The Ethics of Migration Policy Dilemmas

Addressing Anti-immigrant Sentiment and Other Roots of Illiberal and Anti-democratic Politics: A Response to Kapelner (2024)

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Kapelner's article identifies an ethical dilemma arising when "unjust immigration policy" – such as restricting the admission of refugees fleeing persecution and risking serious human rights violations if sent back – "has a reasonable chance to counteract democracy-threatening anti-immigrant backlash" (Kapelner 2024, 3). He defines "democracy-threatening anti-immigrant backlash" as the "engagement in or support for anti-democratic politics within certain parts of the population, partly or wholly as a reaction to perceived excessive, or otherwise undesirable, immigration" (Kapelner 2024, 4). According to Kapelner, there is a "conflict between comparably worthy moral values", i.e., justice in migration and the preservation of democracy, that has no straightforward resolution and thus can be defined, in Bauböck et al.'s (2022) terms, as a "hard ethical dilemma".

Nevertheless, Kapelner argues, political theory can give some normative guidance on policy responses. Importantly, Kapelner (2024, 8) points to preventative measures to avoid being confronted with the dilemma. Since the dilemma only arises when immigrants have "sufficiently weighty valid claims" to admission, there are two possible kinds of preventative measures: measures "pre-empting immigrants' valid claims" and measures "preventing backlash." For Kapelner, permissibly pre-empting immigrants from having valid claims would require reducing the likelihood of persecution and human rights violations worldwide. Note, incidentally, that Kapelner does not consider the option of increasing refugee protection in 'safe countries' of the Global South as a strategy to reduce the strength of admission claims in case of onward migration. Yet, the protection-elsewhere option is widely pursued by liberal democracies and its moral permissibility has been increasingly discussed in political theory (see Betts and Collier 2017; Aleinikoff and Owen 2022). Since reducing emigration drivers is a titanic, long-term task no single state can successfully pursue alone, measures aimed at pre-empting backlash by targeting the public perception of immigrants appear more promising. Kapelner considers three possible measures: fostering optimal contact, strengthening distributive justice, and strengthening the rule of law to contain anti-

democratic actors. Still, Kapelner argues, preventative policy tools are limited.

If prevention fails and the dilemma arises, policymakers cannot but choose "the lesser of evils". Should they opt for unjust immigration restrictions to reduce the threat to democratic stability, or accept putting democratic stability at risk to avoid unjust immigration restrictions? The dilemma would be dramatically acute in a high-risk case in which a "large and powerful xenophobic populist movement" is "posing a great and immediate threat to democratic stability" and the only alternative is restricting asylum (Kapelner 2024, 6). However, Kapelner (2024, 14) admits that in current liberal democracies the dilemma is not as sharp as in this fictional case. Democracy does not run the risk of "immediate catastrophic collapse", while the costs of exclusion are immediate and tangible, although they vary in different cases. In his "complex risk" scenario, Kapelner (2024, 11-12) imagines two groups of admission claimants: asylum seekers and immigrants seeking better jobs. In that case, reducing labour immigration would be preferable to reducing asylum seekers' admissions since asylum seekers' claims for admission are morally stronger, even if reducing labour immigration would bring a smaller benefit in terms of democratic stability. However, given "deep and arguably unjust global inequalities", Kapelner (2024, 13-14) concludes that policymakers should "generally prioritize preserving immigration justice" when there is no immediate threat of democratic collapse. Instead of adopting unjust immigration policies, they should "counteract backlash and democratic backsliding in other ways, e.g., the continued implementation of some preventative measures." The same preventative measures Kapelner seemed to dismiss as limited tools appear in the end as the only morally legitimate ones.

I agree with Kapelner on the importance of what he calls "preventative measures", and I will discuss them below. However, let me first critically assess the framing of the dilemma. Based on how Kapelner constructs the dilemma, it seems that anti-immigrant sentiment lies at the core of the political forces threatening democracy and that reducing unwanted immigration, despite being ethically problematic, would be crucial for democratic stability. I agree that the diffusion of anti-immigrant sentiment among citizens is troublesome for liberal democracies, as it increases and normalises racist and discriminatory practices and policies incompatible with a commitment to political equality. Liberal democracies have strong reasons to counteract such sentiments. However, we should be critical of the idea that curbing immigrants' and asylum seekers' admissions would save democracies from the rise of anti-democratic political forces. As Kapelner notes, there is a correlation between anti-immigrant sentiment, authoritarian attitudes and support for right-wing populism. Nevertheless, as Kapelner himself shows, the picture is complex. Support for anti-democratic, illiberal, authoritarian politics does not exclusively stem from concerns with immigration. What is more, the motivations behind anti-immigrant sentiment itself are complex. As Kapelner (2024, 10) summarises it, "backlash is the result of multiple factors, including the rise of immigration-induced diversity, socio-economic changes inducing status threat within certain parts of the population, and media messaging and deliberate political attempts to channel this sense of threat through anti-immigrant sentiment to anti-democratic politics".

Status threat, i.e., "anxieties about the prospect of losing status and wealth to groups perceived as socially inferior" (Kapelner 2024, 10), partly builds on racist, xenophobic

prejudice, but also reveals concerns about rising distributive injustice (see Burgoon et al. 2019). The literature on right-wing populism often points to the feeling of being "left behind" and having one's claims unheard by politicians (see Inglehart and Norris 2016, Schraff and Pontusson 2024), which may result in scapegoating immigrants and other minorities that the élite allegedly favours at the expenses of the "people" (see Bergmann 2020; Burgoon et al. 2019; Mudde 2007). Part of the appeal of undemocratic populist and authoritarian forces stems from a lack of responsiveness on the part of mainstream parties and this frustration is then directed against immigrants. If this is the case, it is the unaddressed underlying claims and the lack of democratic responsiveness that must be primarily addressed to counter the threat to democratic stability. Reducing the admission of labour migrants and asylum seekers does not address such underlying issues and is therefore insufficient to counter the rise of right-wing populist or authoritarian parties, as illustrated in the case of Italy that Kapelner recalls. Hence, it is not the case that the stability of democracies depends on compromising migration justice, as the Democratic Dilemma seems to suggest. Instead, it primarily depends on identifying and tackling reasonable claims whose lack of recognition increases support for undemocratic, illiberal political forces and, at the same time, on mitigating the hostility towards immigrants that undemocratic, illiberal political forces simultaneously nurture and exploit.

This leads us to the importance of what Kapelner describes as backlash-preventative measures. I discuss them in reverse order. The third measure he considers directly tackles the presence of undemocratic parties in the political arena, rather than addressing anti-immigrant sentiment to counter the advancement of those parties. He suggests that policymakers may try to "strengthen the rule of law, ensuring that even if anti-democratic actors win office, they cannot use their power to the detriment of democracy" (Kapelner 2024, 11). Kapelner does not explicitly commit to this option nor specify how to democratically contain such anti-democratic actors but notes that, for some, a liberal democratic state may infringe upon political liberties to contain and neutralize them. The containment option, thus, seems to open another democratic dilemma. Furthermore, the containment of undemocratic and illiberal parties does not address the underlying causes of the electoral success of such parties. Irrespective of its legitimacy, containment alone appears an insufficient response to the spread of undemocratic and illiberal attitudes among citizens. Moreover, it risks reinforcing the populist, anti-elitist backlash against liberal democratic parties. We thus need to consider other possible preventative measures.

The second measure Kapelner considers requires reducing levels of inequality and strengthening distributive justice. This, from my perspective, is a particularly appropriate measure, because it tackles economic grievances that not only nurture immigrant scapegoating but also lie behind the dissatisfaction with mainstream liberal democratic parties (see Burgoon et al. 2019; Schraff and Pontusson 2024). This measure does not directly address hostility against immigrants. However, this may not be a problem for Kapelner. Indeed, it seems to me that Kapelner's underlying preoccupation is democratic backsliding, and the anti-immigrant sentiment ultimately matters qua source of democratic backsliding. If this is the case, the real issue is finding democratically legitimate measures to pre-empt the threat to democratic stability posed by right-wing populist and authoritarian forces. Focussing on anti-immigrant sentiments and the demand for restrictive immigration policies might ultimately divert attention from a broader understanding of the multiple root

causes of the rise of illiberal and anti-democratic politics.

By contrast, if we believe that the anti-immigrant, xenophobic, Islamophobic and even openly racist character of illiberal and anti-democratic politics is what makes it particularly pernicious, we need to look at measures aimed at directly affecting the public perception of immigrants. This is precisely what the first backlash-preventative measure assessed by Kapelner aims to do. This measure consists of promoting positive contact between immigrants and locals to reduce the levels of outgroup prejudice, drawing on psychological research on the intergroup contact theory (Allport 1954; Pettigrew and Tropp 2006). As Kapelner notes, it is not the sheer number of newcomers, nor just their cultural diversity that fuels anti-immigrant sentiment. Empirical research, he reports, suggests that the effect of diversity on interpersonal trust is mediated by several factors including inequality and residential segregation. As Kapelner (2024, 9) puts it, "when diversity reduces trust and solidarity, this is often because diverse groups occupy unequal and disadvantaged social positions and have sparse interaction with the rest of society enabling their stigmatization as parasitic or dangerous, i.e., untrustworthy Others." Promoting positive contact addresses precisely this issue. Kapelner, however, does not openly endorse this option either. He rightly maintains that "there must be a limit to how much policymakers may legitimately try to shape citizens' attitudes". Still, political theorists shouldn't quickly dismiss the use of contact-based measures to tackle anti-immigrant sentiment. Instead, they should stimulate debate on the legitimate use of contact-based measures and other civic education policies in liberal democracies.

In previous works (Santi Amantini 2020, 2022), I argued in favour of policies fostering positive contact as morally and democratically legitimate means to address anti-immigrant sentiments. A growing body of literature in social psychology shows that not only direct but also indirect positive contact can reduce intergroup hostility. Concerning sentiments towards immigrants, experimental evidence supports the efficacy of vicarious contact, a form of indirect contact in which participants observe a fictional setting (e.g. a novel or a movie) where ingroup-member characters interact with outgroup-member characters (see Vezzali et al. 2014). I pointed to several promising examples of direct positive-contact initiatives and indirect-contact narrative strategies, particularly at the city level. I observed that such policies, as forms of civic education directed at adult citizens, raise important liberal and democratic worries that seem to lead to a dilemma. Indeed, from a liberal democratic perspective, anti-immigrant sentiment should be counteracted, since it is at odds with the basic values of freedom and equality, but it seems impermissible for a liberal democratic government to persuade citizens to abandon such sentiment (see Santi Amantini 2020). Yet, I argued, this is only an apparent dilemma. Indeed, liberal democratic states are not bound to neutralism: they can, and do, publicly express their basic values, such as equality (see Brettschneider 2012). Liberal democratic theory can thus offer criteria to devise civic education policies, including contact-based ones, compatible with the liberal value of autonomy. I am still convinced that, if we intend to specifically tackle anti-immigrant sentiments, rather than other roots of right-wing populism and authoritarianism, this path is worth pursuing and would require more theoretical attention in normative political theory.

In sum, focusing on a purported choice between saving democracy and pursuing immigration justice leads us to a dead end. Kapelner's article is particularly valuable because it contributes

to drawing attention to what lies behind anti-immigrant backlash and to stimulating discussion on ethically permissible pre-emptive and mitigating strategies. What is more, it invites theorists and policymakers to devote their attention to underlying unaddressed claims. Behind the rise of right-wing populism and authoritarianism lie racist and xenophobic prejudice, but also claims to redistribution, status recognition and democratic participation, some of which are likely to be reasonable. If we really intend to protect democracy from the rise of illiberal and undemocratic political forces, following them down the path of unjust immigration policies would be both unethical and ineffective.

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About the "Dilemmas" project

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