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If This Isn't Racism, What Is? The Politics of the Philosophy of Immigration

Alison Jaggar (2020) recommends a radical break with a dominant approach to the philosophy of immigration shared by both liberal cosmopolitans and liberal nationalists. This paper is intended as an exploration of Jaggar's conclusions and as an attempt to carry them further. Building on her critique, I argue that the characteristic questions asked by both cosmopolitans and nationalists appear inappropriate when seen against the political reality of immigration. In the last part of the paper, I argue that liberal nationalist contributions in particular have problematized immigration and immigrants in ways not fundamentally different from those seen on the racist right.

Alison Jaggar (2020) argues that much contemporary philosophical work on the topic of immigration neglects or actively obscures real history and politics, and in particular the history and continuing legacy of colonialism. The field thus needs to be 'de-colonized': that is, ridded of habits of thought and perception which typify and implicitly favour the perspective of the (former) colonizer over the colonial subject. Jaggar's primary purpose is not to take a side in the debate between so-called liberal nationalists and cosmopolitans, or between the associated positions of closed and open borders. While she likely has more sympathy with the cosmopolitans' conclusions, she portrays both sides as embodying a similarly defective methodological approach, and a similar narrowness of vision. Rather than beginning from an analysis of global power relations and their historical background, political philosophers too often ignore empirical reality in favour of a quest for abstract 'normative' principles. In line with a basically Rawlsian understanding of political philosophy as the 'ethics of state', much of the contemporary philosophical discussion of immigration revolves around the question of whether and when a state may refuse entry to would-be incomers. This question is asked and answered almost exclusively within the confines of a liberalism

that goes largely unchallenged on both sides of the nationalist–cosmopolitan divide.

Jaggar rejects this dominant approach: political philosophers who think about immigration should begin instead from 'concrete injustices', situated in their historical context; they should expand the range of ethical questions they ask; and they should subject liberalism itself to some much-needed scrutiny. On all this, Jaggar and I are in agreement. What follows here is intended as a sympathetic exploration and development of her critique. Needless to say, however, I take sole responsibility for the positions advanced here, and do not assume for them the assent of anyone else.

Jaggar's conclusions are, in one sense, quite cautious and restrained. She holds that the study of real global history and politics is necessary to, and should be integrated into the method of, political philosophy of immigration; but she does not say exactly what lessons should be drawn from this study. She does not seek to defend open borders—or, indeed, any particular policy on immigration. She does not offer a final judgement on the question of whether a commitment to liberalism can ultimately survive the sort of methodological upheaval she prescribes.[1]

This needn't be interpreted as timidity on Jaggar's part, however, but as a function of the kind of critique she is making. Her focus is less on where we should end up than on how we should proceed, in order to think better about the topic of migration. Broad methodological critiques of this kind can be difficult to 'pin' on their targets, as compared to more conventional (and arguably less radical) modes of criticism, which typically take issue with an opponent's particular claims or arguments. Rather than make an antagonistic move within an opponent's chosen game, the methodological critic rejects that game entirely, or seeks to rewrite its rules. But while a methodological critique is thus in one sense an unusually ambitious or challenging move against an opponent, it is also a form of criticism which can seem unusually easy to shrug off.

It's not too difficult to imagine how Jaggar's targets might respond to her objections. Take the liberal cosmopolitan first. The term 'liberal cosmopolitanism' has no single and unitary definition.

[1] While she declares a need to 'scrutiniz[e] our liberalism', Jaggar also notes that transnational feminism, the approach she advocates '*may be compatible with more evolved versions of liberalism*, such as the Black Radical Liberalism currently under development by Mills (2017)' (Jaggar 2020, p. 102, 107; emphasis mine).

It can refer to the view that there should be no independent nation states, but rather a 'world government'. Alternatively, it may refer to a position which accepts the existence of individual states, at least for pragmatic purposes, but which recommends 'open borders'—or something as close to that as is deemed feasible. Underlying these varying positions is a commitment to the idea of the 'equal moral worth' of human beings. While opponents of cosmopolitanism rarely take issue with this premiss as such (overt claims to the effect that some human beings are more valuable than others having fallen somewhat out of favour), the distinctive inference drawn from it by cosmopolitans is that various forms of partiality, including the preferential treatment of fellow citizens, are inadmissible or, at least, significantly problematic: the 'morally arbitrary' fact of a person's nationality or place of birth should not determine their fate or the opportunities that are available to them. Hence the presumption in favour of (more) open borders, at least in a 'non-ideal' context of global inequality.

How might Jaggar's methodological challenge appear from the point of view of the liberal cosmopolitan? The latter will immediately concur that the political and historical phenomena she points to are important and troubling. After all, colonialism and its legacy represent a canonical case of the treatment of human beings as other than morally equal; the fact of ongoing inequality and suffering is what creates the imperative and urgency for liberal states to admit incomers as immigrants and refugees. 'But', the liberal cosmopolitan may ask, 'how is this an objection to anything in my theory? What would it mean for me to pay the right kind of heed to colonialism and its real-political legacy, and exactly how should this alter my conclusions?' For the liberal cosmopolitan, after all, reflection on the principle of equal moral worth—perhaps in conjunction with a further, minimal recognition of the facts of need and of global inequality—is already enough to ground a stance in favour of open(-ish) borders. This conclusion is not fundamentally altered by the addition of detail to the picture, or of a full causal back story as to how global inequality came about. And in any case, the cosmopolitan will likely argue, without the principle of moral equality, we could not explain what is so problematic about colonialism and its legacy, or indeed draw any normative conclusions at all from our reflections on that reality; so while the kind of methodological realism Jaggar recommends may be suitable for producing works of history or

social science, it is neither necessary nor sufficient for a political philosophy of immigration.[2]

The liberal nationalist—still more likely than the cosmopolitan to invoke notions of 'realism' (see, for example, Miller 2016, pp. 16–18)—is liable to have an only slightly harder time rebuffing the sorts of consideration Jaggar puts forward. The distinctive commitment of liberal nationalism is to a value of 'national identity' or 'national culture' (Tamir 1993; Miller 2016). For the nationalist, states have stronger obligations to their own citizens—and fellow citizens to one another—than to outsiders. The nationalist denies that justice requires us to treat people with impartiality: we are inherently partial beings, who value those closer and more significant to us; contra the cosmopolitan, what we owe to each other partly depends on the kind of relationship that obtains between us.[3] For this reason, it is difficult for nationalists to deny completely the relevance of the sorts of phenomena Jaggar asks them to consider. If studying global political reality and history shows that the past and continuing actions of liberal states are responsible for destroying other societies, creating refugees desperate to migrate in order to secure a decent life for themselves, then that might say something important about the particular relationship that obtains between

[2] A further element of Jaggar's critique also seems quite easily dealt with from a cosmopolitan standpoint. Following Mills (2015), Jaggar singles out for critical comment the tendency among Anglo-American political philosophers to assume a 'neo-Westphalian' context—a context of discrete nation states, with their borders treated as fixed and under the control of individual states by default—thus treating as natural and pre-given something that is in fact a product of relatively recent history, shaped by relations of global inequality and domination. To this point, some cosmopolitans may reply that in fact they reject the nation state, far from assuming it in its current form. But many of these cosmopolitans also believe that it makes sense to put forward political philosophies for 'non-ideal' conditions, partly on the basis that doing so allows for the making of proposals with more realistic prospects of being implemented in the foreseeable future (see Carens 2013). My own more general view is that there are powerful reasons to be wary of unexamined notions of what is 'realistic' or 'feasible', as these often turn out both to beg political questions and to carry a strong conservative bias (Finlayson 2015a). But I don't take this to imply a blanket rejection of all talk of what is and is not 'realistic', and it makes sense to most radical critics of the status quo that we will sometimes want to say things about what structures which we don't think should exist in their current form—states, or particular governments, for example—should do or not do. So, as the liberal cosmopolitan might ask: given that there are states, what is wrong with thinking about what those states ought and ought not to do, including with respect to immigration?

[3] Note that it is seems quite possible to believe something like this without endorsing any form of nationalism. A false choice between nationalism and an abstract cosmopolitanism does much to obscure this possibility, in my view. I develop this point further later on.

the liberal states in question and members of the populations those states have harmed.[4]

At least some liberal nationalists recognize redress for harms inflicted by a state as one possible basis for that state's accepting someone as an immigrant. The Oxford political theorist David Miller, for instance, uses the term 'particularity claimants' to include those to whom this might apply (see Miller 2016, pp. 113–14). But it's striking that Miller's acknowledgement of this category of migrant seems to have little impact on his theory.[5] After all, the nationalist's recognition of the relevance of particular relationships to matters of justice entails at most that claims generated by historical or continuing wrongs must be taken into account; this by no means guarantees that such claims will be judged sufficient to override competing considerations held to weigh against the admission of outsiders. Indeed, attention to the kinds of phenomena Jaggar emphasizes might rebound in the direction of still tighter border controls. For if it turns out, on inspection of the historical and recent behaviour of liberal states in the world, that there are vastly more people with plausible 'reparative' claims to immigrate to the states responsible for their plight than is usually recognized, then this goes to show that upholding such claims would entail much larger numbers of immigrants—something which Miller and those of a similar persuasion take to be in deep tension with the interests of existing citizens of liberal democracies.

Of course, we might well take issue with various elements of the kind of liberal nationalism espoused by Miller and others, including the assumption of a fundamental conflict of interest between the existing citizens of a country and the people wanting to immigrate to it. Later, I will do just that. But my point now is a different one: that it seems disconcertingly easy for both liberal cosmopolitans and nationalists to brush off a methodological critique of the type Jaggar

[4] Hence, part of the point of the slogan 'We are here because you were there' is to connect colonial history with present-day immigration and the presence of established minority communities in countries like Britain, insisting on the legitimacy of the latter phenomena by placing them in context.

[5] 'Particularity claimants'—understood to include those who have performed 'some service' for the state, as well as those who have been harmed by it—play a fairly minor part in Miller's overall story, and their claims are not deemed automatic or overwhelmingly strong grounds for admission at all (let alone on a permanent basis). Miller (2016, pp. 114–15) points to the possibility—which he thinks is to be preferred, where available—of redressing harms in other ways, such as through international aid. Claimants 'must show why awarding a right to enter is the appropriate response to their claims' (Miller 2015, p. 391).

makes. Disconcerting, because their imagined replies leave a sense of the point having been missed—of Jaggar's targets not genuinely having tried to reflect in any serious way on the significance of phenomena from slavery to 'structural adjustment plans'. Yet it's not easy to pinpoint exactly where those replies go wrong.

There is something of a methodological-realist catch-22 here. Jaggar enjoins philosophers to take seriously the history of colonialism, its legacy and contemporary counterparts—to recognize the relevance of all this for their theorizing. But precisely because or to the extent that they *don't* recognize its relevance, her targets can be confronted with whatever 'empirical' material we care to throw at them and yet see no reason to adjust anything substantive in their theories.[6] Of course, we might say that these sorts of phenomena *are* relevant, whatever philosophers might think—that they *should* recognize their relevance, even if they do not. But the difficulty lies in supporting, or even articulating, this conviction in a way that goes beyond pointing to the phenomena whose relevance are in dispute.

To claim that something is 'relevant' to something else is to say that it is (at least in principle) capable of *making a difference* to that second something. In the present case, various facts about history and real politics are held to make a difference to how we do philosophy: neglect those facts, and you get one kind of result; pay attention to them, and you get something different. This sort of claim is probably best understood as transcending the traditional distinction between 'descriptive' and 'normative'. It is not simply saying that, as a matter of psychological fact, people who know about and take an interest in the history of colonialism (and so on) tend to think about immigration (and so on) in a correspondingly different way. It is *partly* a thought of this sort. While it is possible in principle for information of this kind to make no difference whatsoever—and, in the case of established philosophers who have long since nailed their colours to the mast, positively unlikely that it will—this hardly shows that the presence or omission of reflection on such

[6] Of course, it may also be that part of what accounts for the determined adherence of philosophers to certain theoretical positions is an underlying view of the empirical phenomena which is at odds with that which Jaggar would espouse—for instance, they might consider her too ready to blame colonialism or 'the West' for global problems. But if that is the case, it is seldom made explicit. Reluctant to acknowledge the reliance of their 'normative' theories on matters of 'empirical' controversy, political philosophers tend officially to dispute the relevance of the historical and political considerations invoked by critics like Jaggar, rather than their veracity.

information in the long run, especially in what might be thought of as formative stages in their development, makes no difference to philosophers. Even in the act of dismissing information about history or politics as 'not relevant to theory', philosophers rely on intuitions and assumptions that are not given merely a priori, but are likely the products of the way the world has impressed itself upon them over their lifetimes.[7]

But Jaggar's critique also implies something more than a merely descriptive, psychological claim: it implies a sense in which reflecting on phenomena such as colonialism *should* make philosophers think differently from the way they do about migration. Exactly what kind of 'should' is at issue here is not easy to pin down—it seems to me simultaneously epistemic, methodological, and moral or political. Moreover, the object or content of this 'should' can be both elusive and resistant to summary. *What*, exactly, is it that philosophers should do in response to their reflection on (for example) colonialism and its continuing effects? *How*, exactly, should this shape their thinking?

There is, I suspect, no clear and concise answer to be given to these questions. The way in which reflection on the real world should direct our theory won't always be reducible to a formal argument ('colonialism bad; therefore, no borders'). It may more often be a matter of the making of judgements that are barely expressible in a discursive form at all—judgements about the relative salience of various phenomena, about what in the world it is (and is not) appropriate to hold fixed for the purposes of theorizing, as well as about the political and social meaning of various kinds of academic intervention by philosophers in a particular social and historical context.

Some readers will have found themselves rolling their eyes or mentally drifting off during the above paragraph. 'Political and social meaning', 'relative salience of various phenomena', 'barely expressible in a discursive form'—these phrases sound imprecise at best, and at worst like excuses for not knowing what to say or how to say it clearly. My defence remains that I don't think it's possible to say anything much more precise—at least, not at such a high level of generality—without saying something that is false of the subject matter, that is, the nature and possibilities of critique at the level of

[7] A similar point goes for first-hand experience or 'standpoint', and its influence on the way people do philosophy.

philosophical methodology. It would certainly be neater, and more satisfying to philosophers of a certain persuasion, if I could say that there was a step-by-step argument, beginning from premisses independent of either the methodological critic's position or that of her targets, which would demonstrate that because the real world is thus and so, philosophers should theorize in *this* way and not *that*. But I don't believe that such an argument exists or, at a more fundamental level, that this is how philosophy works.[8]

Where does this leave the present discussion? It might seem that it leaves the targets of Jaggar's critique sitting pretty. Both the cosmopolitan and the nationalist are able to give apparently reasonable answers to her charge, answers to which there is no clear and obvious comeback. Even those initially sympathetic to the charge, who share Jaggar's sense that there is something deeply amiss with philosophers' ways of treating immigration when held up against history and reality, may be left with the disconcerting feeling that what we had momentarily in hand has slipped through our fingers. Left with only platitudes about it all being a matter of ineffable judgement, we may end up concluding that there was nothing there, after all.

That would be a mistake, I think. At issue here, put simply, are alternative ways of thinking philosophically about immigration—or to use the more neutral framing, migration. These ways of thinking may be partly constituted by certain conclusions drawn, but not only or necessarily by these, also comprising starting points, questions asked, concepts invoked, and so on. The charge is that a mainstream way of thinking about it is an inappropriate response to real politics and history: paying due heed to that reality would entail doing philosophy of migration differently. That there may be no independent argument—independent, that is, of either side in the underlying methodological dispute between the mainstream philosopher and her critic—that can establish that we should respond in *this* way and not *that* to the world as we find it does not provide a reason to think that the way of thinking that happens currently to dominate a particular, parochial discipline like political philosophy *is* an appropriate response to the world.

The approach to political philosophy which sets things up in terms of the 'rights' of individuals and the requirements of an

[8] I don't mean by this that every approach is as good as every other, nor even that there is never any usable sense of 'independence' in argument, but rather that this independence can only ever be relative, not absolute. I explore this point further in Finlayson (2015b).

abstract 'justice' stands in need of justification as much as does any proposed alternative to, or deviation from, that approach. Or, better, in line with my suggestion above: rather than 'justification', it stands at the mercy of our *judgement* (cue more eye-rolls, but so it is). This 'judgement' doesn't have to be modelled on the 'intuitions' of much of analytic philosophy and ethics: pre-given and fixed, windows to moral heaven. It's better seen as a dynamic *process*, in which we make progress not by presenting proofs but by pointing to aspects of the world, holding one thing up against another (theory against practice, case against comparison case), drawing attention now here, now there. The process may also involve laying bare the way a theory or theoretical approach fits into a wider real-world context: what in that context is furthered or inhibited by that theory or approach—potentially or actually, as it garners acceptance. Seen this way, when critics of the philosophical mainstream seem to 'miss the point' or 'run out of arguments'—by emphasizing and re-emphasizing the real-world phenomena whose significance is in dispute—or to commit cardinal philosophical sins by attaching importance to the origins of ideas (the 'genetic fallacy', the '*ad hominem*') or to their political function (seen as a failure to distinguish between the 'true' content of ideas, their interpretations and their effects), we are actually doing just what we should be doing. This is the stuff of judgement; and in the end, it is all we have.

These points, still too abstract to be really vivid, become clearer when related to some illustrative examples. I first want to discuss some such examples that are *not* about immigration. Running through a couple of different cases may be useful in pressing home the points I've been trying to make, above, to those whose way of seeing the issue of immigration does not immediately generate a conviction that there is something wrong with dominant philosophical approaches to that issue. For this will differ from issue to issue, and from person to person, depending on the complex of personal and political views and experience that form, always, the background to the judgements we make. And it only takes a single instance where our judgement clashes with the approach to the issue in question taken by philosophers—where the philosophers seem to have no end of 'reasonable' rejoinders, and yet our conviction tells us that they are getting something badly wrong—to begin to crack the halo of superiority and untouchability that often attends 'philosophical' treatments of political issues.

One of the things I realized in retrospect about studying philosophy as an undergraduate is that it is a lot easier the less you know about politics. I was fortunate in that respect, because I arrived knowing very little, and with no very well-developed sense of what I believed—I was officially a political 'agnostic' or undecided, and in practice an unformed mixture of liberal and libertarian impulses plus some vaguely socialist inclinations. When we came to study ethics, I remember a friend on the same course expressing something like relief when got to euthanasia. Here, this friend said to me, was a topic where there seemed to be a genuine and interesting dilemma—by contrast to, say, abortion. I didn't really see why the cases were so different. Both were presented to us with a 'for' and 'against' structure and a distillation of the questions on which the matter was supposed to turn (the personhood of the foetus, the conditions of voluntariness, and so on), and it wasn't immediately clear to me—on either issue—which side had the better arguments. But while I, unlike my friend, didn't come from a strongly political background, even I was vaguely conscious that abortion was an issue on which there was a feminist 'line'—and that the line was to be 'pro-choice' rather than 'pro-life'. *That* was what my friend was talking about.

My friend's remark touched on what was to me a puzzling question, of how to relate political to philosophical judgement. The way we were encouraged to think about it, and which still made some sense to me at the time, was that analytic philosophy was a way to test any prior political inclinations we might have and to provide them with a kind of independent verification or falsification. I might incline towards a pro-choice view on abortion, but I would put that to one side and evaluate the arguments and see where that led me. From this point of view, political views were by definition 'biases' that we were better off without (although I did notice early on that this seemed in practice to apply only to political views other than liberalism). In order to hold on to this view, you also had to set to one side the observation that the history of philosophy was a graveyard of once-intuitive-seeming-but-no-longer-so notions, a gallery of elaborate justifications for once-thought-acceptable-but-not-anymore practices, from the transatlantic slave trade to the treatment of women as children or property (the explanation we were implicitly encouraged to accept, that this was all before the real coming of age of philosophy with the flowering of the 'analytic method', wasn't wholly convincing to me even then).

It was also striking how difficult it was to find cases of philosophers really substantively changing their minds, ever, let alone as a result of a philosophical argument. What seemed instead to happen was that they would come up with clever arguments for positions they already held for other reasons. Catholic philosophers would craft secular arguments against the moral permissibility of abortion, or contraception[9] (although in a tacit acknowledgement of my friend's instinct, that issues became inappropriate or uninteresting as topics of philosophical discussion when they are resolved in a sufficiently decisive way politically, we didn't study contraception as a topic in 'applied ethics'). Those with feminist sympathies—usually the few women philosophers represented—would contribute philosophical cases for feminist-friendly conclusions. The central example in the case of abortion was Judith Jarvis Thomson's (1971) famous thought experiment about the violinist: we were to imagine a scenario in which a person awakes in a hospital bed to find themselves hooked up to a famous violinist, who will die if unhooked; our 'intuitions' are supposed to tell us that, while it would be particularly kind and admirable of that person to agree to stay hooked up for nine months—the period needed to render the violinist 'viable', so to speak—they have no obligation to do so. What was ingenious about Thomson's contribution was that it managed to sidestep completely the vague and vexed matter of when a morally significant sense of 'personhood' begins: the violinist is definitely a person—and a socially esteemed one at that; even so, Thomson thinks—and thinks we will think—it is morally permissible to say, 'No, this is my life, my body, and this is not what I want done with it', even when this means that the violinist will certainly die.

What strikes me now about this is not that Thomson's argument is right or wrong, persuasive or not, but that it seems so tangential to the issue at hand. As it happens, I'm not sure either that my intuitions behave quite as Thomson wants them to, nor that experiment can establish what she wants to establish without also establishing other, perhaps unwanted conclusions. If the point is that I have rights over my body that trump others' claims to continued life, why should I obey the instructions in force at the time of writing to stay at home in order to manage the spread of a virus, when what I

[9] Alternatively, there was the option of arguing, as Anscombe famously did in the case of the 'rhythm method', that contraception is permissible when it is not *really* contraception (see Forrester 2019, p. 85).

would rather do with my body—*my* body—is to move it outside and walk around? But even if some version of Thomson's argument can be made to 'work', in the sense of giving convincing reasons to accept the intended conclusion (and no unintended ones), the greater source of unease for me is that it would leave the most important things about the issue of abortion untouched. What feminist analysis—overwhelmingly conducted outside of academic philosophy—has repeatedly revealed and emphasized are the ways in which the restriction of access to birth control acts as an instrument of women's subordination. The reality of lack of access to safe abortion has spelled dependence and misery for countless women, and brought death to many others who have taken their lives or lost them to backstreet abortionists. *That* is really why feminists are 'pro-choice'. So why when we do 'philosophy' do we have to pretend otherwise? Why don't we begin instead from the historical and continuing reality of abortion (and the unavailability of it) for women?

If you say this sort of thing to philosophers, what is likely to happen is that you will be told that you are missing the point—perhaps even being anti-intellectual. Yes, they will say, backstreet abortions, shotgun weddings and Magdalene laundries are all very sad. But the question *we're* trying to get clear on is whether abortion is, in itself, morally permissible or not. The question of whether it should be *allowed*, on the other hand, is a question of public policy—and while it would make things awkward for feminists if it turned out that abortion is morally wrong, there is still room, at least in theory, to argue that something which is morally impermissible should nevertheless be permitted (for example, because the harms of *not* permitting it outstrip the badness of the thing itself). Besides, we cannot ignore inconvenient truths just because they are inconvenient. The philosopher will manage to make all this sound very reasonable, and even if your conviction remains that something has gone very wrong, it will be difficult to pinpoint where that is. It seems sensible to distinguish between questions of moral permissibility and questions of legal sanction (adultery being the favourite example here).[10] And if we do want to say that abortion is morally permissible, as well as that it should be legally permitted, what's wrong with asking for an argument for that? Given that we tend to think of the killing of

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[10] This could have something to do with the likelihood that many of the philosophers who shaped the traditional agenda of moral philosophy would themselves have *done* some adultery (whereas few would have had an abortion).

human beings as prima facie wrong, what makes the difference in the case of abortion?

Now take a second example. In the time between starting to study at university and starting to teach at one, I've seen British higher education go from being a more or less public system (the low fees for my tuition were covered by my local education authority—now defunct) to a marketized system with student fees of over £9000 and rising. To cut a long story short, the results have been predictably catastrophic for staff and students alike. Students, saddled with enormous debts while barely out of childhood, have internalized the mindset of the consumer, and vent their insecurities about their futures by pressing endless and insatiable demands on an ever more exhausted and overstretched staff. Lecturers, forced on pain of closures and job losses to devote more and more time to 'expectation management' (of current students) and to 'recruitment' (of new ones), have little time left either to teach or to think. Levels of anxiety and depression among both populations are sky-high. Stress-related illness is on the rise. The only parties to benefit are a bloated upper management and the private companies that have already made substantial inroads into the sector.

Although the philosophy of higher education is barely existent—perhaps mercifully—it's possible to model how a conventional philosopher might approach the topic, along the lines already seen in the cases of immigration and abortion. In fact, this approach has often been in evidence in extra-academic discourse around the politics of higher education. Setting to one side everything I have just said, the philosopher will try to boil the situation down to its 'essentials'. Is there a right to higher education? If so, then it seems difficult to justify charging for it (but then again, there are loans with progressive repayment conditions, so in this case perhaps a fee is acceptable, since it constitutes no barrier to access to the good in question). And perhaps there is anyway no such right—is higher education central to human flourishing? Some people seem to manage without it . . . (I'm satirizing slightly, but you get the picture.) Another way in which the philosopher may put the question is to ask about 'fairness'. Is it fair to ask students, or graduates, to contribute toward the cost of their education (beyond the contributions they would anyway make as taxpayers)? Is it fair to expect taxpayers to foot the bill for something which they themselves may not use or derive much benefit from?

It's quite possible, within this framework of 'rights' and 'fairness', to come up with arguments both for and against tuition fees. But as someone who experiences the effects of a marketized system on a day-to-day basis, I find this sort of discussion exasperating and futile. I do not oppose the system of high fees because I think there is a 'right' to a university education (that is not a way of thinking that makes much sense to me); I oppose it because even a cursory look at the political forces that pushed it into being—with no democratic mandate, I might add, and against the express wishes of the vast majority of staff and students—tells me that this is a process that will be deeply detrimental to everyone involved, save a handful of profiteers. And I believe—I'm about as sure as I am of anything, in fact—that I'm right about this. I'm equally convinced that setting up the issue in terms of 'rights' and 'fairness' is *not* the right response to the reality, that it will yield us at best a flimsy defence of the right conclusions for the wrong reasons, and at worst an ideological smokescreen for a perverse and damaging system. Yet it's once again maddeningly easy to imagine how a philosopher might respond to the sorts of points I've raised: 'I see these troubling phenomena you mention. But it does not follow from an acknowledgement of those phenomena that there is a right to a university education, or that it is fair to expect taxpayers to fund it. I am simply attempting to clarify these normative matters, so that we may approach discussions of public policy with a more complete understanding of what is at stake.'

What I hope comes across in these examples is: firstly, the force and plausibility of the dissenter's objections to the kind of approach characteristic of analytic philosophy—that is, the objections of the feminist critic and the opponent of marketization respectively; and secondly, the profound disconnect that appears between the 'political' and the 'philosophical' modes of thinking about the issue in question—and hence the profound and frustrating difficulty of articulating political objections in a way that is recognizable from the philosopher's point of view. That is to say, exactly the features encountered in our original case of the philosophy of immigration—to which I'll return shortly. Part of what accounts for this disconnect, I think, is the expectation that 'normative' matters of principle can be understood as both separate from and prior to other kinds of question, such as the 'empirical', or 'political', or matters of 'public

policy': we work out what rights the foetus has (if any), or what rights eighteen-year-old humans have, and then build things up from there.

This seems to me to get things exactly the wrong way around: to work from the inside out when we should be working from the outside in. The best sense I can make of 'rights'-talk, for instance, is as abbreviative of longer and more complex judgements about politics.[11] When feminists talk about the 'right to choose', they are best understood not as positing a thing called a 'right' which always exists regarding matters concerning a woman's relationship with her body. Such a right makes no sense, on reflection. My body, like my mind, is in constant interaction with forces external to me and for the most part not subject to my control. The reason there is a feminist assertion of a right to control one's body, and in particular its reproductive capacities, is that there is a particular history of the control and subjugation of women, to which the denial of choice over reproductive matters has been central. To assert the 'right' to choose what happens to our bodies is, in this context, shorthand for the demand for an end to practices which further women's subordination in this way.[12]

Similarly, when as a student I was involved in protests against the already-encroaching regime of marketization, we would sing (to the

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[11] Only for those with particularly robust spiritual, religious or metaphysical convictions, it seems to me, is it possible to think of 'rights' or other purported moral truths as something other than abstractions from the wider and more complex judgements we make about the world. While I don't have any such convictions myself, I'm not concerned here to argue against the sorts of outlook in which they figure. What I would say, though, is that it does not and should not automatically follow from such an outlook that the convictions it includes or makes possible should determine or play a central part in the way we approach philosophical questions, particularly those we judge to be of political significance. Another friend of mine, a feminist, happens to hold spiritual beliefs which lead her to regard the destruction of life, including the life of a human foetus, as wrong. As the imaginary analytic philosopher was quick to point out earlier, it is possible—if awkward, but such is life—to believe something like this while also fully affirming the 'right' (understood in the political terms laid out above) of a woman to choose when and whether she becomes a mother, by terminating a pregnancy if she sees fit. To say that my friend keeps schtum about her spiritual beliefs because they are politically inconvenient would not do her justice. She is sophisticated enough to see that those beliefs capture, in this context, at most a tiny fraction of the work of philosophy (unless one insists on an arbitrarily narrow conception of the latter), that they are not what is most relevant to the political and social reality surrounding abortion—withholding abortion from women was never about the sanctity of life, but about control—and that the meaning of philosophical interventions often goes well beyond their literal content.

[12] In the context of racist programmes of sterilization, for example in the United States during the twentieth century, the apparently opposite assertion of a 'right to life' might carry a similar meaning.

tune of 'London Bridge Is Falling Down'), 'Education is a right, is a right, is a right, not a privilege / Tony Blair is a right, is a right, is a right . . .'[13] The point of this was not that there was really such a thing as a 'right' that we and future students had to free education—or to the extent that people did think in these terms, it put us on a weak argumentative footing. The point was to insist on the protection of higher education as a public good, to which all should have access without the need to 'pay something back'. It was to say that we preferred a world in which a university education did not depend on the ability to pay or the willingness to take on debt.

With that, let's return to the issue of immigration. In their discussion of this issue, just as in the other cases discussed above, it seems to me that philosophers vacate the scene of the main action. And as in those other cases, this desertion is not a politically neutral move. While it is possible to reach some of the same conclusions from within the framework set by philosophers as from an analysis of the real politics of an issue—for instance, a liberal cosmopolitan philosopher might converge with an anti-racist activist on a 'no borders' position—the terms of philosophical discussion hobble the possibilities for radical critique and weaken the case even for mainstream 'progressive' politics.

A feminist concerned to vindicate a woman's right to choose can end up trying to uphold a wholly artificial distinction between the foetus and the new-born baby—both are humanoid blobs, as anyone who has had dealings with small babies knows perfectly well (or looked at the other way, developing foetuses have a beauty and sophistication that commands our regard in much the way that newborn babies do; hence the manipulative power of the 'pro-life' tactic of showing images from inside the womb). Taking another tack, she may end up insisting on the moral legitimacy of refusing to inconvenience ourselves or to have our bodies used in ways we don't want so that others may live—an insistence that may not generalize well, as reflection on the case of 'anti-vaxxers' (among other examples) serves to illustrate.

In a parallel way, the framework of mainstream philosophical debate funnels anyone with 'progressive' instincts on immigration in the direction of the 'cosmopolitan' as opposed to the 'nationalist' variety of liberalism. This means defending the central cosmopolitan

[13] '. . . To-ry bastard.'

ideal of 'equal moral worth', and the associated commitment to impartiality as a requirement of justice. But what does 'equal moral worth' mean? We all know perfectly well, and acknowledge most of the time, that human beings are profoundly *un*equal, not only in obviously morally arbitrary respects such as height or hair colour, but also in things like our character and values, our motivations and the impact we have on one another's lives. The principle of 'equal moral worth' is really, of course, a principle meant to guide the way people are treated—with 'equal concern'. But this maxim is in constant danger of collapsing into either absurdity—treating everyone the same, regardless of need, qualification, actions committed—or triviality: an instruction to 'treat people the same except when they shouldn't be treated the same'.

For the liberal cosmopolitan, what 'equal moral worth' seems to mean is that people should not be treated more or less favourably on account of nationality or national origin, at least the latter of which is, after all, a morally arbitrary accident. What the cosmopolitan characteristically draws from the principle is a dual presumption—though often limited in practice—in favour of global redistribution of wealth, on the one hand, and open borders, on the other. Sympathize as one might with these conclusions, trying to justify them by appeal to a general principle of impartiality of treatment will be an uphill struggle. As nationalists such as Miller lose no time in pointing out, partiality of various kinds is written into the way we live and think, and few besides a handful of hardcore utilitarians believe that it can be written out without producing both an impoverished form of life and an implausible picture of morality. Besides ties to my family and friends, I recognize particular obligations to my students, my colleagues, to members of my union, to other women. This doesn't mean that being a woman, or a student or employee at my university rather than some other, is anything other than 'morally arbitrary'—many of these are statuses that are not fully chosen, and none make a person more important or deserving than other people. On the other hand, I wouldn't say that I feel any special obligations towards others on the basis that they are, like me, British citizens—or British-born, or culturally British (whatever that means). But this isn't because of 'equal moral worth' or the arbitrariness of nationality. It's because for most relevant purposes and contexts I can think of, I don't recognize any particular common project or purpose that binds me to other people who are British. This is a

contingent, *political* point. If I were Palestinian, for instance, I might see things differently.

What is the political reality relevant to the issue of immigration? In the case of the UK, it includes the part where Britain, not so long ago, invaded and plundered and massacred its way around the world until, when it could do that no more, it teamed up with the United States and together they went around the world again, bombing large parts of it to pieces—mouthing pieties about 'democracy' and 'human rights' as they went, all the while propping up murderous despots with one hand and dispatching elected leaders with the other. Then, to those fleeing the wreckage—even, notably, to those explicitly invited to come and perform essential work—Britain communicates the message that incomers are an inconvenience who cannot take acceptance for granted. Admission to this great country, it is made clear, is not an entitlement, but a privilege that must be earned: if people want to come here and experience the joys of 'our way of life', they will have to show that they support 'our values'; and even then, they must understand that we can't take everyone who wants to come—we must protect 'our' public services from being over-burdened, 'our' national culture and identity from being eroded. Never mind that Britain is already, and long has been, a multicultural society—raising the question of *whose* 'identity' is really at issue here, if not that of a white majority that is itself very far from constituting a culturally coherent unity.

Of course, some would contest this account of things. My point is that it seems clearly *relevant* to what, if anything, philosophers should choose to say about immigration. If you see the political and historical background to immigration in this way, then the posture of the British state and its mouthpieces with respect to that issue—that 'they' should be grateful to come here; that 'we' must protect 'our' way of life against 'them'—seems spectacularly hypocritical, to say the least. Even to ask the question 'When does the state have a right to exclude?' looks totally inappropriate as a response to this reality—not because states never have such a right (perhaps they do, perhaps they don't, perhaps the whole idea makes no sense), but because it fixates our attention on something that is at best of little relevance to the real situation, and in so doing, conveys a radically false impression of what that situation is: an impression of a benevolent liberal state faced with a difficult dilemma, between upholding its valuable institutions and traditions or extending hospitality to the

needy but potentially troublesome hordes clamouring for a share of 'our' goodies. By framing the issue of immigration as they do, philosophers contribute to this impression, even when they end up arguing that 'we' should let 'them' in (because immigrants are people too).

Others go further. There is, it strikes me, an unsettling degree of affinity between the stance of so-called liberal nationalists on immigration and that of parties and forces normally categorized as significantly to the right of liberalism. The work of David Miller, probably liberal nationalism's most prominent contemporary representative, is a case in point. Miller defends the 'right' of liberal states and their citizenries to restrict immigration in order to preserve their 'inherited national culture'. This central argument is buttressed with a further one, complementary but distinct: Miller argues that high levels of immigration tend to undermine 'trust' among a population; and because trust is undermined, citizens will be less motivated to make the sacrifices necessary to sustain a well-functioning welfare state.

The evidence for a correlation, let alone a relationship of cause and effect, between immigration and levels of trust is, as Miller himself acknowledges, mixed (compare Sager 2016). But even accepting for the sake of argument a causal relationship between high levels of immigration and the diminution of trust or 'social solidarity', it would not follow that this constitutes a good explanation for the decline of the welfare state. As I've argued elsewhere (Finlayson 2018), the welfare state in Britain has been under attack from the self-appointed political 'centre' for decades. The erosion and privatization of public services such as health and education has been carried out not because of 'public opinion', but in spite of it. And as for the resurgence of right-wing nationalism in this and other European countries, this is not easily explained by reference to levels of immigration, as opposed to other factors such as austerity and social deprivation. As Daniel Trilling (2019) asks, 'Why is it that fears of white decline seem to have the greatest political power in countries such as Hungary and Poland where the immigration levels are negligible?'

But Miller's device frees him to take up a usefully equivocal position on a series of further tropes currently employed by right-wing politicians and by sections of the media, and prevalent among the general populations of countries including the UK: for example, that immigration is 'taking our jobs', lowering wages, and overburdening public services. At strategic points during his 2016 book *Strangers in Our Midst*, Miller does appear to endorse some of these ideas—

indeed, he seems to assume throughout an overall economic cost associated with accommodating immigrants, and frequently refers to the 'burden' that incomers represent (the term 'burden' appears 34 times—not always, but often, in reference to refugees). As Miller's more critical reviewers (Espejo 2017; Sager 2016) have pointed out, such notions are not supported by the available evidence, but Miller perceives no need to defend them. If challenged, after all, it is always open to him to retreat to the position that many people have a *perception*, 'accurate or not' (Miller 2016, p. 9), that immigrants represent a threat or a burden. Even supposing that claims about direct detrimental effects on the economy, jobs and services are nonsense—and there is ample reason to conclude that they are—it is enough, for Miller's purposes, that people believe them, thus converting the trope about immigrants undermining public services into a self-fulfilling prophecy.

In so arguing, Miller sings from the same hymn-sheet as a number of other contemporary voices, such as Eric Kaufman, the Birkbeck professor of politics and author of *Whiteshift* (2018), in which he argues that the rise of 'populism' is due to too much immigration, and that policy on the latter should be sensitive to 'the cultural comfort zone of the median voter'; Roger Eatwell and Matthew Goodwin, authors of *National Populism* (2018), who cite Miller in support of a similar thesis; and David Goodhart, the British journalist who, like Miller, has argued that immigration undermines the welfare state through eroding social solidarity. The signature move here—the argument from 'I'm just saying what everyone (else) is thinking'—is familiar from observation of the tactics of so-called populist figures on the political right (the most obvious example being the current US president, Donald Trump, notorious for prefacing objectionable statements with the phrase 'some people say').[14]

Many liberal nationalists would vehemently reject the suggestion of equivalence with the 'right-wing populism' of figures like Trump, insisting on a self-identification as 'liberal' or even 'left'. All would reject any suggestion that their own positions are characterised by racism—which, implicitly, they acknowledge to exist, but only in others. Liberal nationalism, they may point out, condones neither violence nor racial discrimination, nor affirms any proposition at all

[14] 'You know, some people say that was not his birth certificate', he told ABC in August 2013, more than two years after President Obama released the document. 'I'm saying I don't know. Nobody knows and you don't know either' (Krieg and Simon 2016).

about the inherent qualities or value of people of different racial groups. To suggest otherwise would be to mischaracterise a theory which simply defends people's right to determine their destiny and preserve their national culture.

The trouble is that this does little to differentiate the views of liberal nationalists like Miller from much of the far or 'alt-' right, let alone figures closer to the political mainstream. Typically, all but the most extreme and overt neo-Nazis and 'white nationalists' among those quarters will officially disown violence—though they may warn that the latter is inevitable if immigration is not checked or immigrants not compelled to 'integrate' (compare Miller 2016, pp. 130–2).[15] They will say that their issue is not with skin colour or origin, but with an alien culture and values—'Islamic extremism', 'forced marriage', 'rape gangs'—or a simple problem of overcrowding ('Britain is full') and overburdening ('health tourism'). They may deny a belief in white superiority, but insist that every people has a right to defend itself and preserve its 'culture' from the threat of dilution, erosion or replacement (Camus 2011; compare Miller 2016, p. 3). Reprising an argument once made by Enoch Powell—who always strenuously denied being a 'racialist'—some will add the twist that if anything, they are 'Asian-supremacists', since they believe that Asians are more intelligent than whites. This last move remains a staple of alt-right discourse—with Asians now sometimes making way for Ashkenazi Jews.

A common thread in all this is the tendency to construe 'racism' in an extremely narrow and literalist sense. This comes out particularly clearly as Miller ponders the question of why race is not an appropriate criterion for the selection of immigrants. Miller appears to regard this as something of a puzzle, and devotes some considerable space in *Strangers* to exploring and rejecting arguments against racial discrimination in immigration policy. Noting that, from a human rights perspective, what is disallowed is 'discrimination on grounds *that are irrelevant to the right or benefit being allocated*' (2016, pp. 103–4; emphasis in original), Miller makes the following observation:

> Those who in the past defended selecting immigrants by race or national origin thought that they could justify using these criteria by

[15] I discuss the statements of the leader of far-right group Generation Identity as an example of this phenomenon in Finlayson (2019).

> appeal to the 'character' or 'moral health' of their societies. *To defeat these arguments requires giving substantive grounds for thinking that such claims are either false or irrelevant to the good that is being provided, namely, admission. Appealing simply to the human right against discrimination will not settle the matter*. (Miller 2016, p. 104; emphasis mine)[16]

Here, Miller's own observations about historical justifications for racist policies—even if he does not actually name them as 'racist' himself—are a useful reminder that racism virtually never takes the form of simple, explicit assertions of the superiority of one racial group over another. Racism is almost always about something else besides race: the Islamophobe despises Muslims and Arabs, but will rarely admit that he despises them on the basis of their colour or 'race'[17]—it's because they're terrorists, misogynists, prolific breeders and scroungers; the anti-black racist does not hate black people *because they're black*, but because they're criminals and delinquents.[18] None of this makes the attitudes in question any less racist—this is just how racism works. It's not clear whether Miller's comments should be taken as an acknowledgement of this point, or as the opposite: as claiming that what looks like racism in the past isn't *really* racism, because it was actually about alleged correlations between race and other things. At best, he may be interpreted as saying that discrimination is only (really) racist when the claimed correlations underpinning it are *false*. In that case, the step to the justification of overt racial discrimination—among potential immigrants, but perhaps in other contexts too—is very short indeed: all it takes now is to establish a correlation between race and something else, such as, for example, 'criminality'. In contexts marked by racialized patterns of poverty, criminalization and incarceration, finding such a link should not be too difficult.

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[16] At the risk of appearing paranoid, this to me has the ring of a dog whistle. In the passage above, Miller writes as though the jury is still out on the question of the relationship between race and character or morality; and he places the burden of proof firmly on those who would *deny* the claims of nineteenth- and early twentieth-century racists. This is, to say the least, a strange decision, given the vast body of anti-racist theory Miller could point to, should he feel the need.

[17] Neither group, of course, constitutes a 'race'. In fact, it is by now a well-established point that the very notion of 'race' is a bogus one, corresponding to no coherent category or 'natural kind'—although it continues to be very real in a social and political sense. My usages of the term 'race' and its variants throughout should be taken in this spirit.

[18] I am talking about the content of people's expressed attitudes here, not their cause, which may require another story altogether.

The point of all this, I should stress, is not to suggest that liberal nationalists like Miller are secret racists, frequenting alt-right online fora and saluting swastikas on the sly. My claim is, first, that what Miller and many other self-identified 'liberals' say *quite openly* is not significantly different from much of what is said in far-right quarters; and second, that the main lines of defence which liberal nationalists like Miller might employ against accusations of bigotry are *also* available to almost any canonical example of the figure of 'the racist' you care to fix upon. It only makes sense to think of one as racist and not the other if, for instance, we postulate that in the case of those we deem the 'real' racists, there is some secret underlying hatred of black people qua black people, which is absent in the case of others whose outward pronouncements are similar. But this, again—aside from relying on unverifiable speculation about people's internal states—is not how racism works. As I see it (compare Mills 2013), racism—like sexism—is not a state of the soul, a conscious or unconscious belief or feeling, but a real social structure, made up of practices and relations of power, relative to which individuals may position themselves in ways ranging from active alignment through complicity to antagonism. But my point here does not seem to me to hinge on the vindication of that particular view. Others may construe racism differently. Either way, the challenge is to distinguish views like Miller's from those of the fabled 'real' racist—to answer the question: if this isn't racism, what is?

Something about the characteristic methods, style and self-conception of analytic philosophy, it seems to me, is particularly well suited as a vehicle for this sort of politics. That something has much to do with the kind of narrow literalism that insists on a strict distinction between the content and function of ideas and refuses to consider them in their connection to real relations of power. When the things philosophers say overlap with things said by others, this is, quite literally, a coincidence—a mere convergence of positions, the fact of which carries no interpretive or evaluative significance. If a liberal political philosopher's critique of 'multiculturalism' converges in some aspects with that of the racist right, so what? The same view can be held for the right or the wrong reasons—for 'feminist' reasons, for example, rather than for racist ones. This thinking bleeds into an academic 'exceptionalism', whereby positions that might from the outside look simply and familiarly racist (for instance) are held to be actually something quite different, albeit in

ways that may be too subtle or technical for non-specialists to understand. The very literalism of philosophers is itself a point of convergence with others, both on the far right and within the political mainstream, who often deploy it against charges of racism. So, too, is the central conceit of the analytic tradition: to go 'whither the argument takes us', unafraid to draw unpopular conclusions or to keep bad company, unwilling to let squeamishness get in the way of 'truth' or 'rational enquiry', always prepared to question received wisdom. The irony is that this self-conception so often underpins views that are highly conventional, or which draw on deep pools of unexamined prejudice that lie only slightly below the surface of propriety.

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