# Migration Blackmail and the Reasonable Policymaker: A Response to Sharp (2025)

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That anti-immigration sentiment in the Global North can be exploited for political gain is well-known to populist and far-right parties and, increasingly, to the conservatives and social democrats who adopt their immigration policies in the hope of winning back voters. Yet this is also known by governments of states bordering the Global North, who sometimes leverage the same sentiment for financial or political gain by threatening to let migrants pass through their territory and enter that of their neighbours. This phenomenon of *migration blackmail* is especially pertinent given that reliance on neighbouring states is inherent to the externalisation of border control that has been the Global North's major response to migration in the 21st century (FitzGerald 2019).

In his characteristically lucid and tightly argued paper, Daniel Sharp (2025) focuses on the case of the EU to normatively assess migration blackmail.[1] Sharp has two aims. The first is to show that, under certain conditions, migration blackmail gives rise to a moral dilemma because it forces states to choose between their own legitimate interests in self-determination and the legitimate interests of migrants in accessing protection and in avoiding harm (305). The second aim is to show that "migrants' interests in accessing adequate protection and avoiding harm ought to take precedence over state interests in blackmail avoidance" (310). This is an important conclusion because, as Sharp notes, the EU member states have typically given closed-border reactions to migration blackmail, with the expressed intention of taking a firm stance against it (319).

As a normative account of the demands of justice in migration, Sharp's analysis is persuasive precisely because it takes seriously the political dynamics that give rise to the Migration Blackmail Dilemma (MBD). In this critical response, I will thus not seek to rebut its substantive claims about states' obligations when faced with MBD. Instead, I want to pick up on a distinctive feature of Sharp's argument – namely, its addressee. Arguments in normative

1 Throughout, I refer to Sharp (2025) by page number only.

political theory usually proceed by working out what justice requires in a particular domain, assuming (sometimes explicitly, more often implicitly) the *demoi* of democratic states as their addressees (see Baderin 2016). By contrast, Sharp has a narrower set of agents in mind: "*reasonable* policymakers in target states who may feel the pressure that migration blackmail generates but who aim to respond with a sensitivity to the precarity of the situation of migrants" (303, emphasis in original). These policymakers operate "under significant political constraints" (299 note 18). Yet they are reasonable – I take it – because they do not simply concede to the public attitudes that make up those constraints but seek to manoeuvre within them in support of migrants' legitimate claims. What I want to suggest is that further reflection on the constraints faced by the reasonable policymaker deepens MBD. On the basis of this reflection, I want to raise some questions about the considerations the reasonable policymaker has to balance when confronted with MBD.

The first horn of MBD is that migrants are likely always wronged by migration blackmail: they are instrumentalised, subject to threats of harm, and are therefore at serious risk of harm (300). The worst-case scenario for migrants is to be trapped, without any protection whatsoever, between a closed-border reaction from the target state and a blackmailing state that does not back down on its threat. The second horn of MBD is that states have legitimate interests in avoiding blackmail, grounded in their claim not to bear an unfair share of the burdens associated with protecting migrants, and in their claim to self-determination (301). Yet these conditions are not always, or even often, met. Many target states clearly do not discharge their fair share of the burdens associated with global migration, nor would accepting more migrants plausibly undercut their capacity to exercise self-determination. Thus, MBD arises only in the limited set of cases where states are genuinely doing their fair share and/or would face struggle to exercise self-determination as a result of an increased flow of immigration (303). But within that set of cases MBD is genuinely dilemmatic in the sense that target states are forced to decide between two important goals that appear mutually exclusive (297, following Bauböck et al. 2022).

One of Sharp's many interesting arguments, however, is that this set is even more limited than it might first appear. This is because target states have tools at their disposal to blunt the second horn of MBD. First, by opening their borders to the instrumentalised migrants – which Sharp convincingly argues they have an independent obligation to do (310–318) – states would disincentivise blackmail by signalling that they are willing to accept the costs, thereby undercutting the blackmailer's leverage (320). Second, states can sanction blackmail by imposing costs on the blackmailer in other domains (321). Third, states can enact policies that decrease the burdens of allowing entry and offering protection, again undercutting the blackmailer's leverage by transforming the costs inherent to the threat. These include policies to effectively organise protection in ways that are economically beneficial to the host state, and to reframe migration positively so as to undermine the xenophobic public reactions that are the major source of the costs of immigration in the Global North (321).

These arguments show that the costs blackmailers threaten to impose are not universal. They are generated by specific political dynamics and are essentially constituted by the attitudes of citizens in target states. Since the negative effects with which those attitudes are empirically correlated – hostility towards immigrants, decreased support for welfare measures – are under the volitional control of citizens, those citizens cannot refer to their attitudes to absolve themselves from obligations towards vulnerable migrants (Pevnick 2009). Instead, the malleability of attitudes by means of policy shows that MBD will only arise in the exceptional circumstance in which a state's institutions will be literally incapable of absorbing the few thousand migrants the blackmailer threatens to force over the border (312). In the vast majority of cases, there is no dilemma because prioritising migrants' interests in protection and avoiding harm does not have to come at significant cost to targeted states.

This largely dissolves MBD when we take the *demos* as the subject of normative address. When considering justifications for public policy, being unwilling is crucially distinct from being unable; "using the latter term when we really mean the former is a crass attempt of shifting responsibility from people onto things" (Goodin 1982, 129). However, things look more complicated from the point of view of the reasonable policymaker. As Sharp notes, the mitigation strategies that blunt the second horn of MBD "may prove difficult to implement due to hostile political climates in target states" and, if so, "this is partially attributable to social and political failures in those societies" (321). In other words, the conditions that make migration blackmail genuinely dilemmatic are contingent – had states acted otherwise, migration blackmail would not give rise to any deep conflict of value. When a moral problem arises from contingent conditions, the obvious solution is to target those conditions. Yet, I want to suggest, the contingencies that make migration blackmail genuinely dilemmatic are *robustly* contingent. That is, whilst the attitudes that make it costly to simply accept migrants in the face of blackmail are contingent, they are not coincidental and cannot easily be eliminated or changed because they are part of the phenomenon's internal logic.[2] The point is simply that the conditions under which the reasonable policymaker could implement the mitigation policies sketched above are ones in which MBD would not arise in the first place.

This is implicitly recognised by Sharp when he notes that what generates migration blackmail is (1) complicity in creating forced displacement, (2) hostile attitudes towards immigrants, (3) the lack of fair burden-sharing schemes above the state-level, and (4) increased reliance on the externalisation of border control (306–310). In conjunction, these conditions give rise to a state of affairs where there is a "supply" of forced migrants, where immigration is perceived as a major cost in target states, and where those states therefore make themselves dependent on neighbouring states for avoiding those costs. According to the logic of externalisation, it is imperative to push border control as far away from the state's physical territory as possible because, once territorially present, migrants can claim protection under the principle of *non-refoulement*, which prohibits exclusion where there is reason to believe they would be at risk of harm upon return (Shachar 2020). Externalisation thus arises from twin considerations – the wish to avoid incurring the costs associated with protecting migrants' rights and the wish to avoid charges of violating a central principle of international law. These considerations depend in themselves on perceiving immigrants

2 I take the notion of a robust contingency from Cordelli (2020, 142).

as a major cost to be avoided. In cases where protection of vulnerable migrants can be reorganised in economically fruitful ways, and where (perhaps partly as a consequence) xenophobic attitudes can be targeted by reframing immigration in politics, the logic of externalisation would no longer have force. Indeed, this possibility is arguably demonstrated by the reception of Ukrainian refugees in Central and Western Europe after the Russian invasion. Ukrainian refugees have faced far less public resistance than refugees from the Middle East (Thränhardt 2025), and have not been targeted by the measures that characterise externalised border control.[3]

Of course, this is not an objection. To the contrary, it is to say that Sharp's analysis of MBD is even deeper than he presents it. For the receiving state, taken as a collective of citizens, the vast majority of migration blackmailing cases do not present a hard ethical dilemma. The reasonable policymaker, by contrast, will be faced with such a dilemma. This is the pull between two competing considerations of justice: substantive justice and procedural justice (Quong 2023, 231). No matter how the reasonable policymaker acts, she seemingly cannot avoid committing injustice towards either vulnerable migrants – the subjects of the policy she will write – or towards the citizens she is supposed to represent – who have voted for political parties that promise to avoid the costs associated with receiving asylum seekers. One plausible way to respond to the reasonable policymaker's dilemma is to follow Sharp's analysis and hold that, in the case of migration blackmail, the substantive injustice towards migrants is graver than the procedural injustice towards the citizenry. One could argue, further, that the injustice that would be done towards migrants is sufficiently grave that it would be impermissible for the reasonable policymaker to opt for a closed-borders response. That is, the injustice would undermine the legitimate enforcement of the policy itself (Rawls 1993, 428).

This response has considerable force. However, it also raises a further worry for the reasonable policymaker. As Sharp also argues, the most significant interest at stake for target states "is that of maintaining democratic institutions" and insofar as "migration blackmail threatens to impair these, it provides a serious reason for concern" (312 note 55). In response to this, Sharp notes that "there is little reason to believe core democratic institutions are seriously threatened by most cases of migration blackmail" and where they are, "they are threatened by reactionary forces *within the host state*, not by migrants, and so it is unfair to displace this burden onto migrants" (ibid.). This lends support to the suggestion that the reasonable policymaker should prioritise substantive over procedural justice in the case of migration blackmail. In this case, the policymaker in question is most readily understood to be part of the legislative state: an elected politician, who co-determines the ends of public policy on the basis of a mandate received during elections.[4] If politicians decide to prioritise vulnerable migrants over the demands of their citizens, they risk electoral punishment when they seek re-election, but that does not yet provide reason for worrying about democratic institutions as such. Yet, this possibility of electoral punishment presents the reasonable policymaker with a new dilemma. If they risk being replaced by policymakers who will show *no* respect for substantive justice in migration, might they be justified in making concessions to public attitudes in high-profile cases?[5]

3 I am grateful to Lukas Schmid for suggesting this example.
4 I am grateful to Rainer Bauböck for inviting me to explicitly discuss the case of the legislative state.
5 For illuminating discussion of such cases, as well as a framework of analysis, see Kapelner (2024).

A version of this dilemma reappears for a different set of state officials, who are also covered by the term "policymaker." Bureaucrats concretise and, further down the line, implement the policy ends they receive from elected politicians – perhaps most notably by determining *who* qualifies for protection or benefits allocated by the state. Whether the administrative state stands in fundamental tension with, or is indeed required for, democratic legitimacy is a contested issue (Zacka 2022). What is less controversial, however, is that the administrative state can be conducive to the pursuit of justice. Bureaucrats unavoidably receive policy ends that are underdetermined by elected politicians, which provides them with a degree of discretion that can look worrying from the point of view of democracy (ibid, 25). However, this same discretion also provides bureaucrats with the required leeway to be reasonable in Sharp's sense. That is, when they write public policy, they can be sensitive to the requirements of justice even where public opinion demands that they enact injustice. However, and this is the worry, public opinion might turn on the administrative state itself. This is not just a hypothetical concern; the same populist sentiment that generates anti-immigration politics is also deeply sceptical of bureaucracy. Thus, consistently writing and implementing unpopular policy could make the reasonable policymaker herself a target.

This deepens MBD because the reasonable policymaker – whether understood as an elected politician or as a bureaucrat – has justification for being concerned that, if her decision-making becomes politicised, she could risk jeopardising the very office that would allow her to do *some* justice for migrants. This could indicate that, instead of a strict priority view in favour of substantive justice, the reasonable policymaker is forced to balance the values of substantive and procedural justice (Stemplowska and Swift 2018). Perhaps there is nothing more to say about this balancing than that it would turn on the reasonable policymaker's political judgement in each particular case. But if there are more general principles that ought to guide her judgement, I would be very interested to hear Sharp's thoughts about what they might be.

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## About the "Dilemmas" project

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