

The Great Wall of Britain

by Aurélien Allard

David Miller takes a clear stance on immigration: states have the right to close their borders, but also, to a certain extent, the duty to welcome refugees. His arguments, however, are not entirely convincing.

Reviewed: David Miller, *Strangers in Our Midst, The Political Philosophy of Immigration*, Harvard, Harvard University Press, 2016, 212 pp.

While the issue of migration was marginal in classical philosophical theories in the past, recent decades have seen the rapid growth of a genuine moral and political philosophy of immigration. With his book *Strangers in our Midst*, the British philosopher David Miller enters this growing debate in order to defend a clear-cut, unequivocal position: he maintains that states have the right to express a preference for their own citizens, meaning, in particular, that they have the full right to limit immigration if it is in their own interests. As such, David Miller's position opposes cosmopolitan theories defending the opening of borders as a moral and political necessity.¹

Although this is David Miller's first book devoted entirely to the philosophy of immigration, the book follows on from the author's previous work on the question of nationalism and the difference between national and global justice.² The book possesses all the qualities that are characteristic of Miller's work: the British philosopher once again makes a clear argument based largely on empirical works drawn from the various social sciences. As is the case in his other works, the author seeks to reconcile two apparently opposing positions. On the one hand, he tries to defend common sense and popular opinion, arguing in favour of the right of states to defend their own interests and to close their borders. On the other hand,

1 Cf. for example Joseph Carens, *The Ethics of Immigration*, Oxford, Oxford University Press, 2013, and its review by Mathilde Unger, "Démocratie et politique migratoire", *La Vie des idées*, 28 May 2014 (<http://www.laviedesidees.fr/Democratie-et-politique-migratoire.html>).

2 Cf. David Miller, *On Nationality*, Oxford, Oxford University Press, 1997, and *National Responsibility and Global Justice*, Oxford, Oxford University Press, 2012.

he endeavours to formulate a critical philosophy that can show the moral deficiencies of current policies. In *Strangers in Our Midst*, this perspective includes the defence of a (limited) opening of borders to refugees (but not economic migrants), a defence of the equality of all persons legally residing in a territory, and a criticism of the supposedly devastating effects of the brain drain in countries of origin. In fact, however, *Strangers in our Midst* appears more as an enlightened defence of the status quo than as a proposal for any radical change in our migration policies.

National preference and the closing of borders

In the first chapters of his book, David Miller defends the right of states to close their own borders. Miller's argument is based on two basic principles: first, on what he calls "weak cosmopolitanism", and, second, on the right to self-determination. By weak cosmopolitanism, Miller specifically understands the idea that

if there are no relevant differences between people, we should afford them equal consideration. (p. 23)

While this principle implies that all human beings deserve a priori equal consideration, it is perfectly compatible with a difference in treatment if there are "relevant differences" between individuals. In the context of migration, the fact that we constitute a political, economic, and national association with our fellow citizens means, for David Miller, that we have particular duties towards them, which do not extend to foreigners or therefore to potential migrants. As a result, Miller argues that we have limited duties to people outside our political community: we have duties to them only if their situation is critical (particularly in the case of human rights violations), or if the cost of assisting them would be negligible for our political community.

According to David Miller, immigration has a potentially high cost to the host community, as it poses a threat to the right to political self-determination. By self-determination, D. Miller understands "the right of a democratic public to make a wide range of policy choices within the limits set by human rights" (p.62). Immigration may threaten self-determination in two ways: first, it changes the composition of the sovereign people, making their control over the future more uncertain. Miller's argument is that migrants' values are different from those of the host population; however, if a society does not know what the values of its citizens will be in the future, it is difficult to determine to what extent the decisions taken in the present will continue to be applied, which may limit a society's ability to choose its future. His second argument is that immigration may threaten the self-determination of the host population, in that ethnic diversity may lead to a loss of trust in other people. Miller relies here on economic studies analysing the impact of diversity on social cohesion. Trust, however, forms the basis of many policies, especially in the social sphere; the

financing of solidarity measures presupposes that citizens have confidence in the fact that other members of society will do their share of the work. Diversity may therefore constitute a serious threat to a society's ability to choose a set of social policies.³ Miller's conclusion, therefore, is that immigration poses a potential threat to the self-determination of peoples, which in turn justifies the idea that states have a right, indeed a duty, to close their borders.

However, this sovereign right to close their borders is curbed by the duty of states to protect human rights, including outside their own borders. Accordingly, David Miller considers that states have the duty to accept refugees, as long as doing so does not carry a disproportionate cost for them. In the case of economic migrants, however, the choice of whether or not to accept them is at the sole discretion of the state.

Rights of migrants and duty of integration

The decision of whether or not to welcome economic migrants is therefore solely at the discretion of states. The situation changes, however, if a state chooses to host migrants. According to David Miller, from the moment migrants have been legally received, obligations of fairness govern their potential treatment. Given the moral equality between individuals subject to the authority of the same state, Miller considers that migrants who wish to remain in a territory must have the same rights as national citizens. He advocates a philosophy of fairness, which imposes rights and duties on both the host country and the migrants. He believes that migrants are entitled to demand the same social and political rights as citizens born in the country; in exchange, the host state may require migrants to fully integrate with the host culture, including learning the country's language and political culture. Miller devotes a number of pages to defending citizenship tests. These tests, which were rolled out across Europe after the year 2000, make the obtaining of citizenship dependent on passing a civic examination, which aims to assess an individual's knowledge of the culture, history and political institutions of the host country.⁴ Miller contests the idea that such tests can be considered "oppressive", and defends their function of linguistic and civic integration. Although the usefulness of such measures is questionable, the political conclusions reached in these chapters on integration appear a good deal more consensual compared with the more intense debates around the issue of opening up borders.

³ I have passed over a third argument in favour of closed borders – which is, to say the least, surprising – according to which the limitation of immigration is an essential lever in the fight against global warming.

⁴ For a critical viewpoint on the development of these tests, cf. Christian Joppke (2007) "Beyond National Models: Civic Integration Policies for Immigrants in Western Europe", *West European Politics*, vol. 30, n° 1, p. 1-22.

The uncertain cost of immigration

Much of the interest of *Strangers in our Midst* lies in its unbridled defence of border closure. Despite the relevance of this approach, however, David Miller's arguments for closed borders are established on extremely fragile foundations.

As already discussed, his first argument is based on the fact that the self-determination of a people implies the existence of shared values that remain stable over time; however, Miller maintains that the arrival of migrants would risk jeopardising these national values. This argument can be considered to have two major weaknesses. First, as Miller himself acknowledges, generational differences render illusory the idea that social values can persist over time (one need only think of the rapid secularisation of European societies during the 20th century). Immigration is not the only threat to the stability of social values in Europe. Secondly, it must be noted that the author's argument is extremely vague. David Miller does not say exactly what values he has in mind, how they might change, and how that change in values would challenge a society's self-determination. It is not clear, for example, how an increase in the number of migrants may be liable to change French people's attachment to social security, to the pension system, to education, and so on. Miller is likely to have more specific political issues (gender equality, for example) in mind; however, in that case, he should have discussed more clearly these potentially conflicting themes.⁵ Making reference to the supposedly different "values" of migrants seems too general and too vague to constitute a convincing argument.

The book's second argument in favour of closed borders is that ethnic diversity represents a significant cost to the host society because it threatens mutual trust. Even though such an argument is, obviously, not in itself absurd, it would need to be supported by a solid empirical basis. And yet, while Miller cites a number of works in support of his theory, he himself acknowledges that there is an ongoing debate in the social sciences on this subject and that the question of the link between immigration and trust is far from settled⁶. As one of the central arguments of the book, this requires a more solid foundation.

Generally, David Miller's book makes a welcome contribution to debates on immigration, and is proof that philosophers can shed new light on issues at the centre of current political events. Nevertheless, the book also demonstrates that philosophy cannot substitute for the social sciences in formulating concrete policy recommendations.

⁵ Miller does cite one example in passing (p.64): he indicates that a group of migrants might demand a change of day off (probably to get a day off on Friday in the case of Islam). This seems unlikely to be a serious threat to the self-determination of a people.

⁶ It should also be noted that all the works cited by David Miller on the link between ethnic diversity and trust are based on the situation in America and are therefore largely based on the impact of relations between whites and blacks in the United States. Any extrapolation to a migratory context, and *a fortiori* to migration in a European context, seems particularly hazardous.

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