The ethics of migration policy dilemmas
Responding to critics

Zsolt Kapelner

Zsolt Kapelner is Postdoctoral Research Fellow at the University of Oslo. Earlier he held a Postdoctoral position at UiT – The Arctic University of Norway. He works on moral and political philosophy, particularly democratic theory.

I am thankful to the three commentators, Alexander Kustov, Laura Santi Amantini, and Daniel Thym, for engaging with my paper "Anti-immigrant backlash: the Democratic Dilemma for immigration policy" with such care and thoughtfulness. Since I wrote my paper in 2023, developments in world politics have made the issue of democracy-threatening anti-immigrant backlash even more relevant and pressing. Donald Trump was elected for a second term, promising mass deportations and restrictive immigration policies. Germany's far-right anti-immigrant party, AfD, got 20% of the vote at the 2025 Federal Elections and is the second-largest party in the country. In the UK, the right populist Reform party is also steadily gaining in popularity. As a response, centrist parties often respond by adopting stricter immigration measures. For example, Germany's (upcoming) chancellor, CDU's Friedrich Merz, as well as the UK's prime minister, Labour's Keir Starmer, both support stricter immigration measures, arguably at least partly in response to the anti-immigrant right's electoral gains. The question of whether we should restrict immigration to save democracy from far-right populist threats is not only of scholarly interest, but also has great practical significance.

In my paper I argued that this question is best understood as a hard ethical dilemma - to address it, we may have to compromise one of two important values: democracy or immigration justice. The three responses may be seen as arguing, in their specific ways, that this is not as much of a dilemma, or at least not as hard, as I make it out to be. Their arguments are well thought-through, insightful, and rest on a thorough understanding of the empirical, legal, and normative questions that pertain to the issue. I am in a strange situation where in a certain sense I hope that my position is false, and that the situation we are in is not as dire as I think. I believe that the respondents' arguments do support this hope to some extent. However, I also believe it to be important to look at the current state of affairs in a sober and critical way. My goal here, then, will be to try to put some pressure on the arguments presented by the respondents. Not because I am unconvinced by their reasoning – in fact, I find many valid points in their views – but rather to facilitate further discussion and critical thinking about these important matters.

I will consider the commentaries in reverse order starting with that of Thym. He suggests that there is potentially a middle ground between restricting immigration and sacrificing democracy, namely, creating legal pathways for immigrants to enter Western democracies. This, he argues, would both serve immigration justice by creating more and safer opportunities for people to immigrate and "appease anti-asylum sentiment" by signalling that immigration is orderly and tightly controlled by governments (Thym 2025, 6). Thym (ibid, 5) admits that this proposed solution is far from perfect as it "might possibly serve as a justification to refuse entry at the border to people who enter irregularly" without investigating the merits of their asylum case. Creating more and better legal pathways for immigration is an imperfect solution for the problems of an imperfect world. Nonetheless, it may move us closer to justice.

I appreciate Thym's nuanced approach to the question, and his engagement with the legal and policy frameworks in which immigration is shaped by decision-makers. Political philosophers, like myself, have a tendency to consider questions of this sort in much too extreme terms, considering "worst case" and "high risk" scenarios, as I do in my paper. While I do think that such reflection can help us bring out important insights, it can also obscure the complicated and multifaceted nature of real-life policymaking and wealth of options available to decisionmakers besides choosing one or the other horn of a dilemma. Still, I have two worries about Thym's argument. He argues that legal pathways would represent an "intermediate solution" (ibid, 3) to what I call the Democratic Dilemma, a middle ground between unjust closure and democracy-threatening openness. This can only be true if legal pathways both improve, or at least do not harm, immigration justice and reduce, or at least do not increase, the threat to democracy; then, while imperfect, legal pathways represent a solution which does not compromise either of the important values at stake in the Democratic Dilemma. However, I am unsure about both propositions.

Thym admits that legal pathways would make life better for some immigrants, i.e., those who have the opportunity to use them, and worse for others, i.e., remaining irregular migrants. But this does not mean that legal pathways as a solution is neutral, let alone an improvement, in terms of immigration justice. It may well be that the injustice it enables, i.e., en masse pushbacks against irregular migrants, is not compensated by the benefits it creates for regular migrants. This could be the case, for example, because irregular migrants may be more vulnerable and in greater need of help than those who can make use of legal pathways. If so, then legal pathways still make the global migration regime less just by creating unfair burdens for the most vulnerable, while slightly benefitting the less needy. In this case, we still sacrifice immigration justice to "appease anti-asylum sentiment" and thus defend democracy. Legal pathways may not constitute "closure," but they still set back immigration justice. Thus, we have not found an "intermediate solution," we simply chose one horn of the dilemma. In addition, the option we chose is one which, as I argued in my paper, we should only choose in exceptional cases, as a last resort.

The second question is whether legal pathways can safeguard democracy, at least to some extent, from democracy-threatening anti-immigrant backlash. Thym suggests that they

can because establishing legal pathways would signal that the government is in control of immigration. The suggestion presupposes that what we're struggling with is not anti-immigrant sentiment per se, but rather an aversion towards "uncontrolled" and "disorderly" immigration; a point that Kustov also makes in his commentary. This, I believe, is an important suggestion that is worth taking seriously. But to engage with it in more detail, it will make sense to first discuss Santi Amantini's response, which also raises the question of what it is precisely that drives democracy-threatening anti-immigrant backlash.

While my paper addresses the problem of democracy-threatening anti-immigrant backlash, Santi Amantini asks the important question of what it is precisely we should aim to counteract; is it democracy-threatening politics or anti-immigrant sentiment? Democracy-threatening politics has multiple root causes, and so focusing on anti-immigrant backlash in particular may seem overly narrow. If, on the other hand, what we care about is anti-immigrant sentiment, then many of the measures I discuss, which aim at strengthening democracy and diffusing far-right populist threats against it, may seem displaced; really what we should focus on is eliminating xenophobic or even openly racist sentiment, primarily through fostering "optimal contact" and civic education.

There is much about Santi Amantini's argument that I agree with, such as the need to focus on the multifaceted root causes of anti-democratic politics today and especially the role of economic inequality. However, I also believe that some of Santi Amantini's assumptions are worth interrogating further. At the end of her response, she writes: "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" (Santi Amantini 2024, 5). One way to understand Santi Amantini's suggestion is that supporters of the populist far right put forth reasonable critiques of contemporary liberal democracy, but unfortunately, they are also prejudiced and uncomfortable with cultural difference – something that populist leaders are happy to exploit –, and thus their otherwise legitimate critique gets distorted and channelled into exclusionary anti-immigrant politics instead of progressive systemic change. If anti-immigrant prejudice and other objectionable attitudes were eliminated, e.g., through civic education and optimal contact, perhaps all that would remain is a reasonable critique of technocratic neoliberalism centred on redistribution, status recognition and democratic participation, which may prove to be an important corrective to contemporary liberal democracy, as many have suggested.

I wonder, however, if anti-immigrant sentiment – and other objectionable attitudes espoused by supporters of anti-democratic politics today – are so disconnected from their supposedly reasonable demands. What if these attitudes are much more integral to their political project than this picture suggests? Couldn't it be the case, for example, that they care about redistribution, status recognition and democratic participation because they are anxious about immigration, i.e., about being overtaken or "replaced" by an ethnic and cultural Other, and therefore wish to strengthen their social and political positions? If so, anti-immigrant orientation is not an incidental feature of contemporary populism – a blemish that distorts an otherwise reasonable critique of contemporary liberal democracy, and from which it could be cleansed – but a centrally important element. In this case, perhaps we should be less confident about the prospect of educating populists out of their democracy-threatening anti-immigrant disposition. Of course, supporters of the contemporary far-right are hardly homogenous in this regard, and armchair speculation cannot resolve the

ultimately empirical question of what really drives democracy-threatening politics today.

This leads me to Kustov's commentary which engages most thoroughly with the empirical literature on democracy-threatening anti-immigrant backlash. Kustov (2024, 5) suggests that the problem is not so much democracy-threatening anti-immigrant backlash but rather "backlash to mismanaged migration" or "backlash to large-scale unauthorized migration." He cites studies by Christopher Claassen and himself to show that neither growing immigration nor permissive immigration policy correlate with increased support for illiberal and anti-democratic parties. He argues that insofar as anti-immigrant backlash occurs, "it is confined to narrow types of unauthorized and mismanaged unskilled and forced immigration" (ibid, 4). Thus, we can hope to counteract such backlash – and any democracy-threatening effect it may have – by making sure that immigration is well-managed and orderly. This can happen, for example, by creating legal pathways for immigration, as Thym suggests, and by demonstrating the societal benefits of immigration to the population.

As a leading expert on anti-immigrant backlash, his contribution to this debate is extremely valuable. I fully agree with him that the problem is not immigration per se; large-scale democracy-threatening backlash doesn't occur whenever immigration numbers grow. Rather, the way in which I would read the evidence presented by Kustov, Claassen, and others, is that as immigration and its public issue salience grows (Dennison 2020), those who harbour anti-immigrant sentiment and are willing to engage in anti-democratic politics for its sake become "activated" or "galvanized" (Claassen and McLaren 2020) and align themselves with anti-democratic politics. Immigration does not turn people into anti-democrats, but it does stir up those who are already (perhaps latently) anti-democrats. Kustov (2024, 4) rightly notes, citing Larry Bartels, that this is not exactly a grass-roots phenomenon; illiberal and anti-democratic leaders have an important role to play in this process. But whether it comes from below or is manufactured from above, these democracy-threatening anti-immigrant attitudes are important driving forces of contemporary anti-democratic politics.

Another important insight is that democracy-threatening anti-immigrant attitudes come not simply from a preference for orderliness and legality but, unsurprisingly, racial and ethnic anxieties. As Bartels himself notes in another study, the significant sympathy among Republicans in the U.S. for authoritarian politics is overwhelmingly driven by "ethnic antagonism," i.e., their "ethnocentric concerns about the political and social role of immigrants, African-Americans, and Latinos in a context of significant demographic and cultural change" (Bartels 2020, 22752). One reason why "backlash" is "confined" to unauthorized, unskilled and forced migration may be because these migrants tend to come from the Global South and are easily labelled as ethnic and racial Others.

One, perhaps particularly pessimistic, way to look at the contemporary situation and the state of democracy-threatening anti-immigrant politics, then, is as follows. Contemporary immigration trends put pressure on global racialised hierarchies which unevenly distribute opportunities, status, and power between inhabitants of the Global South and the Global North. People join democracy-threatening social movements and vote for such parties partly because they fear that their place within these hierarchies will be undermined; the contemporary far-right, to a large extent, appears to be a mass movement to preserve these pernicious hierarchies in an increasingly uncertain and volatile world.

If this is at least partly true, then perhaps Kustov's suggestions face important limitations.

First, as I argued earlier, when it comes to making immigration more "orderly" and "well-managed," e.g., through legal pathways, this may just be taking one horn of the Democratic Dilemma, as it may ultimately unjustly disadvantage certain groups of would-be immigrants, especially the most vulnerable ones. However, Kustov (2024, 5) expresses hope that "relaxing immigration restrictions on skilled and other economically beneficial workers can legitimise international mobility and increase public support for immigration in general." In this way, even currently disfavoured immigrant groups may be accepted in the long term. But I wonder if "ethnic antagonism" may be an obstacle to this legitimacy transfer. In other words, those who are concerned about ethnically and racially different immigrants threatening their social status and livelihoods may have trouble seeing such immigrants in the same light as formally educated, high-skilled, white (or white enough) foreigners whose presence they never objected to. In addition, ethnic antagonism may affect what people perceive as "disorderly" or "mismanaged" immigration. To put it crudely, for some, any immigration by non-white, low-skilled people from the Global South may register as "disorderly" or "mismanaged" because for them, well-managed immigration entails keeping such people out. This, of course, is but one possibility, but perhaps it is one that deserves further investigation.

An important takeaway from these discussions is that the world is vastly more complex than the philosopher's neatly constructed hypothetical cases suggest. There are always many more variables and many more options to consider. Still, mere complexity does not guarantee that we never face any hard choices, that we can always find a middle ground or intermediate solution. My worry remains that in addressing the challenge of democracy-threatening anti-immigrant backlash, we may not be able to simultaneously advance immigration justice and defend democracy. Even if we try creating legal pathways to make immigration appear more controlled and orderly, eliminating anti-immigrant prejudice through civic education, or broadcasting the societal benefits of immigration, there will remain politically efficacious, even violent, parts of society, backed by powerful politicians and business actors, who will not accept a more just immigration regime – or more social justice generally – and are willing to dismantle democracy to prevent it. If so, then we are still left with a dilemma. This dilemma should not engender paralysis, but we should recognise that we live in times where pursuing justice and defending democracy, while possible, come with considerable moral costs. Once again, I am very thankful to all three respondents. Even though here I put forward some criticisms of their points, I reiterate that I offer these considerations not to reject or refute their views, which I found very valuable and insightful, but to encourage further discussion and thinking about these important issues.

References

Bartels, Larry M. 2020. "Ethnic antagonism erodes republicans' commitment to democracy." PNAS, Vol. 117, No. 37, pp. 22752–22759.

Claassen, Christopher and Lauren McLaren. 2021. "Do Threats Galvanize Authoritarians or Mobilize Nonauthoritarians? Experimental Tests from 19 European Societies." Political Psychology, Vol. 42, No. 4., pp. 677-694.

Dennison, James. 2020. "How Issue Salience Explains the Rise of the Populist Right in Western Europe." International Journal of Public Opinion Research, Vol. 32, No. 3, pp. 397–420.

Kustov, Alexander. 2024. "Do Programmatic Pro-Immigration Reforms Ever Hurt Democracy? A Gentle Backlash to Kapelner (2024)." Commentary for 'The Ethics of Migration Policy Dilemmas' project, Migration Policy Centre (MPC), European University Institute (EUI), pp. 1-6.

Santi Amantini, Laura. 2024. "Addressing Anti-immigrant Sentiment and Other Roots of Illiberal and Anti-democratic Politics: A Response to Kapelner (2024)." Commentary for 'The Ethics of Migration Policy Dilemmas' project, Migration Policy Centre (MPC), European University Institute (EUI), pp- 1-6.

Thym, Daniel. 2025. "Beyond Binary Descriptions of Openness vs. Closure: A Response to Kapelner (2024)." Commentary for 'The Ethics of Migration Policy Dilemmas' project, Migration Policy Centre (MPC), European University Institute (EUI), pp. 1-8.

About the "Dilemmas" project

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Contacts

Website: https://www.migrationpolicycentre.eu/

Twitter: @MPC_EUI

Facebook: Migration Policy Centre

E-mail: migration@eui.eu

Address: Convento di San Domenico
Via delle Fontanelle 19

I-50014 San Domenico di Fiesole (FI)