

Immigrant Neighbors, Workers, and Caregivers in Our Midst: What We Owe Each Other

STRANGERS IN OUR MIDST: THE POLITICAL PHILOSOPHY OF IMMIGRATION.

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Over the span of four decades, David Miller has developed an expansive research agenda in political philosophy encompassing the fields of social justice, nationalism, and global justice.¹ In his previous book, *National Responsibility and Global Justice*, Miller developed a theory of how we should combine our obligations towards our compatriots with our duties of global justice.² In the wake of the mass movement of asylum seekers from Syria and beyond into the European Union in 2015, Miller's *Strangers in Our Midst* builds on this expertise in nationalism and global justice to offer a provocative and timely account about how citizens should think about and respond to immigration "to join our societies."³ His message will likely continue to resonate with United Kingdom citizens' concerns about immigration policy raised during Britain's June 23, 2016 referendum vote to renegotiate its relationship with the European Union.⁴

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1. See generally, e.g., DAVID MILLER, MARKET, STATE, AND COMMUNITY: THEORETICAL FOUNDATIONS OF MARKET SOCIALISM (1989); DAVID MILLER, ON NATIONALITY (1995); DAVID MILLER, SOCIAL JUSTICE (1976).

2. See generally DAVID MILLER, NATIONAL RESPONSIBILITY AND GLOBAL JUSTICE (2007).

3. DAVID MILLER, STRANGERS IN OUR MIDST: THE POLITICAL PHILOSOPHY OF IMMIGRATION 1 (2016). Beyond legal immigration and naturalization, Miller also refers to a process of social incorporation, and a form of belonging that he describes as social membership with rights and obligations. *Id.* at 124, 132, 134–35. An immigrant may have a moral claim to social membership in a community or country as a contributing member even when she has not entered legally. See *id.* at 124 (claiming it would be unjust to force a migrant who has contributed to a society to withdraw from that society without reciprocity for those contributions).

4. See David Miller, *Win or Lose, the Brexit Vote Shows How Hard It Is To Defend the EU*, FOREIGN POL'Y (June 22, 2016), <http://foreignpolicy.com/2016/06/22/win-or-lose-the-brexit-vote-shows-how-hard-it-is-to-defend-the-eu/> [https://perma.cc/2NGM-H2DP] (describing immigration's role in the Brexit vote); Sarah O'Connor & Gonzalo Viña, *What Will Brexit Mean for Immigration?*, FIN. TIMES (June 24, 2016), <http://www.ft.com/cms/s/0/a874de26-34b2-11e6-bda0-04585c31b153.html#axzz4IRtKRRkL> [https://perma.cc/3MJH-EJKG] (elaborating on immigration policy after Brexit).

Miller's *Strangers in Our Midst* seeks to balance citizen apprehensions about regulating, integrating, and potentially naturalizing millions of newcomers, while meeting international obligations and safeguarding the basic human rights of all migrants.⁵ Miller begins and concludes his account of immigration regulation, integration, and naturalization from what he describes as both a "communitarian" and "social democratic" perspective.⁶ As a communitarian, he disavows the idea that "a political philosopher could lay down" a single immigration policy "as the just or correct policy for all the liberal democracies (let alone all societies) to pursue."⁷ He is adamant about the value of national identity grounded in the shared historical experiences of people with memories and obligations to one another that extend into the past, are remembered today, and extend into the future.⁸ As such, he challenges the notion that there is a universal prescription for how diverse nations should think about or regulate immigration and naturalization.

It should come as no surprise to the reader, then, that Miller writes with a particular interest in the challenges that mass migration has posed for Great Britain and its European neighbors in recent years. Miller's work often begins from the vantage point of the citizen of European states witnessing the mass movement of migrants across the sea and through border-control posts.⁹ Here, he prefaces his discussion with the statement that in "European societies, large majorities of citizens wish to see levels of immigration reduced."¹⁰ Miller emphasizes the salience of this concern in his home country of Britain, where anti-migrant pressures fueled calls for UK independence from the European Union.¹¹

Concerns about the future of border controls; interior immigration regulation; social, cultural, and civic integration; and naturalization requirements are front and center in Miller's book. *Strangers in Our Midst* also shows some concern for the distinct challenges that North Americans have faced with long-term unauthorized immigrant settlement over several generations and the United States' long history of integrating newcomers.¹² Miller is aware that despite political polarization in the immigration debate

5. David Miller, *The Migration Crisis: How Should European States Respond?*, DEP'T POL. & INT'L REL. KNOWLEDGE EXCHANGE, OXFORD U., <http://www.politics.ox.ac.uk/ke-feature/the-migration-crisis-2015-how-should-european-states-respond.html> [https://perma.cc/5JJF-U399].

6. MILLER, *supra* note 3, at 161.

7. *Id.*

8. *Id.* at 26–28.

9. See DAVID MILLER, ON NATIONALITY 2–4 (1995) (posing a series of questions related to the legitimacy of nationality-based immigration and territorial policies).

10. MILLER, *supra* note 3, at 1.

11. *Id.* at 1–2; Will Somerville, *Brexit: The Role of Migration in the Upcoming EU Referendum*, MIGRATION POL'Y INST. (May 4, 2016), <http://www.migrationpolicy.org/article/brexit-role-migration-upcoming-eu-referendum> [https://perma.cc/JE9K-MWC7].

12. MILLER, *supra* note 3, at 4–5.

in the United States, public opinion “is more evenly divided between supporters and opponents.”¹³ Here, Miller offers some valuable insights into the challenges associated with the influx of asylum seekers for states seeking to maintain credible and consistent immigration policy commitments. Religious differences between immigrants and multigenerational citizens feature more heavily in Miller’s discussion of cultural integration than in comparable works about immigration to the United States.¹⁴ His concern that adherents of minority religions “should have the freedom and opportunity to create places of worship that meet their religious needs” while respecting “the existing character of public space” still has some resonance in the United States in the wake of the Ground Zero mosque controversy.¹⁵ However, given the United States’ long history as a nation of immigrants and more laissez-faire attitude towards civic integration, American readers may be more drawn to Joseph Carens’s concern that demands for expansive accommodations by immigrants to the “historic culture of the majority group” would interfere unjustly with their personal liberty.¹⁶

Readers versed in the political debate over immigration in the United States may also wonder why Miller devoted less attention in his work to the future of family-based immigration policies. People who apply to enter a state on the grounds of family reunification—which on average comprised 65.1% of all U.S. immigration visas issued between 2003 and 2012—are only mentioned in a single paragraph in Miller’s discussion about the rights of immigrants.¹⁷ Miller justifies this omission because the right to immigrate as a family member often depends on the sponsorship of a citizen or legal permanent resident and not on the immigrants themselves.¹⁸ This point should not be sufficient to end discussion of this important immigration category if we are concerned with citizen interests in immigration selection, influences affecting the integration of immigrants, and pull factors that cause migrants to come to one country, rather than another, with or without

13. *Id.* at 2.

14. *Compare id.* at 146–50 (contemplating how religious values embedded in the national culture create difficulties for the cultural integration of immigrants with different religious views), with LIAV ORGAD, *THE CULTURAL DEFENSE OF NATIONS: A LIBERAL THEORY OF MAJORITY RIGHTS* 66–67 (2015) (deemphasizing the role of religious differences in modern American immigration debates).

15. See David S. Gutterman & Andrew R. Murphy, *The “Ground Zero Mosque”: Sacred Space and the Boundaries of American Identity*, 2 *POL. GROUPS & IDENTITIES* 368, 377 (2014) (observing that President Obama framed the legitimacy of the Ground Zero mosque in terms of First Amendment rights, while others “question[ed] the ‘wisdom’” of constructing a mosque and suggested that the project be moved to a “less sensitive” location).

16. MILLER, *supra* note 3, at 135, 148; JOSEPH H. CARENS, *THE ETHICS OF IMMIGRATION* 78, 83 (2013).

17. MILLER, *supra* note 3, at 113; Michael J. Sullivan, *Legalizing Parents and Other Caregivers: A Family Immigration Policy Guided by an Ethic of Care*, 23 *SOC. POL.* 263, 265 (2016).

18. MILLER, *supra* note 3, at 113.

authorization. One of the central concerns of *Strangers in Our Midst* is whether “states are obliged to weigh the interests of all human beings equally when deciding upon their policies, or whether they are legitimately allowed to give more weight to the interests of their own citizens.”¹⁹

Family reunification is an immigration-policy consideration that affects all citizens, in theory, who may have a potential interest in sponsoring a spouse or family member to come to their country.²⁰ In practice, it sets some citizens—who have continuing family ties to other countries through travel or immigration and who want expansive family-immigration policies—against others who have no eligible relatives to sponsor and who would prefer that these slots be reallocated to migrants with special skills, refugees, or asylum seekers.²¹ Indeed, family reunification is related to one of the central concerns of Miller’s book: how to attend first to one’s own citizens in the construction of an immigration policy and the limits to this partiality.²² Second, family immigration plays a role in another one of Miller’s central concerns: the social and civic integration of immigrants. In Miller’s brief discussion of the family and immigration, he notes that conceptions of family life that are foreign to the society in question—like gender inequality, polygamy, and forced marriages—can hinder immigrant civic integration.²³ Conversely, American sociologists Alejandro Portes, Rubén Rumbaut, Richard Alba, and Mary Waters credit selective acculturation with upward socioeconomic assimilation and biculturalism among second-generation immigrant youth.²⁴ Ideally, through the process of selective acculturation, parents and children both learn the language and customs of their new country while remaining a part of an ethnic community that bridges adopted and inherited cultural influences.²⁵ Like Miller, Portes and Rumbaut insist on the incorporation of these communities into their adopted societies, decrying the preservation of cultural enclaves that “weake[n] national solidarity.”²⁶ The process of selective acculturation depends on immigration policies that promote family unity within cultural institutions in which family

19. *Id.* at 11.

20. See CARENS, *supra* note 16, at 180–87 (describing people’s interests in living with immediate family members and mentioning how states should respect those interests when possessed by their citizens).

21. See CARENS, *supra* note 16, at 186 (contending that other reasons could outweigh the family-reunification rationale of immigration policy).

22. MILLER, *supra* note 3, at 11.

23. *Id.* at 137. For a critical perspective on family-immigration policies that indirectly aim to prevent illiberal marriage practices, see CARENS, *supra* note 16, at 191.

24. ALEJANDRO PORTES & RUBÉN G. RUMBAUT, LEGACIES: THE STORY OF THE IMMIGRANT SECOND GENERATION 54 (2001); THE NEXT GENERATION: IMMIGRANT YOUTH IN A COMPARATIVE PERSPECTIVE 3 (Richard Alba & Mary C. Waters eds., 2011).

25. ALEJANDRO PORTES & RUBÉN G. RUMBAUT, IMMIGRANT AMERICA: A PORTRAIT 282, 388–89 (4th ed. 2014).

26. *Id.* at 389.

members work together across generations with the help of civic groups and schools to learn the local language and social norms.²⁷ Given the family's role in the integration process, it is important to develop a clear understanding of how different family-immigration policy alternatives might support or undermine broader policy goals, including a nation's self-understanding as an egalitarian society. This theme should be developed in more detail in a work that follows up on Miller's discussion of integration in *Strangers in Our Midst*.

Miller's *Strangers in Our Midst* is, in many ways, a direct response to the strong cosmopolitan argument that Joseph Carens made in *The Ethics of Immigration* for more inclusive immigration policies with minimal integration requirements as a nonideal solution and open borders as an ideal aspiration.²⁸ On the subject of immigrant integration, Miller defends policies, including government-sponsored civic education and high-stakes tests, to promote civic integration for the benefit of immigrants and citizens alike.²⁹ From an immigrant's perspective, he argues that migrants should welcome the opportunity to acquire government assistance equipping them with the linguistic, social, and political skills to take advantage of the resources of the society they are joining.³⁰ From the perspective of citizens and long-settled immigrants, he argues that integration is necessary to prevent illiberal practices from taking hold.³¹ Further, if civic education is permissible for all children in school who are preparing for future adult citizenship, why should it not be expected of immigrants who are preparing for future citizenship?³² Miller's case for civic-integration exercises is grounded in a broader philosophical argument about the obligations that citizens and newcomers owe one another as they become coparticipants in a system of social cooperation that transcends the differences emphasized in American and European immigration and naturalization debates.³³ This is a more universal philosophical argument that highlights national citizenship's role in defining and sharing the burdens and benefits of self-governance, which should appeal to a wider audience.

In crafting a "social democratic" position on immigration policy, Miller first and foremost accepts the legitimacy of the division of the world into nation-states with borders and immigration controls. Miller's stance is in clear contrast to Joseph Carens's case for open borders on cosmopolitan

27. See *id.* at 388–89 (proposing a set of policies to promote selective acculturation).

28. See generally CARENS, *supra* note 16 (discussing a more inclusive immigration policy and advocating for open borders).

29. MILLER, *supra* note 3, at 136–37.

30. *Id.* at 136–37, 144.

31. *Id.* at 137.

32. *Id.*

33. *Id.* at 26–29, 139.

grounds at the end of his *Ethics of Immigration*.³⁴ Part of the reason for what he regards as a “realist” approach is that he wants to help governments devise more effective institutions and policies to set priorities on whom to admit given limited resources.³⁵ The question of whether the resources of wealthy liberal democracies like Great Britain and the United States are sufficient to attend to the needs of both disadvantaged citizens and what Alexander Betts describes as “survival migrants” is highly controversial.³⁶ Joseph Carens is likely correct to note that “[d]espite occasional political rhetoric that the boat is full, no democratic state . . . can pretend that it could not take in many, many more immigrants than it does now without collapsing or even suffering serious damage.”³⁷ Still, Miller raises an important objection to Carens’s view that open borders, or even more inclusive admissions policies on the part of wealthy liberal democracies, would dramatically expand equality of opportunity to poor people living in disadvantaged societies.³⁸ Other development and migration studies support Miller’s position that the poorest of the poor, who would benefit most from the chance to live and work in an affluent liberal democracy, lack the savings, education, and social capital abroad to travel and take advantage of this opportunity.³⁹ Those who are able

34. Compare *id.* at 15–16 (highlighting the tension between Carens’s coexisting commitments to cosmopolitan immigration policies and operating within a statist framework), with CARENS, *supra* note 16, at 288, 295 (suggesting that cosmopolitan immigration policies do not require completely rejecting the status quo).

35. MILLER, *supra* note 3, at 17–18.

36. ALEXANDER BETTS, SURVIVAL MIGRATION: FAILED GOVERNANCE AND THE CRISIS OF DISPLACEMENT 23 (2013). Betts defines survival migrants as “persons who are outside their country of origin because of an existential threat for which they have no access to a domestic remedy or resolution.” *Id.*

37. CARENS, *supra* note 16, at 235.

38. See MILLER, *supra* note 3, at 48 (“We can reasonably assume that far more people will try to move from poor countries to rich countries than in the opposite direction. But the ones who have the resources—the savings and the education—that enable them to do this will be the ones who are already relatively advantaged in their societies of origin.”).

39. *Id.* In the absence of remittances from family members living abroad, the poorest prospective migrants cannot pay the fees necessary to travel or, in the absence of prior permission to immigrate, to pay human smugglers to assist the migrants or prospective asylum seekers to reach their intended destinations. See, e.g., ROBERT E.B. LUCAS, INTERNATIONAL MIGRATION AND ECONOMIC DEVELOPMENT: LESSONS FROM LOW-INCOME COUNTRIES 260–65 (2005) (providing case studies from Bangladesh, Pakistan, the Philippines, Thailand, and Albania explaining why migrants are often from lower middle class or even above-average, rather than extremely impoverished, segments of the population); ALLAN M. WILLIAMS & VLADIMÍR BALÁZ, MIGRATION, RISK AND UNCERTAINTY 110 (2015) (“Minimum resources are required to migrate, even if the advantages of migration as a means of diversifying against risk are recognised. The poorest do not tend to migrate.”); Hein de Haas, *Turning the Tide? Why Development Will Not Stop Migration*, 38 DEV. & CHANGE 819, 832 (2007) (observing that only those with the requisite human, financial, and social resources are able to migrate); Dane Rowlands, *The Effects of Poverty, Environmental Degradation, and Gender Conditions on South-to-North Migration*, 25 CAN. J. DEV. STUD. 555, 557–58 (2004) (listing reasons why poverty is a “barrier to migration,” including the costs of migration, impoverished persons’ perception of risks associated with migration, and the

to migrate are often relatively advantaged in their host society, and, if they were educated at the state's expense, their departure may result in a drain of professional talent from the country of origin.⁴⁰ But we cannot easily discharge our responsibilities to the poorest of the global poor in a way that will prevent them from seeking to migrate. Foreign development assistance designed to reduce the need for migration can actually have the opposite effect when it provides previously destitute prospective migrants with the resources to finance the journey, with or without authorization.⁴¹

Miller's postscript on the 2015 immigration crisis, written after the completion of the *Strangers in Our Midst* manuscript, appears to have brought Miller somewhat closer to Carens's position.⁴² In the face of this crisis, Miller is more inclined to adopt Alexander Betts's definition of a "survival migrant" beyond the parameters of what he calls "the narrow Geneva Convention" to include all persons whose rights cannot be secured so long as they remain in their country of origin.⁴³ He is still cautious. Miller wants to hold on to the category of the more excludable "economic migrant" and deter persons from leaving squalid but safe refugee camps to enter wealthy Northwestern European countries simply to seek a better life, "turning their borders into a free-for-all."⁴⁴ But in the end, Miller's "weak cosmopolitanism" appears to have been expanded by the crisis to bear some real transnational redistributive content that limits a policy of partiality towards compatriots.⁴⁵ To this end, Miller supports "a burden-sharing financial arrangement that redistributes resources to [other] states . . . that carry the heaviest responsibility for processing arriving migrants."⁴⁶ During the 2015 migrant crisis he saw a place for Britain in the EU "as an insurance mechanism for . . . states that find themselves in unexpected difficulties" resulting from global movements of capital or people.⁴⁷ Here, Miller seems to admit that much as citizens may want to express their will to national self-

relative inability of impoverished groups to have communications or information regarding "the benefits of living elsewhere").

40. MILLER, *supra* note 3, at 48, 108–11.

41. See, e.g., Filippo Belloc, *International Economic Assistance and Migration: The Case of Sub-Saharan Countries*, 53 INT'L MIGRATION, Feb. 2015, at 187, 198; De Haas, *supra* note 39, at 832–34 (arguing that foreign development assistance "raise[s] people's aspirations as well as their actual capabilities to migrate").

42. See MILLER, *supra* note 3, at 166–67 (suggesting his position defending the qualified right of states to close their borders "might seem to collapse when confronted with the physical realities of Europe in late 2015").

43. *Id.* at 169.

44. *Id.* at 168, 172.

45. *Id.* at 172–73.

46. *Id.* at 172.

47. *Id.* In light of support among his fellow British citizens for leaving the European Union on the eve of the June 23, 2016 UK referendum, Miller's support for the union appears tempered by skepticism that "there could be a future for Britain" within the EU "that keeps national democracy alive and well." Miller, *supra* note 4.

determination or their will to go it alone, it may be unwise for them to do so in an interconnected world. He supports state spending on training programs for migrants even if the end goal is repatriation so they can later rebuild their societies.⁴⁸ And he takes these positions in full awareness of their cost, their unpopularity with local citizens, and the probability that survival migrants will compete for jobs and housing with the disadvantaged citizens of host countries.⁴⁹

The needs and interests of citizens whose generosity is being tested by the 2015 immigration crisis and the mass movement of newcomers into their homelands is still the central concern of Miller's work. Miller's defense of compatriot partiality and a far-reaching account of the special obligations citizens owe to their compatriots within political communities remains a valuable intervention into the literature on the political philosophy of immigration policy, which is typically written from the perspective of the necessitous migrant. He bases his defense of compatriot partiality in part on a compelling account of how human beings actually take on responsibilities according to their awareness of the needs of others arising out of preexisting give-and-take relationships.⁵⁰ At the individual level, we share an intuition that we have a unique responsibility to people that is only partly chosen, like the family we are born into and the children we bring into the world, whose needs we come to know intimately through our care and companionship. We also choose to enter into broader relationships with others in society arising from shared interests or to accomplish projects of mutual need and importance.

The challenge—for Miller and other like-minded defenders of national self-determination like Michael Walzer—is whether we can extrapolate commonly shared understandings of special relationships at the individual level to communities that are wider in scope, including nation-states.⁵¹ Miller is convinced that members of a society can share associative obligations with one another—such as providing for health care and other social assistance for a member who cannot work—that they do not always owe to persons outside the community.⁵² Moreover, Miller goes so far as to claim that the first obligation that a state bears is to “protect and fulfill the human rights of its own citizens,” with the implication that a state that fails to do so, despite

48. MILLER, *supra* note 3, at 172.

49. *Id.* at 172–73.

50. *See id.* at 24–25 (discussing moral-equality claims under which certain actors are given responsibilities for particular groups based on natural sentiments).

51. *See id.* at 25–26 (asking how the implicitly higher duties owed to a friend as compared to a mere acquaintance apply to the broader nation-state context); MICHAEL WALZER, SPHERES OF JUSTICE: A DEFENSE OF PLURALISM AND EQUALITY 35–42 (1983) (analogizing political communities to neighborhoods, clubs, and families).

52. *See* MILLER, *supra* note 3, at 26–27 (explaining the benefits of sharing these obligations).

having the necessary resources, is illegitimate.⁵³ By this logic, a wealthy state like Britain may be condemned for using resources that could be spent improving the welfare of its most disadvantaged citizens on military campaigns to protect the human rights of foreigners endangered by other governments or spending the money on foreign aid for noncitizens who are less well off than the poorest Briton. Miller is clear on this point: a state with a cosmopolitan governing coalition that wants to do more than what is absolutely necessary to protect the basic human needs⁵⁴ of noncitizens abroad must consult with its citizens and secure their explicit assent first or risk undermining social justice at home.⁵⁵

The kind of nation-state that Miller is envisioning is a political community that has decided to extend expansive legal, political, and social-welfare rights to newcomers as prospective citizens and to respect cultural diversity.⁵⁶ It is not the nightwatchman state of the nineteenth century, which minimized its risks by forcing migrants to fend for themselves.⁵⁷ Nor for that matter is it the United States of today, with its limited social safety net and minimal public resources for integration, which denies recent immigrants some forms of social assistance.⁵⁸ Preserving the modern social-welfare state—and the relationships between citizens that Miller describes—requires a level of social trust and reciprocity that may be undermined by rapidly admitting too many immigrants as prospective citizens without a waiting period and sufficient political education in the interim.⁵⁹ Miller is not a restrictionist of the type that would seek to lower immigration levels and deport unauthorized migrants like the Federation for American Immigration Reform in the United States and Migration Watch in the United Kingdom.⁶⁰ But he also recognizes that irrational suspicions among citizens drive populist political movements that are undermining support for immigrant inclusion and redistribution in favor of the poor more generally.⁶¹ For this reason, he supports integration policies that explicitly teach immigrants to meet the

53. *Id.* at 34.

54. *Id.* at 32.

55. *Id.* at 36.

56. *See id.* at 6–7 (explaining the cultural protections offered to incoming immigrants while acknowledging the inherent responsibilities that exist when becoming a part of a new political system).

57. *Id.* at 4.

58. *See* ORGAD, *supra* note 14, at 124 (portraying the American policy toward immigrant integration as “don’t invest, don’t expect”).

59. *See* MILLER, *supra* note 3, at 10, 64 (acknowledging that trust levels tend to decline as societies become more diverse, and that an acclimation period may be necessary to develop the confidence among the citizenry that is necessary for productive political deliberation).

60. *How to Win the Immigration Debate*, FED’N FOR AM. IMMIGR. REFORM 4, 6–7 (June 2015), http://www.fairus.org/DocServer/research-pub/FAIR_HowToWin_2015.pdf [<https://perma.cc/5Q9T-57BJ>]; *What Can Be Done?*, MIGRATION WATCH UK (Mar. 21, 2016), <http://www.migrationwatchuk.org/what-can-be-done> [<https://perma.cc/2SZM-AQRE>].

61. MILLER, *supra* note 3, at 64.

expectations that their fellow citizens have of them, thereby demonstrating that they are contributing to their adopted societies in exchange for a pathway to citizenship.⁶²

Interestingly, Miller recognizes that there is a class of immigrants that he calls “particularity claimants” who have already established a relationship to a state that entitles them to enter before subsequent integration takes place within the host country.⁶³ One type of particularity claimant is analogous to what Rogers M. Smith calls persons whose identities were “coercively constituted by past and present actions of the nations’ and citizens’ governments.”⁶⁴ These particularity claimants have been so profoundly influenced by foreign military intervention, colonization, or environmental or economic exploitation that they cast their fate with the intervening country.⁶⁵ Some, like political theorist James Souter, would argue that the state owes these migrants entry and a pathway to citizenship as a form of reparation for past harm.⁶⁶ Miller acknowledges that the state that causes the harm—such as a country like America that invades Iraq and employs its people as interpreters, only to find them under threat in the face of a military withdrawal—is uniquely responsible for rectifying the harm in question.⁶⁷ However, he wants to avoid turning this admission of responsibility into a claim to immigration as a form of reparation. He argues that the state should always try first to rectify the damage that was done to them in their home country before granting them the right to immigrate permanently as a second-best alternative.⁶⁸ In the case of the military translators and other affected migrants who can never live in security as they did before the foreign intervention, it seems disingenuous to suggest that assistance from afar could be sufficient. Even Miller acknowledges that in some cases admission as a form of reparation is warranted.⁶⁹ This claim could be strengthened to state that any time an individual or a group sacrifices on behalf of a state that

62. *See id.* at 136–37 (justifying citizenship tests on the grounds that they delineate the host society’s expectations of its citizens and equip immigrants with the “linguistic, social, and political skills” to succeed in the society).

63. *Id.* at 77.

64. ROGERS M. SMITH, *POLITICAL PEOPLEHOOD: THE ROLES OF VALUES, INTERESTS, AND IDENTITIES* 220 (2015).

65. *See* MILLER, *supra* note 3, at 77, 113–14 (describing different categories of particularity claimants and their corresponding justifications for claiming permanent admission).

66. James Souter, *Towards a Theory of Asylum as Reparation for Past Injustice*, 62 *POL. STUD.* 326, 339–40 (2014).

67. MILLER, *supra* note 3, at 114; *see also* Michael J. Sullivan, *Which Prospective Immigrants Are Political Communities Morally Obligated to Include*, *J. IDENTITY & MIGRATION STUD.*, Autumn/Winter 2012, at 18, 30 (2012) (arguing that a state intervening abroad has special obligations toward a citizen of the affected country when, as after America’s invasion of Iraq in 2003, the citizen has acted to benefit the intervening state and in doing so risked separation from her community of origin).

68. MILLER, *supra* note 3, at 114–15.

69. *Id.* at 115.

sought economic, military, or diplomatic advantages by intervening in its affairs, that individual or group ought to become eligible for shelter in the intervening country.

Miller also raises the possibility that there is a second type of particularity claimant who has self-integrated through extraordinary service to the state outside the ordinary immigration and naturalization process.⁷⁰ He suggests there is still a problem with rewarding noncitizens for exemplary contributions, even in the case of the military service of the Gurkhas who had served in the British army and in retirement wanted to move from Nepal to Britain.⁷¹ In spite of their contributions to Britain's defense, which exceeded those of Britain's citizens in an age of voluntary military service, Miller suggests that the Gurkhas may only be owed "something like 'the conditions for a comfortable life,' rather than the right to immigrate as such."⁷² We can acknowledge that military service or other extraordinary contributions to the well-being of a state can be outweighed by extraordinarily adverse factors, like a violent criminal record, in ways that make the noncitizen particularity claimant somewhat less deserving. But in most cases, the very fact that a noncitizen has made a potentially sacrificial contribution to the defense of the state that exceeds that of most ordinary native-born citizens should decisively grant that person a right to live and benefit from the privileges of citizenship in the country he served.⁷³ Miller's quote from the French Foreign Legion is more fitting to the extraordinary service of a noncitizen volunteer than his own hesitant rejoinder: "[H]ow better to recognize and reward those who are willing to shed their blood for the country than to give them the right to live there (in the French case as full citizens)?"⁷⁴ Earlier, Miller asks whether immigrants need to earn their membership in an elaborate scheme of resource distribution, rights, and benefits, bound by a sense of belonging over time.⁷⁵ I argue in turn that military service is only one among many contributions that noncitizens are making that should be accepted as sufficient evidence of noncitizen self-integration and acceptance of the obligations of citizenship, as Miller defines them. In keeping with Miller's contention that each state, based on historical experiences, has a different view of what it means to be a citizen of that nation-state,⁷⁶ nonmilitaristic states should be able to choose to valorize peacekeeping, volunteer work, or civil-rights activism as contributions meriting

70. *Id.* at 114–15.

71. *Id.* at 115.

72. *Id.*

73. See Michael John Sullivan, *By Right of Service: The Military as a Pathway to Earned Citizenship*, 2 POL. GROUPS & IDENTITIES 245, 255–56 (2014) (highlighting the DREAM Act's military-service provision and advocating in favor of that path to citizenship).

74. MILLER, *supra* note 3, at 115.

75. *Id.* at 9.

76. *Id.* at 28–29.

membership in their polity. Fast-tracking forms of self-integration through service by particularity claimants can be in keeping with Miller's concern for citizen self-determination over the immigration policy process if citizens, through their representatives, deliberate about which values exemplify extraordinary forms of citizenship and predetermine a process in their immigration policies for honoring noncitizens who meet these criteria.⁷⁷

But what about the case of irregular migrants who take it upon themselves to enter the country without permission or overstay their temporary worker visas with the intent of settling more or less permanently in the country? At the outset of his work, it would seem that Miller would be unwilling to entertain their claims to equal treatment, as, arguably, "they are going to break the terms of the social contract" by bypassing the procedure ordained by citizens and their representatives for admission and integration.⁷⁸ Instead, Miller adopts a more lenient posture.⁷⁹ For a state to enjoy the territorial jurisdiction that he claims grants it the right to control movement of people in and out of the territory, the state must at the very least "protect the human rights of all those present, whether legally or not."⁸⁰ Elsewhere, he argues that even "[b]y arriving at the border, or indeed crossing it illegally, the migrant is putting herself at the mercy of the receiving state," making her vulnerable to the state's power and thereby granting her moral claims against it that noncitizens abroad do not share.⁸¹ Like his more cosmopolitan interlocutors, including Joseph Carens, Ayelet Shachar, and Linda Bosniak, Miller is willing to entertain the argument that even irregular migrants acquire moral claims to legal permanent residence over time as they develop social ties and continually engage in a system of social cooperation by contributing to the well-being of their society.⁸²

Unlike Carens and Shachar, for Miller neither time of residence nor social ties appear decisive in his reasoning for allowing irregular migrants to

77. *See id.* at 62–65, 69–70 (elaborating on the interaction between democracy, self-determination, and immigration).

78. *Id.* at 18.

79. *See id.* (arguing that individuals should be treated equally absent specific evidence that they will break the terms of the respective society's social contract).

80. *Id.* at 117.

81. *Id.* at 15.

82. *Id.* at 121. *See* LINDA BOSNIAK, *THE CITIZEN AND THE ALIEN: DILEMMAS OF CONTEMPORARY MEMBERSHIP* 105 (2006) (arguing that the concept of citizenship is no longer confined to political or civil domains, but additionally extends to the domain of economic justice); CARENS, *supra* note 16, at 160–61 (asserting that the theory of social membership provides the foundation for a moral claim to a legal right of citizenship); AYELET SHACHAR, *THE BIRTHRIGHT LOTTERY: CITIZENSHIP AND GLOBAL INEQUALITY* 164–66 (2009) (recommending the adoption of a genuine-connection process to determine eligibility for citizenship). The argument concerning the moral significance of time spent in a territory between arrival and naturalization as preparation for citizenship has been developed in further detail by Elizabeth F. Cohen. Elizabeth F. Cohen, *The Political Economy of Immigrant Time: Rights, Citizenship, and Temporariness in the Post-1965 Era*, 47 *POLITY* 337, 341, 349–50 (2015).

stay.⁸³ Indeed, Miller urges that we guard against the assumption that the very fact that migrants break social ties by leaving their home country suggests that “the losses involved in removal are so great as always to make it an injustice.”⁸⁴ He is willing to tolerate the deportation of long-term residents and separation of families to further “the other goals that immigration policy is intended to achieve” on behalf of citizens and the state.⁸⁵ This becomes a problematic assumption when we distinguish the claims of younger, unauthorized immigrants that did not make the choice to migrate, and the strength of those immigrants’ ties to what is now their only home, from their parents who made the decision to leave and retain ties abroad.⁸⁶ For Miller, time and social membership mean less than the extent to which an irregular immigrant has entered into a system of social cooperation where she is contributing to society through working, owning property, and—he might also add—caring for citizens that depend on her.⁸⁷ Miller’s associative-obligations argument extends to contributing, irregular immigrants and requires as a matter of reciprocity that they be allowed to stay and continue to benefit from the fruits of their social labor.⁸⁸ At this point, we might wonder why, by the logic of his previous argument about particularity immigrants, Miller would not simply be content with remunerating irregular immigrants for their contributions—like the Gurkhas who entered legally and are now seeking entrance to Great Britain—and send them elsewhere to receive their benefits. But here, Miller insists that despite the problems associated with their decision to bypass selection procedures, immigration officials have the resources and should be able to launch an investigation to determine whether irregular migrants “earned citizenship” in the same way as legally selected immigrants must: through social ties and economic contributions.⁸⁹ This is Miller’s strongest statement about the need to recognize contributions and attachments as evidence of earned integration that merit a pathway to citizenship. It is a statement, for the sake of consistency, that he should apply to other particularity claimants who made the requisite contributions—including Gurkhas seeking resettlement and guest workers that want to stay beyond the terms of their contract in light of changed circumstances.

Despite Miller’s assurances that he is open to a pathway to earned citizenship for contributing, irregular migrants, those looking for a stronger normative defense of irregular immigrant rights will be disappointed to find

83. MILLER, *supra* note 3, at 125.

84. *Id.* at 124.

85. *Id.*

86. See CARENS, *supra* note 16, at 46–47 (arguing that children who arrive to a state at a young age should have the same citizenship rights as the children who are born in that state).

87. MILLER, *supra* note 3, at 124.

88. *Id.*

89. *Id.* at 125.

that this does not preclude deportations, “so long as the methods employed do not themselves violate human rights by virtue of their brutality.”⁹⁰ Miller indicates that he approves of the threat of removal as a penalty for unlawful residence—whereby unauthorized immigrants “remain liable to deportation until their status is made regular, that is, categorized as permanent, conditional, or temporary by the state.”⁹¹ Unauthorized immigrants in the United States and other countries without a pathway to amnesty, regularization, or adjustment of status will continue to suffer under this penalty until they are removed from the country; this is hardly in keeping with Miller’s general position of sympathy for their plight. Moreover, Miller strongly disapproves of unauthorized immigration as a practice that is unfair to individual immigrants who attempt to enter through legal channels that are costly and time consuming and to citizens and administrators with an interest in the orderly selection, admission, and integration of newcomers into society.⁹² But in keeping with the view that immigration violations are civil infractions that ought to be deterred rather than criminal offenses meriting punishment, Miller does not indicate that migrants should be imprisoned or punished severely for entering without inspection.⁹³ He views the economic hardships that prompted them to migrate as mitigating factors and denies that their presence threatens the rights of citizens or legal immigrants.⁹⁴

In the end, it is clear—and not surprising given his strong stance in favor of citizen self-determination over admission, integration, and naturalization procedures—that Miller considers the behavior of unauthorized immigrants to be disorderly and unfair to immigrants who bore the cost and burdens of the legal process.⁹⁵ Despite the fact that he clearly values the social and economic contributions of long-term unauthorized immigrants as a form of good citizenship that ought to be rewarded, Miller indicates that it would be inappropriate to grant amnesty to former queue-jumpers without paying “redemption.”⁹⁶ He rejects Linda Bosniak’s suggestion that we forgive and forget the offense of unlawful entry and residence as a threat to the integrity

90. *Id.* at 117.

91. *Id.* at 120.

92. *Id.* at 117–18.

93. *See id.* at 117 (contrasting the justification for imprisoning criminals with the lack of justification for applying the same punishment to illegal immigrants); *see also* Immigration and Naturalization Serv. v. Lopez-Mendoza, 468 U.S. 1032, 1038 (1984) (“A deportation proceeding is a purely civil action to determine eligibility to remain in this country, not to punish an unlawful entry, though entering or remaining unlawfully in this country is itself a crime.”). *But see* Padilla v. Kentucky, 559 U.S. 356, 365–66 (2010) (“Although removal proceedings are civil in nature . . . deportation is nevertheless intimately related to the criminal process.”); Juliet P. Stumpf, *The Process is the Punishment in Cimmigration Law*, in *THE BORDERS OF PUNISHMENT: MIGRATION, CITIZENSHIP, AND SOCIAL EXCLUSION* 58, 63–64 (Katja Franko Aas & Mary Bosworth eds., 2013) (recounting the Court’s holding in *Padilla*).

94. MILLER, *supra* note 3, at 118.

95. *Id.*

96. *Id.* at 124–26.

of immigration procedures chosen by citizens and their representatives.⁹⁷ Instead, Miller suggests that some form of accounting for the offense of unlawful entry or visa overstaying should be put in place.⁹⁸ The contributions of those who have already performed an exceptional act of service on behalf of the state—like noncitizen soldiers—will be counted as recompense.⁹⁹ Failing this, Miller envisions that noncitizens who cannot prove they have contributed to society for long enough, or to a significant enough degree as judged by citizens in a future procedure, will be asked “to undertake part-time military or civilian service for a suitable period of time.”¹⁰⁰ What Miller appears to be hinting at here is a full-fledged account of restorative justice for the social harm arising from immigration offenses, though only the vaguest outlines of this theory of restitution appear in this text. Still, Miller’s demand for conditional amnesty—and an accounting for past immigration offenses—is a necessary outgrowth of a defense of citizen control of immigration regulation and enforcement procedures that will lead to predictable consequences for noncompliance in the future.¹⁰¹ Some will argue that Miller is too lenient—on the one hand, he supports admission, integration, and naturalization procedures that will keep some migrants out.¹⁰² On the other, he supports a conditional amnesty that will let some of those migrants who entered anyway but cannot meet these standards stay in the country—albeit without citizenship status unless they meet an integration requirement and pass a test.¹⁰³ A more conclusive response to this problem would be to craft more inclusive admissions requirements that any immigrant can meet provided that they comply with the law and work to the best of their abilities.

In light of Miller’s tolerance for conditional amnesty and a pathway to legal permanent residence for irregular migrants, it is surprising that Miller departs from a strict construction of Michael Walzer’s admonition against guest-worker programs.¹⁰⁴ After all, guest workers entered the country legally, following admissions protocols rather than taking matters into their own hands, so their priority and rights to adjust to legal resident status should always exceed the priority and rights of irregular migrants who circumvented this procedure because there was no other option available to them. Miller’s

97. *Id.* at 126; Linda Bosniak, *Amnesty in Immigration: Forgetting, Forgiving, Freedom*, 16 *CRITICAL REV. INT’L SOC. & POL. PHIL.* 344, 347 (2013).

98. *See* MILLER, *supra* note 3, at 126 (suggesting that irregular migrants should be required to demonstrate their contributions to the host society before receiving amnesty).

99. *Id.* at 115, 126; Sullivan, *supra* note 73, at 257.

100. MILLER, *supra* note 3, at 126.

101. *See id.* at 127 (claiming that conditional amnesty is the best solution to accepting irregular migrants without undermining immigration procedures).

102. *See, e.g.*, at 128 (defending the use of citizenship tests to determine which migrants should be granted citizenship).

103. *Id.* at 124–29.

104. WALZER, *supra* note 51, at 61.

rationale for allowing citizens to set the terms of guest-worker programs in ways that might undermine their basic rights is based on a view that “economic migrants” seeking better wages and working conditions in wealthy liberal democracies “cannot claim admission as a matter of justice.”¹⁰⁵ Here, citizen interests clearly take priority. If a migrant does not face a clear and present threat to his physical security, leaving aside threats that might arise from economic deprivation and food insecurity, the only thing that can justify their admission is a calculation of “mutual advantage” on the part of the citizen and the migrant.¹⁰⁶ Consequently, Miller holds that “there are rights that belong to permanent residents that are not essential to temporary migrants.”¹⁰⁷ Citizens can—in the third category of permissible admission policies Miller outlines—enact immigration policies that force migrants to leave the country at the end of their labor contract without a transfer route to permanent residence.¹⁰⁸ Miller strongly supports the proposition that citizens can require migrants to accept contracts that do not guarantee their right to a family life.¹⁰⁹ This may result in separating guest workers from their spouses and children.¹¹⁰ This would also seem to enable the kind of abuses that wealthy but less-than-liberal democratic countries that depend on large numbers of those workers inflict on temporary workers—as when Singapore forces guest workers to return home if they become pregnant.¹¹¹ Any “temporary” guest-worker program that requires migrants to separate from their children for an extended period of time undermines a migrant’s right to family life and destabilizes the family unit, raising the question whether this option should be available in the first place, even if migrants with no other options will take it.¹¹²

Throughout his discussion of guest-worker programs, Miller assumes that temporary migrants will maintain a static set of interests: “Their primary purpose in migrating is to work and earn money that they can send or bring back home.”¹¹³ If their needs and interests do not change over time as they develop relationships and ties in their host society, perhaps this is a fair deal for temporary migrants who do not have to bear the burdens of social

105. MILLER, *supra* note 3, at 95.

106. *Id.* at 105.

107. *Id.* at 98.

108. *Id.* at 96.

109. *Id.* at 98, 113, 199 n.3.

110. *Id.* at 98.

111. CARENS, *supra* note 16, at 111; Brenda S. A. Yeoh & Heng Leng Chee, *Migrant Wives, Migrant Workers, and the Negotiation of (Il)legality in Singapore*, in *MIGRANT ENCOUNTERS: INTIMATE LABOR, THE STATE, AND MOBILITY ACROSS ASIA* 184, 191–92 (Sara Friedman & Pardis Mahdavi eds., 2015).

112. GERALDINE PRATT, *FAMILIES APART: MIGRANT MOTHERS AND THE CONFLICTS OF LABOR AND LOVE* 70–71 (2012).

113. MILLER, *supra* note 3, at 98–99.

membership like social security or pension contributions.¹¹⁴ The problem is one that Swiss writer Max Frisch wrote about guest workers in his own country: “[W]e asked for workers, but people came.”¹¹⁵ These guest workers, initially motivated by the desire to accept whatever terms they were offered to improve their economic status, might fall in love with and seek to marry a local citizen at work.¹¹⁶ They may get pregnant and give birth to a citizen child.¹¹⁷ They may become involved in the communities where they live to the point that their social and economic contributions give rise to associative obligations on the part of society at large, notwithstanding the desire of citizens to limit the terms of guest workers’ stays to maximize advantages for themselves.¹¹⁸ So, to hold migrants to the terms of an initial contract that might have seemed advantageous at the time to the state, citizens, migrants, and employers that claim they cannot find enough local workers to accomplish necessary tasks in a wealthy, liberal, democratic country may be unjust. Miller allows that receiving societies can “choose to allow temporary migrants to transfer to permanent resident status”—as is the case with the Canadian Live-In Caregiver Program—though he does not believe that justice to migrants requires this.¹¹⁹ He indicates that this provision is “anomalous given the program’s aim.”¹²⁰ Failing to allow temporary migrants to adjust to permanent residency is unjust for the same reason that Miller believes that forcing someone to withdraw from a cooperation scheme arising from work, owning property, and so forth, would be a breach of society’s obligations to its migrant participants.¹²¹ This objection leaves aside the other powerful considerations already raised by Patti Tamara Lenard and Christine Straehle that guest workers will be afraid to assert their labor rights and join unions if they can be deported for noncompliance.¹²² In

114. *Id.* at 99.

115. Hiroshi Motomura, *We Asked for Workers, but Families Came: Time, Law, and the Family in Immigration and Citizenship*, 14 VA. J. SOC. POL’Y & L. 103, 103 (2006).

116. *See* Yeoh & Chee, *supra* note 111, at 184–86 (introducing the issue of temporary workers meeting and falling in love with citizen workers).

117. *See id.* at 194 (noting a story of a migrant worker and citizen worker having a child together).

118. MILLER, *supra* note 3, at 124.

119. *Id.* at 99, 195 n.13.

120. *Id.* For a more limited defense of a similar position to Miller’s regarding permissible restrictions on the right to family reunion of guest workers, see MARTIN RUHS, *THE PRICE OF RIGHTS: REGULATING INTERNATIONAL LABOR MIGRATION* 175–76 (2013). Ruhs recognizes a right to the protection of the family under Article 23 of the International Covenant on Civil and Political Rights and argues that any restriction of this right must therefore be based on “strong arguments.” *Id.* at 175. He provides that guest workers should not be deprived of their right to family reunion for more than a few months, allowing that migrants should have to earn a minimum salary to bring in a family member or dependent to offset potential social costs to the state. *Id.* at 176.

121. MILLER, *supra* note 3, at 124.

122. Patti Tamara Lenard & Christine Straehle, *Temporary Labour Migration, Global Redistribution, and Democratic Justice*, 11 POL. PHIL. & ECON. 206, 215 (2012).

short, if Miller accepts that irregular migrants may have cause to adjust their status to legal permanent residence by earning legalization and a pathway to citizenship, there seems no reason to prevent legal guest workers from doing the same, provided their plans change, and they contribute in relationships with employers, families, and communities in their adopted country.

Conclusion

Voters in Britain have decided to leave the European Union, indicating their desire to regain more domestic control over trade and immigration policies.¹²³ In the United States, border control, interior enforcement, and immigration policies are important issues dividing the major parties and candidates for President in 2016 and their supporters.¹²⁴ At a time when voters in wealthy, liberal, democratic states like Britain and the United States are advocating policies on trade and immigration that are sometimes at odds with the views of politicians who want to stay the course and academics who want more inclusive immigration policies, David Miller offers a reasoned, balanced, and realistic case for a “clear policy on immigration that can be set out and defended publicly,” and “effectively enforced.”¹²⁵ Miller offers a credible defense of immigration controls from a social–democratic perspective that is deeply concerned with the distribution of resources to less-advantaged citizens and legal permanent residents. Though the book is framed as a work of political philosophy,¹²⁶ *Strangers in Our Midst* may be profitably consulted by left-of-center politicians and advocates “whose liberal instincts in the case of immigrants have continually to be reined in to avoid alienating their working and middle-class supporters,” fearful that their government’s immigration policies are inattentive to their immediate economic plight.¹²⁷

Strangers in Our Midst may disappoint advocates of a stronger cosmopolitan defense of open borders inspired by Joseph Carens’s more idealistic policy suggestions in *The Ethics of Immigration*. It may seem harsh to state that “giving good reasons for their exclusion to those who are barred from entering” is any consolation to barred or deported migrants, or akin to

123. See Brian Wheeler & Alex Hunt, *Brexit: All You Need to Know About the UK Leaving the EU*, BBC NEWS (Oct. 2, 2016), <http://www.bbc.com/news/uk-politics-32810887> [<https://perma.cc/VH9J-LXBX>] (“Critics say [the European Union] generates too many petty regulations and robs members of control over their own affairs.”).

124. See Clinton, *Trump Supporters Have Starkly Different Views of a Changing Nation*, PEW RESEARCH CENTER 3–4, 24, 27–30 (Aug. 18, 2016), <http://www.people-press.org/files/2016/08/08-18-2016-August-political-release.pdf> [<https://perma.cc/7H5R-34ML>] (showing the differences in how each candidates’ supporters view the relative importance of these and other major policy issues).

125. MILLER, *supra* note 3, at 160.

126. See, e.g., *id.* at 13 (recognizing that the immigration issue should be considered from the perspective of political philosophy).

127. *Id.* at 160.

any form of cosmopolitan moral philosophy, “weak” or otherwise.¹²⁸ But overall, Miller’s argument is written with a great deal of sensitivity for the plight of irregular immigrants and asylum seekers. He is likely correct that it will not be popular among those who are inclined to be “hawkish about immigration” on the right, even among those who agree with his views on border control, rapid assessment of asylum claims, and interior immigration enforcement to reassure citizens “that the policy is going to be effectively enforced.”¹²⁹ Miller’s suggestions in his chapters on “The Rights of Immigrants” and “Integrating Immigrants” are useful as a moderate policy response to those who would seek to build walls, bar migrants of a particular religion, and deport contributing members of society without even giving them the chance to earn the rights and responsibilities of legal residence and citizenship.

Miller recognizes the present and potential contributions of immigrants to the well-being of their receiving societies. He is motivated by considerations of reciprocity, rather than mere altruism, to allow irregular migrants who are already contributing to the system of social cooperation, through their work and community involvement, to earn legal status and citizenship. Reciprocity leads Miller to understand why extensive sacrifices should be rewarded with immigration benefits and eventual citizenship. This same concern should be extended to guest workers whose personal circumstances change while in their host country, and the citizens who depend upon their work, care, and companionship. A fuller account of care in relationships as a contribution to the scheme of social cooperation that gives rise to associative obligations and the role that family members play in the integration of new immigrants would only strengthen this argument. In short, academics, policymakers, ordinary citizens, and prospective migrants who want to understand why a fair-minded compatriot concerned with social justice at home and protecting the basic needs of migrants would offer a moderate defense of states’ rights to set and enforce their own immigration policies would profit by grappling with Miller’s argument.

128. *Id.* at 153.

129. *Id.* at 153, 160.