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Review of David Miller's "*Strangers in Our Midst: The Political Philosophy of Immigration*," in *Ethics*, Vol. 128, No. 1, October 2017, 269-274.

In the last ten years, the ethics of immigration has become a mainstream topic in political philosophy. What previously might have been described as an "applied" area is now rightly regarded as among the central topics in political thought, dealing with essential questions of societal membership. David Miller, along with Michael Walzer and Joseph Carens, among others, deserves credit for being ahead of his time in working on the ethics of immigration well before it was so regularly present in prominent journals, books, and collections. His recent book *Strangers in Our Midst: The Political Philosophy of Immigration* is the culmination of his reflections on a wide range of topics related to immigration and border controls.

In the book, Miller aims to strike a balance between presenting carefully argued views on these issues and ensuring that the work is accessible to non-specialists. In addition to this demanding goal, the book has an impressive breadth, covering not only the more traditional questions in the literature concerning whether and how immigration restrictions can be justified but also skilled worker migration, brain drain, citizenship tests, the social integration of immigrants, and contemporary refugee issues, among others.

Those familiar with Miller's work will not be surprised to find that he defends the view that a self-determining political community must have the right to control its borders. He describes his version of the view as "communitarian" and "social

democratic” (161). The argument for the view proceeds by appealing to four main values: weak cosmopolitanism, self-determination, fairness, and social integration. I have concerns about Miller’s arguments for the importance of each of these values that call into question whether he has given his view sufficient argumentative support.

Miller believes that his philosophical opponents who are less sanguine about or wholly against the permissibility of border controls are typically committed to a view that he describes as “strong cosmopolitanism.” Strong cosmopolitanism is the view that “the fundamental duties we owe to our fellow human beings are exactly the same regardless of the relationship in which we stand toward them” (22). On this view, any form of partiality towards one’s conationals is supposedly problematic. Miller’s central objection to strong cosmopolitanism takes the form of a *reductio*. If one is committed to strong cosmopolitanism, and strong cosmopolitanism “excludes showing any sort of preference for those close to us” (23), then even special concern for our family members, friends, and colleagues is morally forbidden. But very few of us are willing to tolerate this absurd conclusion, and so strong cosmopolitanism, according to Miller, must be abandoned.

Miller’s argument against strong cosmopolitanism elides the distinction between political justice and personal ethics. Proponents of open borders and other strong cosmopolitans need not hold that in everyday life we cannot treat our own, or even ourselves, preferentially in some ways. Few moral theorists have thought that one could not spend more time reading to one’s children or express greater love for one’s children than for the children of one’s friends, including those who are most concerned about the effects of unequal parenting on children (for one example, see Harry Brighouse and Adam Swift, *Family Values: The Ethics of Parent-Child Relationships* [Princeton:

Princeton University Press, 2014]). But bending the rules of political justice to serve one's own child—agitating to implement rules that will favor their professional prospects on the basis of their race or gender, or attempting to bribe jurors to prevent one's child from serving the appropriate sentence for a criminal offense that they have committed—is not a morally appropriate way of favoring them. We can be fully committed to the equality of persons in the domain of politics without sacrificing our unequal attachments to persons in our everyday lives. When we broaden the domain of politics to include international and global issues, it's not clear why the same point doesn't hold. So Miller has not shown that there is a genuine tension between versions of strong cosmopolitanism that theorists are actually committed to and ordinary forms of special concern for family, friends, and colleagues. Further, Miller must be able to demonstrate that his objection cannot be extended to the domestic realm, implying that his own social democratic commitments, which presumably include the equality of citizens, are incompatible with taking our special ties to particular others seriously.

Miller rejects strong cosmopolitanism in favor of the view that he labels “weak cosmopolitanism.” According to weak cosmopolitanism, we are morally required to consider the effects of our actions on other persons regardless of our relationships with them and, so long as there are no relevant differences between people, give them equal consideration (24). Miller explicitly discusses weak cosmopolitanism as a view that can be applied to the actions of states. States cannot act towards individuals in ways that violate their human rights, often have positive duties to help protect those rights, and must give reasons to people if they will be given less than equal treatment to others or if their demands or requests will be refused, even when no rights are at stake (24, 153). It is

not entirely clear why this is a version of cosmopolitanism, as opposed to a moderate version of communitarianism or statism. Indeed, Miller refers to his theory of immigration as “communitarian” (161), and communitarianism and cosmopolitanism are typically thought to be views whose compatibility would at least have to be explained. No sustained discussion of the relationship between these terms is given in the text.

As Miller notes, his formulation of weak cosmopolitanism is compatible with states showing strong partiality towards insiders, since it is merely the case that some reason must be given to outsiders for doing so. Miller is obviously aware that there must be some further constraints on what reasons count. He says that the reasons have to be “relevant” and “good reasons, reasons that the immigrants *ought* to accept given that the general aims of the policy are legitimate ones” (105). These terms are unfortunately not very helpful in justifying the views on particular immigration policies that Miller wishes to put forward. Given his focus on reason-giving in setting up weak cosmopolitanism as a value, the reader would like more direct discussion of how this value dictates the way that reasons pertaining to the interests of citizens and non-citizens should be weighed in thinking about immigration policy.

The second value that Miller appeals to is self-determination, intended as self-determination of a political society or nation. As readers familiar with his previous work will know, Miller holds that nations are the appropriate holders of rights to occupy territory (David Miller, “Territorial Rights: Concept and Justification,” *Political Studies* 60 [2012]). A group with a shared national identity, a concept of itself as a nation that extends back into the past and forward into the future, that transforms the land at stake and endows it with material and symbolic value is how Miller characterizes a nation. It’s

the nation that is the self involved in self-determination as a value that justifies the permissibility of immigration restrictions. By self-determination, Miller means “the right of a democratic public to make a wide range of policy choices within the limits set by human rights” (62). For a democratic public or nation to exercise its right to self-determination, it must be able to make a wide-range of choices regarding matters such as public housing expenditures, education, medical facilities, and so on. Because the rate of immigration and the qualities of individual immigrants, including their level of education and health, will affect the nation’s ability to address these matters, it is important for the sake of the nation’s self-determination that it be able to control immigration. Miller clarifies that he doesn’t believe that a self-determining nation must close its borders, but rather that it must have the right to do so.

According to Miller, national self-determination has a value that most people recognize and that is morally relevant. At one point, he suggests that even though some people will not think of their nation as a group that shares similar cultural values, a sense of belonging to a particular place and historical roots as a distinct community, and that all of these things are valuable, they must recognize that national identity is an important and morally relevant form of commonality (26, note 9). But why should we think that national self-determination, in the sense of the self-determination of a persisting nation with the sort of identity that Miller ascribes, is of any value?

On this question, Miller takes the Millian approach of holding that strong evidence for something’s being desirable is that people actually desire it (John Stuart Mill, *Utilitarianism*, Second Edition, ed. George Sher [Indianapolis: Hackett Publishing Company, Inc., 2001, originally published 1863], 35), although unlike Mill, Miller

doesn't say that this is the sole evidence of its desirability. He then furnishes his argument that national self-determination is desirable, and hence valuable, with the example of peoples who have previously lived under colonial rule. He asks "why have people been so eager to throw off colonial rule and be governed by those they regard as their compatriots even when there was little evidence that the quality of their governance would actually improve as a result?" (69). His answer is that they valued national self-determination. It seems to me, however, that the former imperial colonies were harmed to the extent that there was good reason to think that nearly any form of self-rule would be an improvement in governance. It is far from obvious that the reasons to get rid of colonial powers isolate self-determination as the key factor, rather than the savage treatment and disrespect that the people living in the former colonies were subjected to, among others. At the very least, Miller needs a better example and empirical evidence to support his claim that nations have sought self-determination in ways that can't be traced, primarily, to the setbacks they suffer when subject to external rule.

The last two values that inform Miller's theory are fairness and social integration. Fairness is meant to apply to the construction of social practices and the conduct of individual participants in these practices. To the former, Miller holds that a balance has to be struck between the claims of immigrants and the responsibilities that they have to the societies they enter. A state cannot simply leave immigrants to fend for themselves once they've been taken in, but immigrants also have responsibilities, and Miller's core example is the responsibility to integrate into the society that they are a part of (155). To the latter, Miller also emphasizes the responsibilities of immigrants to respect the terms

of their admission and not to try break the rules of the society in order to secure greater benefits or, in the case of temporary immigrants, to overstay their visas.

Miller clearly aims to separate his view from the very permissive views of nineteenth century liberals, such as Henry Sidgwick, who he interprets as having held that whatever terms the immigrant is willing to accept are just (155-156). He also, however, holds that looking at immigration “exclusively through the lens of human rights” grants too much leeway to immigrants (156). This sort of approach, which he clearly associates with open borders positions, “really does seem to treat immigrants as perfect strangers,” according to Miller, because “it places them beyond the scope of the principles of fairness and reciprocity that are normally understood to run like threads throughout social life” (*ibid.*).

Relatedly, Miller appeals to the value of social integration to argue that immigrants must be willing to make themselves a part of the society that takes them in. For example, they must respect the existing character of public spaces in the society by not building religious or other architecture that can be seen as “overshadowing nearby churches” (149). The receiving society, on the other hand, must be willing to adapt its identity to acknowledge the presence of immigrants, including the historical narratives that involve a sense of who the society’s members have been and will continue to be (145).

Clearly, the values of fairness and social integration are deeply related. Most of what Miller has to say about these values is plausible at a high level of generality. However, I have concerns about how these reasonable general statements will tend to be applied in the case of immigrants, who have much less in the way of bargaining power

and resources than those who are typically disagreeing with them over what is fair or what is required of them in terms of social integration. To use Miller's example, referring to the controversy over the Swiss minaret referendum in 2009, it is clear that what counts as "overshadowing" a society's existing religious institutions is highly manipulable in public discourse. Whereas immigrants already often face unfounded worries that they are not playing by the rules or want to turn the society into something unrecognizable, Miller's theory provides a rationale for ignoring the lesser bargaining power that they have as compared with members of the society who have been present longer. It is unlikely in real world circumstances, which Miller hopes his theory will be sensitive to, that participants invoking the values of fairness and social integration will manage to strike the morally right balance on such issues without a deep awareness of the precariousness and discrimination that immigrants regularly face. These considerations provide some reason to think that a theory of immigration should do more to account for the tendencies of existing societies to ignore, or give less than appropriate consideration to, the needs and views of immigrants than Miller has suggested.

I noted above that Miller thinks that approaches to immigration that focus exclusively on human rights are problematic because they treat immigrants as "perfect strangers," rather than people with whom members of society share bonds and requirements of reciprocity. It is only natural then to discuss the title of Miller's book. Miller realizes that this title will be provocative (18-19), and notes that he has borrowed it from an essay written by his advisor, John Plamenatz (John Plamenatz, *Strangers in Our Midst*, *Race* 7 [1965]). Whereas I cannot speak to the social context in which Plamenatz chose his title, however, it strikes me that Miller has made a mistake. With practically-

engaged philosophy aimed at a broad audience, in particular, the words we choose matter. By presenting the book with this title, Miller makes a choice that he should have anticipated to evoke particular associations rather than others. Discussions of strangers walking among us foreseeably evoke fear and distrust of these people. By comparison, discussions of relationships across borders, our duties to people facing dire circumstances, or the demands of humanity place the emphasis on the ways in which we are already connected to immigrants, including refugees. They are not people with whom we only share the moral relationship of reciprocity. Most Westerners are descendants of immigrants, in some cases refugees, or have benefited from colonialism and global injustice, which are partly responsible for the plight of many people seeking admission into our societies today. To suggest that they are strangers walking among us at this point overlooks these existing associations, personal and moral, and should not escape criticism. It is not an arbitrary choice how we describe and characterize others, particularly people who are among the worst off and most subject to danger, conditions which our societies have in many cases had a part in creating.

In all, Miller's book presents a moderate-restrictionist view of immigration that is a further refinement of the sort of view he has been exploring in many of his prominent writings on the topic. A key motivation for the book, Miller notes, is to provide a theory that will justify and inform a clear policy on immigration to a public that will continually evaluate this policy on the basis of its effects in the world (160). It is hard to disparage this goal, but I hope to have shown in this review that there are good reasons to question whether Miller's theory can meet it. Nonetheless, the book is an important and

stimulating contribution to the ethics of immigration literature that will be required reading for specialists and also contains much that will be of interest to non-specialists.

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