

## **Lorna Finlayson on political philosophy and immigration: a reply**

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### **Abstract**

Replying to Finlayson (2020), I defend analytic political philosophy from the charge that, by ignoring their historical context, it fails to grasp what is really at stake in the case of issues such as immigration. I also defend my own work on that topic from the charge that it is implicitly racist by virtue of using arguments capable of being appropriated by racists.

In her article 'If This Isn't Racism, What Is? The Politics of the Philosophy of Immigration' (Finlayson 2020) Lorna Finlayson launches a sweeping attack on the way in which analytically-inclined political philosophers have written about immigration. My own work is singled out as representative of one particular standpoint, namely liberal nationalism, and accused of being implicitly racist. This is a serious charge – probably the most serious political charge that can be levelled in current circumstances – and it deserves an equally serious rebuttal. I begin by saying something in defence of the philosophical method whose outcome she deplores.

Finlayson suggests that it is both pointless and inappropriate to apply the forensic techniques that philosophers use to political beliefs of whose truth we are already certain, since we know what happened in the past when people acted in ways contrary to those beliefs. To use one of her examples, we know that women have the right to abortion, and we know this because we know what women were forced to undergo when abortion was illegal (and still are, in places where it is not available). So, Finlayson claims, arguments offered in support of that right, even good arguments like Thomson's (Thomson 1971), are beside the point. They never capture what is at stake for people who engage with the issue politically.

Political questions are to be settled, according to Finlayson, by 'political' rather than 'philosophical' thinking, which means looking at the historical background to the issue, seeing who is lined up on either side, and then aligning oneself with the 'good guys'. She seems to think it is easy to discern in each case who these 'good guys' are, and this is presumably to be done by looking once more to history, noting the direction of progress, and identifying those are marching in the forefront as the ones whose political beliefs are to be embraced.

The upshot of this approach is to leave no space for political *philosophy* as such, insofar as it involves critically scrutinising political beliefs *including* those beliefs you are already firmly committed to holding – what Rawlsians would call your ‘considered judgements’. So what can be said on behalf of the (to Finlayson perverse) business of examining objections to those beliefs, considering circumstances in which they appear not to hold, and so forth? One aim is to find out what if anything *grounds* those beliefs, because that will make a difference when they collide with other beliefs; another is to find whether there are qualifications that need to be added, cases in which the beliefs cease to apply, because that will help to fix the scope of the corresponding principles. The upshot, if successful, will be a more coherent, and better informed, set of political beliefs. Assuming that these properties are valuable – admittedly, an assumption, though one that seems central to the whole enterprise of philosophy – it is not clear what Finlayson’s version of ‘political thinking’ has to offer in their place. Relying on the convictions of ‘progressive’ activists to guide judgement risks leaving ill-founded assumptions and unacknowledged prejudices unchallenged.

Immigration appears to be a case that is ripe for this treatment, so it comes as no surprise that political philosophers have turned to it in the recent past. Oddly enough, in contrast to the cases of abortion and tuition fees discussed earlier in her article, Finlayson seems unsure of what to think about the crucial issue of whether states actually have a general right to exclude outsiders (‘perhaps they do, perhaps they don’t, perhaps the whole idea makes no sense’, she writes on p. 132). This looks like a case in which philosophical scrutiny might be of some help, but Finlayson’s line is that once we have grasped the full horror of the colonial past the question will somehow dissipate. By the end, however, we are no nearer finding out what Finlayson thinks should actually be done about immigration.

This brings us to the charges levelled at those like me who have attempted to think about immigration in a systematic way, trying to work out which arguments are valid and which aren’t, what the evidence suggests about the consequences of migration for both the receiving and sending societies, and so forth. It’s true that in this context I don’t write much about colonialism, but this is not because I have somehow failed to notice it – how could this be possible?<sup>1</sup> – but because I doubt whether it provides a sufficient guide to the choices that states are called on to make in immigration policy today. On the one hand, when reparation is owed for the harms of colonialism, it is owed to surviving colonial subjects and their descendants en masse, not to the minority who are able to accumulate the resources needed to migrate to rich countries.<sup>2</sup> On the other hand, when considering the admission claims of individual migrants, for example those making claims to asylum on the grounds of a reasonable fear of persecution, it is unclear what additional weight should be given to those who can also make reparative claims. Should we give priority to those coming from

oppressive regimes in places that were also former colonies over those coming from equally oppressive regimes in places that were not, or should the urgency of the refugee's need for asylum be the deciding factor? A country's colonial past might be a factor that should count when states agree to act collectively by setting refugee quotas that each will honour under so-called 'burden-sharing' schemes. But in the absence of such a scheme, it would be hard to justify a UK border official choosing to admit a refugee from Nigeria over one from, say, Eritrea simply on the grounds that she is a descendant of people whom Britain had once colonised.

The gravest charge, however, is not failing to pay sufficient attention to the history of colonialism, but examining, and in some cases endorsing, arguments about immigration policy that could also be used as ammunition by racists. Finlayson points out, correctly, that racists rarely wear their colours on their public faces. Recognizing that they cannot win supporters using racist language, since few of those they hope to enlist like to think of themselves as racists, they search around for other grounds to support the abhorrent policies that they favour, such as the compulsory deportation of non-white immigrants. From this Finlayson concludes – this is the crucial move – that racism as a mental construct is not to be confined to those beliefs and attitudes that we might normally think of as racist, but expanded to include all of the arguments and theories that might be seized upon, twisted around and used to support racist practices. Notice that this is more than just the claim that the people whose arguments and theories are being exploited in this way are unwittingly helping the cause of racism. It is the claim that they are actually part of what racism *is*, since racism as a 'structure' is understood to include all of this extraneous material as well as the core beliefs.

Since the ingenuity of racists knows no bounds, it is worth underlining just how far this accusation might turn out to reach. Consider the Islamophobic appropriation of the argument for gay rights. Highlighting the homophobic elements found in most traditional religions, some racist politicians – such as the Dutch politicians Pim Fortuyn and Geert Wilders – have trumpeted their support for gay rights as a justification for excluding, or deporting, Muslim immigrants. So anyone who defends gay rights and in the course of doing so attacks those homophobic religious teachings is grist to their mill. Or consider the way in which far right groups have begun to exploit concerns about climate change and environmental destruction to support an ethnically-cleansed idea of the national homeland. They claim that only people deeply 'rooted' in the soil, as opposed to 'nomadic' migrants, will care sufficiently about their homeland to want to conserve it for the future (see Trilling 2020). So anyone who argues that, for the sake of the planet, we all need to move around less is in danger of being co-opted for this version of racism on Finlayson's account.

The normal response to charges such as this is to make it crystal clear what one believes and what one repudiates, and if what one believes overlaps on occasion with what racists are *saying* by way of justification (though probably not themselves believing), then so be it.<sup>3</sup> Finlayson dismisses this as 'literalism'. Notice that this is not the same as saying that one should never consider how one's words might be appropriated and used. There is a responsibility of this kind, and in the type of case at issue here it arises when an invitation arrives to address some non-academic think-tank or conference, when it is important to establish whether the meeting is being propelled by an unspoken agenda, and if so what that agenda is. But Finlayson would extend this to the writing of academic books and articles, and presumably say that to avoid racism one should either avoid tackling topics such as immigration altogether, or if one does so, self-censor by removing anything that could conceivably feature in a racist manifesto.

The particular example from my work that Finlayson uses to illustrate implicit racism is the discussion in *Strangers in Our Midst* (Miller 2016) of racially selective immigration policy. Starting from the widely-shared premise that all such policies are morally unacceptable, I ask what explains this, and using the philosophical method of which Finlayson disapproves, consider several candidates that initially look promising but turn out to be unsatisfactory before finally alighting on my preferred answer. Among the rejected candidates is the human right against discrimination, and I reject it on the grounds that it cannot stand alone, but needs to be supplemented by a further argument, of a broadly empirical kind, about the irrelevance of race to any of the properties that would make someone a desirable (or undesirable) immigrant. In other words, ruling out racial selection by appeal to the human right against discrimination is simply too quick, because it leaves an opening for an opponent who can point out that for any of the characteristics that the human right disallows as grounds for unequal treatment – race, sex, language, religion, etc. – it is possible to come up with cases in which use of that characteristic is indeed justifiable.<sup>4</sup> What has to be shown, therefore, is that there are no circumstances involving decisions about immigration where a person's race is a relevant consideration. I do not doubt that this can be shown, but it requires different cases to be examined empirically, whereas it would be better to find a reason for ruling out racial selection of immigrants categorically, which is what I then attempt to do. This is in no way a concession that claims about racial superiority and inferiority might be correct. It is simply a decision not to let the case against selecting immigrants by race turn on their incorrectness.

Finlayson might still be impatient with this approach: why is there any need to *explain* why racial selection is wrong? Isn't it just obvious, looking back at the sorry history of racist immigration policies, White Australia and so forth? The problem is, you are then left with nothing to say when someone starts asking awkward questions. For example, if selection by race is wrong, why isn't

selection by skill, given that the skills someone possesses are always likely to depend, to a considerable extent if not entirely, on factors for which they are not responsible? I concede that this is only a challenge for someone attempting to come up with a principled defence of immigration policies. It is tempting to sit on the fence, as Finlayson does, and profess ignorance. Much academic writing about immigration takes the form of decrying what actually happens when states try to protect their borders – there is certainly much to decry – and leaving it at that. This is certainly the most comfortable posture to adopt: nobody can accuse you of supporting anything nasty. But it strikes me as an abnegation of responsibility, because it ceases even to attempt to engage with the power-holders who decide immigration policy, and who left to their own devices are unlikely to approach it in a principled way.

If political philosophy matters at all, it should matter in the case of a politically contentious issue like immigration. It should help us get clear about what's at stake, illuminate the choices that have to be made. Casting aspersions on people who are trying to do that is a backward step.<sup>5</sup>

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## Footnotes

<sup>1</sup> I have written at length about historic injustice and nations' responsibilities to redress it in Miller (2007) ch.6.

<sup>2</sup> The issue is not simple, since many migrants will send back remittances, and these may help to stimulate the local economies of the sending countries. Yet although more people may be aided in this way, it still fails as a form of collective redress for the historic injustice of colonialism.

<sup>3</sup> Perhaps the overlap, once it comes to light, provides a reason to look again at one's commitments, to ensure that unconscious biases are not influencing those beliefs. But to reject a commitment simply because someone else whose other views are odious views appears to share it is unreasonable.

<sup>4</sup> In the case of race, think of affirmative action.

<sup>5</sup> I thank Erica Benner, Margaret Moore, Ashwini Vasanthakumar and Lea Ypi for their comments on an earlier draft of this paper.

## References

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