

David Miller, Strangers in Our Midst: The Political Philosophy of Immigration

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David Miller, Strangers in Our Midst: The Political Philosophy of Immigration, Cambridge: Harvard University Press, 2016, 218 pp.

Ethics of immigration has recently emerged as a topic of great interest among political theorists and philosophers. This is not surprising since global migration has recently received a good deal of media coverage and political attention, due to the great number of refugees and economic migrants attempting to enter western liberal democracies.

One of the central questions in the debate on immigration within political theory and philosophy is whether liberal democratic states have a moral right to restrict immigration so as to serve their political, cultural and economic interests best.

The standard position in mainstream international politics regarding this question is based on a widely shared intuition about state autonomy regarding external affairs. Sovereign states have a right to choose their immigration policy as they see fit, with some constraints primarily regarding refugees as a specifically vulnerable group of migrants. This entitles a sovereign state to choose freely whom to accept into their political membership (on what grounds and selection criteria), how to shape their integration policy, and impose both on selected immigrants.

This position has since been widely debated and placed under moral scrutiny. Political philosophers and thinkers question assumptions under-

lying the standard position with regard to human right issues, global justice, equality of opportunity and other recognized liberal and democratic values. Joseph Carens, Chandran Kukhata, Philip Cole, Kieran Oberman and many others aim to show that the current international immigration regime is deeply unjust, since it often seriously harms interests of prospective immigrants and sometimes, more troubling, their rights.

David Miller is one of the most prominent liberal thinkers firmly positioned on 'the right to exclude' side of the immigration debate. *Strangers in Our Midst: The Political Philosophy of Immigration* summarizes and further develops Miller's previous work in political philosophy with regard to complex issues of immigration.

This book, although rather concise, covers a wide range of important questions in philosophy of immigration: from human rights, cosmopolitanism and global justice, legitimacy and self-determination of states, cultural identity of citizens and social justice, to the moral difference between various types of immigrants regarding their rights and obligations, status and citizenship acquisition.

The book is divided into nine chapters. The first four give outlines of a broader discussion regarding human rights, cosmopolitanism, compatriotism, and the open borders debate, establishing a philosophical basis for further developing of the author's position. Following the more general introductory chapters, Miller is dedicated to more specific topics, such as the moral difference between refugees and economic migrants, taking into account the debates regarding their rights and integration once accepted into society. In the second part of the book, chapters seven and eight respectively, Miller offers some policy recommendations stemming from the account he develops. The conclusion provides a brief overview of his position with some commentary on methodology.

An important feature of Miller's account is his commitment to *realism*. Instead of venturing into ideal normative theory, which barely relies on current empirical evidence, Miller grounds his book on a realistic premise. Immigration regimes are under stress, there is a great number of immigrants seeking admission, and citizens' sentiments towards their inclusion are ambiguous and increasingly full of resentment and prejudice (159). "What is needed is clear policy on immigration that can be set out and defended publicly" (160), Miller stresses. Throughout this book, Miller is trying to show that states have a general right to shape their immigration policies freely, which includes the right to restrict immigration, with constraints defined with reference to human rights and values of social justice.

Miller's position, described by the author himself as "communitarian" and "social democratic" (161), is based on four main values (153): a weak moral cosmopolitanism, national self-determination, fairness and social integration. Each is connected to the topics that Miller tackles throughout the book.

In his discussion regarding cosmopolitanism, Miller is primarily interested in a moral standpoint that establishes equal moral worth of all human beings. This axiom, as it is commonly stated, means simply "that it is unacceptable to respect and treat people differently simply by virtue of some (morally irrelevant) feature such as their gender or skin color" (22), or relevantly for further discussion, their nationality or cultural affiliations.

Weak moral cosmopolitanism, which Miller endorses, relaxes some counter-intuitive implications of the stronger version while appealing to the same value of equal moral worth of all people. According to strong cosmopolitanism, duties we owe to other human beings are the same “regardless of the relationship in which we stand toward them” (22). Pure impartiality in our dealings with other human beings, regardless of any familial, national, civic or emotional ties—that strong cosmopolitanism requires—boils down in the weaker version to a more robust consideration for human rights, leaving space for partiality in relationships that give meaning to human life, like family, friends and for Miller, especially significant, compatriots and co-nationals.

In the discussion on moral cosmopolitanism, Miller builds a case for *compatriot partiality* (21) in external politics of nation states, which includes relevant immigration policies concerning admission, and afterwards, integration.

What weak cosmopolitanism entails is that states should consider the impact of their policies on people outside their borders, including those who wish to enter, thus granting them equal consideration and respect as fellow human beings (22–24). It “tells us nothing about how much weight should be attached to the interests of different groups of people [...] affected by a state’s policy, other than that some reason must be given if they are going to be assigned unequal weights” (24).

In our interaction with immigrants, Miller states, we should take their interest and moral standing seriously, choosing policies that protect their basic human rights. Taking interests of immigrants seriously, for Miller, amounts to carefully considering their requests, such as becoming a member of our political community, and giving good reasons to them in case of refusal.

States are thus justified in the differential treatment of their citizens and immigrants, so long as human rights of all are adequately protected. Differential treatment is justified by virtue of the nature of relationships in which we stand to others (26). Special, *associative obligations* that states have towards their citizens arise due to economic, political and cultural relationships within the political and *national* community, which prospective immigrants are *not* (yet) part of. Members of a political community participate together in the economy, the division of labour, legal and political schemes; they relate to one another as citizens, share a similar set of cultural values and a sense of belonging to the distinct community that exists through common history (26). For these reasons, when minimally decent life is guaranteed to all, we cannot expect liberal democracies to set aside special considerations they have towards their citizens in the attempt to accommodate all claims of prospective immigrants. However, what can be expected of states is to treat prospective immigrants with due respect and consideration when their claims, as serious as membership in a political community, are assessed.

The second value that informs Miller’s position regarding immigration is *national self-determination* (154). It assumes, according to Miller, a group, *the self*, with a range of values and goals that members recognize as part of their identity (69). For states to be fully self-determining, their

citizens should have a say in shaping the future of their community, according to goals and values recognized as collective. This includes shaping their immigrant policies—whom to accept into the community, when, and under what conditions—since immigration has a profound effect on the political, economic and cultural shape of the community. Self-determination entails “right of a democratic public to make a wide range of policy choices within the limits set by human rights.” (62)

The right to control immigration is important for various reasons and Miller points out several, such as cultural identity, control over policies, population size, social trust and the functioning of democracy. He also addresses some objections to his position.

The value of national self-determination, for Miller, is to be supplemented with the idea of territorial jurisdiction, “that implies the right to control the movement of people in and out of that territory” (58).

Appealing to the value of national and cultural identity, and territorial rights, sets Miller apart from other positions in the immigration debate that are mostly based on the value of self-determination. For example, C. H. Wellman’s position is based on the right to freedom of association as an integral part of self-determination of a community.

The discussion on social justice and social practices that Miller brings up when assessing the rights of immigrants and their integration into society, is guided by the *value of fairness* (155). Fairness requires balance and reciprocity in generating social practices, and adequate distribution of burdens and benefits between participants in society. “Balance has to be struck between the claims that immigrants can rightfully make and the responsibilities they can reasonably be expected to assume.” (155)

According to Miller, issues of social justice are set apart from human rights issues (116). For a state to be legitimate, it is obligatory to provide protection of basic human rights to everyone present in the state, regardless of their citizenship status. On the other hand, rights of social justice are wider, in the sense that they provide benefits, resources and opportunities that go beyond providing a “minimally decent life”, which human rights are designated to protect. For Miller, an adequate immigration policy should be based on reciprocity between the recipient state and the immigrant. Immigrants should be treated fairly, but should also be expected to contribute to the host society and uphold its laws and norms (127). Fairness is constitutive to the notion of citizenship, since the inclusion of legally present long-term immigrants as full political members of society is a prerequisite for upholding liberal and democratic values. Forming a permanent caste of denizens is not in line with the values of a socially just society. This is in line with other prominent thinkers dealing with immigration (e.g. M. Walzer and J. Carens).

Miller applies the notion of fairness to distinguish various types of immigrants. Long term immigrants and temporary immigrants have different sets of rights, obligations and expectations. Treating them fairly, according to Miller, also means respecting designated policies and schemes set with regard to these differences; refugees and irregular immigrants acquire different sets of obligations and policies due to urgency of human rights protection, or irregularity of their presence in the host society. For that

reason, Miller dedicates a more detailed discussion to these types of immigrants—along with their claims, rights and obligations—in relation to their host states.

Finally, closely connected to national self-determination and fairness is the idea of *integrated society* (156). Integration of immigrants into society is essential to forming social relationships between people from different cultural, religious and ethnic backgrounds based on mutual trust, equality and reciprocity. Three different types of integration are acknowledged, with cultural integration being the most controversial. Social integration encompasses participation in social practices, institutions and associations with special emphasis on the way members of different groups interact with each other (132). Civic integration, on the other hand, amounts to full participation in political life of the community, which includes understanding the goals of the community, together with norms and principles that guide political and social life (133). Fostering social and political integration leads to a conflict-free society guided by values of equal access to social services for all permanently residing in the state (134). Cultural integration is rather contestable. It is not, as civic integration is, a requirement, and it can only be an aspiration (149). Critics usually consider it both oppressive and unnecessary (141). Miller is still inclined to consider it as useful aspiration for society that wants to be conflict-free and socially just, since cultural integration means full understanding and acceptance of the public culture, while at the same time it leaves space for accommodating aspects of migrant cultures. If social, political and cultural integration is an expectation that the host society has, with regard to immigrants that wish to permanently become part of the society, then what reciprocity requires is equal inclusion of immigrants in economic, political and social life, with all the benefits that it presupposes (150).

Miller gives an overview of pro-open borders arguments that are compatible with weak moral cosmopolitanism, i.e. arguments from 1) common ownership of the Earth (H. Grotius, I. Kant, M. Risse), 2) global equality of opportunity (J. Carens) and 3) the human right to immigrate (K. Oberman). The purpose of this part of the book, together with the chapter on closed borders, is to show that open borders position can be rejected and that a case for the state's right to restrict immigration can be built and defended.

Open-borders arguments are critically assessed and ultimately rejected, with special concern given to arguments based on the human right to immigrate. A special consideration is dedicated to this specific pro-open border defence strategy, since, without its rejection, Miller's argument would lose its footing. If it were shown that there is a genuine right to immigrate, restricting immigration with appeal to social justice, cultural and national identity and self-determination would not be possible (162). Human right to immigrate would trump these considerations.

Miller recognizes the three strategies used for justifying the human right to immigrate, which, in a strict sense, is defined as a negative right not to be prevented from entering and settling in any state (49). These strategies are as follows: 1) direct strategy, 2) instrumental strategy and 3) cantilever strategy. The direct strategy aims to show that the right to immigrate has the same grounds as other human rights. What needs to be

shown is that having such a right enables people to live decent lives (50). When discussing the right to immigrate, it is argued that it allows people to enjoy a wide spectrum of *life options* that are not all available in their home country. For Miller, particular preferences and interests, such as career opportunities, relationships or cultural preferences, satisfied only by moving to another country, cannot justify the general human right to immigrate. If states are legitimate, and they protect human rights of its citizens and offer an adequate range of life options important for a decent human life within their borders, then there is no basis for establishing a general right to immigrate that would enable other life options elsewhere. Refugees are a clear example of people whose life options are severely reduced and their human rights limited, which is exactly what gives strength to their claim to immigrate. It is important to note that Miller defends a minimal conception of human rights. Their function is to protect basic human needs and interests and to ensure a minimally decent life. Miller emphasises “that the purpose of human rights is to identify a threshold that must not be crossed rather than to describe a social ideal” (33). This conception of human rights is less demanding than positions that ground human rights in human autonomy, and also see them as positive rights that facilitate the fulfilment of autonomous human life. Thus our particular interest in options outside of our country, when an adequate range of other options are available, is not powerful enough to ground the right to immigrate as a human right.

Instrumental arguments try to show that the right to immigrate is needed as protection of other rights and freedoms (52). Miller specifically stresses the right to exit as recognized in international human rights documents (i.e. Universal Declaration of Human Rights, 1948), which is, however, not matched by a corresponding general right to immigrate. For Miller, the reasons are obvious: we do not need a general right to immigrate for the right to exit to be meaningful. It suffices that one country is willing to allow us to immigrate, and that this can be fulfilled by, for example, bilateral agreements (52). What is needed is an *adequate* level of protection for other rights and freedoms, and for that, Miller stresses, an unlimited right to immigrate is not needed. Instrumental arguments open other important questions, and Miller tackles the so called ‘brain-drain’ issue; the cost of out-migration of professionals from poor countries, that results in the lack of basic services, such as health service, are borne by the most vulnerable and poor that are not even able to emigrate (53). He concludes, “taking everyone’s human rights into account, recognizing a human right to immigrate does not provide optimal protection for other human rights if one of its effects is to encourage more brain drain from poor states” (53). However, one should note that brain drain is a complex matter, with multidimensional effects on poor states. Using it as philosophical argumentation in the immigration debate, without taking into account complex data from social sciences, can be problematic, as Kieran Oberman points out shrewdly in his article ‘Poverty and Immigration policy’.

The third and final strategy for defending the notion of the human right to immigrate is the so-called cantilever strategy. It begins from the notion of the human right to freedom of movement within each state. The right to freedom of movement (or immigration) beyond borders is considered to

be the logical extension of the right to freedom of movement within state borders (53). Joseph Carens advocates this strategy in his book *The Ethics of Immigration* (2013). The reasons for which liberal democracies treat freedom of movement within each state as a general human right are same in the case of movement between states. Opponents of the cantilever argument either have to bite the bullet and concede that there are no violations of rights if people are prevented to move from one region or state to another, both of which provide an adequate range of options, or explain how border control is compatible with the mentioned right (54). Miller gives reasons for destabilizing the analogy between cross-border movement and movement within a state. First, unrestricted freedom of movement is costly. In the domestic case, this is manageable, but on the international scale costs and stakes can be higher, leaving states without mechanisms to protect their citizens. Secondly, the right to freedom of movement in the domestic case prevents the state from dominating minorities, by, for example, resettlements or segregation. Human rights of such groups outside a particular country are not endangered in this way by restricting immigration.

With the open borders positions refuted, and values of national self-determination supplemented with the idea of territorial jurisdiction and the weak cosmopolitanism premise put in place, Miller concludes that it can be shown that states have a right to restrict immigration. The right to close its borders is not coercive, Miller stresses, but preventative, giving regard to self-determination, population control and a proper functioning of democracy. States, however, have responsibilities towards different types of prospective immigrants in admission, and later, for those accepted, in their integration. As noted earlier, these responsibilities are to be guided by values of weak moral cosmopolitanism, fairness, and an integrated society. A large part of the book is dedicated to untangling sets of responsibilities states owe to different types of immigrants. For refugees, these are more extensive and urgent, while for economic migrants, the relationship is of mutual benefit. One group of potential immigrants is singled out, and Miller calls them *particularity claimants* (77). Their claims are “held against one particular state” (77), in virtue of previous events, such as service to the state, or some past injustice suffered by the hand of a particular state. The difference between these is that refugees and economic migrants can hold claims against any state, while particularity claimants have a special relationship with one state against which they hold a claim for admission, for example as a form of reparation.

These and many other questions regarding immigration are raised in this book. The discussion is based on Miller’s previous work on social justice, nationality, global justice and responsibility. His account is informed by important work from other political theorists and philosophers that deal with immigration. However, a more extensive book format would be needed to provide space for a more detailed discussion, with opponents and philosophers of similar accounts—not to mention extensive research of social scientists concerning various aspects of immigration.

Miller does not give his readers a simple recipe for ideal immigration policy. What this book provides are outlines of immigration policy that should be based on four values mentioned earlier. A precise shape of policy

should be developed by each country, in line with other goals (160), values and interests that their communities cherish. Questions raised in this book are not easy, as Miller aimed to show, and faced with crises such as the one in Europe in 2015, scientists, politicians and theorists will be faced with a daring task of answering them.

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