection and welfare services. Alternative understandings of subjection and justification are explored in section 4.

12 Some critics argue that one’s relation to international organizations is *mediated* through one’s state, and any state’s membership in international organizations is voluntary (however, see Cohen and Sabel 2006).



laws and immigration policies (Abizadeh 2007: 18-58; Christiano 2008).<sup>13</sup> Other examples concern how a state's domestic public law (including criminal, antitrust, and environmental law) can have extraterritorial application (Dogauchi 2001) and how domestic intellectual property laws constrain outsiders, who can be tried in domestic courts (Ubertazzi 2012: xviii). Finally, many states use sanctions—economic and military policies and directives—to compel weaker states to alter their practices (Cavallero 2010: 16-31; Julius 2006: 176-92).

Some of the above examples might not fit with what one regards as the morally relevant feature(s) of subjection. We might not need to enter this battle. As long as *some* such example works, the relevant point is that even if a state, S, subjects outsiders to some of its laws, we do not ordinarily think that outsiders are entitled to equal participation in S (for a contrasting view, see Abizadeh 2008; also see Abizadeh 2021). Of course, as many have rightly pointed out, there is a major difference between outsiders and a state's members. States subject their members to *widespread* laws.<sup>14</sup> In contrast, there is an enormous range of laws, rules, and policies with which outsiders are not made to comply. For our purposes, this means that there is little doubt that Betas, along with Alphas, are subject to their state's laws and policies far more extensively than any outsiders. And we can assume that the greater extent of their subjection entitles both Betas and Alphas to more participation than outsiders are owed (whether outsiders are owed some participation or none at all). But we must still examine whether Betas are owed equal participation with Alphas, and the point about outsiders is helpful here. Shortly, I will try to identify some sort of overall sense of subjection or above-none-but-short-of-full threshold that might entitle Betas to equal participation. Prior to examining those options, though, here is what we can say.

First, if the extent of the laws, directives, and policies that S imposes on outsiders does not entitle outsiders to equal participation in S (and perhaps not any participation), then it is not the case that *any* extent of subjection by S entitles one to equal participation with others who are also subjected by S. And this certainly seems correct; otherwise, people who are subject to only a few laws would be owed an equal say over, and equal access to, the goods and services associated with all sorts of laws and policies that do not apply to them. But, second, if we both reject the idea that any extent of subjection entitles one to equal participation, and also think that the greater extent of subjection that Betas, along with Alphas, experience

<sup>13</sup> States unilaterally control their own borders, which regulates the terms of entitlements—an important feature on Blake's (2002) view.

<sup>14</sup> For instance, Blake (2002) and Nagel (2005) often refer to this idea.

relative to outsiders entitles them to more participation than outsiders, then what can we say about the relation between the extent of one's subjection to a state's laws and the measure of participation that one is owed in that state? For now, the most we can say is that the measure of participation that one is owed bears a broad positive correlation with the extent of one's subjection. Simply put, as subjection increases, so does the participation that one is owed.

Importantly, the correlation is *broad*, since we do not know anything more specific about the relation between subjection and participation. For instance, we do not know whether it is proportional. A proportional correlation might mean, say, that if someone is subject to some law or policy, then they are owed participation under *that* specific law or policy, and that the greater the extent of their subjection under it, the greater the measure of participation they are owed under it.<sup>15</sup> But we do not know whether the correlation should be interpreted this way.

We also do not know whether only the *number* of laws or policies is relevant for measuring subjection's extent or whether, as seems more likely, other factors should matter. It seems that, as part of extent, we should consider how morally *significant, substantial* or *deep* a given law or policy is; for instance, does some law merely pertain to one trivial aspect of life, or does it pertain to significant and multiple domains of life? However, despite not knowing precisely how to interpret the details, recall that Betas' subjection is limited to the state's basic laws, not its secondary laws. So their subjection seems appreciably less extensive than that of Alphas. Consequently, at least initially, the analysis suggests that Betas are not owed equal participation with Alphas.

Before leaving the issue of extent, however, we should consider how Betas are restricted from accessing inessential spaces. One might argue that for every one of these restrictions, there will be a law enforcing it—a law that only Betas are bound by. And if we add up these laws, they might imply that the extent of Betas' subjection is roughly equal to that of Alphas.<sup>16</sup> There are a few obstacles, however, to relying on this idea to object to constrained apartheid. First, we just discussed how it does not seem that extent should be determined only by the number of laws that one faces, rather than also by how morally significant a given law is; and the laws restricting Betas from accessing spaces might not count as especially significant or meaningful, since they pertain to inessential spaces. Second, and perhaps more importantly, for every one of these laws that Betas are

15 On the idea of proportional participation, see Brighouse and Fleurbaey (2010).

16 I owe thanks to a reviewer for highlighting this idea.

bound by, we could easily imagine a complimentary law imposed on Alphas—that Alphas may not facilitate Betas entering such places, that they may not interact with Betas in such places, that they must report Betas’ presence in such places, etc. The end result is that adding these laws to the total amount of subjection that Betas and Alphas each experience might not change the comparison between the subjection that Betas face and the subjection that Alphas face; that is, it would still seem that Betas’ subjection—limited to basic laws—is appreciably less extensive than that of Alphas—which includes all basic and secondary laws.

I will return to some related worries below, especially the potential concern that Betas’ right to internal free movement is violated. But, at this point, there are likely many potential objections that hold that the preceding analysis, based on extent, does not capture what it means to be bound by the state’s laws. Relatedly, one might think that the idea, considered above, that members are subject to widespread laws should be interpreted in terms of a web of laws or a system of state power, rather than numerous isolated parcels of law.<sup>17</sup> How might we unpack such objections?

A first way might be to say that contrary to the constrained-apartheid state, the web of laws simply cannot be separated into distinct institutions or instances and *applied* in piecemeal fashion. But this seems untrue. While it *is* true that many legal rules are interrelated and interdependent, this does not mean they cannot, in practice, be detached from one another or that it is not possible to disentangle the web of laws into separate applications. Subjection involving outsiders and the differences in subjection that occur in most actual states (as noted in section 2) illustrate how the web of laws can be pulled apart into distinct laws and rules and applied separately.

A second potential challenge points out an interconnectedness, not in terms of how laws and rules apply, but in terms of their effects. One might worry that although Betas are not subject to secondary laws, collective decisions about secondary laws could also influence basic laws—to which Betas *are* subject. For instance, laws concerning the aims and values of secondary education might shape laws pertaining to basic education. So, since Betas are subject to basic-education laws, they might be indirectly impacted by decisions concerning secondary-education laws.

One reply is that while such possibilities may speak against the claim that the correlation between subjection and participation is proportional, they do not seem to support rejecting a positive correlation altogether. For while Betas might be indirectly affected by decisions made about secondary

17 As noted above, Blake (2002: 279, 283) and Nagel (2005: 128, 130) often refer to this idea.

laws in virtue of how the latter shape basic laws, Alphas, it seems, will be directly affected by these decisions at both sites, since Alphas are subject to *both* basic and secondary laws. More importantly, and more simply, considerations regarding how collective decisions about some law, X, might impact people not subject to X raise normative concerns about being *affected* by laws, not about being subjected to them.<sup>18</sup>

What about the overall senses in which the state subjects us (not how it affects us)? In the next section, I will consider some notions of overall subjection (especially the notion that subjection to basic laws constitutes a morally important threshold), which require some discussion concerning why subjection is thought to be *prima facie* wrong. Before doing so, let's examine several intuitive worries that might refer to overall subjection, but which seem independent of any specific construal of subjection's wrong.

- (1) Because Betas live in the state, they are always susceptible to its power.

There might be a variety of republican sorts of worries related to hierarchical relations, or one's susceptibility to, generally speaking, the *power* of others, including their influence and ability to exploit and treat with contempt (see e.g. Kolodny 2014). For (1) to be relevant here, though, power must be construed as subjection to the state's laws.<sup>19</sup> With this narrower focus, the amended concern underlying (1) would be something like this: because Betas live in the state, they are always susceptible to further or greater subjection. This is a reasonable concern, since it seems plausible that the state has more opportunities to impose further instances of law over those who are already bound by many of its laws. However, since what demands justification under subjection theories is one's *actual* subjection, not one's *susceptibility* to subjection, this concern would not suggest rejecting a broad correlation between subjection and participation. It would simply imply that if and insofar as Betas are actually subjected to further laws, they would be owed a greater measure of participation.

How about the following sense of overall subjection?

- (2) Betas are always constrained in some way, since they are prevented from accessing secondary goods and spaces.

<sup>18</sup> This leads to a very different way of construing the moral relevance of state institutions—one that has far less chance of limiting the scope of obligations to a state's members. See Goodin (2007).

<sup>19</sup> Indeed, construing such concerns in terms of power more generally seems to make it harder to establish any distinct normative contrast between a state's insiders and outsiders. This is because, especially concerning outsiders in politically weakened or impoverished states, it is easier to establish that they are vulnerable to another state's power when this is defined broadly than when it is defined as subjection.

(2) touches on a deeply troubling aspect of Betas' lives in the state: their segregation. However, construed as a kind of overall subjection, (2) faces problems. First, and less relevantly, this notion of subjection might also be said to apply to outsiders, since outsiders are also restricted from accessing many (if not all) of the hypothetical state's goods and spaces, especially through border control.<sup>20</sup> Of course, there is no denying that the major difference between Betas and outsiders is that Betas live in the state. Doesn't this difference mean that Betas' segregation violates something like their basic moral right to internal free movement (whereas the same would not hold for outsiders)?<sup>21</sup> This is unclear. We would first need to know what counts as a right to internal freedom of movement. The fact that Betas are restricted from accessing a variety of spaces may not on its own show that such a right is violated. For we are all restricted in various ways, depending on the particular circumstances, from accessing numerous spaces, such as certain public buildings and official spaces (not to mention private property) and through traffic and safety laws,<sup>22</sup> and this does not necessarily mean that our basic rights to internal free movement are violated. If Betas were restricted from accessing *essential* goods and spaces—those needed for a minimally decent life—then it would seem a lot easier to conclude that their moral right to internal movement is violated. But Betas are not denied such access. They are only denied access to inessential goods and spaces. To be sure, it certainly seems unjustified that Betas face these limits when Alphas do not. But to know if this is unjustified under subjection theories, we would need to know more generally if the unequal participation between Alphas and Betas is unjustified. And at this point, we are still seeking a way for subjection theories to conclude that. Referring to the idea of a right to internal freedom of movement does not on its own seem to settle the issue.

20 In fact, even under the idea of *open* borders expressed by Joseph Carens (2013: 276-87, e.g.), there will be some (likely very large) class of outsiders that is prevented from accessing the state's goods and spaces—if for no other reason than that there will need to be numerical restrictions due to public safety and traffic concerns.

21 Alternatively, one might think that the significance of this fact is that an outsider has the opportunity to gain equal terms, including access to secondary goods and services, in some *other* state—the state the outsider resides in—whereas Betas do not. However, what demands justification under subjection theories is a state's subjecting someone to its laws, and this does not seem to change if someone has (opportunities for) equality in another state. For instance, if Luciana resides in the US but also has equal citizenship in, say, Argentina, this does not mitigate the US's responsibilities to her. A state must be justified to those who are subject to its laws even if they have (opportunities for) equal terms elsewhere.

22 For instance, Joseph Carens (2013: 246-8, 251) discusses how internal movement can be legitimately curtailed for reasons such as protecting property rights and public safety. The relevant point here is that in order to know whether any restriction on movement violates a right to internal movement, we first need to clarify what this right entails.

There is a more important problem facing (2) and also facing another, very intuitive conception of overall subjection. Namely:

- (3) Betas—unlike Alphas—have no real say in whether the apartheid system continues, and this constitutes a higher-order sense of Betas' being bound by the state.

The problem for (2) and (3) is that, construed as types of overall subjection, they betray a kind of conceptual confusion. More specifically, interpreting either a lack of access to certain goods and spaces or an inadequate say as itself constituting a kind of subjection conflates the justification-deserving condition with the *remedy* or *compensation* that one might be owed. What makes one deserving of justification under subjection theories is subjection to state laws; what one is *owed* is access to goods and a say. Though the measure of these latter things is still an open question (whether they must be equal to what Alphas are owed) and their content is left unspecified (whether they must satisfy, say, egalitarian requirements), they nonetheless constitute what someone is *owed for the wrong of being subjected*. (2) and (3), however, construe the absence of what someone is potentially owed as the wrongful subjection itself.

None of this is to deny that Betas' lacking the same access to goods and services and the same say as Alphas is objectionable. But interpreting such concerns in terms of a kind of *subjection* does not help. We may be better off considering the particular understandings of subjection's wrong.

### 3.3 *The Wrong of Subjection*

In what follows, my aim is not to examine every possible subjection theory, or every concern related to them. Instead, I will examine what are arguably the dominant and most compelling concerns, which can be captured under three categories of views: "Infringement", "Liability", and "Rights Violations".

#### 3.3.1 *Infringement*

Infringement construes subjection to state laws as an external intrusion on our autonomy, or our ability to be the partial author of our lives. By imposing laws, directives, and policies and enforcing them through threats and sanctions, Infringement maintains, the state (or its other members) narrows the available set of options, and subjects our will to the will of

others, thereby violating our autonomy (Blake 2002; see also Walzer 1983).<sup>23</sup>

To address a variety of worries, and since I am not attempting to determine whether subjection theories can ground, in particular, egalitarian justice, my focus will not be exclusively on any one position, such as Michael Blake's (2002) argument concerning the distinctive moral importance of laws affecting our economic holdings, including property, contract, and tax requirements. By exploring Infringement in broader terms, the general challenge confronting any of its variants emerges.

We can assume that for the wrong of having one's autonomy infringed, one is owed the good of participation: a right to a say and to access to the state's goods and services. We can maintain that without being able to participate in the state's political process and welfare system, one could not be seen as governing oneself or authorizing the power by which one is governed.<sup>24</sup> Our interest, once again, is not in whether subjection theories can determine the specific content of the owed good, but whether they can establish that Betas are owed the good in equal measure with Alphas.

To begin, we can recognize that Betas do not just have a few options foreclosed to them. Rather, their life options are deeply shaped in especially morally significant domains of law. This is because, recall, they are bound by all basic laws—not only laws against theft and harming others and pertaining to safety and traffic, but also public health and basic-education laws. Moreover, they are forced to pay taxes to finance basic goods and services, which considerably shapes Betas' economic holdings and how they may use their property (Blake 2002). However, we must still attend to the comparative situation of Betas and Alphas. And from the standpoint of Infringement, what subjection is doing to Alphas has to be worse than what it is doing to Betas. Consider a very different context.

Imagine that you and I work at the same firm. We are bound by the same "basic" policies and rules concerning our behavior, productivity, pay increases, and demands on our work and time. But as management, you are bound by the "secondary" requirement that you must stay an additional half hour each day (not because you are less productive or efficient), and you are also required to pay a portion of your salary toward the company's "secondary" goods, such as its concierge health care and its sports club. By demanding even only a half hour more from you than from me, the firm more greatly constrains your ability to pursue valuable opportunities outside of work, such as spending time with family, engaging in hobbies, or

<sup>23</sup> Extensive work on democracy's boundary problem similarly construes (at least many forms of) subjection as *prima facie* autonomy infringements (e.g. Abizadeh 2008; Miller 2009).

<sup>24</sup> This comports with Blake's (2002: 288) description of justification, which must permit us to "legitimately understand ourselves as authors of our own coercion".

pursuing additional income. By requiring you to pay for its special benefits and facilities, the firm more significantly directs your economic holdings, since it limits how you may use your earnings. All of this matters for what you are entitled to. You should have greater “participation” than I have—a greater say in the firm’s decisions (e.g. through inclusion in organizational and managerial meetings) and greater access to its goods and services (e.g. access to its sports club). Without greater participation, the firm’s demanding your additional time and your payment for its special benefits and facilities seems like a straightforwardly unjustified encroachment.

Of course, there are important distinctions between what the business is doing to you and me (its employees) and what the state is doing to Betas. The state uses force and threats of force to back up its demands, and Betas have no choice but to comply. In contrast, the business does not use force and—let us grant—our employment there is voluntary, so we ultimately have a choice of whether to comply or not. Furthermore, the state controls significant aspects of Betas’ lives, not simply how we spend a small amount of our time or salary.

However, these distinctions do not matter for the central analysis. Neither the state’s ability to use force nor the differential importance of the constrained options seems to change the *comparative* situation of Alphas and Betas. Whatever considerations make autonomy infringement worse for Betas than for a business’s employees also apply to Alphas. And such considerations only seem amplified for Alphas in light of the issue of extent: because Alphas are also bound by all secondary laws, including in morally significant domains such as secondary education and family law, they have more of their important life options forcefully narrowed and directed than Betas.<sup>25</sup> Moreover, even setting aside the various property- and contract-law exclusions that Betas might be afforded—when dealing with other Betas, and insofar as such laws are unnecessary for the essential conditions for a minimally decent life—Betas’ economic holdings are significantly less constrained than Alphas’, since they are only made to pay taxes toward basic goods and services. Given such differences in extent—differences that also obtain in other domains of law—even if we assign a greater value to certain domains (such as laws pertaining to economic holdings), it is hard to see why the participation scale is not tipped in favor of Alphas. If Alphas have more of their life options forcefully constrained, then why does this not warrant, under Infringement, their having a more appreciable say in structuring those options and their having greater

<sup>25</sup> To clarify, my discussion is not meant to suggest that we can understand autonomy in terms of *numbers* of options. What matters is whether the options are deliberately constrained by others. See Blake (2002: 270-1).



access to the state's goods?

The preceding discussion is relevant for a potential strategy, mentioned in the preceding section, for justifying Betas' having equal participation based on subjection to basic laws. In particular, one might think that subjection to basic laws—something that Betas and Alphas both experience—constitutes a morally relevant sense of overall subjection or a subjection threshold that justifies Betas' having equal participation with Alphas. For this strategy to succeed, however, we require some justification—from the standpoint of Infringement—to ignore or minimize whatever moral significance attaches to secondary laws, to which only Alphas are bound. Put differently, we need reason to think that subjection to basic laws is the only, or at least by far the most significant, morally relevant sort of subjection. Do we have such a reason?

Recall that the function of the hypothetical state's basic laws is to secure the prerequisites for a minimally decent life or to protect our fundamental interests, including physical security, basic health care, and freedom of expression (whatever is deemed to be needed). While the importance of such laws should not be minimized, we must ask whether, compared to secondary laws, basic laws uniquely, or at least especially, infringe one's autonomy, and it seems unlikely that they do. In fact, basic laws, by definition, make possible a minimally decent life, and thus it could be that at least some of them are autonomy-enabling more than anything else.<sup>26</sup> In contrast, by definition, secondary laws are not required for a minimally decent life or to protect our fundamental interests. While secondary laws might facilitate someone's ability to, say, express their values concerning shared cultural practices and common political life, they are unlikely to be necessary—or at least they are far less important than basic laws—for developing and acting on a plan of life. Consequently, being bound by secondary laws may represent a greater infringement on one's autonomy than anything that occurs through being subjected by basic laws. At the very least, basic laws do not seem to be *more* significantly autonomy-infringing than secondary laws, in contrast to what would need to be the case in order to ignore or discount whatever moral significance attaches to secondary laws, to which only Alphas are bound.

Thus we seem to lack moral support for any sort of subjection threshold rooted in being mutually bound by basic laws that would entitle Betas to equal participation with Alphas. Again, such a strategy would need to justify disregarding or minimizing the normative relevance of subjection under secondary laws, and from Infringement's standpoint, such

26 Blake (2002: 271) may offer support for this reading.

justification does not seem available. In short, it is hard to see how or why Alphas' being required to comply with a significant range of laws to which Betas are not bound would fail to imply that Alphas are owed a greater measure of participation.<sup>27</sup>

### 3.3.2 Liability

The Liability view, developed mainly by Thomas Nagel, considers how we are not just controlled by our state's laws and rules but, in virtue of our compliance with them, morally responsible or liable for their aims and consequences. The state is said to make us responsible "not act by act, but for the system as a whole", and as a result the state owes us justification (Nagel 2005: 130).<sup>28</sup> We can continue to assume that justification must issue in some measure of participation, and our task is examining whether Betas are owed participation in *equal* measure with Alphas. Does Liability imply that Betas are owed equal participation?

Since we are said to be made liable for complying with the state's legal rules "not act by act, but for the system as a whole", and since basic laws constitute an entire *set* of morally important laws, not simply a few instances, we can once again try to establish a morally relevant threshold rooted in this set. The question before us is, does the fact that Betas are subject to, and (we can assume) comply with, all basic laws mean that the *system as a whole* is carried out in Betas' name as well as Alphas'? If so, Betas would be entitled to equal participation with Alphas as justification for how they are made liable for the state's laws.

Given our discussion of Infringement, I believe our examination of this question can be relatively brief. We have seen that basic laws, on the assumption that they secure a minimally decent life, carry tremendous moral significance. What we need to know now is whether they are any more significant than secondary laws by the lights of Liability—that is, whether compliance with basic laws somehow confers greater liability on

<sup>27</sup> Though Blake (2002) suggests that caste hierarchies violate the conditions of autonomy for subordinated groups, we've seen that it's far from clear that his view has the resources to condemn constrained apartheid.

<sup>28</sup> No one is made liable for their state's power simply by being subject to *some* of its laws and rules. If liability required nothing more than that, then, according to Nagel, outsiders might bear responsibility for a state's system of power. Nagel (2005: 129, 130) suggests that the difference for outsiders is that the state does not "claim" or "demand" their acceptance of its laws, and perhaps we can say that, in contrast, the state does "claim" Betas' acceptance. However, the problem here is that talk of claiming and demanding suggests that the state (or its officials) must have particular attitudes about the people who it subjects to its laws in order for them to be made liable, implying that a state can shirk its obligation to provide justification just by having different attitudes about those whom it subjects. See Julius (2006) and Abizadeh (2008).

an agent for the state's laws than does compliance with secondary laws. Frankly, it is hard to see why that would be the case. Rather, the indispensability of basic laws to a minimally decent life seems to make compliers *less* morally liable for the state's laws, not more so.

Any number of examples will work here. Imagine a state that implements two vaccination laws: the first is for a disease that is easily transmittable and causes major health complications; the second is for an ailment that is also easily transmittable but only causes a minor rash. Why would compliance with the first law confer greater moral responsibility for the state's laws than compliance with the second? If anything, *failing* to comply with the first law would make one clearly liable, given the disease's effects. Whether the same holds for the second law is unclear.

Similarly, since observance with basic laws (for example, laws against harm and basic-education regulations) helps to secure a minimally decent life for everyone in the state, it is hard to see how compliance with those laws would carry a distinctive liability for the state's laws, such that we would be justified in disregarding or significantly minimizing whatever liability attaches to complying with secondary laws (e.g. laws against certain consensual sex acts, or secondary-education regulations). Consequently, it is hard to see how compliance only with basic laws would make Betas more or less equally liable with Alphas for the state's laws and thereby entitled to equal participation.

Instead of focusing on laws with which one actively complies, what about the moral implications of being *exempt* from laws, as Betas are? It does seem that being released from a law does not always remove one's moral responsibility for it. For instance, if a state requires military service of everyone except Carol, this might not wash her hands of its policies. In a similar vein, one might argue that the fact that Betas are not bound by certain laws does not mean they are not responsible for those laws. And if they are so responsible, that would entitle them—under Liability—to equal participation.

However, there are a couple things to say about this. First, if the example of Carol works, it might be because we assume that either she is given the choice of opting out of the military service requirement, or she is physically or cognitively unable to comply. Recall, though, that Betas are involuntarily excluded from the application of all secondary laws and moreover, this paper assumes (with its focus on unremarkable people) that this is not because Betas are physically or cognitively incapable of complying with them. Second, and perhaps more importantly, in our example, Carol, in contrast to other members of her society, is exempted only from military service. While this difference between Carol and other members of her

society might certainly be significant, it does not seem to come close to the differential subjection between Alphas and Betas; Betas are excluded from the full range of secondary laws, and moreover, against their will.<sup>29</sup> So even if we think that Betas are liable for the laws to which they are subject, it seems implausible to suppose that they are morally answerable for the full range of laws that they are capable of complying with, yet are excluded from.

### 3.3.3 Rights Violations

The last type of view regarding subjection's wrong might be the most familiar, but it is also the type that faces the greatest difficulty resisting the sort of apartheid described in this paper. Rights Violations interprets subjection as a *prima facie* violation of natural rights—rights held merely in virtue of being persons—thus wronging those who are subjected. Natural rights are commonly construed as negative rights primarily against unprovoked bodily harm, enslavement, and theft (Laslett 1960: sec. 6, e.g.).<sup>30</sup> And the laws that are thought to *prima facie* violate natural rights are typically laws aiming to protect and enforce those natural rights, such as the laws we might find in a minimal state or under a criminal justice system. Since construing the content of these laws broadly will not alter Rights Violations' ability to challenge constrained apartheid, we can assume that the laws needed to secure someone's natural rights include both laws protecting them against harm, theft, and the like as well as laws related to safety, traffic, public health, and basic education—thereby resembling the basic laws in our hypothetical state. (Thus I will refer to the

29 Prominent recent views on the conditions under which citizens can be made responsible for their state's action include Beerbohm (2012), Pasternak (2012), and Collins (2015). Of these, Pasternak's is the most relevant for this paper, since it comes closest to the idea that citizens are made liable in virtue of their subjection. However, note that even on Pasternak's view, a citizen can be liable for their state's actions and policies not merely by being subject to them, but only if they "intentionally participate", a critical condition of which is that the "membership status is not imposed on the individual against her will" (369). And she writes that "citizens who genuinely reject their citizenship status—who would like to give it up had they the real opportunity to do so—do not count as intentional participants in their state" (371). She finally argues that if citizens publicly and consistently signal their rejection of their status, they would not count as intentional participants (375-7). Since, as I explained at the beginning of this paper, Betas' status is against their will, I believe that it's easy to see how Betas would therefore not count as intentional participants in their state. However, to satisfy Pasternak's last condition, we could simply add that Betas consistently publicly reject their status, making it clear that they do not count as intentional participants on her view. I'm grateful to a reviewer for pressing me to consider this literature.

30 This description roughly follows Locke's and Nozick's views. Their views are certainly more complex than I have suggested here; however, I don't believe such complexities affect my basic analysis. The same can be said of the precise details of any one view falling under the category I have labeled "Rights Violations".

laws at issue under Rights Violations as “basic laws”.)

There are two central ways that *prima facie* violations of our natural rights due to our subjection to basic laws is thought to be justified. The first is through actual (explicit or implicit) consent. This Lockean interpretation maintains that subjection to basic laws is mainly justified by individuals’ consenting to have their natural rights protected by the state (Laslett 1960).<sup>31</sup> The second way, central to a Nozickian interpretation, is through compensation (Nozick 1974: ch. 5; see also Paul 1983). This interpretation builds on the consent interpretation, but maintains that adequate protection and enforcement of consenters’ natural rights also requires subjecting nonconsenters to basic laws. But, it maintains, if someone is subject to laws to secure others’ natural rights, then that interferes with that person’s own natural rights, disadvantaging them, and in turn requires compensating them (Nozick 1974: 82-3).<sup>32</sup> And compensation is thought to entail providing nonconsenters with the same benefit—the protection and enforcement of their natural rights—that it offers those who have consented to basic laws (Nozick 1974: 110-18, esp.).

It is easy to see why either interpretation has significant difficulty challenging constrained apartheid. For the Lockean strand, there seems to be nothing that would prevent one group, Alphas, from mutually consenting to be bound by a set of laws beyond the basic laws—our secondary laws<sup>33</sup>—while excluding others, Betas, both from being bound by such laws and from having further political and welfare rights, without wronging the latter. If anything, it would seem wrong to nonconsensually bind Betas to secondary laws (more on this in the next section).<sup>34</sup>

For the Nozickian interpretation, subjection to basic laws would include everyone in the society (both Alphas and Betas), even those who are

31 It seems that the state can also subject nonconsenters to laws to protect their, and consenters’, natural rights without having to provide the former with compensation. But shortly we will see that this does not affect my analysis.

32 On Nozick’s (1974: 96-108) view, there is also an additional argument for compensation. He maintains that we also have (natural) procedural rights to enforce our other natural rights (against bodily harm, enslavement, and the like). Thus if the state nonconsensually subjects you to its protective and enforcement laws to help secure the latter natural rights for others, then this interferes with your procedural rights, which requires compensation.

33 There is debate about the proper ends of the state, e.g. whether the state must only protect natural negative rights—as maintained by Nozick (1974)—or whether it may also pursue certain “positive goals . . . [including] a strong economy and a large population” (Tuckness 2002: 293). But such differences don’t seem to affect my analysis here.

34 While the state may subject nonconsenters to laws protecting their, and consenters’, natural rights, without having to provide the former with compensation, it is prohibited from subjecting nonconsenters to anything beyond the laws protecting natural rights. See my footnotes 31-2.

nonconsenting, as long as they are compensated through the protection and enforcement of their natural rights.<sup>35</sup> And, though it exceeds what Nozick requires for compensation, we can assume for our purposes that in addition to the protection of their natural rights, compensation also includes basic political and welfare rights (for both Alphas and Betas). But, again, there appears to be nothing in the view that prevents Alphas from mutually agreeing to be bound by secondary laws while excluding Betas from subjection to these laws and, consequently, further compensation (in the form of greater political rights and access to secondary goods and services).<sup>36</sup> Thus, on top of the basic laws required for protecting natural rights, Alphas could create a secondary system of laws and corresponding political and welfare rights, excluding Betas, without wronging Betas—just as we have imagined in our hypothetical apartheid state.

#### 4. IS BASIC SUBJECTION WRONG?

Infringement, Liability, and Rights Violations all seem to justify a measure of participation for Betas. But these views do not seem capable of explaining why it is wrong that Betas—given that they are not equally subjected with Alphas—lack equal participation with Alphas.

Despite what I have argued regarding Rights Violations, however, is there some way to demonstrate that it is wrong that Alphas do not subject Betas to the state's secondary laws in the first place? If Alphas have a duty to Betas to subject Betas to secondary laws, entailing that they live under equal subjection with them, then we could say that, given Betas' equal subjection, Betas must also have equal participation.

In considering this possibility, recall that subjection theories maintain that subjection to state laws is a *prima facie* wrong to, or normative burden for, the subjected agent. If it were not a wrong or a burden, there would be no need to remedy it or otherwise justify it. The question then is, if subjection constitutes a wrong to or burden for the subjected agent, then why might there be a duty to subject someone to some law?

One potential understanding is that there is a duty to subject someone

<sup>35</sup> While there might be some disagreement about whether the benefit would be applied in the same manner to everyone so bound (for instance, does it only include the nonconsenting when they have disputes with the consenting, or also when they have disputes among themselves?), nothing changes in my analysis here if we assume that the protection under such laws is applied uniformly.

<sup>36</sup> Alphas would lack a moral obligation to provide Betas with such rights and access, because otherwise this would be an unjustified redistribution of resources from Alphas to Betas (for this interpretation of the Nozickian view, see Varden 2009: 579 n. 14).

to a law to bring about an important good or benefit for *another* person. Perhaps Alphas have obligations to impose secondary laws on Betas, not for any Betas' *own* sake but for the sake of *other* Betas. For instance, perhaps by failing to impose secondary laws on one Beta, Alphas deprive another Beta of an important good that is owed to them. If this is right, then we could explain why every Beta—in virtue of Alphas' having to subject every other Beta—must be subjected to secondary laws.

The first thing to consider is *why*, under subjection theories, Alphas, or the state, might owe Betas the good of subjecting other Betas to secondary laws. Presumably, Betas would be owed this good as a remedy or compensation for the wrong of their current subjection—namely, subjection to basic laws. What Betas seem to be owed, we have seen, is the good of participation, most likely broadly correlated to their subjection. Putting that aside, though, the more important issue here is that it is not clear how the wrong of one Beta's subjection to basic laws might be remedied or compensated for by subjecting other Betas to secondary laws. How would the autonomy infringement, liability, or rights violations that one experiences from subjection to basic laws be remedied through subjecting others to secondary laws? Now, it might be that, say, one's autonomy or natural rights are best protected, or even promoted, through others' being subjected to basic laws, especially laws pertaining to security and the like. But why would one's autonomy or natural rights be protected or promoted through others' being constrained by *secondary* laws (for instance, regarding higher education or retirement), which, by definition, are not required for a minimally decent life? Maybe one's autonomy, in particular, would be protected or promoted through others' subjection to secondary laws if one is *already* bound by secondary laws oneself. But, of course, no Betas are currently bound by secondary laws.

(There is perhaps a more important problem here. If we say that a Beta must be subjected to secondary laws not for their own sake but for the sake of other Betas, then this renders support for maintaining that someone's subjection is justified if it secures morally important interests for others—a notion rejected in section 3.1—in which case one may be owed nothing more than a good reason.)

What if, more straightforwardly, there is a duty to subject a Beta to secondary laws for their own sake? There are two ways to interpret subjection theories along such lines. One is that such theories might maintain that there can be duties owed to people to impose wrongs or burdens on them. While it is unclear whether this can be the case for wrongs, it does seem that it can be the case for burdens. Most notably, doctors and nurses have duties to their patients to impose on them the

various burdens of exercising, taking side-effect-inducing medicine, and undergoing painful shots, treatments, and surgery. In a related manner, we might explain why one may have duties to some person to subject them to basic laws. In short, there might be obligations to impose burdens on people to help secure them a minimally decent life—something that, by definition, basic laws do. However, even if such obligations are compatible with subjection theories (which seems unclear),<sup>37</sup> it is unlikely that there would be duties to someone to subject them to secondary laws. This is because, beyond the conditions needed for a minimally decent life, we do not generally have obligations to others to impose burdens on them, especially outside of intimate and family relationships.<sup>38</sup>

Alternatively, subjection theories might maintain that there is a duty of rescue, justice, or beneficence to benefit others—not in the first instance to burden them—but that the only way to do this is through *prima facie* wrongful subjection to laws.<sup>39</sup> However, we face a similar issue as before. Namely, what would such duties imply concerning the benefits that others are owed? While it is again straightforward to see that duties of rescue, justice, or beneficence would mean that one owes it to others to provide *essential* goods and benefits such as security or effective resolution to coordination problems, and thus why Alphas would have a duty to impose basic laws on Betas, such duties do not seem to suggest that one must provide others with inessential goods and benefits (those associated with secondary laws).

Finally, one might think that I have misunderstood how subjection theories ultimately construe subjection to state laws: subjection is only an initial or *prima facie* wrong, but it ends up being converted into an overall good. And when subjection to laws is construed as an overall good, subjection theories avoid the difficulties of explaining why Alphas have a duty to subject Betas to secondary laws.

However, we must ask how the *prima facie* wrong of subjection would become an overall good for the subjected agent. Presumably, this is because

37 Some subjection theories (especially Blake's and Nagel's) stress that we have obligations to people to help secure them minimally decent lives, but this does not necessarily mean obligations to people to impose burdens on them for that end.

38 There are certainly exceptions. Educators have duties to their students to assign homework and give exams, and under Kantian notions of respecting persons, the state might have obligations to persons to punish them for committing certain crimes. But these are very different circumstances; this paper focuses on *unremarkable* people, not criminals. And the sorts of duties that teachers have to students to impose burdens on them are born of prior obligations to *train* or *cultivate*, which, if applied here, would suggest an implausibly paternalistic picture of the justification of state laws—one that is surely rejected by subjection theories.

39 I owe thanks to a reviewer for suggesting this interpretation of subjection theories.



the state (or its other members) would remedy or compensate for that *prima facie* wrong by conferring on the agent the good of participation rights (both political and welfare). But since this good is what someone is owed when they are *antecedently* subjected to laws, this will not help. Subjection theories say that Alphas have a duty to subject Betas to secondary laws. It gets things backward to say that there is a duty to subject someone to laws *in order* to provide them with the good of participation, since that amounts to saying that there is a duty to subject them to laws in order to compensate them for their subjection to laws.

The last section demonstrated that subjection theories cannot easily explain why Betas must have equal participation with Alphas *if* they lack equal subjection with them. In this section, we have seen that these views face even more significant challenges explaining why Betas must experience equal subjection with Alphas in the first place.

## 5. CONCLUSION: BEYOND SUBJECTION

My analysis has several possible implications. Given space constraints, I will be unable to develop them all, but I wish to conclude by briefly highlighting two. First, and more simply, my analysis seems to demonstrate that conceiving of subjection to the state's laws as a *prima facie* wrong or normative burden is either flawed or at least presents an incomplete picture of life under state laws.<sup>40</sup> It seems that, at least concerning certain laws, subjection might be a straightforward good or benefit—that is, not in the sense of being “converted” to a good or benefit only after justification or normative compensation is provided. Consider again some of the laws that primarily help to facilitate our lives, coordinate our social interaction, and enable cooperation, such as facilitative laws, including contract, trust, employment, and labor laws. More to the point, as we saw in section 3, at least some of the laws falling into our category of basic laws—perhaps including laws against theft and harm, and laws related to safety, traffic, public health, and basic education—might be directly autonomy-enhancing and rights-protecting.<sup>41</sup>

Second, and more importantly, my analysis seems to further underscore

40 See my footnote 2.

41 None of this suggests that state laws are either justified or generate a moral obligation to comply. These are separate issues. Additionally, it might be that subjection to certain laws is necessary but not sufficient for gaining valuable benefits; what may also be needed is participation (as defined here, as political and welfare rights) to secure the relevant benefits. However, this still seems a different way of conceiving of subjection, because it does not make subjection (to at least certain laws) a *pro tanto* wrong that must then be compensated for. I'm grateful to a reviewer for raising this important point.

the moral significance of *relational* or *social equality*—relating to and regarding others with whom we have ongoing relations as moral equals. On such views, what has primary moral significance for our obligations to our fellow members is not the wrong of subjection but rather being enmeshed in overlapping social, political, and economic relations with them. Some of these relations may be generated from being subject to laws, but most relational equality views, including the view endorsed in Niko Kolodny’s recent book, also seem to be concerned with a variety of less formal relations as well, such as a society’s norms and patterns of behavior (Kolodny 2023).<sup>42</sup> Of primary importance for these views are obligations to avoid establishing or sustaining hierarchical relations or stratification between people, such that some are treated or regarded as morally inferior (see e.g. Anderson 1999; Fourie 2012; Kolodny 2014; Fourie *et al.* 2015). On relational equality views, it would seem easy to demonstrate that, despite Betas not being mutually subjected with Alphas to secondary laws, because of both the relations constituted by mutual subjection to basic laws and the less formal relations sustained by the norms and patterns of behavior in the society, the subordinate status that Betas have (again, involuntarily and on the basis of their race, ethnicity, or religion) is obviously wrong (see Akhtar 2024). Accordingly, it would seem far easier to demonstrate that Alphas have obligations to include Betas in the society on equal terms.

42 To clarify, Kolodny’s book is primarily concerned with identifying the central moral claim we have against the state. He argues that this claim is best understood as a claim against inferiority, which he defines as relations that consist in asymmetries in power, authority, and regard (95) that are not “tempered” by, for instance, being limited by context, time, exit, or content (98-100). Though his focus in his book is the social hierarchy inherent under political rule, I think that Kolodny’s more general concerns about social hierarchy provide a way to object to constrained apartheid. For relations of inferiority do not seem to depend only on mutual subjection to laws, but rather can emerge under any hierarchical social relations, including caste relations, which are informally upheld or sustained through social norms (see his discussion of castes, especially at pp. 90-1, 101). And the relation between Alphas and Betas, I believe, can be described as a caste relation. (What I’ve just suggested also comports with how Kolodny describes discrimination on the basis of identity, such as one’s race or ethnicity (see ch. 13)).

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# Précis of *The Politics of Social Cohesion*

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## 1. INTRODUCTION

Over the last 20-25 years, concerns about the impact of immigration on social cohesion have become prominent in debates and policymaking pertaining to immigration and integration. Indeed, many Western liberal democratic states have adopted increasingly restrictive immigration policies, which reflect the worry that immigration, and especially non-Western immigration, poses a threat to the bonds that bind together citizens—bonds that enable stable democratic institutions, cooperation, and a robust welfare state. Here the worry is that social cohesion requires a shared identity at the societal level, and that immigration constitutes a threat to such an identity. Similarly, in response to immigration, states have engaged in nation-building policies that aim to maintain or foster a sense of a shared national identity, for example through national school curricula, citizenship tests, cultural canons, efforts to define national identities, and the regulation of religion in the public sphere.

In *The Politics of Social Cohesion* (subtitled *Immigration, Community, and Justice*), I consider these (perceived) challenges to social cohesion in greater detail. More specifically, I focus on a particular challenge, namely the idea that immigration poses a threat to the welfare state and to egalitarian redistribution. Or rather, I focus on a specific version of this idea, namely that immigration leads to ethnic diversity, which tends to drive down social cohesion and thus the social basis for an egalitarian welfare state. Sometimes this is referred to as the “progressive’s dilemma”, the idea being that a state can have a liberal immigration policy or an extensive, egalitarian welfare regime, but not both. It is an idea that has received a great deal of attention, not only in political discourses and as a basis for policymaking, but also among social scientists and political theorists. Thus social capital scholars have studied in a great deal of detail

the effects of immigration and diversity on various aspects of social cohesion, and social scientists and political theorists have argued that due to its negative effects on trust and solidarity, immigration should be restricted, or at least that it is permissible to restrict it. Similarly, political theorists have argued that to secure social cohesion and egalitarian redistribution in a diverse citizenry, people need to be united on shared values, although theorists disagree over which values are most conducive to social cohesion.

In my book, building both on empirical social science and normative political philosophy, I argue that the effects of immigration on social cohesion need not be detrimental to social justice, and that basic principles of liberty and equality not only form the normative, political philosophical basis for just immigration and integration policies, but are also the values that, if shared in the citizenry, are most effective for producing the social cohesion that constitutes the social basis for realizing justice.

The book is divided into three parts (each corresponding to one of the three sections below). Part I deals with what social cohesion is and what causes it, as well as the normative, political philosophical basis for assessing immigration and integration policies. Part II critically scrutinizes the claim that immigration drives down social cohesion and egalitarian redistribution. And part III discusses integration, more specifically policies to promote shared values and, on this basis, social cohesion in a diverse citizenry.

## 2. IDENTITY, SOCIAL COHESION, AND JUSTICE

Liberal democratic states have been eager to respond to perceived threats to social cohesion due to immigration and have generally done so by implementing more restrictive immigration policies and pursuing various forms of nation-building, often in the form of promoting a sense of shared values. However, they have not always converged on the values they have promoted and consider supportive of social cohesion. In the book, I illustrate this with a comparison of four national cases—Canada, Denmark, France, and the UK—arguing that they have to varying degrees adopted nationalist, liberal, republican, and multiculturalist conceptions of the values that need to be shared to foster social cohesion.

But what is social cohesion, more specifically? Social cohesion can be described as social networks that facilitate various social goods, including cooperation, reciprocity, and trust; and it includes norms, values, expectations, and sanctions. In the book I focus on two aspects of social

cohesion in particular, namely generalized trust (roughly, trust in strangers) and redistributive solidarity, because these are arguably particularly important for upholding an egalitarian welfare state. Thus in order for people to sustain and act on their solidaristic inclinations, for example in their voting patterns, they not only need to exhibit solidarity with other members of society, including the worse off, but also need to trust other people to likewise comply with the requirements of justice.

Among social capital theorists, there are different accounts of how these aspects of social cohesion are created and maintained, including strategic, moral, and institutional accounts, and I argue that our assessment of whether—and if so, when—diversity may pose a challenge to social cohesion, and what can be done about it, depends on which of these accounts we endorse. In addition, based on empirical studies and welfare regime theory, I argue that socioeconomic equality and universal, social democratic welfare regimes tend to sustain these forms of social cohesion.

An assessment of immigration and integration policy in the light of worries about social cohesion and the welfare state requires more than an empirical understanding of the basis of such cohesion, including of the causal mechanisms involved; it also requires a normative conception of what these policies should ultimately aim to achieve. In this regard, I provide and defend a liberal egalitarian conception of social justice, which I argue provides the normative basis for, among other things, an egalitarian welfare state. And I argue that equal opportunities include equality of religious and cultural opportunities and that, at least in some cases, such opportunities require multicultural policies.

### 3. IMMIGRATION

Having thus set the stage, I critically assess the progressive's dilemma and the idea that it warrants highly restrictive immigration policies. Basically, the argument under consideration states that immigration leads to ethnic diversity, which drives down trust and solidarity and thus the social basis for egalitarian redistribution, whereas a socially just state would enact egalitarian, redistributive policies. I challenge both some of the empirical and the normative premises of this argument. As regards the empirical premises, I consider in greater detail the empirical evidence for the suggestion that diversity drives down trust and solidarity. Basically, I argue that when you look at the large number of available studies, including meta-studies, the evidence for this suggestion is simply too conflicting to draw any strong conclusions. And even in studies that do find a negative effect of diversity, it tends to be modest in size. On the basis of the

inconsistency of the available empirical findings, I argue that the impact of diversity on trust and solidarity is likely to be contextual, where effects depend on a number of other factors that may or may not be present in a particular context of immigration.

This also means that there may be policies that states can pursue to limit any negative effects of immigration on social cohesion, to the extent that such effects occur. Again, based on available empirical studies, I argue that moderating factors include out-group contact, socioeconomic equality, fair institutions (and in particular universal, social democratic welfare regimes), integration regimes, political discourses pertaining to immigrants, and community building (based on shared values). To varying degrees, these are factors that states can impact through their policies and institutional designs. This realization has implications for the assessment of the progressive's dilemma and the argument for restrictive immigration policies under consideration, because, insofar as negative effects on social cohesion are not something that just simply happen but are to some extent under the control of the state through its policies, this tends to weaken the argument for restrictive immigration policies.

As stated, I also discuss a normative assumption made in the social cohesion argument for restrictive immigration policies, namely that equality has domestic scope only. That this is assumed in the argument transpires from the fact that it is only the effects of immigration on the receiving society, namely as regards impacts on its welfare state and its egalitarian redistributive function, that are taken into account. If, on the other hand, we were to assume that equality has global scope, we would need to consider the effects of immigration on the receiving society, on the sending society, on immigrants themselves, and on other affected parties on a global scale. In the book I argue that, as it turns out, equality has global scope, and that, in particular, South-North migration tends to have a positive effect on global equality, both because low-skilled migrants can achieve a higher standard of living and because of remittances to sending societies. I also consider whether such effects are outweighed by, for example, brain drain, challenges to fiscal balances, and more efficient ways of promoting global equality, but I argue that immigration has a role to play in furthering this goal (although presumably there can be levels of immigration that would not be sustainable, and which would be counterproductive, even in terms of global equality).

Thus I challenge the social cohesion argument for restrictive immigration policies on both empirical and normative grounds.



## 4. INTEGRATION

In the final part of the book, I turn to the question of community building, and whether states can further social cohesion and egalitarian justice by promoting shared values. While political theorists often assume that a shared identity in the form of shared values has a role to play in the promotion of social cohesion and egalitarian justice, they tend to disagree about which values, if shared, would (best) promote this aim. In particular, for the purposes of the book, there is a question of whether the values I propose as a basis for just immigration and integration policies, namely liberal egalitarian and multicultural values, are also compatible with creating and maintaining the social ties among community members that facilitate trust and solidarity.

Nationalists argue that a liberal political identity of this kind is too thin and shallow a basis for sustaining social cohesion in the citizenry, and that, indeed, a thicker commitment to the cultural nation is required (this is sometimes referred to as the “national identity argument”). Challenging this conception, I argue both that requiring or expecting people to identify with each other in terms of a shared cultural identity is in tension with some basic commitments of liberalism and that, in any case, the suggestion that a shared commitment to the cultural nation promotes trust and solidarity is not supported by the available empirical evidence.

As regards liberal values, on the other hand, there is evidence to suggest that such shared values have a positive impact on social cohesion. I offer three explanations of why that may be the case. First, this is because widely shared liberal egalitarian values make it easier to implement socioeconomic equality, and such equality has positive effects on trust and solidarity. Second, it is because widely shared liberal egalitarian values make it easier to implement just institutions, and in particular universal, social democratic welfare regimes. Such regimes tend to foster solidarity because, through feedback mechanisms, they impact perceptions of deservingness (including for welfare recipients). For example, when social benefits are universal rather than means-tested, there is less incentive to consider their recipients undeserving of them. Finally, there are also more direct effects of sharing liberal values, in that people who share them are simply more likely to trust and exhibit solidarity towards out-groups, including immigrants. Thus liberal values tend to be inclusive of minorities, who are then more likely to be considered members of the in-group (and to see themselves as such), and holding such values makes it easier to also hold other positive attitudes towards minorities, including trust and solidarity.

What, then, about multicultural values? There has been a great deal of

criticism of multicultural policies, suggesting that such policies tend to fracture society and lead to segregation and ethnic in-group identification at the cost of positive attitudes between groups. However, the available empirical evidence does not support the claim that multicultural policies drive down social cohesion, rather, such policies seem to have little impact on trust and solidarity. Nevertheless, when it comes to sharing multicultural values, there is some evidence to suggest that these do not drive down but in fact tend to promote trust and solidarity in the citizenry, although as in the case of liberal values, it is unclear whether these effects are due to the nature of the relevant values (alone), or (also) to the sharing of them.

What this suggests is that states that pursue liberal egalitarian policies, including liberal egalitarian immigration and integration policies, are not only complying with the requirements of justice, but by promoting and implementing these values and policies they are also sustaining social ties in the citizenry that facilitate the implementation of the requirements of justice in the long run.

# Social Cohesion and Political Inclusion\*

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## ABSTRACT

In my response to Nils Holtug's important book *The Politics of Social Cohesion*, I consider its specifically political dimensions in several distinct cases, and my general argument is that Holtug is insufficiently attentive to them. Whereas Holtug's excellent book examines the philosophical justification for social justice policies, with respect to the support they offer for multicultural accommodations, my view is that more attention ought to be paid in particular to the political mobilization by minorities that has been central to securing these accommodations.

Over the course of this response, I defend the view that when discussing social cohesion and its benefits, our primary focus has to be on political inclusion or political equality—indeed, political inclusion is in a profound way foundational to the inclusion that we seek in other social spaces, for two reasons: (1) it is only if political inclusion is secure that minorities can advocate for the rights they require to secure their equality, for otherwise they have to rely on the good will of others, and that good will is not always forthcoming; and (2) because, otherwise, minorities are treated as the passive recipients of majority beneficence rather than actors in their own right.

**Keywords:** social cohesion, trust, political inclusion, solidarity, political mobilization, multicultural accommodations, distrust.

\* Thank you to the anonymous reviewers for this journal for helpful comments, and to Tom Parr for comments on the penultimate version. This response grew out of a workshop focused on Nils Holtug's book, organized by Zoltan Miklosi. I owe thanks to the other contributors for comments and questions, to Nils for taking my worries seriously, and to Zoltan for bringing the commentaries together in this special issue.

In this response to Nils Holtug's important book *Politics of Social Cohesion*, I will consider its specifically political dimensions in several distinct cases, and my general argument will be that Holtug is insufficiently attentive to them. Whereas Holtug's excellent book examines the philosophical justification for social justice policies, in particular with respect to the support they offer for multicultural accommodations, my view is that more attention ought to be paid to the political mobilization by minorities that has been central to securing these accommodations.

In particular, over the course of this response, I will defend the view that when discussing social cohesion and its benefits, our primary focus has to be on political inclusion or political equality—indeed, political inclusion is in a profound way foundational to the inclusion that we seek in other social spaces, for two reasons: (1) it is only if political inclusion is secure that minorities can advocate for the rights they require to secure their equality, for otherwise they have to rely on the good will of others, and that good will is not always forthcoming; and (2) because, otherwise, minorities are the passive recipients of majority beneficence rather than actors in their own right. I suggest that most multicultural accommodations are the result of political mobilization by minorities rather than voluntary adoption by majorities, and to make this claim persuasive, I will offer some illustrative examples. I will suggest furthermore that these accommodations are the product of distrust rather than trust or social cohesion. Perhaps paradoxically, as I observe in the final section, trust is especially important in cases where minority groups desire segregation rather than integration. Ultimately, and I shall begin my discussion here, multiculturalism and the policies that it engenders is a deeply *political* question. A focus on the political dimension of this question forces a more serious consideration of situations where minorities are actively distrustful of the majority community, as well as situations where minorities desire separation rather than integration.

## 1. POLITICAL INCLUSION

Holtug considers in considerable detail the way that political theorists have historically explained the importance of trust or social cohesion. As he observes, these discussions typically feature in a more general assessment of whether and how national identity (or some other source of shared values) is valuable in a political community. He writes: “nationalists argue that a commitment to the nation is not only a moral requirement, it is also required for the level of social cohesion that makes a stable democracy possible” (79). Typically, he notices, they offer two reasons for

the proposal that trust or social cohesion among the citizens and residents of a population are worth prioritizing. One reason is that they are key to supporting trust relations or social solidarity: the explanation is that when there are high levels of trust among a population, they will be more likely to participate enthusiastically in a wide range of social justice policies. A second reason is that, when trust levels are high, democratic politics—which rely on deliberation, compromise and a willingness to accept being outvoted at least some of the time—will be more effective at generating decisions that have widespread support. Here is Holtug ascribing these two reasons to David Miller, a well-known defender of nationalism: “the beneficial consequences of sustaining a national community, not least as regards democracy and social justice, are sufficient to ground national partiality” (168). It would be an exaggeration to suggest that Holtug ignores entirely this second reason—the democratic, political reason—for which political attention should focus on supporting trust relations. In fact, he acknowledges the data showing that when immigrants are quickly integrated *politically*, trust is typically higher: “immigrants are more trusting [of others in general] in countries with multicultural policies and easier access to citizenship” (139). And there appear to be “higher levels of trust in countries where immigrants are given extensive (early) voting rights” (264). Yet his focus remains nearly entirely on the contribution that trust or social cohesion can play in sustaining support for welfare state policies.

Holtug’s discussion of these *two* reasons to sustain trust transpires, as I just wrote, in a discussion of whether there is value to sustaining a national identity or culture, for its role in supporting widespread trust relations. For Holtug, nationalism is to be rejected, even in its most liberal forms, for its demands and imposed homogeneity of values and norms among a diverse population, and for a wide range of other oppressive ills (see in general, ch. 7 for Holtug’s rejection of the central “nationalist” claims). Although I am myself more sympathetic to the nationalist claim than is Holtug, I agree that care should be taken in defending the value of the central (liberal) nationalist claim that a shared national identity or culture must be protected. However, Holtug’s rejection of the nationalist perspective—and his choice to focus only on the role that trust plays in sustaining social welfare policies—ignores that, for nationalists, the democratic benefit and the welfare state benefit travel together. Their claim is that states in which citizens are willing to cooperate democratically are also likely to support egalitarian public policies in these democratic spaces, and as a matter of practice (even if not in principle), it is almost certain that you cannot have one without the other. Not only is widespread support for egalitarian policies more likely when democracies are robustly inclusive, but the

choice to adopt them in the first place is more likely to emerge from robustly inclusive democratic political spaces. In other words, for nationalists, there is a *story* that connects democracy and welfare state policies, which does not require in the first place that citizens and residents be independently, morally, committed to the latter. This story, which locates the source of the willingness to support welfare state policies in inclusive, democratic, politics, is absent from Holtug's book.

This absence is also felt over the course of the discussion of the importance of equal opportunities. For Holtug, speaking very generally, a state is appropriately egalitarian when valuable opportunities are available to all citizens and residents on fair terms. These valuable opportunities are wide-ranging, "including offices and positions, income, education, health care, and for practising their religion and culture" (90). Multiculturalism and the accommodations that it typically entails are defended for their contribution to securing equality of opportunity for minorities (108). Consistently with this choice to push the democratic reason for supporting trust aside, here too Holtug gives little attention to specifically *political* opportunities—notice that they are only implicitly included among the opportunities listed in the definition I cite above—which are well known to be distributed in unequal ways of all sorts, including for example that those with fewer resources are less likely to run for political office, to vote and generally participate in politics, and that those with minoritized backgrounds are less likely to be able to get elected in the first place (Verba *et al.* 1995; Gilens 2014; Bartels 2016). In my view, a commitment to equal opportunities must include a focus on the fair distribution of political opportunities; I am certain that Holtug agrees on this point, even though his attention is not focused in this direction. He does, for example, cite studies demonstrating that voting rights for foreigners in Europe correlate with higher levels of trust (139, 264).

Why, though, should he be more attentive to political inequalities? Political equality, or political inclusion on fair terms, is foundational to the inclusion that Holtug aims to achieve in other social spaces, including educational and employment spaces, for several reasons. One reason is that opportunities for competitive educational and employment spots are not genuinely equal when the conditions under which they are allocated, or which attach to them more generally, can be changed without the input of those who are most affected by them. So, for example, in some states it may be the case that international students and domestic students can compete for university spots, and "the best" students win them regardless of their citizenship. But the fact that the conditions for international students and their education can be altered without their consent or input,

by their host state, suggests that they enjoy less-than-equally valuable conditions while they reside in that state. It is their lack of political inclusion that renders them unequal.

The second and third reasons to think seriously about the importance of specifically political inclusion are connected. The second reason is that minority citizens and residents can only fully advocate for the protection of their rights and privileges if they are included on equal terms in political decision-making. The key point of much multicultural political theory is that minorities require accommodations to achieve equality of opportunity as Holtug and others conceive it. For many reasons, including epistemic and respect-based ones, minorities are themselves likely to be best placed to identify the inequalities in opportunity that persist, though empirical social science research can also serve to do this work. More importantly, they may well be best placed to identify the specific accommodations that are required to overcome these inequalities—they are most likely to know, for themselves, what sorts of accommodations could enable them to access valuable opportunities. That means, on my view, that political inclusion is nearly always a prerequisite for achieving the kind of equality that Holtug defends.

Otherwise—and this is the third reason to think seriously about political inclusion—minority citizens and residents are merely passive recipients of majority beneficence rather than equal political actors in their own right. There is no doubt that majorities will often identify the barriers to equality faced by minorities and be moved by their own sense of justice to dismantle them. But it is equally the case that majorities are often blind or indifferent to the barriers that minorities face, and that political engagement by mobilized minority citizens can press them to see the importance of dismantling them—often in the form of multicultural accommodation policies. To give just one example, cross-race protests against police brutality directly mainly at Black Americans in the United States began as mobilization by Black Americans, who saw every day how this population was being treated (Lebron 2023). Or, to give another, it has taken decades of Indigenous mobilizing in Canada to persuade non-Indigenous Canadians of the importance of reconciliation and the work that has to be done to achieve it (see e.g. the contributions in Coburn 2015).

## 2. MINORITIES AS PASSIVE RECIPIENTS OF GOOD WILL

So the purpose of multicultural policies is in significant part to ensure that minorities can access valuable opportunities across a range of sectors on equal terms; and on this, Holtug and I are in complete agreement. But it is

also to ensure their agency, and in particular, their political agency. This emphasis on political agency is, in my view, underemphasized in Holtug's book. In *The Politics of Social Cohesion*, multicultural policies are treated as bestowed by a majority on a minority; a majority ought to adopt them, and indeed welcome them, because they are committed to equality of opportunity, and therefore they are committed to the view that cultural practices and backgrounds should not impact anyone's capacity to compete for valuable opportunities on equal terms (see also Patten 2014; Levy 2000). For example, in a discussion about how to draw boundaries around communities, he writes that a state ought to be attentive to "including strangers and immigrants within the community to which trust and solidarity is extended" (232). He writes, as well, that in cases where liberal values are shared among a population, "the community will be an inclusive one, where trust and solidarity are extended towards, for example, immigrants" (233). This language reappears again later, in considering the benefits of "universal social policies", which he says, "have a great deal to be said for them, both in terms of securing support for welfare spending in general and for including immigrants in the in-group to which solidarity is extended" (256). The danger of this approach when it is translated to other policy spaces, including the domestic adoption of multicultural policies, however, is that it implies that immigrants are mere passive recipients of beneficence or largesse, and not political actors in their own right—multicultural policies are or are not extended to them by the majority.

Note that I do not believe that Holtug himself believes that immigrants are passive rather than active political agents. Rather, I mean simply to signal that while Holtug is largely concerned with what social justice requires as a philosophical matter with respect to accommodation policies, it is also of critical importance to focus on the specific conditions that secure their adoption in political spaces. So my goal here is to draw attention to minority political mobilization specifically. To do so, let me offer two examples to illustrate the danger of trusting that the majority will, because of its commitment to equality of opportunity, adopt appropriate multicultural accommodation policies, and correspondingly illustrate the importance of highlighting and celebrating minority political mobilization.

Readers will no doubt recall the referendum in Switzerland, with respect to the banning of minarets on newly built mosques. Like most countries in Europe, Switzerland has welcomed thousands of Muslim immigrants in recent years. There are many factors that brought the issue of minaret construction to public attention which I will not consider here,



but what Swiss citizens were asked to consider was whether to ban minarets. Various grounds were given to justify the ban itself, but there is little doubt that those who were most mobilized in favor of the ban were motivated by Islamophobia (Lenard 2022). The ban passed into law, ultimately, with support from 57% of the population—the reasons are many, but one is certainly that Muslim residents of Switzerland overwhelmingly did not have citizenship at the time (and still do not), and therefore could not vote. Currently the Muslim population is roughly 5% of Switzerland; approximately 1/3 of this population are citizens of Switzerland (Lindemann 2021), a number that is low in part because of challenging naturalization requirements (Galeano *et al.* 2022). It is not hard to see that the results (tabulated by canton) might have been different if more Muslims had formal access to the political sphere. To those who might say that the numbers of Muslims would have remained small enough even if they had all been naturalized and therefore entitled to vote at the time of the referendum, it is important to remain attentive to the fact that the mere *presence* of more Muslims as recognized political actors with the legal entitlement to express their view in the form of a vote—that is, authorized formally to express their views, via the vote but also via the media and in other deliberative forums—would likely have influenced the decisions made by at least some others. Voters are influenced by who they believe to be members of their community, in general: an argument that I have made in the context of the exploitation of temporary labor migrants (Lenard and Straehle 2012).

A second example is from the Canadian context, which gave birth to one of the best-known examples of multicultural accommodation. One major Canadian symbol is the Royal Canadian Mounted Police, and originally its formal uniform required a Stetson. Sikh *citizens* of Canada protested this uniform requirement, arguing that it denied them the opportunity to participate in this revered institution—since they would have to abandon their faith-based obligations to wear a turban in order to accommodate the traditional uniform. After considerable deliberations in the late 1980s, the then Prime Minister of Canada announced uniform accommodations in 1990: accommodations that were fought in court until 1996 when the Supreme Court of Canada ruled in favor of the government's decision. It matters here that the original applicant to the RCMP, Baltej Singh Dhillon, was a Canadian citizen, and that in demanding accommodations he was able to access all of the regular political spaces that are open (only) to citizens (CBC 2017). The same *political* element is present in the related case of Sikhs and helmet rules at construction sites, which Holtug considers (97-101). This issue became salient because of political mobilization by Sikhs and their allies, not because a well-meaning

majority offered this protection upon noticing the challenges that Sikhs were facing in gaining meaningful employment (Avins 2015).

These cases are merely suggestive of my claim that political inclusion matters significantly for whether accommodative policies are proposed and accepted. But, in my view, they are strongly suggestive in ways that mean that a full theory of opportunity has to at least include, and perhaps begin with, *political* equality of opportunity.

In just about all the actual cases that feature in Holtug's book—although he does not consider any particular case in much detail—the facts of the matter appear to be that minority groups make demands in public spaces, and when accommodations are granted, they are granted after years of mobilization by minority groups and their allies. There is little evidence that majorities are willing to shift their attitudes with respect to accommodations and their necessity (for achieving fair equality of opportunity) until minorities press for them, and in particular until minorities are able to press for them in inclusive political spaces. The importance of minority political agency, in securing their own equality-related accommodations, is a central part of any story about multiculturalism and its dynamism, and I think its importance is underappreciated in *The Politics of Social Cohesion*.

### 3. PRODUCTIVE DISTRUST

I would like to dwell on the importance of agency, specifically political agency, among and by minorities, including those with immigrant backgrounds, for an additional moment. This political agency, which minorities exercise to secure the accommodation of a wide range of cultural practices, is crucial to emphasize and is connected to trust in more complex ways than I believe Holtug elaborates. Holtug's earliest definition of social cohesion is as follows: "Roughly, social cohesion refers to the ties that bind community members together and facilitate cooperation, including trust, networks, reciprocity, belonging, and solidarity" (1). Elsewhere he writes, "social justice requires solidarity, which requires trust" (71), suggesting that trust is a necessary component of social cohesion or solidarity. The strong implication is that without trust, social justice (which requires solidarity) will be difficult if not impossible to achieve. But this can't be the whole story, since, as I will now articulate, many social justice and accommodation policies are adopted from positions of distrust.

To explain what I mean, let me return to trust's role in sustaining

democratic practice. In democracies, there is necessarily conflict and disagreement; democratic institutions offer ways in which citizens and residents can resolve this conflict in fair ways. The nationalists that Holtug considers and largely dismisses typically explain that these conflicts and disagreements are resolvable because of an existing bank of trust on which interlocutors can rely—so-called “losers’ consent” to the decision of the majority (Anderson *et al.* 2005). Losers’ consent requires that who gets to be a loser is constantly rotating—i.e. there is no persistent minority. What if the majority is dominant in ways that mean that it never has to compromise, however? In particular, what if the majority is persistently selecting against accommodation policies? In that case, minorities—for better or worse, and whether immigrant or not—must mobilize in the space of democratic institutions in defense of their own rights of accommodation.

Holtug offers us persuasive reasons to believe that multicultural accommodations flow smoothly from a commitment to equality of opportunity, at least morally speaking. But the history of these political conflicts suggests that the majority is not always persuaded that such accommodations do flow from a commitment to equality of opportunity. When Dhillon argued that the RCMP ought to permit him to wear a turban, he received death threats, and the political opposition militated vigorously against the changes that the Government eventually did adopt. (The RCMP took until 2016 to accept accommodations for hijab wearers.) In this sort of situation, minorities ought to actively *distrust* the majority and act accordingly, since the majority cannot be trusted to merely adopt and protect accommodation rights. Minorities might exhibit both interpersonal and institutional distrust. In the US case that I referenced above, Black Americans might distrust specific racist police officers (but not police officers in general) *or*, as the Black Lives Matter movement suggests, they might distrust the institution that is the police, believing that those who participate in the institution as a whole merit their distrust (Festenstein 2020, 458).

Minorities must militate inside of democratic forums in defense of their rights to be accommodated. This is the point that Melissa Williams made in 1998, and that Meena Krishnamurthy has made more recently: that it is a mistake to think that the goal is only *trust* in democratic spaces, because sometimes distrust (and not trust) is productive and fuels the move towards justice, including with respect to achieving equality of opportunity (Williams 1998; Krishnamurthy 2015). In these cases, it is the refusal to trust the majority—alongside the availability of political rights exercised on equal terms—that offers a way forward for a minority to fight for their

own accommodation rights, to secure their own equality of opportunity. Where are trust and social cohesion located in these kinds of cases? I think these cases suggest the possibility, ultimately, that there is cause for Holtug to distinguish more clearly between the role of trust *and* distrust in diverse communities from the role of social cohesion in diverse communities. Perhaps democratic communities can be cohesive, as Holtug desires, even if there are relations of distrust among some segments of the population.

I am confident that Holtug will agree with at least parts of my analysis here, i.e. I am confident that he will defend the right of minorities to mobilize in the face of persistent injustice exercised by the majority. What I am less sure about, because of the absence of a consideration of the political dynamics of trust and social cohesion in democratic spaces, is how he thinks this question intersects with the argument he is making, that is, how the need for social cohesion should be considered in light of the active distrust that minorities may have, and indeed should have, and act on in political spaces. One reason Holtug may be less focused on this question is that he is mainly thinking of immigrants as being newcomers, rather than persistent minorities (some of whom may have an immigrant background but not a recent one), and another is that he may not have at the front of his mind the most difficult cases, where minority groups resist integration and instead prefer (and even demand) separation.

#### 4. SEPARATION RATHER THAN INTEGRATION

Any argument that considers the ways in which social cohesion grows and persists in a democratic community that is home to diverse populations has to be able to think seriously about the fair treatment of minorities who desire segregation rather than integration. Holtug's book focuses nearly entirely on those who can be supposed to desire to integrate, and he is rather silent on the question of minorities who desire segregation (Spinner-Halev 1999). To illustrate, here is how Holtug describes multiculturalism: "the (normative) doctrine that requires the accommodation of group differences in the public sphere, for example in the laws, politics, and state and municipal discourses, with the aim of reducing discrimination and hierarchy and securing inclusion and equality" (108). And then, he describes his objective as "to provide some general arguments for why multiculturalist policies are likely, in some cases, to promote equal opportunities" (112). I think this is largely because his focus is on immigration as a source of diversity, but it is a mistake to think that multiculturalism is implicated only here.

To be fair, Holtug does briefly consider the challenges posed by Indigenous

groups in the Canadian space, alongside a discussion of Quebec, but these discussions do not serve as a launch for the variety of questions that emerge, for trust and social cohesion, when those who are in the minority are not in any sense newcomers. In these cases, the particular demand is for self-determination, which as I see it does not flow as directly from a commitment to equality of opportunity, although equality of opportunity may be a connected argument in those demands. So, for example, Quebec or Indigenous communities may desire, as one element of their demand for self-determination, that opportunities for their members are accessible in a politically distinct jurisdiction.

But what about cases where the separation that is desired is in the service of religious or cultural values, as for example with respect to Hasidic Jews, or the Amish or the Hutterites? What happens when these cases are considered through the lens of social cohesion? What kind of accommodation is appropriate for them, if any? Or is accommodation appropriate only if it is in the service of equality of opportunity, and so, when groups are seeking something else, is the accommodation to be rejected? Or defended in terms other than equality of opportunity?

It is not clear why Holtug decides against considering these particularly tricky accommodation claims. One reason is that he has chosen to restrict his analysis to cases where minorities desire integration rather than segregation. A second, admittedly less charitable interpretation is that Holtug does not consider these groups in much detail because what he desires is integration into a liberal democratic state, regardless of what minorities want. What reason do I have to believe that he might be motivated by this second reason? In a discussion of the liberal values that he hopes will underpin social cohesion, he quotes a former prime minister of Denmark as saying that it is typically underpinned by “liberal values such as freedom of speech, personal liberty, private ownership, freedom of religion, freedom of assembly, equal rights, and gender equality” (30). Later in the book, he remarks that if newcomers face social pressure to adopt these values, especially in relation to gender equality, so much the better: “it may not be a bad thing if there is some informal pressure to value, for example, gender equality, nondiscrimination, toleration, and equal opportunities irrespective of race, ethnicity, and sexuality” (225). But these values are not ones that are central to religious and ethnic communities that seek segregation and independence from the larger state.

My own story begins with the premise that liberal states must leave space for the possibility that there will be, within them, communities that desire separation from the mainstream. In some cases, as well, it may be

that liberal states ought to *enable* them, especially when the liberal state owes remedial duties as a result of past injustices—this latter case may explain why it is that liberal states must support the self-determination of Indigenous communities, for example.

It is the consideration of cases where separation is desired that a focus on the politics matters, and an emphasis on political inclusion in particular is relevant and important. In these cases—Orthodox Jews, the Amish, Mennonites, Indigenous Peoples—trust in the political sphere can support a willingness of these communities to work collaboratively with a central government, i.e. to enable open political conversations about how best to live together that can persist. And it is political inclusion that is central here, as I have argued elsewhere. Namely, it is when sufficient political equality persists that these groups can engage on fair terms in political space, not the other forms of equality that are central to Holtug’s analysis (Lenard and Balint 2022).

## 5. CONCLUSION

*The Politics of Social Cohesion* is an excellent example of how political theorists can usefully make sense of empirical data in order to make relevant and timely arguments about how best to proceed in liberal democratic states. Holtug sifts through and makes sense of the expansive and expanding literature on trust, social cohesion and immigration-related diversity, in the way that only a seasoned political theorist can. In this reflection, I have asked Holtug to apply his analytical skills to the specifically political questions that are raised by a commitment to multiculturalism, both with respect to minorities’ inclusion and when they desire segregation. I have argued, fundamentally, that political inclusion—or political equality—is essential to securing the equality that Holtug prioritizes, namely with respect to the wide range of opportunities that must be genuinely equally available in a democratic state.

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# Can a Liberal State Promote Social Cohesion?<sup>1</sup>

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## **ABSTRACT**

This paper explores Nils Holtug's attempt in his recent book to show that shared liberal egalitarian values contribute significantly to achieving or maintaining the social cohesion that is necessary for egalitarian distributive policies to be politically sustainable. If successful, this attempt would constitute a powerful answer to the so-called Progressive's Dilemma, which in effect holds that egalitarians must sacrifice one of two normative positions that they hold dear: egalitarian welfare state policies and permissive immigration regimes. If Holtug is right, no such sacrifice is necessary. This paper accepts Holtug's empirical premises as true, and investigates instead the normative recommendation that appears to follow from them: that the liberal state ought to promote liberal egalitarian values. The paper argues that there is an apparent tension between Rawlsian political liberalism's commitment to take reasonable normative pluralism seriously, on the one hand, and state promotion of liberal values, on the other hand. The public reason constraint on the uses of state power appears to rule out state promotion of such views that, even if correct, some reasonable citizens have reason to reject. This paper finds, however, that the challenge is ultimately unsuccessful. When certain constraints are honored, there is no incompatibility between taking evaluative diversity seriously and state attempts to persuade citizens of the correctness of a particular normative outlook.

<sup>1</sup> An earlier version of this paper was presented at a book workshop dedicated to discussing Nils Holtug's *The Politics of Social Cohesion* held in May 2022 in Budapest, organized as part of the GOODINT research project (ES660197), funded by the Research Council of Norway. I am indebted to the participants of the workshop, and especially to Nils, for their helpful comments. I am also grateful to the reviewers and an editor of this journal for their challenging questions.



**Keywords:** immigration, liberalism, public reason, state persuasion, social cohesion.

## 1. INTRODUCTION

One of the main themes of Nils Holtug's important and stimulating book *The Politics of Social Cohesion* is what has come to be known as the Progressive's Dilemma. Progressives are generally in favor of both egalitarian distributive measures and permissive immigration policies. However, while these commitments could be perfectly consistent at the level of moral principle, they may be in tension when it comes to the sociopolitical conditions that are necessary to implement and sustain them. More specifically, according to a large body of empirical evidence, a necessary or at least strongly facilitating condition of egalitarian welfare state policies is a high level of *social cohesion*—understood as a significant level of generalized trust and solidarity—in society. And at least according to some (though by no means all) empirical findings, such social cohesion in turn is conditional on some degree of cultural homogeneity, shared national identity, and/or shared political values. The dilemma appears if some (though not all) versions of the second empirical claim are correct. If it is true that the sustainability of egalitarian policies depends on high levels of social cohesion, which in turn depend on a high degree of cultural homogeneity, then progressives can have either egalitarian distributive policies or permissive immigration policies, but not both (at least in the political context of Western liberal democracies, where a large share of immigration is from culturally distinct non-Western countries). Although this way of formulating the issue leaves it open which horn of the dilemma progressives should embrace, the implications are usually spelled out in terms of the need for restrictive immigration measures. If understood in this way, the dilemma can be formalized in the following manner:

- P1 (Normative Premise 1): Justice requires both egalitarian distributive policies and permissive immigration policies.
- P2 (Normative Premise 2): When these two desiderata cannot be satisfied at the same time, egalitarian distributive policies have priority from the point of view of justice.
- P3 (Empirical Premise 1): Cultural diversity undermines the social and political bases of egalitarian distributive policies.

P4: (Empirical Premise 2): Cultural diversity can be contained by restrictive immigration policies.

Conclusion: Justice requires restrictive immigration policies.

Holtug endorses P1, and he is silent on P2 (without which we only have the dilemma, but not the conclusion to the effect that restrictive immigration measures are required by justice, at least under current social conditions). Much of the book is dedicated to an impressively comprehensive survey of the available evidence for Premise 3, which is at the heart of the dilemma. The book argues, persuasively to my mind, that the evidence is at best incomplete and therefore inconclusive. While it is true that egalitarian policies are supported by high levels of social cohesion, it is doubtful that social cohesion, in turn, is made possible only by cultural (national, ethnic, religious, etc.) homogeneity. But that is not to say that *some* kind of commonality is not a supporting condition of social cohesion (and in turn, of the sustainability of egalitarian welfare policies).

Chapter 8, which is the main focus of my paper, investigates the Rawls-inspired idea that liberal institutions (those approximating the principles of justice as fairness) and liberal values in society are in a mutually reinforcing relationship: institutions of this kind tend to generate the corresponding normative commitments in society, which in turn enhance the long-term stability of these institutions. Holtug develops this suggestion further, to investigate the role (if any) of shared liberal values in generating the required level of social cohesion. Social cohesion becomes the mediating factor between liberal attitudes and the stability of liberal egalitarian policies. This chapter addresses what it calls a liberal “community conception” as the possible basis for integrating immigrants into the host society. A community conception is defined earlier, in Chapter 3, as the idea that the sharing of certain values is a necessary or at least facilitating condition of social cohesion, i.e. the relevant forms of trust and solidarity at the societal level. A *liberal* community conception is one that proposes that the sharing of *liberal* values, in particular, is a prerequisite or at least a strongly supporting condition of social cohesion that is necessary for the successful implementation of egalitarian policies.

Such a liberal community conception is of special interest for at least two reasons. The first reason is that, at least at a first approximation, a liberal community conception seems to have a better chance of being morally justifiable from the broadly liberal egalitarian perspective that the book defends (and which I share). Whereas national or other “culturalist”

community conceptions look morally suspect if they require minority social groups to sacrifice valued cultural attachments, the liberal community conception requires no such thing. It is predicated on the promotion and sharing of the very values that social cohesion is intended to support, i.e. liberal egalitarian policies. In other words, there is a very close linkage, if not identity, between the values whose sharing generates social cohesion, and the ideals whose implementation social cohesion is meant to facilitate.

Second, the liberal community conception resolves or at least significantly softens the Progressive's Dilemma. Permissive immigration regimes are consistent with egalitarian welfare policies as long as liberal values are shared to a sufficient degree, and there is no reason to rule out the possibility that many immigrants endorse or are open to these values.<sup>2</sup> If the liberal community conception is borne out by empirical evidence—i.e. if we find that liberal institutions, egalitarian distributions, and the sharing of liberal values generate social cohesion—then we have good reasons to be more optimistic about the prospects of egalitarian policies, even in the context of large-scale non-Western immigration. This would suggest that liberal egalitarian institutions and policies are self-stabilizing, at least in the long term, and are capable of generating their own social support. In particular, they may be capable of gaining the support of new immigrants as well, who can see them as fair. By the same token, this would give us reasons for optimism in the more distinctive sense that egalitarian policies can be implemented at little or no obvious moral costs: they do not require a moral compromise in terms of requiring minority groups to give up valued cultural attachments, at least as long as these are compatible with certain liberal values. In what follows, I will accept Holtug's conclusions regarding the other “community conceptions” and set them aside to focus on the normative implications of the liberal one.

Most of Chapter 8 is dedicated to an examination of the empirical data related to the liberal community conception. In particular, it examines the available data as to whether the functioning of liberal institutions, the existence of egalitarian distributions, and the sharing (or simply having) of liberal values in sufficiently large numbers contribute to social cohesion. The presented findings support each of what Holtug refers to as “institution effects”, “distribution effects”, and “value effects”.

Institution effects: Liberal egalitarian institutions, and especially

<sup>2</sup> This may, of course, depend on how thinly or thickly liberal commitments are understood. It has been suggested, for instance, that the highest-level commitments of Islam are compatible with political liberalism but not with comprehensive liberalism (Fadel 2008). I thank a reviewer for raising this issue and for directing me to this reference.

universal social democratic (Scandinavian) welfare regimes correlate with higher levels of trust and solidarity (aka social cohesion), including trust and solidarity towards people belonging to the “out-group”. Specifically, when institutions are perceived as functioning in an impartial, high-quality manner, they contribute to trust and solidarity.

Distribution effects: More egalitarian distributions (i.e. lower levels of income and wealth inequality) also correlate with higher levels of social cohesion.

Value effects: The prevalence of liberal values correlates with higher levels of trust and solidarity. Furthermore, the *sharing* of liberal values, i.e. the knowledge that others also hold them, also correlates with higher levels of trust and solidarity, including with people belonging to the “out-group”.

In other words, the empirical findings are promising: at least in the absence of powerful countercurrents, liberal institutions, egalitarian policies, and the broad presence of liberal values in society support social cohesion, even if there are some questions about the direction of causation. This also suggests that one way to increase social cohesion is to strengthen liberal institutions, pursue further egalitarian policies, and, in particular, promote liberal attitudes, provided they are not already present in society to a sufficient degree. The upshot is that progressives need not be forced to choose between egalitarian policies and permissive immigration regimes. Even if at the outset social cohesion is not present at sufficient levels, measures that promote liberal values can close the gap. The Progressive’s Dilemma can be resolved.

In what follows, I treat the empirical findings as fixed: I find Holtug’s analysis highly convincing, and in any case, I lack the knowledge and skills to engage in any critical discussion of them. Instead, I will focus on some of the possible normative implications of these findings. As mentioned above, the implications are that the liberal state has strong reasons to promote liberal values. My goal in this paper is to explore whether there are any reasons within the liberal theoretical perspective to be worried about these recommendations. I will focus on the promotion of liberal values, i.e. the promotion of what the book refers to as “direct value effects”, as distinct from “institutional effects” and “distribution effects”. It appears that there is an open question as to whether the liberal state may legitimately promote liberal values, at least in certain ways. I take it as a given that the liberal state can work on strengthening and improving its institutions, and that it can pursue egalitarian policies. For this reason, the indirect institutional and distribution effects are of no moral concern in this respect. However, the promotion of direct value effects may be different. I will identify a

worry about the promotion of liberal values by means of state speech that is motivated by one important strand in liberal theory. Then, I will attempt to identify ways to address or at least mitigate this worry.

## 2. THE PUBLIC REASON WORRY

The worry, which I will call the Public Reason Worry, may seem paradoxical: how could it be problematic for the liberal state to publicly promote the very values and ideas by appeal to which it is justified? Either it is the case, it may be suggested, that the liberal state is morally justified, in which case it is permissible to promote the values on the basis of which it is justified. Or it is the case that the liberal state itself is not justified, in which case it is impermissible for it to promote liberal values, because it is impermissible for it to promote anything. But to claim that the liberal state as a whole is justifiable, and yet it is somehow problematic for it to promote liberal values, appears paradoxical. Indeed, Holtug foresees this possible worry and suggests an answer:

Nevertheless, it may be suggested that it is basically illiberal to promote shared values of any kind. In a liberal society, people are free to form their political opinions as they wish and should not be interfered with by the state in so doing. This, however, is a caricature of liberalism. (224)

However, this dismissal may be too quick. It may be important to distinguish between the following two questions:

- (1) Is it morally justified for the state to implement certain egalitarian policies?
- (2) Is it morally justified for the state to implement certain policies that aim at a shared *commitment* to principles that are the normative basis of its egalitarian policies?

The policies mentioned in (1) are not the same as those referenced in (2). Whereas type (1) policies aim at bringing about or approximating distributive arrangements that are required by egalitarian justice, type (2) policies aim to shape people's attitudes and evaluative orientation. They may attempt to do this in a number of different ways. For instance, they may try to shape attitudes and evaluative stances directly through public campaigns, school textbooks, historical monuments and commemorations emphasizing liberal themes. Or they may try to achieve this indirectly, through measures that put people in situations that tend to activate liberal

sentiments even without directly invoking them. For the sake of simplicity, I will focus only on state speech that directly invokes or appeals to liberal values.

Are there any considerations within liberal political morality that suggests that one may consistently answer question (1) in the affirmative while answering question (2) in the negative? One place to begin is to note that the policies mentioned in (1) govern citizens' actions and choices, typically those that affect others. The policies mentioned in (2) affect their commitments and convictions. Therefore there is a separate question as to what (if anything) is morally permissible for the state to do to shape its citizens' normative outlooks. A perhaps natural suggestion is that state actions aiming to shape citizens' normative outlook are morally problematic on grounds of freedom of conscience. However, this suggestion is misleading. There need not be any direct conflict between freedom of conscience and attempting to change someone's mind about political values through persuasion and advocacy. Much of public life in liberal democracies is about just that. As long as persuasion and advocacy are not coercive, and do not put the unpersuaded at any obvious disadvantage, or expose them to some form of worrisome pressure, they are not in tension with people's freedom to make up their own minds. If this is the objection that Holtug considers in the quote above, then he is right to dismiss it.

But even so, worries about the permissibility of the state in particular to engage in persuasion and advocacy regarding values may persist, especially for so-called political liberals or public reason liberals, who subscribe to a particularly stringent view of legitimacy regarding the coercive impositions of the state: one that grants an effective veto over coercive measures to each of a plurality of (reasonable) normative outlooks. (Reasonable outlooks exclude those with racist or similar views that deny the full social and political status of each. Therefore, as will be clear later on, the problem in the focus of this paper does not concern hate speech.) In one formulation of what Rawls refers to as the liberal principle of legitimacy, "the exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason" (Rawls 1993: 137). For the purposes of this paper, the key difference between political and comprehensive liberalism is that comprehensive liberalism allows, in justifying the use of state power, appeals to such moral views that are held to be true even if they can be reasonably disputed, while political liberalism holds that in political justification, only such reasons can be appealed to that are acceptable to all reasonable viewpoints. Even though state persuasion

and advocacy may not involve coercion, it is a distinct possibility that the considerations that public reason liberals enlist in favor of their highly restrictive notion of legitimacy regarding coercion also apply to persuasion and advocacy when carried out by and on behalf of officials of the state. And while Holtug does not appear to be explicitly committed to the public reason framework, this idea is influential enough among liberals to make it worthwhile to explore the framework's implications for the issue at hand.<sup>3</sup>

Public reason liberalism's central motivation may be identified as a concern with accommodating (reasonable) evaluative or normative pluralism in a fair manner. Empirically, this is premised on the assumption that under liberal institutions, a range of reasonable normative outlooks will emerge over time, such that appeal to normative reasons and evidence alone is highly unlikely to lead to full consensus on questions of political morality, no matter how open to evidence and argument (i.e. how reasonable in the procedural sense) each citizen is. Evidence and appeal to reason will not settle at least some normative disagreements. According to public reason liberals, such reasonable pluralism has profound normative significance: reasonable citizens are wronged if policies they have reason to reject are imposed on them, even if those policies are grounded in objectively correct considerations of justice.

For the problem at hand, this has a number of immediate consequences. First, given reasonable pluralism about justice, there will be, by assumption, at least some reasonable citizens who reject egalitarian distributive policies that are said to depend, empirically, on the existence of a high level of social cohesion. This implies that there is no reason to expect that societies will spontaneously exhibit the high levels of commitment to liberal egalitarian ideals that constitute the social bases of egalitarian policies according to the liberal community conception.<sup>4</sup> Of course, some public reason liberals may be tempted to argue that citizens who reject egalitarian distributive policies are not in fact reasonable.

<sup>3</sup> For the purposes of this paper, I remain agnostic on the debate between public reason and comprehensive liberalism. That said, I think the issue discussed here raises difficult questions for comprehensive liberals as well.

<sup>4</sup> Note, however, that disagreement about egalitarian policies need not imply that for public reason liberals, it would be illegitimate to adopt and enforce such policies. On one construal, as the quote from Rawls above suggests, the public reason constraint applies only to "constitutional essentials", and egalitarian welfare state policies, even if controversial, can be adopted "in accordance with" a constitution that is acceptable to all reasonable citizens. However, not all public reason liberals agree. See e.g. Gaus (2010), and especially Vallier (2019). I will not explore this issue further, other than to note that if Gaus and Vallier are right about the radical implications of public reason, then the Progressive's Dilemma is moot to begin with, since in that case egalitarian policies cannot be legitimately adopted.

However, such a narrow conception of reasonableness would arguably conflict with the main rationale for public reason liberalism itself, i.e. the claim that it treats a range of (reasonable) normative outlooks in a respectful way. If respect for evaluative diversity is restricted to those who endorse some version of liberal egalitarianism as their substantive conception of justice, then it is not in fact respectful of anything resembling real-life evaluative diversity, not even in some rather idealized rendering. (Some public reason liberals may be on board with that. See, for instance, Jonathan Quong's (2011: 144) contention that, on his favored understanding of public reason, "the justification of liberal principles at no point depends on the beliefs of real people". But it seems to me that such an understanding collapses the distinction between public reason liberalism and comprehensive liberalism, and renders the former project moot.)

Second, if reasonable pluralism is characterized by the fact that appeal to evidence and reason alone is unlikely to fully overcome any side's objections on the issue that is the object of reasonable disagreement, then it is not clear whether state persuasion or state advocacy (later on I will elaborate the difference between the two) can be effective, as long as it appeals only to proper evidence and good reasons. Therefore, even if such advocacy is permissible within the bounds of public reason liberalism, there are questions about its potential effectiveness. Of course, it is conceivable that where the appeals of *citizens* to evidence and reason in their discussions among themselves is ineffective in inducing a movement beyond the evaluative impasse, similar appeals by the *state* and its representatives can be effective, due to their heightened position in public life.

But, third, this very possibility itself suggests that it may be problematic for the state to engage in such advocacy. If the constellation of reasonable viewpoints that emerges under free institutions enjoys some normatively privileged status, as suggested by public reason liberalism, then it may be morally problematic to attempt to shift the balance of opinions towards one particular viewpoint through the (communicative) activities of the state. In this section, I will put aside questions of efficacy regarding state persuasion and advocacy, and focus on the third challenge: given the normative commitments of public reason liberalism, is it permissible for the liberal state to engage in state persuasion or state advocacy to promote commitment to liberal egalitarian principles among its citizens?

The main idea motivating the Public Reason Worry in the context of state advocacy for liberal values comes from the rationale for the public reason framework itself. For public reason liberals, the legitimacy of instances of the exercise of political power (of which state persuasion and



advocacy may be a case, given the privileged position and resources available to state institutions and their officials) depends on their acceptability to a diverse range of reasonable evaluative viewpoints *as they are*, that is, as they have evolved under free institutions. What state persuasion and state advocacy attempt to do, at least in the context under consideration, is to shift these viewpoints in a *particular direction*, with the goal of creating favorable social conditions for the implementation and operation of certain controversial policies. Or, to put it in the language of public reason liberalism itself, state advocacy and state persuasion constitute attempts by the state, through the exercise of political power, to modify existing (reasonable) viewpoints in such a way that certain policies that were hitherto unacceptable to some reasonable citizens become acceptable to all or most of them. Once put this way, it becomes clearer why this may seem problematic for public reason liberals.<sup>5</sup> State advocacy, even in the service of objectively correct liberal and egalitarian ideals, may be seen as “cheating”: the state itself attempts to manipulate the very evaluative stances on which the legitimacy of its exercises of power depends. If the state is permitted to do this, and if it has a reasonable chance of succeeding, then it may seem that the public reason constraint does not amount to much of a constraint, at least when it comes to liberal egalitarian policies.<sup>6</sup> For some, the main appeal of public reason liberalism is that it avoids the alleged “sectarianism” (Gaus 2012) of comprehensive liberalism by making the legitimacy of exercises of state power conditional on acceptability to reasonable nonliberal citizens. But if the state may use its power to persuade such citizens (with good prospects of success) to become liberals, then public reason liberalism is not much of an improvement, as compared to comprehensive liberalism, from the point of

5 It should be noted that public reason liberalism displays significant internal diversity. Some public reason liberals, e.g. Rawlsians, typically state the acceptability condition with reference to the *reasons* that support a proposed law or policy, while others, e.g. Gaus, specify it with reference to the laws and policies themselves, which different reasonable people may find acceptable for different reasons (see Gaus 2010). It seems to me that the worry regarding state promotion of liberal values has some bite with respect to both versions, regardless of whether the promotion focuses on abstract values or on specific policies. If there are some values that some reasonable people reject, and acceptance of which is a precondition of the legitimate adoption of some law or policy, then state promotion of those values may be problematic. But it does seem to me that the scope of the worry may depend on which formulation of the public reason condition one adopts. I will not explore this issue further, although throughout I focus on state persuasion in the service of abstract values, not particular policies. (I am indebted to a reviewer of this journal for bringing this complication to my attention.)

6 True, political liberalism would still reject appeals to controversial views about the good life in the justification of the uses of state power. However, this would only distinguish it from liberal perfectionism, and not from those versions of comprehensive liberalism that also incorporate a requirement of state neutrality. I thank an editor of this journal for pressing me to clarify this point.

view of those who find its rationale appealing. It would seem, then, that reasonable nonliberal citizens have sound reasons to object to the use of state power to promote liberal values through state advocacy and state persuasion. Or to put it differently, for public reason liberals, the Progressive's Dilemma is replaced by the Public Reason Paradox:

The Public Reason Paradox:

- P1: The state is required to treat its citizens with equal concern and respect.
- P2: Well-functioning liberal institutions are not sufficient, by themselves, to generate favorable social conditions for policies that treat citizens with equal concern and respect.<sup>7</sup>
- P3: State speech in favor of liberal values, together with liberal institutions, would be sufficient to generate stable support.
- P4: Some reasonable citizens believe, reasonably, that they have adequate reasons to reject state speech in support of liberal egalitarian values.
- C1: State speech in support of liberal egalitarian values is impermissible because it violates the public reason constraint. (This is entailed by P4.)
- C2: The liberal state is not morally permitted to do that which is a necessary condition of what it is morally required to do. (From P1-P3 and C1.)

At this point, I should note an equivocation in the formulation of the liberal "community conception", an ambiguity that may have some bearing on the paradox just stated. The liberal community conception holds (and empirical findings bear this out to some extent) that the prevalence and sharing of liberal values tends to increase social cohesion. However, it is not immediately clear whether "liberal values" are to be understood in a thinner or a thicker sense, to adopt a familiar distinction. To simplify somewhat, a thinner conception may include regarding people as free and equal in a very abstract manner only, which is consistent with very different views about social and economic equality, for instance. Conversely, a thick conception may involve commitment to robust egalitarian demands. The way this ambiguity is resolved for the purposes of the liberal community

<sup>7</sup> Note that this premise may be consistent with Rawls' hope that liberal institutions tend to foster attitudes that are favorable for them. It may only be the case that while they do tend to foster such attitudes, they do so only to a degree that does not, by itself, guarantee their long-term stability.

conception is highly relevant, since the paradox arguably does not arise on the thin conception: plausibly, all reasonable worldviews in the public reason framework are liberal in the thin sense. The paradox arises only if the liberal values that form part of the liberal community conception, and which are necessary to generate social cohesion, are of the thicker kind. The thick conception generates the paradox because obviously, not all reasonable viewpoints are liberal in the thick sense. We can take some guidance from the text to disambiguate this issue. When reviewing the empirical evidence regarding liberal values and their effects on social cohesion, Holtug (231) cites Uslaner's influential work on trust and reports that "trust is positively related to a set of liberal values that includes equal standing, equality of opportunity, opposition to hierarchy, and a belief and desire that things will get better for those who have less" (see also Uslaner 2002: 2). While some of these notions allow for stronger or weaker interpretations, when taken together they suggest a robustly egalitarian distributive ideal, especially with the inclusion of the idea that associates liberalism with the desire that the situation of the least well-off ought to be improved. Therefore I take it that when Holtug speaks of the promotion of liberal values, he means values linked to a thick conception of liberal egalitarianism. Therefore the paradox kicks in.

If this were the last word on the matter, then the conclusion would be fatal for public reason liberalism. It is not exactly that it would require the liberal state to stand by as the political basis of the policies required by justice is eroded. If, due to some especially fortuitous luck and contrary to the expectations of reasonable pluralism, all reasonable citizens were to support egalitarian policies, then the latter may still thrive. Alternatively, if, contrary to P2, liberal institutions and policies are sufficient by themselves to generate their own social support to a sufficient degree, without the helping hand of state advocacy or persuasion, then again egalitarian policies may become entrenched and stable. Finally, the liberal state can (and should) work strenuously towards improving the functioning of its egalitarian policies, and these efforts, if successful, are likely to lead to increased support in light of the empirical findings presented. But perhaps these are too precarious foundations on which to rest liberalism's egalitarian hopes. Even mildly unfavorable developments would seem to spell doom for them unless the liberal state is allowed the communicative tools to fortify itself. So the conclusion, if vindicated, may represent a powerful strike against public reason liberalism, and suggest that some version of comprehensive liberalism is superior from the point of view of

those who are committed to substantive liberal egalitarian policies.<sup>8</sup>

### 3. ADDRESSING THE WORRY

First, let me address an objection to the way I set up the Public Reason Paradox above. It might be suggested that state persuasion in the service of liberal values may be permissible if the persuasive activity itself is justifiable by public reason. The idea could be that even reasonable nonliberal citizens may lack decisive objections to liberal state persuasion, at least if it respects certain constraints: they may not find it objectionable if the state makes good-faith, respectful attempts to change their minds. This could be because they recognize the liberal view as reasonable even though they do not share it, or because they recognize the state's need to (respectfully) persuade its citizens of the merits of the (reasonable) policies it seeks to implement, or both. As long as they are free *not* to change their minds and will not face disadvantages if they do not, so the suggestion might go, they may find state attempts at persuasion justifiable by public reasons.

Indeed, it is plausible that state persuasion as such is compatible with public reason and, when some stringent constraints are observed, it may even find theoretical support in that framework, at least in some instances.<sup>9</sup> It may be suggested that it is not disrespectful to reasonable people, and it takes reasonable pluralism seriously, to engage with their evaluative viewpoints, at least if this is done in a certain manner. It may be that for the purposes of the legitimacy of the use of political power, the state need not take all reasonable viewpoints as they are (i.e. prior to any effort at state persuasion or advocacy) as fixed. Rather, to continue the thought, it may be that the state may make attempts at rational persuasion, and must refrain from certain uses of political power only if some reasonable citizens find such uses unacceptable even after rational persuasion by the state has exhausted its (permissible) options. I think there is some merit to this response. If certain constraints are respected, it is not immediately obvious that appeals to reason and evidence by the state should be seen as inherently more problematic for the public reason liberal than similar appeals by one's fellow citizens. As long as certain constraints (to be

<sup>8</sup> Of course, it is quite plausible that comprehensive liberalism, too, imposes constraints on the promotion of liberal values by means of state speech. But I am assuming here that these constraints are likely to be weaker. However, this point is controversial. There is live disagreement on whether the demands of public reason liberalism and comprehensive liberalism converge or diverge in the domain of civic education: a topic that is highly relevant for the present problem. For a helpful overview of this debate, see Neufeld (2013).

<sup>9</sup> I am grateful to a reviewer of this journal for pressing me on this point.

elaborated below) are observed, such appeals by the state may in fact improve the normative status of the resulting constellation of reasonable viewpoints. Some reasonable citizens, through no fault of their own, may lack sufficient exposure to a range of other reasonable viewpoints, and thus lack adequate opportunities to form well-considered views on some matters. State persuasion may render some viewpoints more salient in a way that makes it less likely that reasonable citizens fail to consider them, and as a result, their considered judgments on related matters will be more robust, as it were, whether or not they are brought in alignment with the position that the state attempts to persuade its citizens about. Indeed, from within the public reason framework, the state has more reason to take its citizens' objections seriously if its attempts at rational persuasion have failed to bring them on board.<sup>10</sup> Therefore I take it to be plausible that the public reason constraint may be applied *after* appropriate forms of state persuasion have taken place.

What could be the constraints on the state's promotion of liberal values<sup>11</sup> through its communicative activities? Before elaborating a bit on the restrictions that I think apply, I will mention one type of communicative activity by the state that in my view is uncontroversially within its legitimate use of powers: the liberal state is permitted, in fact required, to state publicly the reasons that support the laws and policies that it adopts, including reasons that are grounded in liberal-egalitarian moral considerations. It should do so both in the relevant parts of the legislation itself (preambles, etc.), and in its communications to citizens at large. If the state adopts a law that aims to increase the effectiveness of school integration policies, for instance, then it is appropriate to state this goal as well as the general moral considerations that support it, in a public manner. Likewise, if the state's constitution refers to liberal principles (as most constitutions of liberal democracies do), then it is entirely appropriate to invoke these principles when officials of the state justify their actions or aspirations. However, the promotion of liberal values that is at stake in the

10 A complication here is that according to this line of thought, the liberal state has reason to expose its citizens to *all* reasonable viewpoints that they may have been insulated from, and not just the one that it intends to promote. For instance, it is sometimes suggested that in some societies, academic and some professional environments have become such insular "bubbles" of progressive thought that people inhabiting these environments rarely if ever meet and mingle with anyone of a different outlook. Then, by the logic of the present paragraph, the state has reasons, grounded in the public reason framework itself, to expose such people to rational persuasion promoting alternative yet reasonable outlooks. I will not explore this complication further.

11 It is important to note that what is at issue here is the promotion of liberal values themselves, rather than that of specific policies. Urging citizens through publicly funded campaigns to get vaccinated, for instance, is obviously different from campaigns that aim to inculcate general liberal values.

present discussion arguably goes significantly beyond such activities. It may include, for instance, civics textbooks, public broadcast programming, or even campaigns. It is these further communicative activities of the state that I focus on below. It is beyond the scope of this paper to develop anything approaching a complete account of the appropriate constraints, but I think some broad-brush distinctions could be informative.

#### 4. STATE PERSUASION VS. STATE ADVOCACY

I think it may be useful to distinguish between state persuasion and state advocacy. By advocacy, I refer to the kinds of appeals that are typically associated with political campaigns supporting political parties and candidates in an election, or a specific outcome in a referendum. These appeals often invoke emotionally loaded images and language intended to create positive associations with the preferred party (candidate, outcome) or negative associations with the rival ones. They also often make factually incorrect or questionable claims, which of course would be out of bounds for the liberal state when promoting values. But the latter cases are less directly relevant for the problem at hand, since what the state is attempting to do in promoting liberal values is not belief in some set of empirical facts, but the normative superiority of a certain outlook. It seems to me that state advocacy that focuses on such appeals would be problematic, for at least two reasons. First, it would be objectionable as a matter of political fairness if the state used its funds, collected from taxpayers of all different political persuasions, to advocate in favor of one particular viewpoint, while other reasonable viewpoints did not have access to similar public funds. Second, while such appeals may be acceptable coming from candidates, they seem dubious when made by state officials whose pronouncements may be construed as being made in the name of all citizens.<sup>12</sup> Third, questions of fairness aside, emotional appeals and associations strike me as problematic when made by the state, insofar as they work in a less “transparent” manner than rational arguments, which makes them more difficult to justify. When we are moved by emotionally charged language or imagery put in the service of some value, we are not necessarily clear on whether what moves us is the substantive content of the message or the emotions invoked by the language and imagery, whose relationship to the substantive content of the message may be murky, and therefore the structure of reasons and inference is less clear. To be sure, these are merely generalizations, and public moral argument often has an inevitable emotional tone that may

<sup>12</sup> For discussion of similar issues in the context of U.S. constitutional jurisprudence, see Greene (2018).

help us to better appreciate the pertinent reasons.

State advocacy of this kind may be distinguished from state persuasion, which I understand to involve mostly rational arguments showing (in the present context) why some outlook is superior (has more appealing implications, can better explain judgments about particular cases that most of us endorse, is more coherent, etc.) than its alternatives. I also think that state persuasion may involve discussion of historical examples that has the potential to illuminate relevant normative questions, provided that the cases are fairly uncontroversial in their bearing on the issue. (For instance, the discussion of destructive wars of religion to illuminate the importance of religious freedom seems appropriate.) State persuasion of this sort need not appear problematic in the same way that state advocacy is, at least as long as representatives of alternative viewpoints (or alternative, good-faith interpretations of the relevant historical events) are given adequate opportunities and platforms to make their case.

## 5. POSITIVE VS. NEGATIVE PERSUASION

A further constraint on state persuasion seems appropriate to me. State persuasion may be positive, presenting reasons and evidence in support of the favored position (in this case, the liberal outlook), or it may be negative, attempting to undermine the appeal of competing viewpoints. With a few exceptions, negative persuasion, when attempted by officials of the state, seems objectionable in a way that positive persuasion need not. The few exceptions arguably include genuinely marginal viewpoints that hold members of salient social groups as inferior and engage in hate speech. While the matter is controversial, some liberals argue that the state in its official capacity may, and perhaps should, engage in “democratic persuasion” against these groups (Brettschneider 2012; but cf. Billingham 2019). However, at issue here are not such extremist viewpoints, but many that are reasonable in the Rawlsian sense and certainly well within the political mainstream of all existing liberal democracies. For instance, proponents of a more limited welfare state are reasonable in this sense, or else the criterion of reasonableness becomes so narrow as to defeat the original rationale of the public reason framework. If this viewpoint becomes sufficiently widespread, then the prospects of implementing and sustaining egalitarian distributive policies become remote. And yet it would clearly be problematic for state officials (as distinct from candidates and elected politicians) to engage in counterspeech against this viewpoint. At the same time, it does not appear similarly problematic for state officials to present considerations that support egalitarian policies.

What may explain the normative significance (if any) of the difference between positive and negative persuasion? While the thought is hardly self-evident, it seems to me that for citizens who hold the view criticized by negative state persuasion, it is not unreasonable to construe such criticism as targeting *them* personally, which would clearly be problematic. This reaction may be unjustified, but it can often be held in good faith. Positive persuasion does not have the same connotations and is harder to construe this way. That said, in practice it may be hard if not impossible to fully separate positive and negative persuasion. Since the arguments are often comparative, an argument in favor of a given policy must often invoke comparisons to other policies that are thus cast in an unfavorable light. This point brings me to the third and final distinction that may be helpful in elucidating the permissible scope of state persuasion.

## 6. INVOKING IDEAS VS. TARGETING AGENTS

When it is unavoidable in the course of persuasion to make appeals *against* rival viewpoints or policies, then it seems crucially important for the state not to address its criticisms to citizens or organizations that hold those views or support the policies, but to engage critically with the ideas themselves. Barring perhaps some of the extreme cases mentioned previously, the state should make no reference to particular individuals or groups or to supporters of a viewpoint in general when making the case against it, if it must. Even when making the case against a reasonable outlook in general, the state can and should avoid casting its adherents in a negative light. While it is possible, as suggested in the previous section, for even such general criticism to be construed in good faith as singling someone out personally, the state has the communicative means to make this less likely by strenuously insisting on distinguishing the viewpoint from its adherents.

The central case for the acceptability of state persuasion in the sense developed here<sup>13</sup> is that persuasion in general takes seriously the rationality of its audience and embodies a proper and fitting response to it. Therefore it is an eminently respectful stance to take towards rational agents. What makes *state* persuasion, specifically, still potentially problematic, even if political fairness is achieved by providing adequate opportunities to rival

13 Brett Schneider (2012) argues in favor of “democratic persuasion” by the state in a much stronger sense, including, e.g., withholding favorable tax status from organizations whose views and internal practices are incompatible with the ideal of free and equal citizenship. I will not discuss this possibility here, other than to note that it falls outside the scope of state persuasion as I use the term.



viewpoints, is that in practice it may be hard for citizens to disentangle state persuasion from all the other activities of the state in which it relates to citizens from a position of authority, such as imposing binding rules, using force, issuing threats, and allocating advantages and disadvantages. In principle, when the liberal state attempts to persuade its citizens while observing all the constraints mentioned here, its persuading activity is not an exercise of authority; its arguments and appeals to reasons are not, nor are they meant to be, authoritative in the sense of settling for citizens the question of what they ought to believe or not believe on a given matter. They are simply meant as providing further input into a societal deliberation about worldviews that has been ongoing in the broader public culture. And yet, even state persuasion that scrupulously observes the above constraints comes from a body whose primary role *is* to make authoritative decisions that settle, as a practical matter, what those subject to them ought to do or not do on a given issue. Therefore it is understandably difficult to keep its authoritative and nonauthoritative functions clearly separate. This practical difficulty constitutes reasons for caution, it seems to me, regarding even the more benign forms of state persuasion.

Before concluding, I would like to make a final clarification. As already noted, some of the more recent philosophical literature on state speech focuses not so much on its permissibility in the service of liberal ideals, but rather on whether the state has an *obligation* to speak out in support of its justifying principles. Most prominently, Corey Brettschneider (2012: 119) has argued that the liberal state not only may but must confront, through state speech, such opinions that are antithetical to its foundational principles, or what he collectively refers to as hateful speech. This is an important issue, full engagement with which is beyond the scope of this paper. I will note, however, that the cases in which Brettschneider thinks it is appropriate (and in fact, obligatory) for the state to engage in persuasion are different from the ones discussed in this paper. My focus is on how the state may persuade reasonable citizens, who by definition endorse everyone's status as free and equal citizens, but who are not liberal in the thick sense, so that egalitarian distributive policies become acceptable to them. The targets of potential persuasion here are reasonable people who are committed to the status of all as free and equal persons. The targets of Brettschneider's morally required state speech, by contrast, are the paradigmatically unreasonable, i.e. those who regard some as lacking equal status. It seems clear to me that this issue raises different questions for state persuasion than the one I am concerned with here. However, perhaps an argument analogous to Brettschneider's can be developed along the following lines: just as the state has an obligation to protect the social and political status of each person who is subject to its authority as

an equal, it has an obligation to implement policies in the service of egalitarian socioeconomic justice. If promoting liberal egalitarian values is a necessary or at least strongly supporting condition of the long-term sustainability of egalitarian policies, then the state has a *pro tanto* obligation to promote liberal values. And once the Public Reason Worry in its strong form is dispelled, the obligation may be an all-things-considered one. Perhaps one can extend Brettschneider's (2012: 43-5) argument—to the effect that a state that fails to engage in democratic persuasion is *complicit* in the vulnerability of the equal status of those who are the targets of hateful speech—to the case of socioeconomic injustice. Then the complicity argument would suggest that a state that fails to engage in liberal persuasion is complicit in the potentially resulting socioeconomic injustice.

I have some doubts about the complicity argument (see Billingham 2019: 641-3), but I will put them aside. It seems to me correct that if egalitarian policies are understood as requirements of justice, then there is rational pressure to hold that there are strong reasons of justice to create favorable social conditions for their implementation, as long as this can be done via permissible means. However, the commitment of political liberalism to respecting evaluative diversity advises caution. One difficulty is that state persuasion necessarily takes place against the backdrop of ongoing political and cultural controversy about the issues involved, and in these controversies thick, egalitarian liberalism is just one of the “partisan” viewpoints, even if (as I believe) it is the correct one. Persuasion will therefore inevitably focus not on the most abstract questions of liberal theory, but on the more practical issues that feed the broader political and cultural controversy. But then, the implications of liberal egalitarian theory on such issues are often controversial, even among those who endorse this theory, and the state may very well be mistaken about some of these implications. Getting the implications right involves answering highly complex questions, which the state and its representatives may not be well equipped to do (Billingham 2019: 647-8). Therefore it seems to me that in pursuing egalitarian justice, the state ought to give preference to strategies that avoid state persuasion in the service of controversial values that some reasonable citizens may reject, although such persuasion may sometimes become necessary.<sup>14</sup>

<sup>14</sup> I thank a reviewer for this journal for pressing this issue.

## 7. THE PROGRESSIVE'S DILEMMA, AGAIN

Where does this highly qualified defense of state persuasion leave us? To recall, my starting point was the difficulty that sustainable egalitarian policies depend on high levels of social cohesion, which in turn is facilitated by the high prevalence of (thick) liberal values in society. Assuming that egalitarian policies do not automatically and reliably generate the requisite level of commitment to liberal ideals, it seems that promotion of these ideals through state persuasion could provide the necessary support. While I attempted to dispel the strongest form of the Public Reason Worry that would rule out any such state persuasion as illegitimate, the view that emerged from this exercise severely constrains the permissible avenues available for the state to promote liberal values. They are unlikely to make a huge difference in the context of robust evaluative pluralism. It would seem that the best use of the power of the state in this regard is still to focus on improving the impartial and fair operation of its egalitarian policies, and to attempt to implement a critical mass of such policies that, in light of the available evidence, provide the best hope of building and maintaining social support for them.

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# Social Cohesion and the Struggle for Power in Diverse Societies<sup>1</sup>

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## **ABSTRACT**

This article critically examines Nils Holtug's contribution to the debate on social cohesion within liberal democratic societies, particularly in response to the challenges posed by increasing immigration-driven diversity. More specifically, it focuses on his utilization of the social capital framework to solve the "progressive's dilemma". As a solution to this dilemma, Holtug proposes the promotion of an overarching identity grounded in shared liberal values, which he argues can concomitantly support diverse societies and robust welfare systems. However, the analysis presented here challenges Holtug's framework on the grounds that it potentially overlooks power dynamics and existing social hierarchies, which can skew social cohesion processes and outcomes in favor of dominant groups. This paper contends that while Holtug's model aims to enhance inclusivity and bridge social divides through social capital, it may inadvertently enable the perpetuation of inequalities by failing to critically address the underlying power structures that shape social cohesion. By focusing on the problems of *invisible contributions* and *asymmetric relations*, this paper advocates for a more nuanced understanding of social cohesion that incorporates a critical examination of power relations and democratizes the process of shaping shared values and norms in diverse societies.

**Keywords:** social cohesion, progressive's dilemma, immigration, social capital, power dynamics, liberal democratic societies.

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## 1. INTRODUCTION

In both political and academic domains, social cohesion has become a recurrent and multifaceted lens for addressing the challenges presented by diversity within liberal democratic societies. Loosely defined as the “tie that binds us together” and used to rethink the collective under conditions of diversity, social cohesion has, through the history of Western political philosophy, been theorized under different conceptions of social unity. According to these different conceptions, the most fundamental links between individuals and a collective have been defended as being based on identity, connection to institutions/constitution, or agreement on the principles of justice, or as anchored in interdependence and joint social and political activities (see Sevinç 2022 for an overview of these). In the political domain, which includes a large range of public, partisan and policy discourses, social cohesion is behind a wide array of policies that aim to rehabilitate fragmented societies and restore a sense of collective solidarity among citizens (see e.g. TFEU 2008, Art. 173-8; Kołodziejski 2023; Høyres redaksjon 2023).

Common to these approaches in both domains, political and academic, is that they often grapple with the complexity of embracing diverse populations while maintaining strong links of social solidarity: a challenge that within liberal democratic thought has been referred to as the *progressive’s dilemma*. Basically, the progressive’s dilemma centers on the conflict between commitments to freedom and equality within the pursuit of social justice. In a more precise version of this dilemma, the challenge lies in reconciling the push for broad support for redistributive policies with the growing diversity that may undermine a conception of social unity that is deemed essential for garnering backing for such policies (for a recent description of this dilemma, see Goodyear-Grant *et al.* 2019; Kymlicka and Banting 2006). Addressing this dilemma within the scholarly debate on ethics and politics of immigration, we find liberal nationalists using the framework of social cohesion to justify restrictive and more assimilatory immigration policies (see e.g. Miller 2016). Others resolve this dilemma in favor of inclusive policies that aim at increasing the immigrant’s freedom of mobility across borders and their wellbeing in the host countries (see e.g. Baycan-Herzog 2021; Mendoza 2015; Wilcox 2004). While liberal nationalists defend national identity as the strongest form of linkage among individuals, i.e. the one that is capable of providing the most solid ground for inclusive redistributive obligations (see Miller 1995, 1993), others contend that national identity is a too exclusive form of linkage (see e.g. Føllesdal 2020; Mason 1999).

Nils Holtug offers an alternative to these approaches that promises to solve the progressive's dilemma in an ingenious way. He combines a conception of social unity defined in terms of identity with agreement on principles of justice, and offers a solution that is anchored in empirical findings and informed by political realities. Bluntly, his proposal consists in the promotion of an overarching identity transcending national identities that is based on shared liberal values and advanced by the social capital approach to social cohesion. His aim is to offer a solution to the progressive's dilemma that offers greater inclusivity than liberal nationalist approaches and stronger social links than previous approaches not based on identity, and also enables advancements towards cohesion to be actively pursued and monitored in terms of social capital.

More specifically, Holtug's book focuses on a version of the progressive's dilemma in which the liberal egalitarian values that endorse greater diversity through immigration effectively conflict with the possible negative impacts of such policies on welfare systems. In presenting his solution to the progressive's dilemma, Holtug points out the lack of conclusive empirical support for a core premise of this dilemma that stipulates a necessary conflictual relation between diversity and collective solidarity, and argues, from a moral standpoint, for a global striving for equality. The book's main thesis is then twofold: the progressive's dilemma can be solved and there are empirical and normative reasons to do so. He argues that a conception of social cohesion based on an overarching identity that transcends national differences and is grounded in a strong commitment to core liberal values can, as a matter of fact, provide an ideological foundation that is sufficiently stable to sustain support for immigration-driven diversity *and* welfare systems. Consistently with this, he further defends the promotion of these shared values in forming such an overarching identity as a way of uniting the native population and marginalized immigrants (272).

Central to Holtug's alternative is his reliance on the social capital approach for addressing the progressive's dilemma. As social capital concerns networks of relationships among people who live and work in a particular society and enable that society to function effectively, the social capital approach to social cohesion becomes practically relevant because it is action-oriented. This means that, since the introduction of new members into a society can either enhance or strain the existing social capital in that society—i.e. due to the malleability of social capital—the progressive's dilemma can, for Holtug, be proactively solved through the development of policies and practices that enhance social capital among marginalized immigrants and the native population. This would facilitate

integration and foster trust and solidarity between them, which are crucial for maintaining social cohesion in a society that is experiencing immigration.

While, however, Holtug's solution to the progressive's dilemma concludes with a clear recommendation for less exclusionary and assimilatory migration policies, this response raises concerns about the potential power struggles that could arise in shaping the boundaries of social cohesion in his terms, i.e. so that it is formed by an overarching identity based on shared values. In this article, I will argue that in relying on the social capital approach to social cohesion, Holtug risks overlooking the influence of existing social hierarchies and power imbalances in affecting how social cohesion is shaped and maintained. First, I argue that this shortcoming of Holtug's framework brings a general problem because the mere promotion of social capital can lead to situations where the norms and values of a society continue being skewed in favor of dominant groups, with problematic consequences for marginalized immigrants. Social cohesion can then come at the expense of their perspectives. Second, I maintain that this is a problem for Holtug's theory in itself, because if marginalized immigrants, despite visible improvements to their condition, remain systematically and disproportionately influential and disadvantaged in relation to the dominant groups in the process of shaping and maintaining social cohesion, then this undermines Holtug's goal of promoting social justice through social cohesion.

It may be worth mentioning that another recent account of the politics of social cohesion, by Jan Dobbernack (2014), has flagged the unifying attempts of social cohesion approaches in policy as highly questionable. Like Dobbernack, Holtug (43) highlights the different ways in which social cohesion has been framed and implemented in contemporary liberal democracies to realize distinct nation-building policies (e.g. French republicanism, Canadian and British liberalism and multiculturalism, and Danish liberalism and nationalism). Dobbernack sees these differences as unleashing a pattern in the politics of social cohesion that reveals how behaviors that promote social unity are often defined in contrast to the actions of certain groups, which are preemptively labeled as "problematic populations". According to him, problematic populations are, within a certain social imaginary ruled by a particular moral order, the ones considered to be a source of unwanted diversity and responsible for the disruption of social integration. Dobbernack's (2014: 181) conclusion is that a politics of social cohesion that strives for social unity through a sense of sharedness will only impoverish the social imaginary, i.e. reduce the diversity of societal beliefs and values, and serve to obscure how relational

effects occur within a moral order that systematically privileges some while disadvantaging others. But unlike Dobbernack, Holtug does not regard social cohesion as an approach oriented towards the so-called problematic populations, and so he does not abandon the search for social unity through a sense of sharedness. Holtug instead sets out to rehabilitate social cohesion from dystopian politics, thereby promoting its healing and restorative capacities in diverse societies. The problem is that, in being overly optimistic about the general benefits of his unifying attempt at promoting and maintaining social cohesion, Holtug is less able to guarantee that marginalized immigrants are not regarded as the “problematic populations” in Dobbernack’s sense.

To unpack my claim, I will show that Holtug’s narrow approach to social cohesion in terms of social capital and his consequent overlooking of power struggles in affecting the formation and maintenance of social cohesion crumbles into two issues when seeking social justice. For the sake of clarity, I label these two issues here as the problems of *invisible contributions* and of *asymmetric relations*. These problems can be briefly formulated as follows:

*Invisible contributions:* The promotion of social capital can be overall beneficial to everyone in terms of creating/sustaining social cohesion but still perpetuate systemic disadvantages between the native population and marginalized immigrants. This happens when existing social hierarchies and power imbalances make people’s investments in and benefits from a cohesive society not equally visible, valuable or transferable by social capital. This means that an approach to social cohesion that is confined to promoting social capital in terms of resources and opportunities, like Holtug’s approach, risks marginalized immigrants contributing more to achieving common benefits, because their contributions might not be fully recognized or accounted for in a framework that conceives sharedness as external to their own premises.

*Asymmetric relations:* Liberal values are indeed inclusive. But these inclusive liberal values have a context and a history connected to the West. Putting these values at the center of our theorizing when aiming to unify the native population and marginalized immigrants, and insisting on their top-down sharedness of identity and values, risks further marginalizing immigrants despite their accommodation in Western societies. This happens not necessarily because marginalized



immigrants might not share these values, but because, historically and contextually, these are values that they second and do not author. This means that in a liberal approach to social cohesion, like Holtug's approach, marginalized immigrants risk being permanently locked into a position of being apprentices of these values.

Section 2 starts by providing a brief overview of the two primary traditions in the study of social capital, with a focus on their perspectives of power. After situating Holtug's work more firmly within one of these traditions, I then transpose the shortcomings of the tradition to his theory in order to outline my critique of his reliance on a confined approach to social capital that neglects a systemic understanding of power relations. The problems of *invisible contributions* and of *asymmetric relations* will emerge from the lack of a critical view of power relations. Promoting social capital that creates and sustains cohesive societies is not enough, or not always the best way to achieve social justice. Section 3 will take care of the former problem, and section 4 the latter. While the problem of *invisible contributions* focuses more on an issue related to the form of Holtug's solution to the progressive's dilemma (i.e. on the intention to promote social cohesion through the sharedness of identity and values), the problem of asymmetric relations focuses more on the content (i.e. the history and content of the value set defended by Holtug). The implications of this critique for Holtug's theory, which is basically a critique of his preferred framework, suggest a need for a more nuanced problematization of social cohesion that incorporates a critical examination of power relations and democratizes the process of shaping shared values and norms in diverse societies.

To be clear, I do not deny in this critique that Holtug could be right in his proposal, and that the best way to achieve social justice for native populations and marginalized immigrants is to unite them around a kind of overarching identity that transcends their national differences and is grounded in shared values. The empirical support that Holtug's mobilizes in his book makes this proposal attractive. But for securing social justice, which is his goal, Holtug's proposal still has to survive a critical scrutiny of the role that power plays in even conceiving something like an overarching identity: What differences are transcended? By whom? Why? Should the transcended differences be transcended? By design, it would have to enable shared values that are genuinely shared. It is possible that empirical studies that focus on the perspective of marginalized immigrants living in diverse and well-functioning Western societies reveal that, despite a society having accommodated for them, and despite having achieved more

equality of resources and opportunities in relation to the native population, they still lack a sense of belonging because the society is structured around premises that keep alienating them in other ways (see e.g. Rathe 2023). Since I am not engaging with the empirical part of Holtug's book, I will not exploit this empirical literature on belonging, but rather focus on the two problems mentioned above. Section 5 concludes with a short evaluation of the book's merits and deficits in my reading.

## 2. THE INSTRUMENTAL VS THE CRITICAL APPROACH TO SOCIAL CAPITAL AND THE ROLE OF POWER

Following Putnam (2000), Holtug belongs to a Tocquevillian tradition revived by Hanifan (1916) and cultivated by Coleman (1988), Bourdieu (1986), and Burt (1997), among others. This line of thinking redefined the market view of capital, which is based purely on assets and wealth, by appealing to its broader social and individual functionalities. Generally put, its central commitments emphasize the importance of networks, shared norms, and civic engagement in enabling the collective, and this approach relies on measurements of social capital to provide insights into how communities can actively work towards revitalizing and strengthening social bonds that are conducive to well-functioning societies.

Within this broad and influential tradition, two different approaches to social capital have received attention—one instrumental and the other critical. The instrumental approach focuses on the common benefits of social capital, while the critical approach looks at how individuals and groups have historically and politically accumulated these benefits in unequal ways. In the former, social capital is a desirable achievement; in the latter, it amounts to a category for the analysis of power struggles that renders the attainment of social cohesion sometimes undesirable. In instrumental terms, social cohesion is more usually sought through a certain kind of unity in a society that largely benefits everyone; and in critical terms, it comes about through contestation and the valuing of differences within this society, since common benefits have historically and contextually required different degrees of compromise acceptance among groups. Thinkers such as Hanifan (1916), Coleman (1988), and Putnam (2000) all belong to the instrumental tradition in virtue of having emphasized the common benefits of social capital to all participants of a given societal structure that includes the most vulnerable. However, Bourdieu (1986), Burt (1997) and, more recently, Arneil (2006) belong to the critical tradition in virtue of having paid greater attention to the risks of social capital being used as an instrument to preserve privilege, despite

incremental improvements for the most vulnerable.

To give a quick example of what such incremental improvements can amount to, we can think of a situation where a prestigious university gives scholarships to economically disadvantaged students. While these scholarships will help these students to gain access to the institution, the overall structure of the institution might still benefit those who are already privileged, simply because the cultural capital value of the institution mirrors the upbringing of the privileged. Applied to the case of marginalized immigrants, a typical example is the case of policy-driven programs securing language and job training to integrate them into the job market. While these programs provide vital skills for entering the job market, the overall structure of the local economy and society might still inherently favor the native population. This favoritism occurs when social norms, communication patterns, and professional networks remain shaped by and for the native population, thus ignoring structural inequalities in the struggle for social justice. This issue, known as “network externalities”, has been recently problematized by Goodin (2023: 122-4), who shows how inclusion in networks serves to perpetuate disadvantages, even when they are generally beneficial to all their members.

Instrumental and critical approaches to social capital do not necessarily conflict with each other. This is because they might be complementary. But they are still rivals in the sense that the critical approach intends to show that social cohesion cannot be applied to all cases without promoting injustices. The point is that, even if social cohesion benefits everyone, in some situations it requires greater compromises for some and in ways that are not accounted for. Within the critical approach to social capital, Bourdieu (1986) points out that beneficial social capital (i.e. good aims and outcomes in instrumental terms) can reproduce inequalities when privileged people make use of the social capital in their networks to their own advantage. In this sense, a lack of economic and other forms of connected capital, such as cultural capital, can create additional barriers to members of disadvantaged social groups. Barriers prevent these individuals from both acquiring social capital as an aggregated resource and benefiting more proportionately from it. By focusing on the critical perspective, Bourdieu (1986) draws attention to a dimension of social capital that has the potential to be more substantially transformative, as opposed to merely reformative. When exploring how social capital has historically been construed and used, and by whom, he asks for a deeper inquiry into power relations and social hierarchies in a society.

The point here is that while the instrumental approach to social capital, focusing on promoting beneficial social capital with good aims and good

outcomes, can promote social gains in general and even improve the situation of the worst-off members of society, these improvements risk remaining merely incremental absent consideration of the central role of power relations and social hierarchies in the formation and maintenance of social cohesion. Indeed, on the instrumental approach, the worst-off risk bearing the majority of the unaccounted costs involved in attaining overall social gains.

Now, on to Holtug's social capital approach to social cohesion. Holtug's approach is complex and, in a way, marked by the two traditions. Like Bourdieu, he is concerned with equalizing advantages to accessing social capital within a broad scope that includes culture and religion (ch. 4). However, his focus is limited to cultural and religious resources and opportunities, and the neglect of power-driven relations (81) leads him to overlook possible inequitable outcomes in the distribution of benefits of social capital to everyone outside this restricted scope. Including culture and religion in terms of opportunities is not enough to sufficiently expand the scope of inquiry to Bourdieu's standard and capture the relevant dimensions of the cultural and religious differences between marginalized immigrants and the native population. This is because accommodating cultural and religious differences to equalize access to resources and opportunities is not the same as promoting the sharing of cultural capital, since the value attributed to the different cultures and religions might still differ greatly. While Holtug acknowledges this value gap, as transpires from his discussion on the currency for equality, this is where the conversation stops. He says:

Indeed people's religion and culture impact the (welfare-)value of the specific choice-sets that are available to them and so a given set of opportunities in a society may generate unequal welfare if that set—or the laws, rules, and practices that contribute to shaping it—tend to favor specific religious and cultural groups. (96)

After that, he turns to examining resources as the currency for equality in its capacity to incorporate culture and religion.

To make this point clear, we can return to the example of students from disadvantaged backgrounds getting scholarships at prestigious universities. A scholarship may help these students financially in obtaining access to the university. Quotas may help them to obtain more equal chances to access the university. Being able to see their symbols on campus or not to show up to some classes may help them to preserve their culture or practice their religion. But none of these problematizes the differential

ranking of their statuses. These students might still be required to perform exceptionally well in order to be freed from the lower status that is attributed by the dominant group to their respective group. As a result of such lack of problematization of these power relations in preserving the cultural capital of the dominant group, it is unclear whether, on Holtug's approach, some groups are required (or allowed) to invest more than others to obtain the benefits available to everyone. It is also unclear how these cross-group benefits can be made proportionate to investments that are less tangible but equally important to social justice.

More saliently inspired by Putnam's account of social capital, Holtug defines social cohesion as the "social networks and the customs, bonds, and values that keep [individuals] together" (46; following the definition of social capital in Putnam 2000: 19). In this sense, social cohesion is broadly conceived as a complex function of the manifold features that make up the social, economic, and cultural networks of a society, and refined as a collective resource that connects people together while sustaining links of trust between individuals and making them willing to forgo their own resources to the benefit of others. Conceived as a connection among individuals that facilitates cooperation in societies, and which can provide support for democracy, welfare, and collective action, social cohesion is, on Holtug's approach, positive and instrumentally "required for the implementation of social justice" (47).

It is important to note that while Holtug aligns more strongly with the instrumental tradition of social capital scholarship, given his focus on the positive healing and restorative potential of social cohesion in diverse societies, his perspective is not unilaterally optimistic. Like Putnam (2000: 22, 136), he highlights instances where social cohesion fails to yield positive aims and outcomes despite its strong network dynamics—as seen in the examples of the Ku Klux Klan and criminal organizations. These cases exemplify how high levels of social cohesion can be devoid of societal benefits (48). For Holtug, the value of social cohesion is attached to the goodness of its aims and outcomes in promoting social justice. While this qualification renders social cohesion morally neutral from the outset (leaving it open for criticism), the good and the bad types of social cohesion are differentiated as wheat and tares. The badness of social cohesion is then limited to what reflects undesirable aims and outcomes.

The problem is that this approach obscures concerns associated with positive social cohesion, especially when viewed from a privileged standpoint from which overall societal improvements appear evident. The rendering of positive social cohesion in overarching unitarian terms, with good aims and good outcomes for society in general, might still overburden

members of historically disadvantaged groups and treat their contestations as a social illness that needs to be healed. For instance, Arneil (2006: 14) departs from a Bourdieusian perspective on social capital to question the appropriateness of this approach when it comes to creating diverse communities “that seek to be not only connected, but just”. She argues that diverse societies are better off not when relations are solidified around a shared set of values, but when they are conceptualized in agonistic terms that involve a constant (re)negotiation of norms and values. According to Arneil, negotiations that might appear divisive in the short term could still better serve social justice in the long term. This is because the contestation of social norms and values has the potential to decentralize a hegemonic power. For her, social contestation does not directly oppose social cohesion if diverse societies are conceptualized in agonistic (rather than in overarching unitarian) terms. In addition, unity, for her, is not always the best way to promote social justice (Arneil 2006: 215-16). But by relying more substantially on an instrumental approach to social capital as the asset capable of not only forming the public good but also sustaining it, Holtug does not seem to make social cohesion any less vulnerable to construction in accordance with the desires of the dominant group, owing to the malleability of social capital. In other words, Holtug’s narrow approach to social cohesion risks overlooking the fact that the differences that are supposedly transcended with an expanded “we” might actually already shape not only the possibilities for constituting this very “we”, but also the possibilities for socially benefiting from a cohesive “we” in ways that are proportionate. Disadvantaged students who gain access to prestigious universities may be included in the body of students like everyone else, but because the nature of their relation is not problematized, these students might still lack the status to be a constitutive part (rather than a derivative part) of the student’s body, and to be able to increase their own cultural capital.

To be fair to the complexity of his account, Holtug does take the nature of relations into account. Inspired by Putnam, he builds on the distinction between *bonding* and *bridging* social capital. Bridging concerns connections across heterogeneous groups through the creation of “overarching identities that transcend internal differences”; bonding concerns the connections within “homogeneous groups reinforcing identities” (49). Although the boundaries between these forms of social capital are not always clear, Holtug focuses primarily on bridging social capital. Its value is attached to the aims and outcomes that it produces in terms of social justice on a global scale, and is tangibly measured by access to resources and opportunities that include religious and cultural opportunities. Bridging social capital does admit power differences as a

source of unfair disadvantages—and Holtug, to an extent, accounts for this when aiming at redistributing power. But power, in this framework, is treated as a resource like other forms of social capital, and not as a nondyadic and dynamic relation that has a context and a history (Allen 2009). The point is that this latter understanding of power makes the whole social capital approach to social cohesion inappropriate for dealing with specific relations whereby certain social groups have historically benefited only incrementally and remain trapped in social hierarchies that persistently disadvantage them. The issue here is that Holtug’s approach conceptualizes power like any other variation that feeds diversity into society, which lacks centrality and a systemic view.

Even social capital theorists (e.g. Woolcock 2001) have recognized the shortcomings of the instrumental approach to social capital in not giving more centrality to power inequalities; they have proposed an additional form of social capital to refine the properties of bridging and engage more directly with hierarchical power relations. In the social capital literature, the term “linking social capital” is used to describe patterns of hierarchical relationships marked by power differences (Cote and Healy 2001: 42). It has been argued, for example, that linking social capital can lead to the empowerment of marginalized groups (Woolcock 2001). If this is the case, then I would expect a more explicit account of linking social capital when Holtug explains how bridging social capital would be proportionately (and not just incrementally) beneficial to members of marginalized groups. At the same time, I would also expect a more explicit defense of the social capital approach in the face of the critique that despite including vertical power relations, linking social capital still implicitly accepts existing power structures (Fine 2004).

In sum, Holtug argues that the shared liberal values grounding an overarching identity are supposed to be thin enough to allow for diversity and thick enough to foster unity. Nevertheless, the challenges of constructing an all-encompassing identity while accommodating contestation and diversity and the challenges of operating with a determined set of values that has a context and history warrant closer scrutiny.<sup>2</sup> What does it mean to forge an overarching identity that is all-inclusive in the light of contestation? What remains concealed in this process? Whose compromises are most pronounced in the pursuit of the greater unity? Where do these values come from? Who has enacted them? The answers to these questions can be unpacked only through an account that locates the intricate nature of power relations at its center. What the

2 See Miklosi’s critique in this volume, which challenges the possibility of dismantling this dilemma in the liberal-democratic framework through a thick or thin appeal to liberal values.

problem of *invisible contributions* and of *asymmetric relations* clarifies, in such a context, is that this scrutiny of power struggles is not sufficiently accounted for in Holtug's inquiry, given his choice of framework, and this results in a rational skepticism towards his proposed solution to the progressive's dilemma.

### 3. THE PROBLEM OF INVISIBLE CONTRIBUTIONS

As a reminder, the *problem of invisible contributions* consists in exposing how a unifying approach to social cohesion, while comprehensive in its consideration of shared values and identities, may not fully account for the nuanced dynamics of participation and representation in shaping these shared constructs, particularly for marginalized groups. I will start by unpacking what is meant here by "invisible" in this problem. It is uncontroversial today to say that women have played an important social role in binding families and communities together through housekeeping, child raising, participation in school or church associations, and so on. Their work has certainly increased the social capital that benefited society as a whole. They have historically borne a great portion of the costs of the common good—costs that previously went unaccounted for as their contributions were largely invisible or ignored, but which are today largely recognized. Before we plot this into the case of marginalized immigrants, I should note that Holtug's solution to gender inequality seems to be to formally and informally establish equality of opportunity across gender groups and extend to women equitable access to arenas where their contributions can be accounted for (95-6). In this sense, he takes a horizontal (peer-level interactions) and even a vertical (top-down interactions) approach to understanding power when accounting for leadership positions. However, he omits any systemic approach that challenges the structures that lead some part of the population to take greater responsibility for contributing in ways that go unrecognized in the first place. This shows that the social capital approach that accounts merely for resources and opportunities is highly dependent on what can more tangibly be redistributed and is unable to capture external sources of benefit inequality that are linked to power differences among existing social hierarchies.

Although gender, nationality, ethnicity, and religion are not supposed to be of any significance in determining who makes contributions in Holtug's framework, the persistence of unrecognized efforts and their hierarchical order remain unchallenged. This means that people across these categories can have equal opportunities (or an equitable chance of



contributing both in recognized and unrecognized ways), but the efforts themselves are still located at different points in the hierarchical order, because they are performed by people in different social positions. For instance, it is consistent to say that in Holtug's egalitarian framework, the breadwinner vs. caregivers' model is replaced by everyone having a share of paid employment and domestic work. However, despite this apparent equality in resources and opportunities, women, unlike men, are still often viewed as merely fulfilling their duties when they do domestic work, or as being neglectful of their families when they are working (Chesley 2017). The hierarchical order then goes unchallenged in an approach that fails to center structural power struggles, because the definitions, nature, value, and authority of the contributions in themselves are not questioned (Young 1990: 23). Historically, too, some population groups (e.g. women and guest workers) have consistently earned lower returns on their social investments, and these injustices are only partially captured by Holtug's egalitarian framework.

If we now use this reasoning to think of the case of marginalized immigrants, then with the help of some relational humility, we might be able to infer that it is possible that we are failing to account for their contributions to the common good simply because the lens we deploy is not aligned with their own premises. Just as we did not know that women's domestic work was a valuable contribution to the functioning of societies, so too we might not be grasping the contributions that marginalized immigrants make to these societies. It seems to me that one way of finding this out would entail securing the participation of marginalized immigrants in defining what is supposed to unify them with the native populations. A top-down appeal to the establishment of an overarching identity grounded in shared values that are settled in advance by the host societies, like Holtug's, would not secure this by procedure.

This means that, without solving the progressive's dilemma with an approach that is also sensitive to power differences, it is difficult to imagine that the tendency of members of marginalized social groups to take on a greater portion of unrecognized activity will change. This is because equalizing opportunities and resources does not automatically and alone equalize the outcomes of social investment in the greater good if members of marginalized groups are still investing in ways that are unaccounted for and thus continue to be more prone to devaluation. This means that, in Holtug's account, while we can say that social hierarchies are superficially displaced and power is materially dispersed, the possibilities of constituting an inclusive "we" through an overarching identity based on shared values risk remaining more limited or disproportional for members of

marginalized groups. As the case of women given above shows, this means that one's social position already alters the way in which one is integrated into a cohesive "we" (e.g. as coadjuvants or full-fledged members) and also the way one benefits from being part of this cohesive "we", depending on the proportionality between investments in the common good and particular turnouts.

Given that relations between immigrants and citizens are paradigmatic examples of hierarchical relationships—since they are especially marked by power differences—the absence of a critical account of bridging social capital centered on power relations is a serious shortcoming that affects the success of the book's normative thesis. For example, when Holtug accepts large limitations of his normative claims based on regulatory concerns emerging from backlashes from the majority's perspective, the strength of the normative claims has very little significance for immigrants. He says: "At the basic level, justice may well require something close to open borders, although as a regulative policy for the present, this would be counterproductive, for example, because it would most likely lead to a major backlash" (190). In fact, backlash from the majority seems to have an overly strong impact on moderating the extent to which less restrictive and less assimilatory immigration policies can be implemented, without any previous reeducation making the majority more receptive towards immigrants. Still, the challenges of implementation do not seem to be of primary concern. Immigrants have rights of their own. According to Holtug, some of these restrictive and assimilatory immigration policies wrong immigrants when it comes to a basic level of justice. But wrongdoings risk becoming banal compared with regulative considerations that still prevent societies from being more open, if power struggles are not more substantially part of the solution to the progressive's dilemma.

The room between what justice requires at the basic level (purely normative claims) and what it can deliver at the regulatory level (sensitive to empirical claims) is underdefined. Therefore there is a clear risk that the outcomes of these standards and regulations will tend to fall on the side of the majority. The boundaries between different categories of social capital can indeed be diluted, as Holtug observes, and linking social capital can be interpreted as a less tangible dimension of bridging social capital. But by declining to explicitly account for power relations, Holtug's attempt to entangle the transcendence of internal differences into an overarching identity is less capable of reworking the power balance that favors the majority.<sup>3</sup>

3 See Lenard's critique in this volume, which defends an approach to social cohesion through political inclusion as a way to decenter the power of majorities.

#### 4. THE PROBLEM OF ASYMMETRIC RELATIONS

If the problem of invisible contributions had to do with the form of Holtug's solution to the progressive's dilemma (overarching identity based on shared values), then the problem of asymmetric relations is more concrete and relates to the content of these values and to what they historically and contextually represent. The set of values defended by Holtug as able to support both redistributive policies and immigration are not any set of solidary values, but a determined set of values. He says: "I have argued that a shared commitment to liberty and equality has positive institutional, distributive, and value effects on trust and solidarity. Thus not only are these values basic to our obligations of justice, they also form a social basis for implementing just institutions" (273). The problem is that immigrants, especially those who are more likely to be identified as posing a threat to social cohesion, are typically perceived by host societies as not owning or sharing precisely these values in the same way or with the same authority that their hosts do. From this perspective, the hosts are those who are identified by default as the "founders" of these values and the determinants of the "we", and non-Western immigrants are, at best, "apprentices" of these values by virtue of their non-Western immigrant status. Regardless of whether non-Western immigrants actually hold these values, nothing prevents them from being perceived as never subscribing to these values in the same way or with the same properties as the native population. If the possession of liberal values becomes the new basis for exclusion, replacing nationality, ethnicity and religion, then Holtug's balancing of the progressive's dilemma by diffusing commitment to these values in order to secure diversity appears to be insufficient for reaching the very core of the problem of exclusion. At the core of the problem is the absence of collaborative negotiation over differences between social players on an equal footing, whereby norms and values are collectively redefined. This issue cannot be addressed without a more extensive account of power relations that is aimed at dismantling social hierarchies rather than taking their abolition as a given.

The roles of the majority as both decision-makers and norm setters do not seem to be sufficiently distinguished in Holtug's account. After all, it seems inevitable that the majority would carry some advantages in democratic decision-making and that social justice for all depends on getting this majority to support redistributive policies. The book provides the majority with strong empirical and normative reasons to do just that. But as norm setters, the majority gets more than mere electoral advantages in making decisions; they get also to determine the norms and values to which others should aspire. Certainly, this process of determining norms

and values is, according to Holtug, not unconstrained for the majorities. But by adopting a more critical approach to social cohesion, it also becomes relevant to ask who gets to decide on such common norms and values. It is still important that norm setting is constrained by moral reasons, but if Dobbernack is right, then a moral framework can already privilege some while disadvantaging others. While preventing the perpetuation of unfair disadvantages, it is also important that the determination of these common norms and values is mediated by minorities' perspectives. Otherwise, we get very little to prevent their degradation into "problematic populations", as Dobbernack fears.

Despite recognizing the responsibility of dominant groups for accommodating the cultural and religious diversity that results from immigration, Holtug's analysis pays insufficient attention to the question of who gets to decide about shared norms and values. In liberal democracies, the willingness of majorities to embrace immigration often hinges on their commitment to values that have already been established within their society, primarily rooted in Western liberal democratic states. Consequently, Holtug appears to overlook the potential risk that the aspiration to transcend internal differences into an overarching identity, grounded precisely in shared liberal values, may result in an abstraction of these differences, disproportionately affecting the least powerful immigrants.

Holtug's treatment of gender equality illustrates the issue at hand. First, he posits that a shared commitment to liberal values can be flexibly inclusive, allowing for various interpretations of the good. These values provide the basis for social cohesion in form, while being open to variation in content. They are supposed to be thin enough to allow for a series of cultural and religious accommodations that do not conflict with liberal aims, but thick enough to "allow some informal pressure to value, for example, gender equality" (225). Regardless of how this informal pressure is supposed to take shape and what its effects might be (e.g. nudging, pedagogical initiatives), the problem is that both the form and the content of gender equality appear to be predefined within a framework and are presumed to be valid for everyone. This presumes that there is one way of getting gender equality right. The content of gender equality is, however, still determined by liberal aims as a community conception, i.e. as the set of liberal values and norms that, when adequately shared and expressed, can best foster social cohesion. While it is clear that cases of violence against women and gender minorities breach gender equality norms in general, it is much less clear how much room for content variation is allowed within the conception of gender equality that Holtug has in mind.

When liberal values and Western notions of gender norms are treated as evident and valid for everyone, they risk marginalizing the non-Western perspectives of immigrants. For example, Western natives enjoy here an inherent advantage due to their perceived alignment with established—liberal—norms and values. Concretely, this advantage stems from their identity, appearance, origin, and the authority vested in their home country, which champions liberal values where a determined expression of gender equality comes very high up. Historically, there are many instances in which gender equality has been used as a threshold for liberalism and as a universal standard (Wodak 2015). There the West positioned itself as the protector of the universal value of gender equality and the establisher of the norm to which others of goodwill should aspire. Consequently, Western natives are positioned as the exemplars of these shared norms and values, in opposition to non-Western immigrants. Thus, since non-Western immigrants lack equal standing in negotiating these norms and values, the proposed sharedness here risks seriously perpetuating the dominance of Western natives in embodying and benefiting from the inclusion of non-Western immigrants in these shared standards.

Holtug's approach has the advantage of making both social cohesion and redistributive solidarity tangible, enabling the move beyond purely normative accounts towards normative accounts substantiated by empirical evidence. But it overlooks the power struggles embedded in value attribution that challenge the cultivation of cohesion and solidarity in diverse societies. In the end, immigration-driven diversity raises questions for social cohesion that feed on racism, aporophobia, sexism, and Western-centrism (albeit not necessarily in blatant or conscious forms).<sup>4</sup> These are supposed to be countered by a shared commitment to liberal values, but are, in fact, not entirely captured and problematized in instrumental accounts aimed at bridging social capital. To be clear, a concern for the improvement of conditions for the worst-off in terms of resources and opportunities is good and certainly better than nothing. Rather, the point is that improvements that expand access to opportunities and resources for the worst-off do not affect the existing ranking imputed to social hierarchies that locate and trap the worst-off at the social bottom. Power relations are displaced, but not exactly disrupted. So long as diversity is conceived in opposition to the norm, the norm is reinstated while locking certain groups of immigrants in the permanent position of the "other". Even if they are included in the sharing of resources and opportunities,

4 See Parekh's critique in this volume, which challenges the systemic racism and bias permeating social cohesion.

they might never cease being conceived of as the “other-we”—partially accepted and tolerated, but not sufficiently integrated to partake in the formation of a full-fledged, overarching identity. Despite interpreting resources and opportunities broader than previous accounts, including cultural and religious opportunities catering to non-Western immigrants’ needs, these needs are, in Holtug’s account, still locked into a defined interpretative framework that emerges primordially from the authority of Western natives.

## 5. CONCLUSION

Nils Holtug’s *The Politics of Social Cohesion* is a book with many merits. Its review of empirical studies on the social cohesion-diversity nexus is extensive, and its methodological approach to combining empirical with normative analysis is carefully spelled out. These together should significantly increase the impact of Holtug’s work. As a result, the book shows effectively that the impacts of immigration on social cohesion do not necessarily come at the expense of collective solidarity. This is partly because a commitment to liberal values serves as the basis for less restrictive and less assimilatory immigration policies. But these values can also, as a matter of fact, ground a type of social cohesion that is capable of sustaining collective solidarity. The “progressive’s dilemma” is then solved, in his account, by the promotion of liberal values in diverse societies through the creation of an overarching identity that transcends differences. In this sense, *The Politics of Social Cohesion* is an expanded version of Putnam’s *Bowling Alone: The Collapse and Revival of American Community*—and there are substantial merits to this as well.

Here, my critique has not aimed at questioning the book’s merits. Rather, I have pointed out what I have called a shortcoming of its framework. The update of *Bowling Alone* could have eliminated some of the shortcomings of its framework by moving away from its primary focus on social justice in terms of resources and opportunities. Generally speaking, I have aimed to show that there is much more to social justice than resources and opportunities, and that these should not be singled out or considered the most fundamental basis for achieving social justice in diverse societies. More specifically, I have argued that Holtug’s narrow approach to social cohesion, which is more aligned with the instrumental account of social capital, prevents him from articulating a more comprehensive and critical account of power relations and social hierarchies when fostering societal cohesion in the face of diversity. As a result, balancing the progressive’s dilemma might still come at a high price

for marginalized immigrants who, despite incremental improvements, still risk being the ones tasked with bearing most of the unaccounted costs involved in attaining overall social gains. The role of majorities as norm setters, along with their power to decide how common values should be settled, has not been sufficiently questioned.

To be clear, this critique does not imply a defense of more restrictive and assimilatory immigration policies, but rather underscores the need for a more robust solution to the progressive's dilemma. Liberal nationalists have long invoked the role of majorities as norm setters and the potential social segregation that emerges from that in creating second-class citizens. They have defended national identity as a unifying form of identity that is capable of preventing this segregation, and have presented more restrictive and more assimilatory immigration policies as a way to preserve such identity. My critique has aimed to show that a stronger defense of less restrictive and less assimilatory immigration policies would not only challenge national identity as the optimal form for an overarching identity, but also question the power imbalances that might make the unifying attempt in itself problematic. This critique suggests, then, that less restrictive and less assimilatory immigration policies might be better safeguarded if the mechanisms of power in establishing an overarching identity rooted in shared values were critically scrutinized. This would reveal the need for a space of contestation among equals to lead to these values being constantly renegotiated, and perhaps, genuinely shared.

Finally, I want to mention that Holtug explicitly demarcates the ideal of equality that he is preoccupied with, and distinguishes it from the ideal of equality that problematizes power relations and social hierarchies, usually through references to social equality (81). He justifies this demarcation not by denying the importance of power relations and social hierarchies for achieving social justice, but by restricting the scope of the problem he aims to tackle. If this could be done, my critique here would seem unfair for charging Holtug with what he has not included in his book. At the same time, I have aimed to show that this shortcoming of his framework is significant enough to affect the success of his thesis in terms of social justice. Although what his book defends is significant, it still risks involving only incremental improvements for marginalized immigrants, as its approach is unable to decenter the power of the majority in extending (or learning how to extend) their collective solidarity to out-groups.

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# Immigration, Global Justice and Structural Racism

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## ABSTRACT

Nils Holtug argues that policies that support more open borders are a requirement of justice insofar as they contribute to global egalitarianism. However, at the level of regulation, the feasibility of this proposal plays a role and may not make open borders the policy we should adopt in the current political climate. What are the feasibility constraints on a policy of open borders for the sake of increasing global equality? The most pressing feasibility constraint is backlash—the risk that people will grow to resent immigrants and blame immigration for social problems. Holtug argues that although this is an important consideration, it is not as problematic as many people think. This is because, in his view, the bias that often underlies it is malleable. For him, implicit bias and animosity to people in the out-group are attitudes that can be changed with policy. Though understanding implicit or psychological bias is an important part of theorizing backlash and ways to prevent it, this analysis is incomplete and must be supplemented with an understanding of another equally pernicious form of racism: structural racism. Structural racism is the product of social structures, institutional processes, cultural practices, and political institutions that often work in reinforcing ways to perpetuate racial group inequality. On this view, racial bias is the *effect*, not the *cause*, of racial inequalities and injustices. This is why we cannot eliminate the negative attitudes that lead to backlash without also considering structural racism. Reversing prejudice—and consequently backlash—requires changing these structures, not just individual attitudes and biases. If we want racism and bias not to be feasibility constraints on implementing global egalitarianism, we must be prepared to tackle structural racism as well as psychological bias.

**Keywords:** racism, bias, structural racism, global egalitarianism, backlash, open borders.

## 1. INTRODUCTION

Since the Biden administration came into office in 2021, there has been a debate over whether asylum seekers who had been prevented from entering the US under a public health rule known as Order 42 should be allowed into the country. It was not surprising that many in the right-leaning Republican Party argued strongly that asylum seekers should not be allowed in through the southern border. For them, immigrants represented economic threats and social challenges, and they believed that the sheer number of asylum seekers waiting to enter would overwhelm the capacities of the border states. What was more surprising was the support for this position from many in the more centrist and left-leaning Democratic Party. While some argued that Order 42 should be lifted for the sake of the humanity of asylum seekers, other members of the party disagreed. Their disagreement was not because they were opposed to asylum or immigration or because they shared negative views of asylum seekers with their Republican counterparts, but because they worried about the effect of admitting asylum seekers on their chances for reelection. They worried that they would be seen as not caring about US citizens or US security. The lives of thousands of asylum seekers hinge on what I think of as the US “progressive’s paradox”:<sup>1</sup> if you strongly support policies that promote refugee and immigrant inclusion, then you are likely to not get reelected and the party that is elected will likely be much worse towards this group. If you don’t support these policies, then you are in effect no different than the other party you oppose, except perhaps at the level of symbols. It’s hard at first to see any way out of this dilemma.

Nils Holtug’s *The Politics of Social Cohesion* (2021) challenges one of the assumptions at the core of the dilemma just mentioned. The assumption is that immigration is problematic because it’s likely to have a negative effect on the country. In the view of some, immigration threatens to decrease social cohesion and undermines a sense of shared identity, trust, and solidarity. With these values diminished, it’s harder to implement welfare policies that would lead to social justice. Framed in these terms, countries must choose which values and goods their policies should promote: Do we want to promote diversity through policies that support immigrants and refugees, or, alternatively, do we want to promote more egalitarian policies on taxation, housing, and welfare? These latter policies require a sense of solidarity and social cohesion that relies on a shared identity and a sense of trust, especially trust that people are not abusing the help they are given,

<sup>1</sup> This is a phrase that Holtug uses to express the dilemma of those who believe that progressives need to choose either diversity or equality (equal distribution), but cannot have both. This is a view he seeks to dismantle in his book (ch. 1).

and perhaps that they will even be grateful for their fellow citizens' generosity. Many assume that you cannot have both.

This assumption is precisely what Holtug carefully and effectively dismantles:

I argue that the effects of immigration on social cohesion do not need to compromise social justice and that core principles of liberty and equality not only form the normative basis for just policies of immigration and integration, as a matter of empirical fact, they are also the values that, if shared, are most likely to produce the social cohesion among community members that provides the social basis for implementing justice. (3)

In other words, if we properly understand the way that values like trust and solidarity are engendered in a society, we will see that immigration does not undermine these values. We can have robust immigration and diversity without sacrificing social cohesion. Holtug demonstrates that social cohesion is compatible with cosmopolitan, liberal, and even multicultural policies on immigration.

I will begin my discussion of this argument with an overview of Holtug's novel analysis of the relationship between immigration and values such as social cohesion, equality, and solidarity, particularly as it applies to global justice. For him, the price of immigration and the multiculturalism that may follow is not a loss of social cohesion that would result in a lack of support for social services. At the domestic level, immigration and its effect on social cohesion need not undermine social justice. This is also true at the global level. Holtug argues that egalitarianism has a global scope, and that our policies ought to aim for global, not merely domestic, justice. One way to achieve a more egalitarian global sphere is through certain forms of South-North immigration. This is because on some accounts, immigration can be expected to increase global equality.<sup>2</sup> This means that justice will require much more, though not completely, open borders. Whether or not we can achieve global egalitarianism through immigration will depend on how citizens of receiving countries view this increased immigration and multiculturalism. Backlash against immigration threatens to make the project of using immigration to achieve global equality unfeasible.

How worried should we be about backlash and the anti-immigrant sentiment that might take hold in a society? The focus of this paper is to consider Holtug's response to this question. In his view, although backlash

2 I discuss this claim in more detail later in the paper.

is a feasibility constraint that policymakers must consider, it is not as problematic for his support of more open borders as it might first appear to be. This is because of his understanding of backlash and the bias that motivates it. In his view, attitudes towards immigrants and members of out-groups are malleable and can be changed through deliberate government interventions. Anti-immigrant sentiment is something that can be changed and moderated. However, I think Holtug misunderstands the bias that fuels anti-immigrant sentiment, and as a result is too optimistic in his assessment of this feasibility constraint. Holtug seems to view bias as primarily something that is psychological—a set of negative beliefs. Taking backlash against immigration seriously requires that we consider not only racist attitudes, but also structural racism. I'll show that structural racism—racism that's embedded in social norms, institutions, laws, and practices—also gives rise to biased attitudes towards immigrants and can drive backlash. This kind of racism, however, is not as easily changeable. I suggest further that challenging structural racism, deeply embedded though it is in society, ought to be part of the global egalitarian project.

## 2. SOCIAL COHESION: DOMESTIC AND GLOBAL

In the first part of his book, Holtug argues that liberal immigration policies and multiculturalism are not necessarily detrimental to social cohesion, solidarity, and trust. As a result, we can have both liberal social welfare policies that depend on social trust and liberal immigration and multiculturalism. His methodology is both normative and empirical. Both facts and values matter for Holtug:

given our best assessment of the impact of various forms of diversity on different aspects of social cohesion, what should our immigration policies look like? To answer that question, we need to know something about the impact of diversity on social cohesion. However, given our assessment of the facts, it is our (purely) normative principles that ultimately determine how we should respond to them. (8)

He concludes, on the basis of existing studies, that diversity doesn't impact social cohesion, and may even have a positive impact. Normatively,

the effects of immigration on social cohesion do not need to compromise social justice and ... core principles of liberty and equality not only form the normative basis for just policies of immigration and integration, as a matter of empirical fact, they are also the values that,

if shared, are most likely to produce the social cohesion among community members that provides the social basis for implementing justice. (3)

We should see immigration as positive for both social cohesion and values such as trust and solidarity, and not as something that would threaten to undermine domestic equality.

Yet for Holtug, we should not think of equality merely as a good that should be pursued at a national level; rather, we ought to extend it globally. Given this global egalitarian perspective, he argues that we need to consider the impact of immigration policies not only on members of receiving states, but on all members of the global community. In other words, having dismantled arguments in favor of restrictive immigration policies on the grounds that diversity drives down trust and solidarity, and having shown that immigration is compatible with a robust welfare state, Holtug applies this argument to the global sphere. He challenges the notion that states should be concerned with promoting equality only in their own countries and among their own citizens. He argues instead that equality has a global scope and that egalitarianism must be seen as global, and not merely domestic.

Holtug demonstrates that immigration is good for domestic egalitarianism and social justice. Is it also good for global egalitarianism and global justice? This is a trickier question. On the one hand, the evidence is clear that South-North immigration is helpful for poorer migrants (177). A poor, low-skilled worker is likely to earn a higher salary and achieve a higher standard of living in a Northern country, and further, this worker would then be able to send remittances home to her family, enriching both her family and her home country. In fact, the gains from remittances are so strong that according to one study, increasing South-North migration by 3% a year might produce benefits equivalent to meeting all national targets for development aid, cancelling all third world debt and abolishing all barriers to third world trade (177). For this reason, many global egalitarians argue for some form of open borders, *even if* there is a risk to the social cohesion of the receiving Northern state.

On the other hand, there are also negative effects of immigration on global equality, such as the brain drain from developing countries, the fiscal burden placed on social welfare states, and, importantly, the risk of backlash driven by resentment towards immigrants. Holtug examines each of these problems in turn and concludes that while they must be taken into consideration in policy, none of them provides a knock-down

argument against more open borders. The problems connected to the brain drain are real, but they can be mitigated with better policy designs. While the costs of receiving immigrants and providing them with social welfare services is important to consider, immigration is generally good for economic growth. In fact, lifting immigration controls could lead to the doubling of world Gross National Product.

Yet not all countries benefit equally from immigration. Though some countries do see a significant benefit—“the net contribution of immigrants in Australia, Britain, and Germany is positive, as is the contribution in the USA if we include descendants” (181)—this is not seen in countries with extensive social welfare programs, such as Sweden, Denmark and Norway. In these countries, immigrants are a net economic loss. Holtug (182) provides some concrete numbers: in Sweden, an average new immigrant represents a net fiscal loss of \$20,500 USD; In 2015, immigrants and their descendants cost Denmark \$5.3 billion USD; in Norway, immigrants from poor regions cost Norway \$12,000-25,000 USD/year on average. In other words, in these contexts, immigration cost these states *more* money than what they gained in increased GNP, expanding markets, etc. Holtug does not think that this is a strong argument against immigration, even for these states: “we need to remember that the relevant concern here is global rather than domestic equality, and worse-off members of liberal welfare states may still be quite well off by global standards, and so even if their shares are reduced this need not increase global inequality” (179-80). I return to this point below.

One cost of global equality achieved through immigration that Holtug does not mention is the disruption of care networks and the disparate impact this has on vulnerable people. This is a concern that feminist scholars have noted (Kittay 2009). When families are split up in order to emigrate and send remittances, one of the intangible but nonetheless important consequences is that people who need care—children, the elderly, the disabled, those who are ill—often lose the people who would care for them. If men emigrate, women often must take on paid employment, leaving them unable to care for people in the home. When mothers are the ones who go abroad, their children must then be cared for by extended family members (Ehrenreich and Hochschild 2003). A paradigmatic case is nannies from the Philippines who travel to the US and other countries to care for children but leave their own children back in the Philippines. In these cases, the people leaving suffer the loss of not being able to care for their loved ones; and their loved ones who need care lose their primary caregiver. How would we quantify these intangible effects on people and the loss of human connection and support? The costs to people who

migrate and their families is huge, and though it may not appear as a cost in terms of global equality, it is a real feature of this proposal that should be considered.

Despite this, for Holtug, immigration is good for global equality. Even though other policies might better lead to global egalitarianism, immigration can and should play a role in achieving global equality. It must be intentionally structured so that the goal of immigration is to increase equality. This will require constraining it in ways that limit the damage done by the brain drain as well as the disruption of care networks. This leads him to advocate for a position of more, though not completely open borders.

### 3. FEASIBILITY AND RACISM

Methodologically, Holtug separates issues of justice—what is right to do—from issues of regulation—what we can do: “Certain social arrangements may be what justice requires even though, as it turns out, it is unfeasible to (fully) implement it. This is the level at which I argue that equality has global scope” (159). Holtug has established that on the basis of justice, policies that support more open borders are required insofar as they contribute to global egalitarianism. However, at the level of regulation, the feasibility of this proposal plays a role and may prevent open borders from being the policy that we should adopt in the current political climate. What are the feasibility constraints on a policy of open borders for the sake of increasing global equality?

The most pressing feasibility constraint is backlash—the risk that people will grow to resent immigrants and blame immigration for social problems. As we saw above, Holtug acknowledges that sometimes people in wealthy countries will be made worse off because of immigration policies that aim at global equality. He argues that when global equality is the aim, worse-off members must remember that they are still doing well by global standards. Though he may be right about this, it is a feeling that may nonetheless fuel resentment against immigrants who might be blamed for lowering living standards (even if the standard of living is still quite high). Depending on the degree, backlash against immigration may be strong enough to make more open border policies unworkable and impossible to achieve.

Holtug acknowledges that there are good reasons to suppose that there would be a strong backlash against any proposal that tried to craft global migration policy with the aim of creating global equality, especially when



this would entail much more South-North migration than is currently accepted. Holtug cites some statistics: “38 per cent of Europeans hold that immigration from outside the EU is more of a problem than an opportunity”; “slightly more than 50 per cent of Europeans hold either that no poor migrants from outside the EU, or only a few, should be admitted” (185). Even these numbers, stark as they are, don’t capture the full picture of current resentment towards immigration from at least some sections of the population. We need only think of Trump and Brexit, and the role that anti-immigrant sentiment played in their success, to get a sense of how deep it goes (Hosein 2022).

Although it is a problem to take seriously, Holtug does not believe that backlash should prevent us from taking up the policies he recommends. This is because he views backlash as rooted in a set of beliefs that can be changed. Animosity to people in the out-group are attitudes that are malleable and can be changed with policy. He argues: “Existing levels of identification with non-nationals, and the levels of solidarity to which they give rise, cannot simply be taken for granted, because they are also to some extent products of policy” (187). Holtug is of course not unique in holding this view, but it is central to his reasoning about why fear of backlash should not discourage policymakers from promoting pro-immigration policies.<sup>3</sup>

Take solidarity. Contrary to popular opinion, solidarity does not seem to require a shared sense of culture. This is because other identities besides cultural ones may be more important. “There are other societal identities, focusing not on a national culture but on political communities, that are more conducive to solidarity and which states may promote in nation-building policies” (185). As he argues in an earlier chapter, equality is more important for solidarity than a shared identity. But identity is still important, and Holtug argues that people’s identities can change and be changed in ways that are more conducive to accepting immigration and more inclusive, so that solidarity can be expanded. Researchers have

found that when research subjects were primed with an international identity, which emphasizes their being part of a single worldwide community, individuals who were high in social dominance orientation—where such individuals tend to hold particularly unfavorable attitudes to immigration—became significantly more favorable. (185)

3 Anna Stilz (2019: 96), for example, argues: “People’s attitudes are not a brute sociological fact: they are subject to rational control, and where those attitudes are intrinsically morally objectionable, we should try to alter them. Public policy may foster increased social interaction in diverse contexts, or institute civic education programs to combat prejudice against migrants, for example.”

He speculates that perhaps “it is possible through policy to stimulate an international identity, in addition to state-level identities, that would increase solidarity at the global level and support for immigration” (185).

I am sympathetic to the idea that identities are socially constructed and as such can be changed. But when it comes to negative attitudes towards immigrants, I don't share Holtug's optimism that these negative attitudes are malleable enough that they can be shaped and changed in significant ways. This is because I have a different view of how bias operates than Holtug. For Holtug, bias seems to operate at a psychological or cognitive level. Psychological bias often takes the form of a set of beliefs (that African Americans are lazy, for example), attitudes (for example, that immigrants don't contribute to society), and actions (crossing the street when a Black man is approaching) that support or perpetuate racism in conscious and unconscious ways. Unconscious or implicit bias means that people “act on the basis of prejudice and stereotypes without intending to do so” (Brownstein 2019).

Understanding implicit or psychological bias is an important part of theorizing backlash and ways to prevent it:

Research on “implicit bias” suggests that people can act on the basis of prejudice and stereotypes without intending to do so. ... For example, imagine Frank, who explicitly believes that women and men are equally suited for careers outside the home. Despite his explicitly egalitarian belief, Frank might nevertheless behave in any number of biased ways, from distrusting feedback from female co-workers to hiring equally qualified men over women. Part of the reason for Frank's discriminatory behavior might be an implicit gender bias. (Brownstein 2019)

These implicit associations can lead to discrimination in a vast number of areas including health care, housing, employment, education, and criminal justice, and contribute to stigma against women, immigrants, racial minorities and members of the LGBTQ community (see Brownstein 2019; Brownstein 2018; Jacobson 2016; Brownstein and Saul 2016a, 2016b; Beeghly and Madva 2020).

Though important, this way of viewing racial injustice must be supplemented with an understanding of other equally pernicious forms of racism. What I have in mind is structural or institutional racism. “Structural racism”, a term introduced in the 1960s by Carmichael and Hamilton (1967), refers to “social, economic, or political inequalities

disproportionally affecting a racialized group” (Faucher 2018: 410). Sometimes referred to as “institutional racism”,<sup>4</sup> structural racism is the product of social structures, institutional processes, cultural practices, and political institutions that often work in reinforcing ways to perpetuate racial group inequality. What is important about structural racism is not the intentions or attitudes of the individuals who act in these systems, but “the effect of keeping minority groups in a subordinate position” (Pincus 1994: 84). Even without bias or prejudice, we would continue to see unequal distributions of wealth, power and privilege in society if the unjust structures remain in place.

Structural racism is not completely distinct from psychological racism, and psychological prejudice plays a role in structural injustices, such as the inequality in the criminal justice system for example (Goff *et al.* 2016). This is why theorists like Haslanger (2004) argue that we need to consider both individual moral failings like bias and structural and institutional arrangements. Nonetheless, Altman (2020) argues that the idea of structural racism points “to a form of discrimination that is conceptually distinct from the direct discrimination engaged in by collective or individual agents”.

Elizabeth Anderson makes an even stronger case for the importance of distinguishing between structural and psychological racism and focusing on the former in order to address persistent racial inequalities in health, education, income and wealth, and criminal justice, to name a few. Individual psychological bias, she argues, cannot fully explain this persistent lack of social and economic equality:

African Americans are worse off than the average American, and worse off than whites, on virtually all major objective measures of well-being. These inequalities are large and enduring and have grown in some cases. Life expectancy for blacks has always been lower than average. For black children born today, it still lags nearly five years behind that of the average American child. The black infant mortality rate is almost twice the U.S. average, growing from 1.5 times the U.S. average since 1950. Blacks are many times more likely than whites to die of AIDS, nearly three times as likely to die from asthma, and well over twice as likely to die from diabetes, kidney disease, or infectious disease. They have higher rates of mortality from heart disease, cerebrovascular

4 Though these terms have distinct meanings, for the sake of the argument that I'm making here, I will be using them interchangeably. It's beyond the scope of this paper to go deeply into the differences between connected terms such as “structural racism”, “structural discrimination”, “structural injustice”, “systematic disadvantage”, etc., although I've tried to define my concepts whenever possible.

disease, cancer, and many other ailments. Many of these inequalities have increased since 1979, and in some cases since 1950.

Black-white economic inequalities are also large and enduring. One quarter of blacks are poor compared to 8 percent of non-Hispanic whites, a 3:1 poverty ratio that has persisted since the 1960s. One-third of black children are poor, compared to 10 percent of white children. Nearly all of these poor black children, while fewer than 1 percent of white children, will experience poverty for ten or more years. The median black household income is two-thirds that of the median white household, a ratio that has widened since 1967. Racial inequalities in wealth are even starker: as of 2005, the median net worth of blacks was less than 10 percent of that of whites. (Anderson 2010: 23-4)

For Anderson, the depth of this inequality and its enduring, persistent quality cannot be explained by individual psychological bias alone, or even primarily. For her, the lynchpin of structural racism is segregation, and she believes that we cannot adequately address racial inequalities until we deal with this structural issue, no matter how much we counteract individual bias.

One aspect that is important to stress is that, for Anderson, racial bias is the *effect*, not the *cause*, of racial inequalities and injustices. Connecting back to Holtug, this is why we cannot eliminate the negative attitudes that lead to backlash without also considering structural racism. Anderson (2010: 11) writes: “Because prejudice is more the effect than the cause of segregation, we cannot eliminate categorical inequality by working to reduce prejudice, if we leave processes of segregation in place.” Here’s an example of how the interaction between structures and racial attitudes works for Anderson:

Whites tend to limit access to stable jobs to fellow whites, relegating blacks to temporary, part-time, or marginal jobs in the secondary labor market. Over time, whites acquire résumés documenting long-term stable employment, whereas blacks’ résumés evidence a patchy employment record, interpreted as a sign of their poor work ethic, which justifies a reluctance to hire them for permanent jobs in the primary labor market. (Anderson 2010: 9)

According to Brownstein (2019), what the structural view holds is that “what happens in the minds of individuals, including their biases, is the *product of* social inequities rather than an *explanation for* them”. This

is why reversing prejudice—and consequently backlash—requires changing these structures, not just individual attitudes and biases.

Structural racism makes it the case that racial minorities are not just thought of in negative or hostile ways. Rather, the view holds that society is structured such that they are likely to actually be in worse-off positions than their white counterparts. Racial minorities are likely to be treated worse in similar circumstances, and are more likely to be systematically excluded from access to important goods such as housing, health care, education, employment, etc. Tommie Shelby explains how structural racism works to limit employment opportunities for black men who live in ghettos:

Many working-age ghetto residents have little education, are low skilled, and have gone long periods without legitimate jobs. In the urban labor market there are often many more applicants for low-skilled jobs than there are jobs available, so employers can afford to be selective, engaging in so-called statistical discrimination. These employers are aware that a criminal subculture affects social life in the ghetto, that there are high drop-out rates among urban blacks, and that many poor people do not work regularly. This leads some employers to expect blacks from the ghetto to be generally violent, dishonest, unreliable, and ignorant. Because of longstanding racial stereotypes, the high frequency of these traits among the ghetto poor may seem to lend credence to racist beliefs. For example, the joblessness of some ghetto residents will appear to many employers as laziness and this is of course a stereotype that blacks strongly resent. One consequence of all this is that many employers avoid hiring blacks from the ghetto when they can find nonblack or suburban workers, and given the surplus of low-skilled workers in the labor pool this is easily accomplished. (Shelby 2007: 140)

In this example, the harm is not merely that some people believe that blacks from the ghetto are lazy. The problem is that education and labor markets are structured in ways that make this prejudice part of the system, and this means that black men, no matter how hardworking, are less likely to find jobs than white people from similar circumstances.

The same holds for crime. The harm is not merely that black people are *thought of* as criminals, but are treated as such, regardless of their individual actions. Unjust treatment of black people in the US criminal justice system is well documented (Alexander 2010). But isn't the fact that

black people are treated worse by the police just an example of psychological bias? To be sure, racial bias operates in the criminal justice system (National Research Council 2014: 91-103; quoted in Valls 2019). But for Elizabeth Anderson, the answer is more complex. Segregation, the lynchpin of structural racism,

reinforces racial profiling and a pathological relationship between police and blacks in another way. Because it marks off “black” from “white” neighborhoods, it provides the occasion for generalized suspicion of the presence of blacks in the “wrong” neighborhood. Such racial profiling could not occur in integrated neighborhoods. Racial profiling in turn reinforces racial segregation, by deterring blacks from entering neighborhoods where they fear police harassment. (Anderson 2010: 42)

Segregation intensifies other prejudices such as the view that blacks are criminals, lazy, uneducated, etc., which connects to how they are treated by the police.

Unlike bias, structural racism cannot be lessened through bias training or, as Holtug suggests, shifts in identity. Nicole Hannah Jones argues that we have spent too much time thinking at the level of identity and representation, and not enough time thinking about structures. She writes that although we’ve made great strides in representation, “no progress has been made over the past 70 years in reducing income and wealth inequalities between black and white households” (Jones 2020). This means that black people will continue to be an underclass in the US and receive worse health care, education, housing opportunities and employment, regardless of whether or not people see positive representations of black people in society or come to hold fewer stereotypes. For Jones, racial justice requires economic justice. Taking this structural change seriously is something that most people, regardless of how much or how little negative bias they hold, have not done.

To connect this back to Holtug’s point, if we want racism and bias not to be feasibility constraints on implementing global egalitarianism, then we must be prepared to tackle structural racism as well as psychological bias.<sup>5</sup> The problem is that psychological bias is easier and less costly to challenge. I think that many progressive people explicitly repudiate biased views

<sup>5</sup> For social science accounts of the connection between racial animosity and the rejection of social benefits, see Metz (2019) and C. Anderson (2017). These authors both document the ways in which racism toward African Americans and other minorities leads white people in the US to reject public good and social redistribution programs.

about people of color, and yet even people in this group are often unwilling to make the sacrifices necessary to address structural racism, such as changing zoning laws so denser housing can be built and supporting child tax credits and criminal justice reform (Harris and Applebaum 2021). They might support immigration reform to an extent, but not reforming deeper issues that would help get to the root of racism and ultimately ease the backlash. To be sure, Holtug would be supportive of these measures to change structural racism, promote economic justice, and demand that people in privileged groups make sacrifices to do this. They are not inconsistent with his view. The point I want to make is just that all these changes are necessary in order to counteract the attitudes that lead to backlash.

What I am suggesting is that structural racism that places people of color in lower positions in society, and limits their access to important social goods and resources, impacts the feasibility of egalitarian immigration. This is because racism towards domestic minorities often extends to immigrants of color more broadly, and supports bias against this latter group as well. Consider the difference in treatment between Ukrainian refugees coming into Europe in 2022 and Afghan and Syrian refugees trying to enter in 2015. Though the political circumstances were of course different, it's hard not to think of this difference as rooted in the attitudes held towards these different racial groups (Parekh 2022).

Attitudes towards immigrants and immigration are connected to people's attitudes towards racial minorities. I think that this is a point that Holtug would be sympathetic to. Elsewhere in his book, Holtug discusses how trust and solidarity are connected to high levels of socioeconomic equality and perceptions of racial minorities as being undeserving: "Socio-economic equality is a driver of trust", and in societies with high levels of inequality (such as the US), those at the bottom are often perceived as "untrustworthy, undeserving and even dangerous" (51). The media is more likely to portray these people as abusers of social benefits, lazy, and prone to crime, and this reinforces the sense that they are untrustworthy (Jan 2017). These stereotypes are often connected to ethnicity, such that African Americans in the US, regardless of their socioeconomic status, are perceived in negative ways: "If all you knew about black families was what national news outlets reported, you are likely to think African Americans are overwhelmingly poor, reliant on welfare, absentee fathers and criminals, despite what government data show" (Jan 2017). By contrast, those in more equal societies—Danes and Swedes—see their small group at the bottom as being trustworthy and deserving. Increasingly, however, perceptions of non-Western immigrants in Denmark and Sweden are

becoming similar to US perceptions of racial minorities.<sup>6</sup>

Social scientists in the US have long documented the ways that negative perceptions of blacks are connected to resistance to anti-poverty policies and other kinds of redistributive mechanisms (Anderson 2017). Jonathan Metzl interviewed Americans across the Midwest and South in the US between 2013 and 2018, and observed that for many people racial animosity fueled a desire to cut government spending on things like health care, even when this had negative impacts on their own well-being. In one memorable example, he interviewed a 41-year-old uninsured man from Tennessee named Trevor who was suffering from hepatitis C and was in a great deal of pain. When asked if he would support his state adopting Obama's Affordable Care Act, legislation that would allow him to access expensive medications that could treat his illness, which he was unable to afford because he lacked health insurance, he said he was strongly opposed to it. "I'd rather die", he told Metzl, and continued to explain, "no way I want my tax dollars paying for Mexicans or welfare queens" (Metzl 2019: 22). Trevor's racial animosity towards blacks, expressed with his use of the term "welfare queens", a term which stigmatizes African Americans as people who abuse government support, as well as Mexicans, helps explain why there is often a backlash against social services in the US, such as universal health care, even when this would benefit white people as much as people of color. Given this, it seems important that we focus not just on attitudes, but on rectifying socioeconomic inequality and structural racism.

#### 4. CONCLUSION

Holtug argues that we ought to consider the effects of social cohesion on economic equality at a global, not a domestic level, and aim to promote global equality. More open borders is one way to achieve global equality, since increased immigration is not likely to negatively impact social cohesion, but is likely to improve global equality. In other words, the global egalitarian version of the social cohesion argument for restrictive immigration policies is incorrect. I agree with Holtug that backlash is a

<sup>6</sup> "There is no simple or universally negative relationship between diversity and trust, but rather a complex one, where effects of diversity depend on a number of further factors, including inequality, the construction of the bottom and other factors ... attitudes to immigrants in the general population, the composition of the immigrant group, institutional arrangements and social, labor market, and integration policies" (54). Trust has increased in Denmark and Sweden over the last 50 years even while diversity has increased, although it has declined in the US and UK while diversity increased. What else makes a difference? Attitudes towards the impact of immigration on a country's cultural life is a predictor for authoritarianism in Europe (67). Socioeconomic and cultural worries interact: the perception that minorities are an economic burden causes resistance to social spending.



real worry but not one that should prevent the pursuit of global equality. However, if we want immigration to contribute positively to egalitarianism in Northern countries, we need to address the domestic policies that contribute to the structural racism that bolsters negative attitudes towards those in the out-group. I think that this suggestion is consistent with the conclusion that Holtug arrives at in other parts of his book, namely that socioeconomic inequality is often what leads countries to lack social cohesion (not immigration), so putting structural issues like inequality at the forefront of our analysis is clearly an important task.

Let me conclude by returning to the paradox that this article started with. The problem was that if a politician in the US context were to promote strong egalitarian policies about immigration, they would likely not get reelected, because they would be seen as doing something negative for the people that elected them—driving down cohesion, creating resentment—and instead, someone less sympathetic to immigration would get elected. What Holtug’s book has demonstrated is that there is a way out of this dilemma if the general public comes to understand that we do not need to choose between egalitarian social welfare policies and immigration, but can and should aim for both. Of course, for Holtug, this should apply globally as well as domestically. This will undoubtedly be a harder sell and will fuel racist and anti-immigrant backlash, something that may be harder to overcome than Holtug suggests. Nonetheless, he should be commended for demonstrating that the politics of social cohesion don’t have to be as contentious as they sometimes are, and that we can and should advocate for global egalitarian immigration policies while we work towards combating the sources of backlash.

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# The Politics of Social Cohesion: Replies to Duarte, Lenard, Miklosi, and Parekh

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## 1. INTRODUCTION

Let me begin by thanking Melina Duarte, Patti Lenard, Zoltan Miklosi, and Serena Parekh for their insightful and thought-provoking comments on my book, *The Politics of Social Cohesion: Immigration, Community, and Justice*. Very briefly, in the book I discuss a common worry, namely that immigration poses a threat to social cohesion, and thus to the social unity that underpins cooperation, stable democratic institutions, and a robust welfare state. At the heart of this worry is the suggestion that social cohesion requires a shared identity at the societal level. As regards social cohesion, I focus in particular on generalized trust (trust in strangers) and redistributive solidarity. This is because these are generally thought to be especially important for the implementation of egalitarian justice.

I consider in greater detail the impact of immigration on social cohesion and egalitarian redistribution. First, I critically scrutinize an influential argument, according to which immigration leads to ethnic diversity, which again tends to undermine trust and solidarity, and thus the social basis for redistribution. According to this argument, immigration should be severely restricted. And second, I consider the suggestion that, in response to worries about immigration, states should promote a shared identity in their citizenry. I argue that the effects of immigration on social cohesion need not compromise social justice, and that core principles of liberty and equality not only form the normative basis for just policies of immigration and integration but, as a matter of empirical fact, are also the values that, if shared, are most likely to produce the social cohesion among community members that provides the social basis for implementing justice.

In her comments on my book, Lenard suggests that I overlook a particular condition for egalitarian redistribution in diverse societies, namely the role of national identity for the political inclusion of minorities. Duarte argues that I overlook certain obstacles to sustaining the welfare state which pertain to existing power asymmetries. Parekh likewise argues that I neglect an obstacle to equality, albeit this time global equality, namely structural racism and the risk of a backlash against equality-promoting liberal immigration policies. Finally, focusing more on the normative than on the empirical limits to my project, Miklosi scrutinizes my claim that liberal states are entitled to promote (shared) liberal values in the citizenry in the pursuit of social cohesion and equality. In the following, I reply to these concerns and objections in turn.

## 2. NATIONALISM AND POLITICAL INCLUSION: REPLY TO LENARD

In the third part of the book, I consider various political doctrines that differ in their account of the shared identity that best promotes social cohesion and egalitarian distribution, including nationalism, liberalism, and multiculturalism. Against nationalism, I argue at the normative level that we do not have stronger egalitarian obligations towards nationals than towards non-nationals, and furthermore that nationalist nation-building policies are in tension with basic commitments to liberty and equality. More importantly for present purposes, I critically engage at the empirical level with the so-called “national identity argument”, according to which national identity promotes social cohesion in the form of generalized trust and solidarity, which again facilitates the implementation of egalitarian justice. The idea is that when people identify with other members of society on the basis of a shared national identity, they will also be more inclined to trust them and exhibit solidarity towards them. I argue, based on a survey of empirical studies, that there is no evidence that the cultural nation fosters social cohesion or redistribution.

However, Lenard suggests that in my discussion of the national identity argument, I neglect or at least play down the significance of national identity and social cohesion for political inclusion. Thus: “Holtug’s rejection of the nationalist perspective—and choice to focus only on the role that trust plays in sustaining social welfare policies—ignores the fact that, for nationalists, the democratic benefit and the welfare state benefit travel together.” More specifically, Lenard offers several arguments for why the political inclusion of minorities (political equality) is essential for support for welfare state policies and equal opportunities. Basically,

minorities can only fully advocate and secure their rights and claims to opportunities if they are able to participate in politics on equal terms, and only on these terms are they able to have (full) political agency, rather than (at best) being passive recipients of majority beneficence and good will. Indeed, as a matter of fact, it is only when minorities (and their allies) mobilize for accommodation, including multicultural accommodation, that progress is made in terms of equality for minorities.

According to Lenard, then, the case for claiming that national identity is a requirement for, or at least facilitates, a welfare state and egalitarian distribution consists not just in arguing that national identity promotes trust and support for redistribution, but also in arguing that by promoting trust it facilitates political inclusion, which again is important for the political negotiation of opportunities for minorities.

Importantly, the causal mechanisms involved in these two paths to equal opportunities are different. While they both involve the claim that national identity promotes trust, they then branch off, one proposing that trust and solidarity promote equal opportunities, the other proposing that trust facilitates political inclusion and thereby equal opportunities. Actually, perhaps the latter should not be thought of as a single path, but rather as several, because at times Lenard seems to focus on the impact of democratic input on *political negotiations and decisions* (for example: “minority citizens and residents can only fully advocate for the protection of their rights and privileges if they are included on equal terms in political decision-making”), and at other times she seems to focus on the impact of political inclusion on *attitudes* (including majority attitudes) towards redistribution (for example: “This story, which locates the source of the willingness to support welfare state policies in inclusive, democratic, politics, is absent from Holtug’s book”).

As Lenard anticipates, I agree and sympathize with many of the claims she makes. Thus I completely agree that (full) political inclusion, minority political agency, and multicultural accommodation are important concerns of justice. Since I spend long stretches of the book arguing for multiculturalism, let me here say a few words about political inclusion (and thus about agency). Lenard argues that in my conception of equal opportunities, I pay little or no attention to *political* opportunities. Now, for reasons I will return to, it is true that my main focus in the book is not on political participation, but I do in fact, as Lenard notes, include political opportunities in my conception of equality of opportunity, which I specify as concerning people’s “equal opportunities for acquiring a range of goods, including offices and positions, income, education, health care, and for practicing their religion and culture” (Holtug 2021: 90). This covers political

offices and positions. Likewise, I argue that immigrants should have easy access to citizenship, not least because this is required for them to have full democratic rights (205-6).

In the rest of this section, I focus on three issues on which Lenard and I disagree (or at least I think we disagree). First, while this is perhaps the least interesting of the three, I think we differ on the significance that political inclusion is usually ascribed in the national identity argument. I do not have the space to go into this discussion here, but for illustration, in their presentation of the argument in “Testing the National Identity Argument”, David Miller and Sundas Ali (2014: 239-41; cf. Miller 2017: 73-4) do not invoke political inclusion as part of the mechanism that takes us from national identity to a redistributive welfare state.<sup>1</sup>

Second, and more importantly, I think Lenard and I disagree about what the main obstacles to equal opportunities for immigrants are. Lenard stresses that “political inclusion is nearly always a prerequisite for achieving the kind of equality that Holtug defends”. I agree that political inclusion is important, both for this reason and in its own right. Nevertheless, note that in contemporary liberal democracies, immigrant minorities are not absent from political life. They participate, make demands, run for office, are elected, engage in coalitions, etc. Clearly, they often face various obstacles to full participation, and the fact that this is so points to a grave injustice. Nevertheless, claims are made, coalitions are formed, etc., and they become part of the democratic process. But in many cases, majorities are unwilling to accommodate such claims that would further equal opportunities, whether they pertain to, say, religious symbols in the public sphere, family reunification, or social benefits for refugees. Even if immigrants were to achieve full political inclusion, I suspect that majorities would oftentimes deny them just accommodation, and being majorities, they would often have the power to do so.

Arguably, when majorities lack solidarity with immigrant minorities this is because, to a significant extent, they do not consider them part of their national in-group (Holtug 2021: chs. 3, 5, 7; Holtug and Uslaner 2021). Indeed, this is also a reason why majorities may be disinclined to allow them (full) political rights in the first place. When majorities consider minorities to be outsiders, who do not really or fully belong, they are also less likely to find them deserving and entitled to various forms of accommodation (Holtug 2021: 52-5; Larsen 2013; van Oorschott 2006). This is especially so insofar as the relevant minorities tend to be disproportionately located at the bottom of society, which may strengthen

<sup>1</sup> Nevertheless, it is only fair to mention that Lenard (2012) has in her own work elaborated in considerable detail on the relation between national identity, trust, and democracy.

the impression of their out-group status, and also the perception that they are a threat to national majorities (Larsen 2013: 208-9, 215). Along such lines, even though African Americans have actively campaigned and mobilized for equal opportunities over the years, there is considerable white resistance to social welfare in the US, especially when it is perceived as going (disproportionately) to blacks (Gilens 1999). Many white Americans with a strong sense of national identity tend to construe Americans as white, Christian, English-speaking and native born, which leaves out African Americans, who are held to be undeserving (Theiss-Morse 2009).

Thus it seems to me that national in-group bias is perhaps a more important driver of inequality for immigrants than lack of political inclusion (important as this is).<sup>2</sup> Indeed, the former is a root cause of both immigrant inequality *and* political exclusion. In part, this is also why I focus more on the impact of national identity on trust and solidarity than on its impact on political inclusion; and why, in later chapters, I focus on the impact of societal identities that are more inclusive than nationalism. That said, I do agree with Lenard that minority inclusion in politics is important for the implementation of social justice (in addition to being required by such justice in the first place).

My third disagreement with Lenard concerns whether national identity does in fact tend to promote trust, solidarity, political inclusion, and egalitarian distributions. Lenard suggests that in the national identity argument, political inclusion and distributive equality “travel together”. I have given some reasons to think that they involve importantly different causal mechanisms. Nevertheless, my argument in the book implies that they *fall* together. Both of the proposed causal paths rely on the claim that national identity promotes trust and, as stated above, I argue that the available empirical evidence does not support this claim. Rather, insofar as there is an effect of national identity on either trust or solidarity, it seems

2 Lenard mentions some examples of successful multicultural minority accommodation driven by minority political mobilization, but it is interesting that these are from countries that have (or at the time had) fully or partially embraced multiculturalism as part of their national narrative (Canada and the UK). As I argue in my book, a multicultural national narrative makes it easier for immigrants to be perceived as members of the national in-group, and therefore to have their claims for minority rights accommodated. In other countries, where national narratives are more exclusionary, political mobilization for minority accommodation is less likely to be successful, everything else being equal. (In Chapter 2 of the book this is illustrated with a comparison of Canada and the UK with Denmark, where nation-building is based on a combination of conservative nationalism and liberalism and multicultural policies have been adopted to a very limited degree. Thus, in 2010, Denmark scored 0.0 on Banting and Kymlicka’s Multiculturalism Policy Index regarding immigrants.)

to be negative.<sup>3</sup> However, I shall not pursue this argument further here, as Lenard does not engage with the empirical evidence in her contribution to this volume.

Before I end this section, let me briefly comment on two further points that Lenard makes. The first is that in my discussion of the national identity argument, I treat immigrants as though they “are mere passive recipients of beneficence or largesse, and not political actors in their own right”. However, my point is not that majorities should extend their solidarity towards and include immigrant minorities as a matter of beneficence or “largesse”. Rather, they wrong immigrants and violate some basic requirements of justice if they don’t. Lenard’s second point is that I focus on minority integration and have little to say about claims for separation, which she attributes, at least in part, to my being concerned with immigrants as “newcomers”. And indeed, the focus of my book is on the challenges that contemporary societies face, or the experience that they face, because of current patterns of immigration, where such immigrants generally aim for inclusion, not separation.

### 3. LIBERALISM AND PUBLIC REASON: REPLY TO MIKLOSI

In the book, I defend a version of liberal egalitarianism, and argue that it is on this basis that we should normatively assess both immigration and integration policies. Furthermore, I consider the impact of liberal institutions, distributions, and values on social cohesion (again, on generalized trust and solidarity in particular), and thus on the social basis for implementing egalitarian justice. As regards values, liberals tend to argue that a shared commitment to core liberal principles of liberty and equality provides an identity thick enough to sustain the level of social cohesion that is required to uphold a redistributive welfare state.

Based on, among other things, welfare regime theory and social capital theory, as well as available empirical studies, I argue that liberal institutions (and universal, social democratic welfare states in particular), egalitarian distributions, and shared liberal and multicultural values all tend to promote social cohesion. As regards shared liberal values, I suggest that these values, in virtue of their inclusive nature, have positive “boundary effects”, where those who share them are more inclined to include immigrants and other minorities in their in-group.

<sup>3</sup> Incidentally, in their own assessment of the available evidence, David Miller and Sundas Ali (2014: 257) conclude that “we have not been able to show that societies whose members have liberalized national identities are more likely to pursue redistributive policies and to have strong welfare states”.



This raises the question of whether liberal states are entitled to pursue policies to maintain or raise the level of liberal values in the citizenry. In the book, I (briefly) raise the question of whether liberal democracies should abstain from promoting liberal values on the basis that, in a liberal society, people are free to form their own political views and should not be interfered with by the state in so doing (224). As Miklosi points out, I quickly dismiss such abstinence on the part of the state, suggesting that the state is entitled to promote liberal values such as “democracy, gender equality, religious toleration, equal opportunities for gays and ethnic minorities, for example in the educational system”. However, as Miklosi argues, my dismissal may be too swift, not least in light of the concerns about state communication and policy justification raised by political liberals.

There are (at least) two kinds of restrictions that may be imposed on liberal states as regards their promotion of liberal values among their citizens. These pertain to, respectively, means and content. Liberals of all stripes will be skeptical of at least some of the means that could be employed to boost liberal values, and in particular insofar as they involve coercion or manipulation. However, liberals are more divided on the issue of content restrictions. In particular, *political* liberals may believe that any such activity would have to cater to reasonable pluralism, where people are wronged insofar as the state uses its power to promote values that are incompatible with their reasonable comprehensive doctrines. As Miklosi puts it:

If the constellation of reasonable viewpoints that emerges under free institutions enjoys some normatively privileged status, as suggested by public reason liberalism, then it may be morally problematic to attempt to shift the balance of opinions towards one particular viewpoint through the (communicative) activities of the state.

For example, reasonable citizens will be divided over the extent to which justice requires egalitarian redistribution, and so (some) political liberals may consider it illegitimate for the state to promote (substantively) egalitarian values.<sup>4</sup>

Miklosi argues that a plausible form of public reason liberalism would not altogether abstain from the rational persuasion of citizens, as “it is not disrespectful to reasonable people, and it takes reasonable pluralism seriously, to engage with their evaluative viewpoints, at least if this is done in a certain manner”. Nevertheless, he proposes a number of constraints

<sup>4</sup> The qualification “some” is motivated by the thought that many political liberals may not consider this illegitimate, e.g. because they hold that the relevant content restriction does not apply to the promotion of values, or because they hold that it only applies to certain aspects of the political structure (as Rawls (1993) believed that it applies only to constitutional essentials).

on state promotion of values, including: (1) advocacy which involves emotional appeals rather than arguments and does not allow fair conditions for (proponents of) alternative viewpoints; (2) negative persuasion, which involves attempts to undermine alternative viewpoints; and (3) criticism of agents rather than the ideas they put forward.

I appreciate Miklosi's point that more needs to be said about the legitimacy of state promotion of values to underpin justice and social cohesion, in particular in response to political liberalism. Let me here just briefly provide two responses. First, as Miklosi points out himself, there may be aspects of liberalism that any comprehensive doctrine would have to comply with in order to qualify as reasonable. For example, it is arguable that any such doctrine would have to accept that persons, in an appropriate sense, have equal moral standing. Now, it may be suggested that this is a very minimal claim (and of course it is), but it may nevertheless play a role in social cohesion. As argued by Eric Uslaner (2002: 2-3), "trust is a fundamentally egalitarian ideal", and part of that ideal is the ideal of equal moral status. Individuals who consider other people their equals will also be more likely to trust them, and indeed to exhibit solidarity towards them. Therefore, even if we think that political liberalism imposes content restrictions on state promotion of liberal values, there may be (important) liberal values that are untouched by such restrictions.

However, it is also clear that some liberal values are not shared by all reasonable doctrines, including egalitarian distributive values. Furthermore, these may be important for social cohesion. Arguably, while a commitment to equal status expresses an inclusive attitude towards other people, a commitment to egalitarian redistribution expresses an even more inclusive attitude (I not only hold you to be my equal, I am also willing to share my resources with you if you are poor or even just worse off than I am). And insofar as the direct value effects of liberalism are due, wholly or in part, to the inclusiveness of these values (as indeed I argue in my book, 230-6), egalitarian distributive values can be expected to contribute to social cohesion.

Miklosi restricts his discussion to direct value effects, taking for granted that it is legitimate for liberal states to pursue liberal institutions and distributions. But note that the promotion of liberal values may also be important for institutional and distributional effects on social cohesion (Holtug 2021: 227-30). That is, liberal institutions and distributions can only be stably implemented in a democratic society insofar as liberal values are endorsed by a sufficient proportion of the electorate. Therefore liberal content restrictions may not only limit a state's capacity for promoting social cohesion and redistribution through value effects, but also through

institutional and distributional effects.

However, and this is my second response to Miklosi's challenge, my liberal inclinations are more towards robust (or comprehensive) liberalism than political liberalism. One reason for this can be explained by invoking what Miklosi calls the "public reason paradox". Consider a situation in which there will only be sufficient support for liberal policies if the state persuades some (otherwise skeptical) citizens of the virtues of certain liberal values, but where the values in question are ones over which there is reasonable disagreement. Suppose also that these policies are required for the state to treat its citizens justly—perhaps a sizeable proportion of the citizenry will otherwise (through no responsibility of their own) plunge into poverty. Given the public reason constraint, the state is then not morally permitted to do what is necessary to treat its citizens justly. My concern here is not so much with the "paradoxical" nature of the constraint, but with the people whose claim to justice will have to be sacrificed to uphold it. Indeed, assuming that the state could secure sufficient support without engaging in coercion or other illegitimate means, but simply by, say, the prime minister arguing rationally for the values in question, I fail to see much point in upholding the constraint.

Obviously, there is much more to be said here. Also, I am unsure how much Miklosi and I disagree. He does, after all, argue both that a liberal state is allowed (indeed required) to publicly state its reasons for its policies (including if they rely on controversial liberal egalitarian values), and that it is not disrespectful to reasonable people to engage with their views (provided that the above-mentioned restrictions are respected).

Nevertheless, let me very briefly mention another domain where comprehensive and political liberals tend to disagree, and where I believe the state is entitled to promote at least some liberal values on which reasonable people disagree, namely in the educational system.<sup>5</sup> Here, political liberals argue that citizenship education should include "promoting (in public schools and elsewhere) core liberal values" (Macedo 2000: 179), but these should be appropriately civic, respecting the fact of reasonable pluralism. Presumably, such values will include liberal toleration and mutual respect, where the latter may be cashed out as a form of "recognition respect", which is "owed to persons in virtue of their standing as free and equal citizens" (Neufeld 2013: 788).

Consider a case in which gay and lesbian teenagers are exposed to

<sup>5</sup> To be fair, it is contested exactly how different comprehensive and political liberalism are in this regard (Macedo 2000; Neufeld 2013; Rawls 1993: 200).

shaming, defamation, and stereotyping in schools.<sup>6</sup> Toleration and recognition respect are important, but they do not preclude school children from harboring homophobic attitudes. And insofar as they do hold such attitudes, they will be more likely to engage in various forms of bullying. To get to the root of the problem, I believe that schools are justified in promoting more positive (or eliminating negative) attitudes towards gays and lesbians, and thus in promoting esteem recognition. Unlike recognition respect, esteem recognition involves increasing the appreciation of some undervalued group identities (and so not devaluing students *qua* gays and lesbians). This is so even if it would involve values on which, according to political liberals, there is reasonable disagreement (values that are, for example, rejected by some “reasonable” religious groups). These are values that go beyond tolerating sexual minorities.

To conclude this section, I believe there are ways in which liberal states can legitimately promote liberal values, and that they are more often justified in doing so than political liberals tend to think.

#### 4. POWER RELATIONS AND SOCIAL COHESION: REPLY TO DUARTE

In the book, I consider the so-called “progressive’s dilemma” in some detail. Very briefly (see sec. 3 of my *Précis* in this volume for greater detail), according to the relevant version of the progressive’s dilemma, immigration leads to ethnic diversity, which reduces social cohesion (generalized trust and solidarity in particular) and thus undermines the social basis for egalitarian redistribution. On this basis, some conclude that immigration should be (severely) restricted. I critically examine two important premises in this argument, one empirical and the other normative. The first of these premises is the claim that ethnic diversity drives down generalized trust and solidarity. On the basis of a survey of empirical studies of the impact of diversity on social cohesion, I point out that the evidence for negative effects is inconclusive. Furthermore, I argue that there are certain factors that moderate the relationship between diversity and social cohesion, namely “contact, equality, public discourses, institutional design, nation-building, and various policies related to integration” (154). These are factors that, to a considerable extent, are under the control of the state and so can be used to limit any negative effects on social cohesion that

<sup>6</sup> Studies suggest that LGBTQ+ youths experience elevated levels of “emotional distress, symptoms related to mood and anxiety disorders, self-harm, suicidal ideation, and suicidal behavior”, which is related to the presence of “chronic stressors related to their stigmatized identities, including victimization, prejudice, and discrimination” (Russell and Fish 2016).

immigration might otherwise have had.

The second premise of the argument I consider is that equality has domestic scope only. Against this, I argue that, in fact, equality has global scope. And I argue that more open borders have a role to play in the promotion of global equality. Thus I question two crucial premises in the anti-immigration argument under consideration.

Duarte challenges my response to the progressive's dilemma. In particular, she argues that "Holtug risks overlooking the influence of existing social hierarchies and power imbalances in affecting how social cohesion is shaped and maintained", which is construed as a problem for the "framework" I employ to address the dilemma. In fact, I agree with Duarte that fighting social hierarchies of various kinds, including power hierarchies, is highly important for social cohesion and social justice. Indeed, as also pointed out in my response to Miklosi, I argue that social cohesion is dependent on a conception of the equal status of persons, which is opposed to social hierarchies of various kinds. Viewing other members of society as one's equals precludes believing that one is entitled to power, or to opportunities for power, that they can legitimately be denied. More generally, I argue for liberal values that reject morally arbitrary distinctions between groups as a basis for unequal advantages and seek to equalize opportunities between them, and furthermore argue that these are also the values that, if shared, are most conducive to social cohesion.

Before I get into the details of Duarte's argument, I want to point to a couple of ways in which she slightly misrepresents my position, which may lead to confusion about what my argument is. First, according to Duarte, my "solution" to the progressive's dilemma "consists in the promotion of an overarching identity transcending national identities that is based on shared liberal values". While I do indeed argue, based on empirical studies, that building a communal identity on liberal and multicultural values can be expected to have a positive impact on trust and solidarity, I also argue that, as stated above, the evidence for negative impacts of diversity on trust and solidarity is inconclusive, and that, apart from liberal and multicultural community values, other factors such as institutional designs (and in particular universal welfare states), socioeconomic equality, out-group contact, public discourses, and integration policies are important for social cohesion in diverse societies. Thus shared communal values are by no means supposed to do all the work in my argument that Duarte ascribes to them.

Second, Duarte describes me as belonging to a Tocquevillian tradition of social capital research, of which Robert Putnam (2000) is the best-known

contemporary member, whereas in the book I explain why I do not find this a particularly plausible approach to social cohesion (55-6). Rather, my account relies to a considerable degree on what I call the “institutional model” of trust and solidarity, as transpires from my emphasis on institutional designs above (57-8, 62-5, 138-9, 146-7, 227-9), as well as on the significance of socioeconomic equality and out-group contact.

In fleshing out her claim about my neglect of power asymmetries, Duarte distinguishes between two ways in which these are important for the discussion, namely “invisible contributions” and “asymmetric relations”. Invisible contributions pertain to “marginalized immigrants contributing more to achieving common benefits, because their contributions might not be fully recognized or accounted for in a framework that conceives sharedness as external to their own premises”.

I agree with Duarte that contributions to collective goals from marginalized groups, including immigrants, may often go unnoticed. The question is why this should be seen as a problem for my framework. One suggestion Duarte makes is that it may be problematic if “some groups are required (or allowed) to invest more than others to obtain the benefits available to everyone”. However, it is difficult to see why this problem would be an implication of my framework. Rather, it is incompatible with it. This is because if some are required to work harder or “invest more” in order to achieve an equal level of advantages, then this seems to be a paradigmatic case of people having *unequal* opportunities.

Another suggestion Duarte makes, in analyzing invisible contributions, is that immigrants may be less likely to benefit “from a cohesive ‘we’ in ways that are proportionate”. Here the focus is not so much on differences in the effort required, but more on inequality in shares of the advantages obtained. However, if people obtain unequal shares, the implication is that they do not have equal opportunities, everything else being equal. And so it is difficult to see how such “unproportionate benefits” could be an implication of my framework.

Duarte may suggest that even if my normative framework would not prescribe unequal opportunities, community-building based on shared liberal and multicultural values *would* lead to unequal opportunities, and so cannot be prescribed by my normative framework. The objection would then be that there is an internal tension in my account, namely between the normative framework I employ and (one of) the strategies proposed to implement it, namely community-building. In particular, shared liberal and multicultural values, or policies to promote them, would threaten equality and especially the standing or advantages of immigrants. Against this, in the book (chs. 8-9), I consider the available empirical evidence

regarding the impact of shared liberal and multicultural values on trust and solidarity in a great deal of detail, and find that they are conducive to social cohesion, *especially* trust in, and solidarity with, immigrants.

Nevertheless, Duarte may argue that the problem is not so much with liberal and multicultural values *per se*, but with the particular adaptation thereof that is likely in a society where power structures favor natives over, in particular, marginalized immigrants. Thus there is a real risk that in this process, liberal values will be tainted and applied in ways that benefit majorities at the expense of minorities. Of course, to some extent this has always been the case. When the Declaration of Independence was adopted, stating that “all men are created equal”, this was taken to somehow not include Native Americans or African slaves. Indeed, as Charles Mills (2017: 10) puts it, liberalism “has historically been complicit with plutocracy, patriarchy, and white supremacy”, although “this complicity is a contingent function of dominant group interests rather than the result of an immanent conceptual logic”.

Obviously, I do not want to claim that *any* interpretation and institutional implementation of liberal and multicultural values will be equally favorable for natives and immigrants (but then, not all interpretations and implementations express these values equally well). And I agree with Duarte that an important aspect of how these values are cashed out and institutionalized pertains to the extent to which immigrants are included on an equal basis in political processes. In part, this is because immigrants’ expressions of their interests and claims are important for securing that they are equally accommodated. Indeed, social cohesion is dependent on a conception of the equal status of persons, which is opposed to social hierarchies of various kinds.

Importantly, as pointed out in my response to Lenard, immigrants are a minority, and so even if they are included as equals in political processes there is no guarantee that their interests are going to be equally accommodated, including in the interpretation and implementation of liberal and multicultural values. Indeed, there is no set of values that we could appeal to that would guarantee that. Nevertheless, I do want to suggest that equal accommodation is more likely insofar as the values on which a community is based are ones that explicitly aim at such accommodation, such as those proposed in my book.

Another strand in Duarte’s criticism, which is related to her claim about disproportionate benefits, pertains to my account of the currency of egalitarian justice. According to Duarte, my “focus is limited to cultural and religious resources and opportunities, and the neglect of power-driven relations ... leads [me] to overlook possible inequitable outcomes in the

distribution of benefits of social capital to everyone outside this restricted scope". Actually, my focus is not restricted to cultural and religious resources and opportunities. As pointed out in my response to Lenard, in my discussion of equality of opportunity, I take this principle to concern individuals' opportunities for "acquiring a range of goods, including offices and positions, income, education, health care, and for practising their religion and culture" (90). In fact, in my discussion of the progressive's dilemma, I am primarily concerned with socioeconomic equality, simply because this is what, according to the dilemma, diversity is supposed to drive down. My discussion of the dilemma, then, does not reflect everything I think is important about justice. Rather, in a more limited way, I argue that diversity need not drive down solidarity or, for that reason, socioeconomic equality, contrary to what is claimed by those who invoke (the sociological version of) the dilemma.

By implication, my focus is not so much on power imbalances or political justice when discussing the progressive's dilemma, but on distributive justice. This brings me to the second aspect of Duarte's criticism, which pertains to asymmetric relations. Duarte's point is that, whether or not immigrants share liberal values, "historically and contextually, these are values that they second and do not author". Thus, if community-building is based on them, "marginalized immigrants risk being permanently locked into a position of being apprentices of these values".

There is no reason to think that immigrants, including non-Western immigrants, are in general less supportive of liberal political values than are natives (see e.g. Bredahl 2019). And indeed, immigrants often make claims for accommodation on the basis of values such as freedom of religion and equality of opportunity. In fact, in such cases, natives are more likely than immigrants not to support the requirements of liberalism. However, Duarte's point may be not so much about the extent to which non-Western immigrants actually hold liberal values, but the extent to which they are seen to do so by natives and can see themselves as "authors" of them. Therefore a shared identity based on liberal and multicultural values may in reality tend to exclude rather than include immigrants, both from the perspective of natives and from the perspective of immigrants themselves.

It seems plausible that political inclusion on an equal footing in negotiating a societal identity is probably important for a sense of equal inclusion in that identity, along with the extent to which it equally caters to the interests of one's group. This, then, is a further reason why equal standing is conducive to social cohesion. When it comes to the perception,



among natives in a liberal democracy, that immigrants share a communal identity with them, such a perception is more likely insofar as the identity in question is an inclusive liberal one than if, say, it is a national identity that requires the sharing of a national culture. Furthermore, as pointed out above, there is empirical evidence suggesting that liberals and multiculturalists are more likely than others to see immigrants as part of their in-group. Additionally, policymakers may aim not only to promote shared liberal and multicultural values, but also to dismantle misconceptions about the extent to which such values are shared by immigrants. And finally, whatever exclusionary effects native perceptions of immigrant illiberalism may have, it is not clear that these are effects of community-building efforts based on liberal values, rather than simply of natives taking immigrants not to hold liberal values.

While I agree with Duarte that the full and equal political inclusion of immigrant minorities has an important role to play in the negotiation of communal identities, such inclusion does not come easily, for reasons I also referred to in my discussion of Lenard's contribution. In fact, the mechanisms that may, for example, taint the negotiation of liberal community values are also the very mechanisms that may obstruct the equal political inclusion of immigrant minorities. Thus political inclusion is not a "solution" to the problems at hand that bypass the obstacles faced by liberal community-building.

## 5. IMMIGRATION, GLOBAL EQUALITY, AND STRUCTURAL RACISM: REPLY TO PAREKH

As pointed out above, I argue that equality has global scope, and this is one of the ways in which I challenge (the sociological version of) the progressive's dilemma. This opens the door for liberal immigration policies. Since equality has global scope and, at least up to a point, migration tends to promote global equality, less restrictive immigration policies can be pursued without sacrificing the kind of equality that ultimately matters (indeed, it may *promote* such equality). However, Parekh argues that in my discussion of feasibility constraints pertaining to liberal immigration policies, I provide only a partial account of the roots of anti-immigration attitudes, and therefore I underestimate the problem of backlash. In particular, I neglect the significance of structural racism.

Before I address this objection, let me first point out that I am not quite as optimistic regarding the consequences of immigration and immigration policy for social cohesion and domestic and global equality as Parekh

suggests in her contribution. To explain this, let me first distinguish between three different versions of the progressive's dilemma:

*Sociological version.* Immigration drives down social cohesion, in particular generalized trust and solidarity, and therefore the social basis for a welfare state and egalitarian redistribution.

*Economic version.* Extensive welfare states tend to attract low-skilled immigrant labor, which is costly to the welfare state, thus diminishing levels of social benefits, healthcare, education, etc.

*Political version.* Liberal immigration policies are unpopular with voters, and so any liberal government that tries to implement them will face a backlash, thus threatening both liberal immigration policies and liberal egalitarian social policies.

My concern in the book is primarily with the sociological version (it is, after all, a book about social cohesion), although I do have a bit to say about the two other versions as well. The first respect in which I am less optimistic than Parekh suggests is precisely that, even if I have tackled the sociological version, this still leaves the two other versions. And, in fact, economic and political concerns are part of the reason why I argue that there are limits to how much global equality can be promoted through immigration policies (thus requiring additional policies to promote this aim). Insofar as immigration becomes a net economic burden for a state, perhaps after significantly increasing its intake from its present level, a trade-off between immigration and other ways of promoting global equality is required. And there may be limits to how much immigration voters are willing to condone, even after institutional and other efforts have been made to secure support for immigration. That said, I nevertheless argue that immigration policy (more open borders) has a role to play in the promotion of global equality.

A second respect in which I am less optimistic than Parekh suggests is when she attributes to me the view that “diversity doesn't impact social cohesion, and may even have a positive impact”. I actually don't deny that there are conditions under which diversity is likely to negatively affect social cohesion. Germany in the 1930s and 1940s and Rwanda in the 1990s are good examples of this. My claim is rather that the impact is contextual and that there are things that states can do to prevent or diminish any negative impact that diversity might otherwise have had.

The third respect in which I am less optimistic pertains to the impact of policies to promote more inclusive identities on social cohesion and attitudes to immigration. While I argue that inclusive identities do have a

positive impact, I don't make any precise judgments about the size of this impact. Nevertheless, as I also emphasize in my response to Duarte, shared values are by no means supposed to do all, or even most of the work of promoting social cohesion under conditions of diversity.

I turn now to Parekh's claim that I underestimate the feasibility constraint imposed by the problem of a backlash against immigrants, and specifically the claim that structural racism is an important driver of such a backlash. In fact, I agree with Parekh that backlash is a significant threat to liberal immigration policies, as illustrated by support for authoritarian populist parties, triggered by (among other things) anti-immigrant attitudes, and which has led, for example, to the election of Trump in the US in 2016 and 2024 (Norris and Inglehart 2019). I also agree that structural racism is an important driver of such backlash.

One reason I do not comprehensively address backlash against liberal immigration policies in the book is that my primary concern is the sociological rather than the political version of the progressive's dilemma. In the sociological version, the focus is not so much on whether native support for liberal immigration policies can be upheld over time, but on whether immigration drives down trust and the form of solidarity required for egalitarian redistribution in the welfare state.

Now, I believe that structural racism is important not just for attitudes to immigration but also for social cohesion. Parekh adopts a definition according to which structural racism refers to "social, economic, or political inequalities disproportionately affecting a racialized group". And indeed, structural racism is ingrained in economic and other forms of inequality, institutional designs, segregation, and perceptions of various attributes, including deservingness, work ethic, and proneness to crime. Parekh then argues that while identity may play a role in biases, the causal driver of racial inequality and the backlash against immigration is structural racism. Therefore "we cannot eliminate the negative attitudes that lead to backlash without also considering structural racism". In particular, community-building based on inclusive liberal and multicultural values will not suffice.

However, to reiterate, community-building by no means stands alone in my account of how to promote social cohesion and equality. I argue that institutions shape out-group relations, including trust and solidarity, and that, in particular, institutions that are (and are perceived to be) fair and impartial positively impact such relations (Holtug 2021: 57-8, 63-5, 138-9, 146-7; Larsen 2008; Rothstein and Stolle 2003). Thus institutions that harbor structural racism are detrimental to intergroup relations, including solidarity with immigrants.

Likewise, I argue that socioeconomic inequality is bad for out-group relations and is tied up with perceptions of race and diversity in ways that tend to reduce intergroup solidarity (52-3, 66-7, 137-8, 145-6). Furthermore, I argue that racial and ethnic segregation harms minorities and majority perceptions of racial and ethnic out-groups, because it reduces beneficial forms of contact between groups (57, 135-7, 145; cf. Anderson 2008). So when Parekh refers to segregation as “the lynchpin of structural racism”, this does not point to a discrepancy in our respective accounts. Also, while I cannot go further into it here, I argue that public discourses and integration policies play a role. Incidentally, these factors will in many cases interact with patterns of in-group identification, and thus with social identity. For example, inequality and segregation are detrimental, both to the perception that racial and ethnic minorities are full members of the society in question, and to intergroup identification.

To sum up, I don't think there are any deep disagreements between Parekh and myself on the issues discussed above. A slight disagreement, perhaps, pertains to the causal primacy that Parekh attributes to structural racism over biases in explaining injustice and backlash (“racial bias is the *effect*, not the *cause*, of racial inequalities and injustices”). Here I am more inclined towards the view that these are factors that can mutually impact each other, and that different cases may require different types of causal explanations. Consider again, for example, the persistent inequality between African Americans and white Americans in the US. Arguably, part of the reason why these inequalities are allowed to persist is white resistance to welfare, especially welfare that is perceived as going disproportionately to African Americans, as well as other policies that may benefit Blacks (Gilens 1999). This resistance is again triggered, at least in part, by white in-group identification and bias (Jardina 2019), which is at least sometimes tied up with notions of American national identity being white (Theiss-Morse 2009).

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**LEAP**

**LAW, ETHICS AND PHILOSOPHY**