The Ethics of Migration Policy Dilemmas
Do Programmatic Pro-Immigration Reforms Ever Hurt Democracy? A Gentle Backlash to Kapelner (2024)

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Many people in the United States, Europe, and other rich democracies don't like immigration. Yet, it is still happening and even growing, so some people choose to vote for anti-immigration parties and candidates. Some of these parties and candidates also oppose liberal democratic norms and institutions. So, what should democratic governments do when faced with this potential populist backlash against immigration? According to an increasingly popular argument, mainstream politicians and other stakeholders could and should address this potential threat to liberal democracy by implementing more restrictive immigration policies. For many, this is not a mere hypothetical—the election of Donald Trump and the January 6 United States Capitol attack provide vivid examples of how political backlash to excessive immigration can undermine democracy.

In his thought-provoking and much-needed piece, Zsolt Kapelner (2024) examines such backlash arguments by introducing the idea of a "democratic dilemma" for immigration policy and discussing possible ways to resolve it. This dilemma refers to the tough choice policymakers face between restricting immigration to appease anti-immigration sentiment and upholding immigration justice at the risk of threatening democracy itself. While Kapelner believes that immigration justice should be prioritised in most cases and that restricting immigration alone is never sufficient to defuse anti-democratic politics, he concludes that it is a hard ethical problem with no straightforward resolution. With some qualifications, a similar argument can be found in the recent work of Ryan Pevnick (2024) and other theorists and commentators who believe that the anti-democratic threat of backlash can be a valid rationale against liberalising immigration.

As an empirical social scientist who studies anti-immigration politics, I appreciate Kapelner's acknowledgement of some contrary data-driven findings in his normative theorising. His approach is also careful and refreshing, as he does not stipulate that the democratic dilemma for immigration policy is inherent to democracy or immigration. Instead, he acknowledges

that it emerges in the specific contemporary context of widespread anti-immigration sentiment and the politicisation of these sentiments. Furthermore, Kapelner recognises that not all immigration and electoral successes of anti-immigration parties pose a threat to democracy. Finally, I appreciate that he addresses the peculiar fact that the backlash may be threatening exactly due to citizens' reactions to immigration (whether these reactions are justified or not), not immigrants themselves. Similar to Pevnick, Kapelner merely provides a conditional argument along the following lines: in a context where anti-democratic politicians have an incentive and ability to exploit widespread opposition to immigration to undermine democracy itself, restricting immigration can be a morally justified, pragmatic choice for democratic governments in power.

Overall, I agree that, for policymakers, and especially those with strong cosmopolitan commitments, navigating immigration policy is not easy, and the possibility of anti-democratic backlash presents many tough moral choices which empirical research alone cannot fully resolve. Therefore, I appreciate the need for normative theorising that attempts to unpack the moral justification of these choices based on sound logic and first principles. While I also appreciate Kapelner's effort to inform his thinking with data, I believe that fully engaging with the best available positive theory and empirical research is crucial for understanding these complex issues. More broadly, hypothetical experiments and compelling anecdotes can provide valuable insights, but they should be considered alongside a comprehensive review of the relevant social scientific evidence.

Below I consider several major descriptive and causal empirical questions about backlash that I believe should feature more centrally in our normative thinking on the issue and that should also qualify its policy implications. After reviewing the evidence from my and other recent research on the topic, I conclude that, while counterproductive backlash to freer immigration is possible, it only applies to some limited immigration types and policies. The backlash argument is thus not a good justification for most existing immigration restrictions, and it should not be used to argue against programmatic pro-immigration reforms that demonstrably benefit citizens in receiving countries.

Whose backlash to what, when, and why?

Some commentators use the term "backlash" as simply another word for any unexpected political disagreement. Kapelner (2024, 4) is much more careful and precise. He defines "democracy-threatening anti-immigrant backlash, or simply backlash for short, as 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". But "backlash" is also not a synonym for any adverse political reaction to change among some people. As many authors including myself emphasise, for the concept to be fruitful, it must refer to a particularly strong and sustained adverse reaction among large swathes of the public to political advancements that may be counterproductive to these very advancements (for a review, see Kustov 2023). Since the idea of backlash necessarily implies uncertainty and a counterfactual argument about what would have happened to the cause and related behaviours without a particular advancement, reasonable observers can disagree regarding whether the backlash has actually occurred.

What constitutes pro-immigration advancements that voters lash back against? The backlash argument is interesting because people can adversely react to various advancements, from increasing immigrant presence and ethnic diversity to specific immigrant behaviours, pro-immigration rhetoric, and policies. Scholars have primarily conceptualised immigration backlash as an adverse voter response to the rising physical presence of immigrants or "anti-immigrant backlash", as Kapelner puts it. However, focusing solely on immigration-induced demographic change may miss a significant part of the issue, as immigrant presence is neither necessary nor sufficient for voter backlash (Margalit and Solodoch 2022; Solodoch 2021). While rapid immigration flows may increase the salience of immigration and the likelihood of anti-immigration voting, they can only account for a small portion of the variation in these outcomes. Moreover, evidence regarding immigrant presence is not very helpful for policymakers, as migration flows have multiple complex causes beyond migration policy. Therefore, focusing on how voters react to immigration policy changes regarding would-be immigrants (or "anti-immigration backlash") is more analytically fruitful, especially when considering how policymakers should incorporate these public responses into their decision-making.

There are also numerous ways in which pro-immigration advancements can be counterproductive, from increasing public opposition to pro-immigration policies and immigrant rights to contributing to populist radical right voting and democratic backsliding. While many empirical immigration scholars, including myself, have primarily focused on the immediate signs of anti-immigration backlash, such as changes in attitudes toward immigration, Kapelner, like many other generalists, is mainly concerned with the broader threat that immigration backlash poses to democracy. The general idea is simple—open immigration may be just, but it can undermine the democratic institutions that make immigrant-receiving countries desirable in the first place.

But anti-immigration or any other backlash is arguably most plausible when it concerns immediate behavioural causes and outcomes where the causal chain is clear: "if you advance this particular policy too forcefully now, people will oppose this policy more, making it more likely to be rescinded than if you had advanced it more slowly." When arguing that backlash against immigration threatens democracy more generally, the causal chain becomes much more convoluted and thus less likely to hold up. After all, not every voter opposes or cares about immigration, not every politician is willing or able to use anti-immigration sentiment for their electoral benefit successfully, and not every context is susceptible to democratic backsliding.

Furthermore, since much of politics is dynamic and "thermostatic", for every reaction of immigration opponents, there may be a counter-reaction from immigration supporters. When it comes to the more proximate outcome of immigration support, for instance, there also appears to be a reverse backlash to the rise of populist far-right parties (Dennison and Kustov 2023). In this sense, one may even argue that Kapelner's paper and related work are part of this ongoing pro-democratic and pro-immigration backlash to populism and backsliding among intellectuals.

How significant is the threat of anti-immigration backlash to democracy?

To his credit, Kapelner acknowledges that high-risk hypothetical scenarios of the democratic

dilemma are rare. He also notes that anti-immigration parties are not always anti-democratic and that further immigration restrictions may not be sufficient to defuse democratic threats when they arise. Nonetheless, I believe it is also important to re-emphasize that immigration is just one of many policy areas that people may have strong opinions about and vote based on. Immigration is not unique compared to other issues like redistribution, trade, crime, education, and foreign policy, all areas in which people may lash back against policy advancements in a democracy-threatening way.

Still, what does the best evidence say about the relationship between immigration and democracy? In a recent comprehensive study, Claassen (2024) examines how people's attitudes toward democracy have changed over the last several decades in relation to immigration increases within European countries. His results show that immigration does not undermine people's trust in, satisfaction with, or support for democratic institutions. Similarly, my own recent studies on the possible backlash to immigration policy changes show that both pro-immigration and anti-immigration reforms do not correlate with populist voting (Kustov 2023, forthcoming).

What about the impact on democratic institutions? In his recent book, Bartels (2023) also shows that democratic backsliding is not a grassroots process but rather a top-down one. In countries where democracies have recently eroded, such as Hungary and Poland, this erosion was engineered by politicians without any mandate from voters, whether related to immigration issues or not. Overall, while inferring causality or the absence thereof is always tricky, these recent empirical studies indicate that countries that liberalise and have consistently liberalized their immigration policies are not the ones experiencing threats to democracy.

What immigration policies do voters lash back against? Can some policies legitimise immigration?

Regardless of whether we focus on what happens to immigration or democracy more generally, it is important to be clear about what people lash back against when it comes to immigration. Curiously, as Kapelner (2024, 8) notes, it is not about all immigration: "[w]hen wealthy Scandinavians migrate between Norway and Sweden, no tension between immigration and democracy seems to arise." Similarly, Pevnick (2024, 337) acknowledges that "the evidence of backlash does not appear to extend to programs that prioritize highly skilled migrants."

This is all good, but I would argue that Kapelner, Pevnick, and most of us probably have it backwards. Namely, we don't appreciate enough the fact that much of migration is already popular. In fact, to the extent that anti-immigration backlash is possible, I would argue that it is confined to narrow types of unauthorized and mismanaged unskilled and forced immigration. Indeed, it is notable that most backlash scenarios Kapelner depicts involve involuntary migrants, whereas the role of labour or other types of regular immigration are not discussed until the end of the paper.

At the same time, according to the growing literature on immigration public opinion, most people support skilled and other selective immigration because they believe it benefits their countries (Hainmueller and Hopkins 2014; Kustov 2021). In fact, to the best of my

In fact, to the best of my knowledge, despite heated immigration debates and pervasive racial prejudice, there has never been a major grassroots protest opposing policies that facilitate the entry of educated foreign workers anywhere in the world. Fortunately, uncontroversial migration is much broader than just attracting the best and the brightest, and some pro-immigration policies can even further legitimise freer immigration.

In my forthcoming book, I show that voters generally support even very liberal pro-migration policies when these policies explicitly and straightforwardly benefit their countries. Such (what I call "demonstrably beneficial") policies can also be about filling labour shortages, reuniting families, increasing population growth, revitalizing declining regions, or even improving national security. When governments introduce new immigration policies that open legal pathways for foreign workers and their families that demonstrably benefit their country, voters do not lash back. On the contrary, relaxing immigration restrictions on skilled and other economically beneficial workers can legitimise international mobility and increase public support for immigration in general. When consistently high immigration flows of workers come to be viewed as legitimate by the electorate, and voters start trusting their government on the issue, there is also more room for humanitarian immigration and other responsible policies even when they are not quite responsive to public opinion. Overall, when representative democratic governments enact programmatic pro-immigration policies that align with the preferences of their citizens, it ensures that these governments have a sufficient public mandate to lead on the issue and help the most vulnerable involuntary immigrants when a crisis hits (Kustov forthcoming).

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Immigration is a contentious issue on which many reasonable people disagree. Policymakers who otherwise believe in the merits of more open immigration policies understandably fear backlash from their voters and thus tread carefully. Given the complexity of the issue, even the best-intentioned and sound reforms can backfire on their own merits. It is also unlikely that there will be an ultimate policy solution that satisfies all relevant parties, even among those who are already pro-immigration. Therefore, I very much welcome the important contributions by Kapelner and other normative theorists who have recently joined the immigration debate to help figure out not only which immigration policies are just, but also which immigration policies can be justly implemented given the realities of our contemporary democratic politics.

However, it is important not to overthink the issue. Backlash effects usually materialize in immediate, short-term attitudinal outcomes, not distant outcomes of institutional change. They are also most plausibly caused when policy triggers are salient and out of touch with the majority of voters. The recent asylum crisis in New York City testifies to dysfunctional immigration policies that were able to bring havoc to even one of the most immigrant-friendly cities in the world. Perhaps immigration debates would be more productive if we talked about the relevance and consequences of the more specific "backlash to mismanaged migration" or "backlash to large-scale unauthorized migration" rather than "anti-immigration backlash" in general.

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About the "Dilemmas" project

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