

Arguments for Naturalisation

Jonathan Seglow,
Royal Holloway, University of London

Forthcoming in *Political Studies* 57:4 (December 2009)

This paper investigates what moral principles should inform states' decisions to grant resident migrants the rights of full citizenship. Some work on this question has focussed on the beliefs and attitudes it is thought desirable for migrants to have. This paper takes a different approach. Beginning from the assumption that a high rate of naturalisation is desirable, the paper investigates four arguments in its favour. The contribution argument says that residents merit citizenship in virtue of their productive contribution to their new society. The coercion argument says it is wrong to impose on resident migrants laws they had no say in making. The membership argument says that migrants merit citizenship because they are already members of society. The respect argument says that long-term alienage is a failure of respect. I argue that the respect account escapes the difficulties of the other arguments, and best matches our intuitions about naturalisation. Further, the respect which states and citizens owe migrants, if manifest in the right political climate, is likely to lead to migrants respecting their new society too, and hence having the right kinds of attitudes towards it.

Introduction

Migrants, having made the often difficult journey to a new society, encounter a new set of problems. They must find work, a home, schools for their children, acculturate themselves into a new society, and all this, very often, in an unfamiliar language which they must also learn. The acquisition of citizenship is yet one more obstacle a migrant faces. It is never guaranteed, and many states put severe hurdles in its way. Once a citizen, however, and a migrant is a member in full standing of a political community which has legally accepted her. To be sure, citizenship does not imply social acceptance. But a citizen nonetheless enjoys a security which residents lack. She has the full set of rights including, through the vote, the right to determine her new society's future, and she also has immunity from deportation.

The process of naturalisation is therefore of some importance, not just for migrants but for established citizens too who naturally have an interest in who will join them. State authorities too have an interest in it. They may insist on years of residence, language proficiency, sufficient income, a clean criminal record, and a good character. They may further impose on resident migrants civic or cultural tests, and they may prohibit dual nationality (Weil, 2001). Are these requirements fair? What general principles should govern migrants' admission to citizenship? That is what I want to explore in this essay. Some work on this question has explored what sort of commitment to their new society should be expected of migrants who wish to naturalise. Thus Noah Pickus maintains that migrants should identify themselves with 'the people', and have an emotional attachment to their shared identity (Pickus, 1998; cf. Sahlins, 1996). Shelley Wilcox by contrast, advocates a 'polity model' of

naturalisation which requires that migrants value the major institutions and practices of the polity and feel at home in them (Wilcox, 2004, pp.575-82; cf. Mason, 1999, pp.217-2).

The strategy adopted by Pickus and Wilcox assumes without question that migrants have to adopt certain attitudes before they can become citizens. They imply that it would be acceptable to deny citizenship to long-term migrants who do not have the requisite feelings of attachment or identification or who do not feel at home in their new society. Wilcox criticises Pickus for setting the entry conditions too high, but like him she thinks it fair to insist that migrants value certain things without asking the same question of native citizens. It might be indeed desirable for migrants to value their new society's institutions and feel at home there, but whether those should be stipulations is a further question. For Joseph Carens, that migrants are integrated into their new society is simply an aspiration – and surely one that native born children should also share (Carens, 2005a, p.39).

While it is certainly desirable for migrants to support their new society's major institutions and feel at home there, my own view is that this is not the best place to start in exploring the ethics of naturalisation. Beliefs and attitudes, as opposed to behaviour, cannot be controlled by legal stipulation and government declaration; they can be fostered in the right political climate, but that seems unlikely to involve governments insisting that migrants have them (especially on pain of a refusal to grant citizenship). My aim in this paper, therefore, is to pursue a different approach to the question of naturalisation than Pickus and Wilcox, one that takes a more elliptical view of migrants' attitudes. Rather than asking what migrants ought to do or believe in order to become citizens, I want to ask why it would be wrong to deny them the opportunity to naturalise in the first place. This question seems to me a more fundamental one than the question of what conditions states should set.¹ The answer to it will inform our thinking on what concrete conditions states should impose and what political climate governments should seek to foster. I will compare four answers to this question, each of them appealing to a different moral intuition as to the wrongness of permanent alienage. The contribution argument says that residents merit citizenship in virtue of their productive contribution to their new society. The coercion argument says it is wrong to impose on migrants laws they had no say in making. The social membership argument says that residents are entitled to citizenship because they are already to all intents and purposes members of society. The respect argument says that it is a failure of respect not to grant citizenship to those entitled to participate in civic institutions. I maintain that the former two arguments have severe weaknesses. The membership argument is more promising but is hostage to the contingencies of migrants' actual membership. The respect argument reformulates membership in ideal terms to escape these difficulties.

The guiding idea of this essay is that naturalisation is a good thing; that a society with a high naturalisation rate is normatively superior (other things being equal) to a society with a low one. One reason for accepting this idea – along the lines of Pickus and Wilcox's views – is that voluntary alienage might seem to signal to governments migrants' lack of commitment towards their new society. Another reason is our intuition about the wrongness of there being two classes of residents in society. I will elaborate on this intuition when I discuss the respect argument below. States should encourage naturalisation, although (I will maintain) if we respect migrants states

should still give them the option not to naturalise, a view which some writers now contest (Rubio-Marín, 2000, pp.102-29; Carens, 2005a, p.41).

A few brief clarifications which will make things more straightforward. First, I am interested here only in migrants who have legally entered a state. There may be a good case for granting an amnesty to illegal migrants such that they undergo the same process of naturalisation, but that would require a separate discussion. Second, I shall assume that resident migrants are not a spouse or child or other relative of a current citizen since this would complicate matters by giving them an extra reason to be naturalised. I shall also assume away phenomena such as the over-arching citizenship that the EU provides. The final issue is what we might call the division of labour between long-term residents and citizens, that is, which rights belong to which categories. Here again, actual practice differs markedly between states. In some states residents enjoy relatively few rights, for example some do not grant resident aliens the full range of welfare benefits and some also impose restrictions on their right to work. In others, migrants possess virtually all the rights of citizenship. EU-15 migrants in other EU-15 states enjoy more or less the same rights as citizens, for example, the main exception being the right to vote in national elections (Shaw, 2007). I shall take no stand on what rights resident migrants have as opposed to citizens, although I do assume that citizens enjoy some rights which migrants do not.

Contribution

The contribution argument says that migrants merit citizenship because they have made an effort to contribute, in some relevant way, to their new society. It would thus be wrong to deny citizenship to migrants who have contributed; it would represent a failure of reciprocity, the value this argument appeals to. It would also be unjust to put significant obstacles in the way of migrants wishing to naturalise who have made the requisite contribution since their basic entitlement has thereby been established. (What kind of obstacle is significant clearly needs specification. A certain period of residence certainly would not be since that is required in order for a migrant to demonstrate that she has made a contribution). Further, for the argument to work the notion of contribution must be interpreted in fairly broad terms. Non-working parents make an important social contribution through bringing up children (assuming those children go on to be productive members of society). So too do migrants active in unwaged voluntary activities, in their local neighbourhoods, for example. These kinds of activities add to social, as opposed to economic, capital. The requirement that migrants reach a threshold level of contribution, however that is defined, means that different kinds of contributory activity, not all of them remunerated, need to be assessed on a common scale. There must also, of course, be some mechanism in place to verify the contribution an individual declares herself to have made. Finally, it is worth noting that some people may legitimately find it hard to make much of a contribution; retired people, for example, and those too ill to work. It needs to be stressed, therefore, that the argument says that migrants need only make a contribution that is reasonable in the light of their ability to do so.

Since most migrants do contribute to their new society, the contribution argument might be expected to win their support. It establishes their *prima facie* entitlement to citizenship on the basis of activities which almost all of them engage in (if only

because they have little choice but to do so). Moreover, since the principle of reciprocity has a certain intuitive appeal, the contribution argument could be expected to enjoy support among established citizens too, especially those concerned that migrants do not free ride on their own contributive efforts.

The contribution argument raises the question of why migrants should have to make a contribution when native citizens do not. It is true that migrants are seeking to join an association and thus will encounter an admissions process that those born into it never have to face (cf. Walzer, 2004, pp.1-20). But we can acknowledge this and still assert what we might call the symmetry principle: that potential entrants to an association should not be required to attain higher standards in activities central to the association than current members typically exhibit. It would seem unfair for a chess club, for example, to insist that new members attain a standard higher than that achieved by current ones. The symmetry principle need not apply just to voluntary associations like clubs. It would also seem unfair to expect a religious convert seeking to join a church to show significantly greater knowledge of and commitment towards its brand of Christianity than existing churchgoers who had born into it.² If this principle is plausible, then a migrant resident for many years might ask why the fact of her contributing is officially important when it is not in the case of her neighbour, a native citizen who makes no effort.

Of course, this asymmetry could be removed by insisting on a contribution from established citizens too. But the policy which this points to - a workfare scheme where, in return for welfare benefits, individuals must take some form of employment, however poorly remunerated - is highly controversial (King, 2005, pp.74-76). The stigma that workfare involves is often said to damage poorer citizens' civic status and of course migrants would be subject to this stigma too, in addition to having their naturalisation suspended.

A contributory requirement communicates to migrants that they must first prove themselves before being accepted as full members of the political community. Such a message seems unlikely to help foster the feelings of identification and belonging which Wilcox and others are quite right to say are desirable for migrants to have. Legal mechanisms that involve coercive sanction, such as a contribution requirement for naturalisation, may be effective in altering individuals' behaviour, but they are less well equipped to encourage positive attitudes towards the state. The latter requires laws that benefit migrants and a message of inclusion from official agencies. If migrants have to make a productive effort, or show evidence of their productive efforts, in order to gain admission to citizenship, that disincentivises their doing so. Most migrants are more interested in their own economic situation, than they are in gaining extra political rights or immunity from deportation. Why apply to become a citizen when the benefits are so few? Peter Schuck has argued that low rates of naturalisation in the United States can be explained at least in part by the fact resident migrants enjoying virtually all the rights of citizenship (Schuck, 1998). Indeed, the trend across the world has been for alien residents to enjoy more and more of the rights of citizenship (Jacobson, 1996). Our guiding assumption is that a high naturalisation rate is desirable and something to aim for. Insofar as productively contributive migrants have to show evidence of their social or economic contribution in order to qualify for citizenship, in addition to whatever other conditions they must

meet, citizenship is likely to be relatively unattractive for them (and for non-contributing migrants less attractive still).

Coercion

The coercion argument hinges on the fact that migrants lack the vote. It claims that, in order to be legitimate, the coercive power of the law must be justified to all who are subject to it, and, since migrants have no say in shaping that law, its authority cannot be so justified. By making it straightforward for migrants to naturalise, however, we give them the opportunity to have a say in shaping the law, and hence justify its coercive power over them. Unless, through their acquisition of citizenship, migrants have the vote, the law will simply be an arbitrary interference in their freedom.

The coercion argument is simple and appealing and is not subject to problems of asymmetry. It should be noted, nonetheless, that giving those subject to the law a say in it is not the only way to justify the law, and sometimes not the best way. It is reasonable to implement laws that protect individuals against physical and other severe harms whatever people's views on the matter, indeed it does not seem right that anyone should be able to reject this. On the other hand, it does seem reasonable to give citizens a say in laws to do with taxation, welfare, the environment, and many other issues. In general we can say that laws must be reasonably justifiable to reasonable people; and where people disagree over what the law should be, giving them a say over the law is a reasonable response. We should note, however, that this principle does not prevent laws being imposed on citizens which they profoundly disagree with. They may simply be outvoted, unable to persuade others to share their views. All we can claim is that people should have some say in laws imposed on them (if those laws are the subject of reasonable disagreement).

Despite this, the coercion argument has considerable intuitive appeal. It appeals to the values of freedom and noncoercion and offers a way of justifying the imposition of law. But is it a good argument in favour of naturalisation for migrants?

It could be said against the argument that, in contrast to citizens, migrants have chosen to enter a new society, and hence they are not involuntarily subject to coercion which is what the argument objects to. There is something to be said for this objection. It would seem churlish for a newly arrived emigrant to complain about high tax rates in her new home. If that was so important to you, why did you emigrate there?, we might say in reply. For all but new arrivals, however, this objection is unsatisfactory. If democratic rights are important because they justify the coercive power of the law, then why should one have to relinquish them as the price to be paid for migration? The objection would see migrants paying a high price for migration: the condition of more or less permanent alienage from citizenship. Many people, of course, migrate from less democratic to more democratic states, but relatively few make the reverse journey.

An interesting perspective on the coercion argument stems from the position of nationals living abroad who are not subject to the coercive power of their home state. A large number of states continue to grant voting rights to their overseas nationals (Ellis et al., 2007). Is expatriate voting justifiable? If it is not, that might lend

support to the coercion argument. Thus López-Guerra argues that nationals not subject to the laws of their home state should by that token lose the right to vote (López-Guerra, 2005). If, on the contrary, expatriate voting is justifiable that suggests there are grounds independent of coercion for maintaining voting rights. What could those grounds be? López-Guerra considers several possibilities of which the most plausible in my view is equality.³ Unless by choice or circumstance they have renounced it, expatriates remain citizens after all, and citizens should enjoy all the rights of citizenship. Putting a great deal of weight on the coercion principle, López-Guerra replies that either entitlement to political rights should no longer count automatically as a benefit of citizenship or that permanent non-residents should renounce their citizenship (López-Guerra, 2005, pp.227-9). I will suggest later that if we take seriously the equal status of expatriates that supports their right to vote on grounds other than coercion.

The major difficulty with the coercion argument is that it is perfectly possible to give resident migrants the right to vote without making them citizens (Waldrauch, 2005; Shaw, 2007). The idea of alien suffrage is a well established one, and present in several jurisdictions. Irish citizens living in the UK have the right to vote in every election, for example, and Ireland reciprocates this in elections for its lower house. Some Brazilians may vote in Portuguese parliamentary elections and some Britons in Australian ones. New Zealand extends the parliamentary franchise to any alien who has been resident for a year or more (Waldrauch, 2005, p.19). Alien suffrage suggests that there is nothing incoherent in enfranchising resident migrants, thus satisfying the no-coercion-without-a-say principle, and yet still making citizenship hard to obtain. We would want to impose a short residency requirement before the vote is granted to migrants – no one suggests that foreign tourists should get the vote – but that residency requirement could be shorter than that required for citizenship. It is true that resident aliens could present states with a moral choice: either you extend franchise to us, they might say, or you permit us to naturalise relatively easily. Thus, if a state does not want to embrace alien suffrage, then, on this view, it should not put obstacles in the way of naturalisation. What this objection overlooks, however, is the reason why only coercion accompanied by a political voice is morally justifiable, which is that a political voice is a necessary condition for political coercion to be *legitimate*. It is a condition of the moral legitimacy of a regime that members of political society are able to have a say in the coercive laws which it enforces. The other rights of citizenship need not be necessary to secure the legitimacy of the law. Resident migrants do not, therefore, have a right that states offer them naturalisation as a condition of the legitimacy of the state: there is nothing incoherent in a regime that forbid any outsider from acquiring citizenship but whose rule was legitimate. Hence we still need an argument which shows why those who are subject to the law and therefore have a say in it, should *in addition* be entitled to the status of citizenship, and all the rights that go with it.

Membership

The third argument to consider is the social membership argument proposed by Joseph Carens.⁴ In essence, Carens's claim is that migrants become, after a period of time, members of their new society (independent of whether they contribute to it). He asserts the principle that 'people have a moral right to be citizens of any society of

which they are members' (Carens, 1989, p.32). Migrants, therefore, have a moral right to be citizens. In any early essay, Carens defended this right through two claims. The first was that denying citizenship to resident migrants undermined the principle that political authority should rest on the consent of the governed (Carens, 1989, pp.36-8). This seems to be a restatement of the coercion argument. Carens' second claim is that continued residence (alongside birthplace) is the only relevant moral fact that should direct how citizenship should be conferred (Carens, 1989, p.42). In a more recent essay, Carens has elaborated on this idea of membership. '[T]he longer one lives in society, the stronger one's interest in living there, and, at some point a threshold is passed that should entitle a person to the full protection of citizenship itself' (Carens, 2005a, p.39).⁵ In fact, Carens now believes that citizenship should be conferred *automatically* on all those resident in society for a certain period of time (Carens, 2005a, p.41; cf. Rubio-Marín, 2000, pp.102-29). Automatic naturalisation would seem to follow from his premise that migrants who have settled in a new society simply are members, together with the premise that political membership (citizenship) should follow ineluctably from membership of society. Not to naturalise would be tantamount to denying one's membership. 'We do not treat the acquisition of citizenship as an optional matter for those who acquire it at birth', he writes, and 'we are mistaken in treating it as entirely optional for immigrants' (Carens, 2005a, p.41). I shall return to the idea of automatic naturalisation later.

Carens claims that longstanding migrant residents have a strong interest in living in the society which they entered, and that therefore they ought to be granted citizenship there. One question we might ask of this argument is how this interest might be balanced against citizens' interest in deciding who will join their number. A second question is why the mere fact of continued residency in society should qualify a person for citizenship. To reside in a state is simply to live within its geographical borders, and it is not clear how that generates an entitlement to citizenship. However, Carens has made clear that it is not simply residency which grounds migrants' right to citizenship. The lives of migrants 'intertwine with those of others' he says, and, after a period settling in a new society immigrants 'form connections and attachments that make them members of that society' (Carens, 2005b). Connectedness and attachment are plausible criteria of social membership, and it is also plausible to claim that members of society, should by that token, have the right to citizenship. But migrants' degree of connectedness with and attachment to society are empirical questions; different groups of migrants will exhibit different degrees of connectedness in different societies. But if that is the case, there is always the possibility that some migrants may not exhibit them to the requisite degree. Some migrants in some societies live at one remove from the rest of it, mixing with their own sub-cultures. A few (admittedly not many) migrants may be socially isolated, speak their own language, and live in cultural enclaves. There are also, of course, native born citizens who live in isolated communities. It is true that such people are members of society in the limited sense that they reside within its borders. It is also, of course, very difficult not to interact with members of society to some degree, even if only because virtually everyone has to engage in basic economic transactions. But migrants who live in cultural enclaves, (like citizens who live isolated lives) do not have connections and attachments with the rest of society, and therefore, on Carens's argument do not have the right to citizenship.

The problem with the membership argument, to be clear, is not that there are large numbers of migrant groups who live separate lives in the liberal democratic societies in which they have settled. The problem is that if membership is to mean anything it must be a substantive criteria; if it were true, by definition, that resident migrants were members of society, the membership argument would be merely an assertion since Carens plausibly claims that members of society should have the right to be citizens. But if membership does point to substantive criteria such as connectedness and attachment there is always the possibility that a few migrants will not meet them. Briefly put, either the membership argument is a purely analytic one or it lacks universality. On the latter interpretation, it remains hostage to the facts on the ground.

When discussing the contribution argument above I introduced the symmetry principle which said that potential entrants to an association should not be required to attain a higher standard in activities central to the association than current members typically exhibit. We can retile this the negative symmetry principle and compare it with the positive symmetry principle which says that it is reasonable to expect potential members to reach the same standards in central activities as members do. Absent the positive symmetry principle we could admit people to membership of an association without having the confidence that they could become normally participating members of it. To be sure, a state is not purposive in the way other associations are; it does not have associational aims. But there are nonetheless competencies which members of society can normally be expected to have such as the ability to speak the language and basic knowledge of how its institutions operate. It is certainly in migrants' interests to have such competencies (provided the standard required by the tests is not too high). A further reason for asserting the positive symmetry principle stems from the moral value of a society where all can relate to each others as members in equal standing. It is almost inevitable that those lacking basic competencies will have a lower social status than those with them; promoting equality of status represents a normative improvement. If these claims are plausible they provide a *prima facie* argument - independent of our main question of the wrongness of alienage - for testing the language ability and civic knowledge of migrants since such testing is a very good way of incentivising migrants to gain such competencies.

Carens says that language and other tests, as well as stipulations such as sufficient income or absence of a criminal record, undermine the inclusivity of the political community and give state officials the power to make possibly arbitrary decisions (Carens, 2005a, p.39).⁶ However, such consequences need not necessarily follow. After all, a society where all are able to speak the language and participate in its institutions may in fact be a more inclusive one. Further, we could give all who passed the requisite tests the legal right to citizenship (after a period of residence), thus removing the discretionary power of state officials.

In my view Carens's thesis that after a time migrants are members of society who therefore have the right to become citizens, is a significant advance on the coercion and contribution arguments. But it is susceptible to the possibility that some migrants may live alongside but not really within the society in whose territory they reside, and further, I've suggested we have independent grounds for imposing some tests on those seeking to naturalise, while these are hard to justify on the membership argument.

Respect

The respect argument says that withholding citizenship to those normally resident in society is a failure of respect. If we respect migrants, as we should, then we ought to make naturalisation straightforward for them.

The idea of respect is ubiquitous in social life, though this does not necessarily make its philosophical meaning any easier to pin down. A distinction that is often made is between the respect we owe to persons just because they are persons and the esteem we have for a persons' achievements or positions (Darwall, 1977). If we respect a person because she is a great athlete or a chief executive that is in addition to the respect we owe her simply as a person. This distinction is a sound one, but what it omits is that the respect we owe to persons just because they are persons is often made in a specific institutional context where we owe certain people fairly concrete duties. We encounter people just as people when they are strangers to us, but we also encounter them as colleagues, friends, family members and associates. Our interactions with such people provide much of the texture of our daily lives. The duties we owe them are given form and content by the institutions within which we interact with them. A further aspect of respect for persons, in institutions and beyond, is that it is adverbial: we treat people respectfully (or disrespectfully) in the course of behaviour directed to them. Often but not always this behaviour involves duties. Thus I respect my colleagues by doing my share in a common project, I respect my friends by helping them when they are in need, and so on.

The respect argument begins from the thought that political society is a network of institutions in which residents and citizens are morally entitled to participate. This network includes political, legal, economic, educational, welfarist and civic institutions. The institutions of political society are institutions for that society, not other ones, only those normally resident in society have the right to use them (Waldron, 1993). Members of society are able to use its public hospitals and schools, have access to its legal system, attend council meetings, claim benefits from welfare agencies, and they can vote in at least some elections. Resident migrants thus have a fairly extensive set of moral and legal rights with respect to the institutions of political society. With very few exceptions their entitlement to participate in them is the same as full citizens, whatever their actual degree of participation. The philosophical assumption behind the respect argument is that citizenship involves having a certain status in society. To be a citizen of a state does not simply involve enjoying some extra rights denied to non-citizens; at root it involves having a standing which non-citizens (including citizens in other states) lack. Moreover, that status is a public one: citizenship is a public statement of one's equal standing. The claim made by the respect argument is that there is a moral wrong involved in denying that status to those who have the right to participate in the institutions of the state. By denying migrants that status, through making it hard or impossible for them to become citizens, a state fails to respect migrants. It communicates to them the message that, while they have the equal right to participate in the institutions of political society (with respect to the rights of citizenship that they have), they still lack the status of full members of it. This message acknowledges migrants' right to interact with citizens in society's public institutions, but fails to recognise their status as interactive partners.

The respect argument does make the empirical assumption that residents have most, though not all, of the rights of citizenship. If resident migrants were only granted a very small number of rights, compared with citizens, then it would not be obviously wrong to deny them citizenship too – at least it would not be obviously wrong on the respect argument. But even in jurisdictions where migrants lack certain key rights, they still continue to enjoy the vast majority of legal entitlements (cf. Carens, 2002). They are still persons in law. Hence this assumption, does not seem a major threat to the argument. Besides this assumption, the respect argument is a moral not an empirical argument because its main premise is that those normally resident in society have the right to participate in it alongside other members, not that they actually do. It is just as wrong to deny citizenship to residents who live socially isolated lives as it is to deny it to those who participate alongside established citizens - a point to which I shall return. (It would similarly be a failure of respect to deny other benefits of citizenship such as welfare payments to residents who lived in social enclaves). Citizenship is not, on the respect argument, granted as a reward for participation: this distinguishes it from the contribution argument. Nor is citizenship granted because migrants are subject to the law, or subject to institutions: this distinguishes it from the coercion argument. Nor is the respect argument dependent on any particular rights (such as the right to vote) being reserved for citizens alone. It appeals rather to the moral wrong involved in withholding the title of citizenship to those who have, by virtue of their residency, almost all the rights of citizenship, and it says that this sends migrants a message of disrespect.

A further way in which the respect argument is not an empirical argument is that it does not appeal to the actual loss of self-respect which migrants denied citizenship may experience. The failure of respect communicated by a naturalisation policy that makes citizenship very difficult or impossible to obtain is an expressive wrong (Anderson and Pildes, 2000). It signals a lack of respect towards migrants just because of the message it sends and separate from other ways it might wrong them. A state of more or less permanent denizenship may, as a matter of fact, damage migrants' self-respect. But if it does, then, on the respect argument, that is simply evidence of its moral wrongness. The loss of self-respect which permanent alienage may bring is triggered by migrants' sense that their moral entitlement to equal respect has not been adequately recognised (cf. Honneth, 1995). The former psychological wrong only occurs because of the latter moral wrong, and it is the latter to which the respect argument appeals.

What naturalisation requirements does the respect argument imply in practice? It certainly implies that migrants must have lived in their new society long enough to acquire the rights of residency. It also implies that resident migrants should be entitled to citizenship after a fairly short time and without significant obstacles, although how long the qualifying period for citizenship should be is not something which theory alone can determine. It may appear as if, further than that, the respect argument supports few, if any, further requirements for those seeking to naturalise. That is not correct, however, for just as the respect argument stipulates that the state should not communicate a message of disrespect by denying migrants the right to naturalise, migrants pursuing naturalisation have a duty to respect citizens in the society in which they are seeking membership. This is not, to be clear, a reciprocal duty; it arises simply from the duty each person has to show others respect. Thus

while long-term residents are at liberty not to acquire a basic ability in the language of their new society, a resident would not communicate her respect for society's citizens by seeking to join them in citizenship while making no serious effort to acquire a central ability that they all possess. Much the same can be said of knowledge of civic institutions. While it would be unreasonable to demand from migrants expertise in the legal and political institutions of their new society, it does seem reasonable that those applying for formal membership of society should possess a basic modicum of knowledge. As with the language case, resident migrants have the right to participate in society's institutions irrespective of their civic competence, but those wishing to naturalise do not respect their society if their competence is substantially below the level demonstrated by established members. Having said all this, there seem good reasons, both pragmatic and principled (arising from the state's duty to respect migrants) for it to assist their acquisition of the language and knowledge of the law and civic institutions – by offering free language and civics classes for example.

It is a further question whether official testing of language ability and civic knowledge is consistent with a message of respect towards resident migrants. It is not difficult to imagine testing regimes which fail to show migrants' respect, for example those that demand a very high level of knowledge or which give state officials a great deal of discretion in deciding who passes. But there does not seem to be anything intrinsic to testing which involves a denial of respect (in citizenship or any other area of life), especially if only basic competency and knowledge is expected, and if those who pass the tests (and meet the residency requirement) have on that basis the right to citizenship i.e. there is no further discretion for state officials.

Migrants (and citizens) who commit criminal offences fail to show respect towards society, not to mention their victims. It does not seem unreasonable to make possession of a serious criminal offence a barrier to naturalisation, or at least to insist that some years must have passed since one's conviction before one is eligible to apply.⁷ However, it seems to me somewhat harsh to say that committing any criminal offence should disbar one from naturalisation. Failures of respect are a matter of degree; and it seems churlish to insist that those convicted of minor motoring offences or failure to declare full information to public authorities, for example, should have their quest for citizenship set back on that account.

On the other hand, some stipulations which states routinely impose do not seem consistent with the communication of respect. To insist that migrants have sufficient income is one example. This may seem counter-intuitive to some. Does one show respect for one's society by living off welfare? - granted that that is not quite the same as having a sufficient income. We must avoid contaminating the respect argument with the conservative notion of the 'undeserving poor'. If welfare is distributed on the basis of need, there seems no reason why those in receipt of it should not show respect for their society. More generally we can invoke the principle of negative symmetry which, to recall, says that potential entrants of an association should not be required to attain higher standards than current members typically exhibit. If citizens need not have sufficient income (and if welfare is on offer for those who do not), then it is not fair to insist that those seeking citizenship must have it. The same principle can be invoked against a possible objection to the respect argument which is that those living in isolated enclaves fail, by that token, to respect their society. I see no reason to endorse that claim. A liberal society, one which shows respect for

pluralism, should be able to support a variety of lifestyles, including the lifestyles of citizens who want to live apart from mainstream society. The negative symmetry principle points to the wrongness of imposing this extra stipulation on residents seeking citizenship.

Carens's membership argument appealed to criteria of social membership such as the connections migrants have with the wider society, and I maintained that any substantive criteria would mean there could be some who fail to meet them. The respect argument, by contrast, appeals only to the fact that migrants are normally resident in society, and to the rights they thereby acquire. The respect argument, therefore, differs from the membership argument in theory, then, as well as we have just seen, in practice, since it supports some, albeit modest, hurdles which those seeking naturalisation must first pass over. A further difference between the respect argument and the membership argument, or at least Carens's version of it, is that the former would not support automatic naturalisation for resident migrants who had met all its requirements. It is surely a failure of respect to say that, while migrants have the moral right to become citizens of their society (certain conditions being met), they do not have the moral right not to be citizens. The right not to become a citizen is, like the right to live apart from mainstream society, important for some people.

In discussing the coercion view above, I noted López-Guerra's (2005) argument that overseas nationals should lose their right to vote in the state whence they came on the grounds that they are no longer subject to the coercive power of the law there. The respect account of naturalisation offers a counter-argument along the lines of the equality objection which López-Guerra considers (López-Guerra, 2005, pp.227-9). The equality objection says that overseas nationals remain citizens and should therefore enjoy all the rights of citizenship. The respect argument's gloss on the equality objection emphasises in particular the consequence of having two classes of citizens, one of them distinguished by their nonpossession of the full set of citizenship rights. This, the respect argument contends, is a failure of respect. It communicates to overseas nationals the message that they are not members in full standing; their status is lower than citizens at home. Indeed, I would maintain that, on the grounds of equality of respect, citizens domiciled overseas should continue to possess all of the rights of citizenship which their compatriots back home normally enjoy. Overseas citizens may not experience disenfranchisement or loss of other civic rights as an assault on their self-respect, in fact it is not likely that many will; but, as I emphasised above, the respect argument does not appeal to contingent empirical facts such as these. It is a philosophical argument about the grounds of respect. The respect argument simply says that citizenship is a status which, once conferred, by birth or naturalisation, should not be curtailed, even for those who have made a voluntary decision to live overseas.

The respect argument has, I believe, a phenomenological advantage over the contribution, coercion and membership arguments in that it accords better with migrants' actual motivations for seeking to naturalise. I suggested above that insisting on a contributory requirement from migrants did not sit well with a message of inclusion from state authorities and was not likely to encourage naturalisation. The coercion argument does not involve any such requirement. However, there is no evidence that unjustified coercion is seen as a serious wrong by migrants, at least judging by the voting rates of aliens granted suffrage and newly naturalised citizens

compared to established citizens (Rath, 1990, pp.143-5; Shaw, 2007, pp.125-6). Most people, after all, migrate for economic reasons or to rejoin their families. The coercion argument thus turns on a normative premise which is not much in the minds of those eligible to naturalise. I also raised the possibility of resident migrants who do not seek to form connections and attachments beyond their group. The respect argument, by contrast, fits with the near universal desire to be respected by those with whom one interacts. Migrants may feel ambiguous about their membership of their new society. They may have more personal connections with their society of origin than their new home, feel that they really belong there rather than the place where for economic or family reasons they are presently settled, take more of an interest in how their original society fares than their new one, and so on. But it is very unlikely that migrants do not want to have an equal status as potential participants in the system of institutions which governs much of their lives. To be sure, it would be naïve to ignore the pragmatic reasons behind people's desire to acquire a passport of their new state. With that passport comes the freedom to choose employers, to travel back and forth between their original and new state, total immunity from deportation and so on. But besides these motivations, migrants (like everyone) surely do desire that they can be members in full standing of the civic institutions which govern many aspects of their lives. As I have emphasised, the respect argument does not appeal to migrants' felt self-respect. However, while a loss of self-respect does not always result from a failure to be respected (the disenfranchisement of overseas nationals is an example of where it may not), it very often does. It does seem likely that if naturalisation were made very difficult, or even more, *impossible* to obtain, migrants would experience some loss of self-respect. The positive counterpart to this (admittedly a separate thesis) is that if naturalisation were made relatively straightforward – a brief residency requirement and simple tests – migrants may well feel respected by their host society, at least as regards their acquisition of citizenship.

More generally, if migrants feel respected by the society in which they have settled, they are more likely to feel they belong to that society. If actors in society's main institutions show them respect, migrants are more likely to value those institutions, and so on. It is important, as Wilcox, Pickus and others quite rightly say, that migrants (indeed everyone) have the right kinds of attitudes to the society in which they live. My dispute with them concerns how we best foster those attitudes. Whatever other actions it takes to welcome them, I do not believe a state can effectively foster migrants' positive attitudes to their new society if it insists that they have them (far less if it requires them as a condition of naturalisation). Positive attitudes of belonging and so forth are more likely to grow from a soil of respect. By making respect central to naturalisation, we are more likely to create a climate where migrants respect, and indeed value, their new society by the time they become citizens.

Conclusion

In this paper I have made two central claims. First, that one does not respect migrants if one puts obstacles in the way of them acquiring citizenship, and second, that the respect argument, as I have called it, is not subject to the problems of the coercion, contribution and membership arguments for naturalisation, and indeed represent a normative advance on them. Let me end with a comment on what the respect

argument implies about citizenship. Citizenship is a complex notion but the aspect of citizenship I have stressed in this paper is the status that citizens possess. Whatever rights citizens have, as opposed to long-term residents, the latter, just because they are not citizens, lack a public status that the former enjoy (Shklar, 1991). That may not seem terrifically important compared to the set of concrete rights which citizenship entails. But status is important as it articulates the idea that citizenship involves a certain standing; to be a citizen is to be somebody who counts, somebody who can look her fellow citizens in the eye. The respect argument for citizenship hinges on the moral wrongness of some in society enjoying a superior civic status than others. For all who share the intuition that such an inequality of status is a wrong, the argument offers, I believe, a powerful case for naturalisation.

Notes

Many thanks to Michael Bacon, Philip Cook, Speranta Dumitru, Glen Newey, David Owen, Marc Rügger, Shlomi Segall, Tiziana Torresi, the referees for this Journal and audiences at Nottingham, Keele, LSE and Helsinki for useful and constructive comments on earlier versions of this article.

- Anderson, E. and Pildes, R. (2000), 'Expressive Theories of Law: A General Restatement', *University of Pennsylvania Law Review* 148 (5), 1503-75.
- Bader, V. (2005) 'The Ethics of Immigration' *Constellations* 13 (3), 331-61.
- Carens, J. (1989) 'Membership and Morality: Admission to Citizenship in Liberal Democratic States' in W. R. Brubaker (ed.) *Immigration and the Politics of Citizenship in Europe and North America* (Lanham: University Press of America), 31-49.
- Carens, J. (2002) 'Citizenship and Civil Society: What Rights for Residents?' in R. Hansen and P. Weil (eds.), *Dual Nationality, Social Rights and Federal Citizenship in the U.S. and Europe* (New York: Berghahn), 100-18.
- Carens, J. (2005a) 'The Integration of Immigrants' *Journal of Moral Philosophy* 2 (1) (2005a), 29-46.
- Carens, J. (2005b) 'On Belonging: What We Owe to People Who Stay,' *Boston Review* Available at: <<http://bostonreview.net/BR30.3/carens.html>> Accessed 13 December 2007. No page numbers.
- Darwall, S. (1977) 'Two Kinds of Respect' *Ethics* 88 (1), 36-49.
- Ellis, A. et al., *Voting From Abroad* (Stockholm: International Institute for Democracy and Electoral Assistance, 2007).
- Honneth, A. (1995) *The Struggle for Recognition: the Moral Grammar of Social Conflicts* (Cambridge: Polity Press).
- Jacobson, D. (1996) *Rights Across Borders: Immigration and the Decline of Citizenship* (Baltimore: Johns Hopkins University Press).
- King, D. (2005), 'Making People Work: Democratic Consequences of Workfare' in L. M. Mead and C. Beem (eds.), *Welfare Reform and Political Theory* (New York: Russell Sage Foundation), 65-81.
- López-Guerra, C. (2005) 'Should Expatriates Vote?' *Journal of Political Philosophy* 13 (2), 216-34.
- Mason, A. (1999) 'Political Community, Liberal-Nationalism, and the Ethics of Assimilation' *Ethics* 109 (2), 261-286.
- Pickus, N. (1998) 'To Make Natural: Creating Citizens for the Twenty-First Century' in N. Pickus (ed.), *Immigration and Citizenship in the 21st Century* (Lanham, MD: Rowman and Littlefield).
- Rubio-Marín, R. (2000) *Immigration as a Democratic Challenge: Citizenship and Inclusion in Germany and the United States* (Cambridge: Cambridge University Press).
- Sahlins, P. (1996) *Assimilation, American Style* (New York: Basic Books, 1996).
- Schuck, P. (1998) *Citizens, Strangers and In-Betweens: Essays on Immigration and Citizenship* (Boulder, CO.: Westview Press).
- Seglow, J. (2005) 'The Ethics of Immigration' *Political Studies Review* 3 (3), 3-21.
- Shaw, J. (2007) *The Transformation of Citizenship in The European Union: Electoral Rights and the Restructuring of Political Space* (Cambridge: Cambridge University Press).
- Shklar, J. (1991) *American Citizenship: The Quest for Inclusion* (Cambridge, Mass.: Harvard University Press).
- Waldron, J. (1993) 'Special Ties and Natural Duties' *Philosophy and Public Affairs* 22 (1), 3-30.

Waldrauch, H. (2005) 'Electoral rights for foreign nationals: a comparative overview' Paper presented to the *ESF/LESC-SCSS Exploratory Workshop: Citizens, non-citizens and voting rights in Europe*, University of Edinburgh. Available at:

<<http://homepage.univie.ac.at/dilek.cinar/Waldrauch%202005%20electoral%20rights.pdf>>

Walzer, M. (1983) *Spheres of Justice: a defence of pluralism and equality* (Oxford: Basil Blackwell).

Walzer, M. (2004) *Politics and Passion: Toward a More Egalitarian Liberalism* (New Haven: Yale University Press).

Weil, P. (2001) 'Access to Citizenship: A Comparison of Twenty-Five Nationality Laws' in T. Alexander Aleinikoff and Douglas Klusmeyer (eds.), *Citizenship Today: Global Perspectives and Practices* (Washington DC: Carnegie Endowment for International Peace), 17-35.

Wilcox, S. (2004) 'Culture, National Identity and Admission to Citizenship' *Social Theory and Practice* 30 (4), 559-82.

¹ There is arguably a more fundamental question still, which is what a state's immigration policy should be (see Bader, 2005; Seglow, 2005). Some think that the more restrictive a state's immigration policy is, the more relaxed should be its policy on naturalisation. Michael Walzer, for example, holds this view (Walzer, 1983, pp.49-61). The converse view, that a regime of fairly open orders supports a more restrictive immigration policy, may also seem correct to some people. My own view, however, is that both immigration and naturalisation policy should be fairly unrestrictive. In the paper I assume that this is a plausible view to hold. Unfortunately there is not the space to defend it here.

² There may be many born into the church who have little or no commitment towards it or knowledge of it. On the view, I have advanced, it would be unreasonable for them to call themselves members.

³ The other arguments López-Guerra canvasses are expatriates' remittance contribution to their state of origin; their interest in its future well-being; their willingness to comply with fundamental duties of citizenship such as taxation and conscription; and the forced exile of non-voluntary migrants (López-Guerra, 2005, pp.230-3).

⁴ The social membership argument is also attributed to Michael Walzer (1983, pp.52-61). Yet Walzer's discussion introduces different objections to permanent alienage, not always easy to disentangle. He calls it a condition of tyranny (p.61), implying support for the consent argument; objects to the unequal status of citizens and aliens (p.62), endorsing some version of the respect argument, and also stresses how aliens are residents in a long-term basis, (p.59) which may seem to signal support for the membership argument. However, Walzer's main interest is the European guest worker system (pp.56-61), and he says that guestworkers are 'outcasts' in society (p.59), suggesting they are not members of it, though he thinks they should be. For these reasons, I focus on Carens's version of the membership argument here.

⁵ Oddly, in a chapter Carens published just three years before his recent paper, there is almost the same sentence, but supporting a more modest conclusion. He says there that 'after a while they [residents] pass a threshold that entitles them to *virtually* the same legal status as citizens' (Carens, 2002, p.100, italics added). To have almost all the entitlements of citizenship is not to be a citizen.

⁶ To be fair, Carens concedes that tests would not be a 'major obstacle' to migrants seeking naturalisation provided 'they are set at modest levels and applied reasonably' (Carens, 2005a, p.40). But this raises the question of whether those who failed such tests should be denied citizenship if they are (on his account) members of society.

⁷ This may seem inconsistent with the positive symmetry principle insofar as no comparable penalty is imposed on lawbreaking citizens. But recall that that principle concerns the 'central activities' of an association. Living by the law is not an activity in the same way that e.g. economic contribution is.