

Neighborhoods and States: Why Collective Self-determination is Not Always Valuable

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Presentation at the 2020 Meeting of the American Philosophical Association, Eastern Division

Abstract:

Collective self-determination is considered to be an important political value. Many liberal political philosophers appeal to it to defend the right of states to exclude would-be newcomers. In this paper, I challenge the value of collective self-determination in the case of countries like the US, former colonial powers with a history of white supremacist immigration and citizenship policies. I argue for my claim by way of an analogy: There is no value to white neighborhoods in the US, which are the result of racist attitudes and state policies, determining autonomously who should become a neighbor. In light of this commitment, defenders of the US's right to exclude would need to explain why it should be of moral value that a community whose character and composition has been shaped by white supremacy be able to determine its membership on its own terms.

1. Introduction

Sarah Fine has recently argued that the “shameful history of immigration controls” should make us worry that such controls are “inherently, inexorably racist” (Fine, 2016, p. 133). In light of this history, can political philosophers defend a right of states to exclude would-be immigrants without implicitly defending discriminatory practices? With Fine’s challenge in mind, I want to discuss a central premise in many liberal defenses of the right to exclude: the claim that collective self-determination is of moral value. Michael Walzer (1983) and David Miller (2005), for example, have each argued that the right to determine who ought to be admitted as a new member of the community is an important aspect of the collective self-determination of a political community. Consequently, they argue that political communities ought to have

discretion over whom to admit to their territory and whom to make a member. The idea of collective self-determination has a lot of pedigree; it is a fundamental (if vague) principle in international law and it plays an important role in liberal political thought, as it is arguably based on the the idea that legitimate political authority derives from “the people.” In this paper, I challenge the idea that collective self-determination—at least with respect to the community’s membership—is always valuable.

I am going to focus my attention on the US, a past and present colonial power with a long history of white supremacist immigration and citizenship policies (see Mendoza 2014, Munishi 2016). In a case like that, I argue, collective self-determination with respect to membership is not at all valuable. To make my case, I develop an analogy with the history of residential segregation in the US. Liberal political philosophers ought to agree that there is no value to predominantly white neighborhoods in the US, which are the result of white supremacist practices and state policies in the past, determining their “membership.” Analogously, in the case of countries whose current civic boundaries have been shaped by racist immigration and citizenship policies, self-determination of membership will tend to reinforce white supremacy, even if the current membership criteria are not explicitly racist. As a result, it is not a value that defenders of the right to exclude can appeal to.

2. Walzer’s Neighborhood Analogy and the History of Segregation in the US

To explore the analogy, it will be useful to first consider Michael Walzer’s (1983) use of the neighborhood analogy in his well-known defense of the right to exclude. Walzer considers three potential analogies to states in his defense: neighborhoods, clubs, and families. Walzer argues that liberal democratic societies are most similar to clubs: They are free to make their own admission decisions in accordance with the shared understanding of the character of their community. They are like families insofar as they have an obligations towards the relatives of citizens or nationals who reside outside of the borders of the country. But, Walzer argues, countries are not like neighborhoods.

For Walzer, one important character of neighborhoods is that they do not have an organized and legally enforceable admissions policy. They might fail to be “welcoming” to newcomers, but they cannot effectively exclude them. There are no institutional arrangements that are capable of maintaining the “ethnic purity” of a neighborhood (p. 36). In contrast to a club, a neighborhood is a merely random association whose composition is determined only by market forces. Thus, a “world of neighborhoods” (p. 37) would be one in which individuals could move about freely and choose to reside wherever they choose, constrained only by individual property claims. But for Walzer, a political community is a “world of common meanings” and shared “ways of life” which its members are entitled to preserve (p. 28). This world of common meanings requires closure, and since neighborhoods cannot be closed, we should not think of political communities as similar to neighborhoods.

I will not be addressing Walzer’s communitarian point directly. Instead, I want to dwell a little on the analogy itself. There are two oddities in Walzer’s construal of what a neighborhood is, especially in light of the US history of segregation. First, Walzer suggests that neighborhoods generally do not have “an organized or legally enforceable admissions policy” (p. 36). There are, he says further, “no institutional arrangements capable of maintaining ‘ethnic’ purity” (ibid.). Walzer is clearly not unaware of the long history of racial segregation in the US; he explicitly refers to it when he points out that the state refuses to enforce restrictive covenants and acts to prevent or minimize discrimination in employment. The Civil Rights Act of 1964 and 1968, which aim to do the later, were passed less than 20 years before Walzer’s book appeared. Moreover, these legal changes have not effectively ended residential segregation (Anderson 2010). In light of this history and its ongoing effects, it seems odd to use the neighborhood, without any qualification, as a metaphor for a world without restrictions to movement.

The second oddity is that Walzer ignores the fact that neighborhoods, in contrast to clubs, are by their very nature place-based. A club as such does not involve an exclusive claim to a particular place. To use an example by Sarah Fine (2010): A yoga group that meets in Central

Park might be free to reject prospective members, but it cannot bar them from using Central Park. To exclude someone from a neighborhood, on the other hand, is to exclude them from access to a particular place. Similarly, immigrants usually seek access to a place that will provide suitable conditions for their livelihoods. Sure, they will seek access to a *particular* place because it will provide them with access to certain social networks and resources. But those resources and networks are themselves place-based, they cannot be accessed from just anywhere. Joining something like a mere club, without seeking access to specific places, is not usually what is at issue in debates about immigration. From this perspective, neighborhoods are much more like countries than clubs.

The place-based nature of neighborhoods is central if we want to understand the harms of residential segregation in the US. Elizabeth Anderson (2010), for example, has laid out in great detail the social and material harms resulting from lack of access to employment, commercial and professional services, health care services, social and professional networks, etc. That access to social and material goods depends on what neighborhood one lives in indicates that neighborhoods are not simply “random associations” whose composition is determined solely by market processes. Predominantly white neighborhoods in the US are the product of white supremacy, understood as a social system designed to coercively extract social value from subordinated racialized groups and to secure its benefits for the dominant group (Mills, 1998). In the US, race plays a significant role in determining who can live in a particular neighborhood and these social boundaries were created (and in many cases are continued to be maintained) to perpetuate exploitative relations and maintain racial domination.

At best then, Walzer’s neighborhood analogy is based on an ideal. Most US neighborhoods do not match this ideal by far. Even if we think that it is a worthy ideal to appeal to, it would be important to see it as the outcome of a painful moral learning process. Moreover, insofar as white communities *did* learn something about the wrong of segregation, they did not do so on their own, but only by being confronted by those whom they excluded. Because Walzer misrepresents the nature of neighborhoods in the US, his analogy does little to support his

argument for the right exclude. Indeed, as I will now go on to argue, attention to the history and current effects of neighborhood segregation provides us with reasons against it.

3. The Value of Neighborhood Self-Determination

Most liberal political theorists who argue from collective self-determination to a right to exclude explicitly reject discrimination on the grounds of race or ethnicity. However, even policies that are facially neutral with regard to race and ethnicity can work to perpetuate historical injustices and might have entirely foreseeable discriminatory consequences in a structurally unjust system (Fine, 2016). This means that self-determination, at least with respect to membership, is not valuable at all in the case of a country like the US.

Consider a predominately white, middle-class neighborhood in the US whose composition can be explained, in short, by white supremacy (i.e. it involves disproportionate access to resources, social hierarchy, and the illegitimate use of public power to maintain both). It may be obvious that a neighborhood cannot have a *right* to self-determination and/or that enforcing such a right would be infeasible. Moreover, I take it to be uncontroversial that this neighborhood should not be permitted to have formal or even informal admissions restrictions on racial or ethnic grounds. But we can still ask whether there *would* be some value to a neighborhood like this to exercise self-determination by determining its own composition, at least if it avoids racial discrimination.

Suppose that the members of this neighborhood explicitly accept the prohibition of racial discrimination. They reject policies that make race a criterion for who can or cannot move to the neighborhood. At the same time, they do claim an important interest in collectively shaping the character of their community. One important aspect of that consists in being able to decide who becomes part of their neighborhood—as long as this does not involve racial or ethnic criteria. But otherwise, they believe that they should be able to use local government to control access to the neighborhood. For example, suppose they decide that they want to maintain the

quiet character of their neighborhood, and so while they are fine with new neighbors replacing old ones, they are against an influx of a large number of new residents into their neighborhood. They would use zoning restrictions and similar instruments in order to prevent the building of large-scale public housing in their neighborhood. They may or may not be aware that, for structural reasons, a disproportionate number of their potential new neighbors would be non-white, but that is not the reason for their opposition. They simply do not want to a large number of new neighbors. In a case like this, is the ability of this neighborhood to determine its own composition of moral value?

Two considerations suggest we should answer in the negative: First, the history of segregated neighborhoods in the US includes a long period of active facilitation and enforcement of racial segregation by the government, followed by a period (arguably still ongoing) where informal social and economic processes perpetuate the effects of earlier government-enforced segregation. Merely prohibiting the use of racial criteria in shaping the composition of neighborhoods is not sufficient to remedy the effects of this history. Second, attending to this history would show neighbors that the very character of their predominately white neighborhood that they want to maintain—its composition, its affluence, the access to goods and services it provides—are the result of this history. If they are committed to abolishing racial domination and exploitation, they cannot exclude the character of their own neighborhood from consideration as if it had nothing to do with it.

We could draw the conclusion that the neighborhood community's interest in self-determination is outweighed by the harms of ongoing residential segregation. That is, while maintaining that there is value to communities determining their own composition, we can hold that the interest of community outsiders in having adequate access to social and material goods from which they have been unjustly excluded outweighs this value. But I think we should draw a stronger conclusion: We should not accord any weight to this community's interest in determining their own composition. For one, the very character of the community that they want to preserve is a product of white supremacy. Its members may not explicitly endorse that

system. But insofar as they continue to benefit from its effects and refuse to help remedy them, there also not making a clear break with an identity that they should, on reflection, consider abhorrent. Why then should we accord any moral weight to it? Moreover, the neighborhood residents would be mistaken if they thought that the character of their neighborhood is only of concern to them. White supremacy as a social system does not simply govern white neighborhoods from the inside, as it were. Rather, it uses neighborhoods boundaries as a way to police hierarchies and access to resources, i.e. to exercise power. The residents of this neighborhood might say: “We just want to determine our own way of life.” But if this way of life is part of a system of exploitation and domination, even if those might be hidden from the sight of the current residents, we should not to accord any weight to their desire to maintain it.¹

On this basis, we can sketch an analogy to the role of self-determination in arguments for the right of states like the US to exclude would-be immigrants. The US has a history of explicitly white supremacist admissions and citizenship policies (Mendoza, 2014; Munshi, 2016). Moreover, in the context of American expansion, colonialism, and imperialism, white supremacy understood as a global social system had, and continues to have, material effects on both Americans and non-Americans. US immigrations policies have to be understood as part of the governance of a global empire, not just as internal policies (Munshi, 2016). It is no accident that modern systems of immigration control only really came about in the 19th and early 20th century—during the peak of Western colonialism and imperialism. The civic and territorial boundaries these policies set up helped to perpetuate exploitative relations and to secure its benefits for the dominant group.

A break with this history will require more than simply discontinuing explicit racist immigration policies, because doing just that will not actually remedy the harms and continuing material

¹ This argument does not imply undue interference with the *personal* autonomy of current residents. It does not justify forceful displacement. Nor does it interfere with the personal right of the current residents to associate or not to associate with whomever they want, in the privacy of their homes. However, their freedom of association does not give them the right to exclude others from a place like this neighborhood. Finally, current residents continue to have a voice in local affairs, though of course they might now find themselves with others who have different needs, interests, and maybe of different vision of their shared life together.

effects of these policies. In light of this history, Americans—and arguably the citizens of many other Western countries—cannot understand the character and composition of their own political community as a merely neutral expression of our own history of self-governance. The “common meanings” and “ways of life” that we share (to use Walzer’s phrases) involve a history of exploitation and domination, and we continue to benefit from this history. If, based on our own understanding of the character and composition of our political community, we continue to unjustly burden others or refuse to remedy the historical injustices for which our political communities have been responsible, little or no weight should be accorded to our own claims to determine the character of our own communities. Collective self-determination, at least with respect to the composition of the community, is thus not always valuable.

4. Conclusion

Liberal political philosophers often aim to engage in general theorizing that abstract from historical contingencies. Thus, the claim that collective self-determination is an important value is usually asserted by many as a claim about political communities *as such*, or at least about legitimate or liberal ones. Arguments for this claim, for example those that suggest collective self-determination is important as an extension of individual autonomy (Stilz, 2016), are supposed to provide a universal basis for such claims. Here, I have argued that the concrete histories of states like the US and their role in setting up a global system of white supremacy should raise some doubt about the value of such communities determining their own membership. Defenders of the US's right to exclude would-be immigrant need to do more than provide abstract arguments for the value of self-determination as such; they need to explain why it should be of moral value that a community whose character and composition have been shaped by a global system of racial domination and exploitation be able to determine its own membership on its own terms.

To support this claim, I argued that liberal political philosophers should already accept a similar line of argument in the case of white neighborhoods in the US that are the product of its long

history of racial segregation. Walzer's ideal that neighborhoods ought not to have "an organized or legally enforceable admissions policy," for example, needs to be understood in light of this history.

My argument leaves room for moral asymmetries when it comes to appeals to collective self-determination. It may well be the case that while some political communities do not have a right to exclude would-be immigrants from membership or entry to their territory, others do. This might be the case for communities who have historically been, or continue to be, dominated and exploited by others, and for whom control over membership is necessary to prevent domination (see Young, 2000). Indeed, it is somewhat ironic that the principle of self-determination—which has earned much of its current pedigree through its use by decolonization movements—is now being used to defend the right of Western states to keep out migrants, as if there were asking for the same thing as the colonized trying to throw off their oppressors.

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