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## The immigration discrimination dilemma

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### ABSTRACT

This article presents moral dilemmas that arise when expressing an argument persuades citizens to support rights for migrants, but also persuades citizens to support rights for some migrants and not others. We draw upon an original survey experiment to illustrate versions of these dilemmas.

### ARTICLE HISTORY

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Arguments; frontline workers; visas; discrimination; sexism; racism


This article presents moral dilemmas that arise when expressing an argument persuades citizens to support rights for migrants, but also persuades citizens to support rights for some migrants and not others.

For example, during the Russian invasion of Ukraine many activists presented arguments in favour of admitting Ukrainian refugees. In the past, similar arguments had been presented to support admitting Syrian, Iraqi, Afghan, Eritrean and Sudanese refugees, but these arguments were less effective at persuading the public to support granting such refugees protection. Serene Parekh (2022) has suggested that the differing treatment of Ukrainian refugees, as compared to those from the Middle East and Africa, was due to wrongfully discriminatory attitudes. Ukrainian refugees were not subject to the same racist or Islamophobic stereotypes, which may be why arguments favouring their rights were more effective at encouraging support.

In this case, and many others, a question arises as to whether activists should express arguments that have discriminatory effects. In particular, when activists themselves don't have discriminatory attitudes, it is not clear whether they should express arguments that have discriminatory effects due to wrongfully discriminatory attitudes held by the hearers of the arguments. On the one hand, we might think such arguments should not be expressed. On the other hand, we might think they should if the arguments lead to many more individuals granted a range of rights they ought to be granted.

This is a dilemma activists often face. It is often the case that, when defending rights for migrants in general, an argument can persuade citizens to support rights for some

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migrants but not others. When increases in support are partly due to the argument, but support for only some migrants is due to discriminatory attitudes, this gives rise to what we call the ‘Immigration Discrimination Dilemma.’

In this paper, we present four variants of this dilemma. Each variant is inspired by findings from a novel experiment we conducted in the United States in 2021. The experiment (as we explain in Section ‘The aim of our experiment’) evaluated whether certain arguments intended to encourage support for migrant rights were effective at doing so and – separately – whether the support for migrants’ rights entailed support for some migrants but not others.

## The aim of our experiment

The aim of our experiment was initially to understand whether expressing certain philosophy arguments about immigration encourages individuals to change their mind about immigrants. In particular, we aimed to understand if framing arguments in particular ways, and expressing these arguments to subjects, causally contributes to subjects supporting more visas to immigrants, as compared to those who were not exposed to arguments related to immigration.

The reason for wishing to achieve this goal is that we felt the effect of expressing an argument is one relevant consideration for determining whether the argument ought, morally, to be expressed. In particular, there exists one moral reason to not express an argument if expressing the argument contributes to injustice, assuming there are no other actions which can and are taken to mitigate this injustice. Moreover, there is one moral reason to express an argument if this expression contributes to justice, especially if expressing this argument is necessary to create this contribution to justice.

This presumption is not original, and a version of it was most famously made by Henry Sidgwick. Sidgwick defended a version of consequentialism, holding that individuals ought bring about the best consequences in terms of welfare. He also felt that there is reason to not persuade others that consequentialism is true because doing so would not lead to the best consequences. For example, telling people they should try to bring about the best consequences may cause them to agonize about what will lead to the best consequences, and this agony will be a worse consequence than if individuals were not persuaded that they ought to bring about the best consequences (Parfit 2011; Sidgwick 1907). While there is debate over whether consequentialism is true, and whether a principle is self-defeating if trying to follow the principle means one will not actually follow the principle, we accept the less-controversial claim that the impact of expressing an argument matters. It matters in that, when an argument will be particularly effective at bringing about a more just outcome, this creates at least one moral reason to express this argument over alternatives. And, even less controversially, if an argument brings about a more unjust outcome, then this is one moral reason against expressing the argument (Gerver, Lown, and Duell 2023 and Lindauer 2020).

In making the claim that the effects of an argument are one relevant consideration, it is worth noting that we don’t think effects are all that matter. We think that another relevant consideration is whether the individual expressing a given argument is doing so because of objectionable attitudes or intentions. For example, perhaps one reason to not express an argument encouraging people to donate to charity is that one is only

doing so to help members of one's own ethnicity because of racist attitudes. We presume these attitudes create one reason to not express the argument even if the effects of the argument are to help everyone, regardless of ethnicity.

Moreover, in making the claim that effects matter, even if attitudes matter as well, we also hold that the effects on other people's attitudes matter. If an argument leads to other people holding objectionable attitudes which they ought to not hold, but somehow nobody is actually made worse off as a result, then we presume there is one reason to not express the argument. For example, if presenting an argument to donate to charity leads to individuals only supporting charitable giving to members of their own dominant ethnic group, but for some reason they are not able to act on their bias because they do not know the ethnic group of those they send charity to, then we presume there is one reason to not express the argument. While we lack the room to fully defend this claim, we think it is plausible that if there is reason to not hold objectionable views, then there is reason to not express arguments which encourage such views amongst others.

All of the above points have implications for immigration. If the effects of expressing an argument matter, it matters what these effects actually are. We therefore ran an experiment aiming to understand the effects of certain arguments on citizens' levels of support for granting visas to certain migrants. If citizens' levels of support for granting visas increases, and this also creates pressure on policymakers to improve rights for migrants, then expressing the argument could lead to a more just outcome. It is more just if we presume that justice requires granting more visas to migrants, or at least certain migrants.<sup>1</sup> Or perhaps if the argument leads to citizens supporting more visas for migrants then this itself is a more just outcome even if it does not actually lead to policy changes. If so, then if an argument in being expressed increases support for such visas, then there is one reason for it to be expressed. In particular, we presume there is one reason for it to be expressed if migrants who provide essential services to citizens, such as many agricultural and healthcare workers, are given visas. We think that refusing to provide visas to such workers is unjust, as others have claimed (Gerver 2022; Rubio-Marin 2000; Shachar 2009; Song 2018; Sullivan 2019), and so learning which arguments lead to support for such migrants obtaining visas has normative value.

We had a second related goal in conducting an experiment on the effects of arguments. Justice is not only about whether individuals obtain options (like visas) to which they have a right. It is also sensitive to the distribution of rights. The second goal of our experiment was to understand whether certain arguments about immigration increase support for some migrants but not others. When it does, this could be evidence of wrongful discrimination. The clearest case of wrongful discrimination occurs when individuals are not given visas because of their ethnicity or gender due to racism and sexism. We shall elaborate on this in the sections below, but at this stage we simply wish to state that if an argument leads to wrongful discrimination, then this is one reason to not express the argument. At least, it is one reason if there is no other mitigating action that can be taken avoid this discriminatory outcome (and we'll remove this assumption shortly).

Our third goal was to understand not only if there exist reasons in favour or against expressing certain arguments, but the extent that there exists a dilemma in whether

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<sup>1</sup>For a defence of this claim, for example, Hidalgo (2019) and Hosein (2019).

certain arguments should be expressed. In particular, we sought to understand if a reason for expressing an argument co-exists alongside a reason against expressing the argument. In the context of immigration ethics, when an argument both increases support for visas amongst migrants, and also increases discrimination, then there is a reason to both express the argument – it increases support for visas – and also a reason to not express the argument – it increases discrimination. It can increase discrimination both in the sense of the effects (only some migrants are given visas) and in the sense of the attitudes which give rise to these effects (only some migrants are given visas because of citizens' objectionable attitudes). When the latter occurs, as will be clear, sometimes an argument leads to citizens acting on objectionable attitudes even if these attitudes do not make anyone worse off, and so do not create a worse state of affairs in terms of material effects.

When an Immigration Discrimination Dilemma arises – the argument leads to more migrants getting visas but also discrimination – then there is value in trying to resolve this dilemma using the tools of philosophy. This can involve evaluating whether the argument ought morally to be expressed or not. In other words, another value in the sorts of experimental findings we present is that they make clear what philosophical work is necessary to pursue. While we will not attempt to resolve the dilemmas we describe, the findings we present make clear for the need for such work in the future.

The findings we present also make clear that there is another type of work needed in the future: understanding not only what dilemmas exist, but whether they can be avoided entirely or partially with additional argumentative interventions. For while we hoped to understand whether expressing certain arguments leads to benefits for migrants alongside discrimination, we also recognized that the negative effects of discrimination could be potentially mitigated by additional actions and/or other arguments. In other words, even if keeping all else fixed and expressing a given argument leads to discrimination, one needn't keep all else fixed, because one can express the argument and then express other arguments to ensure the outcome is not discriminatory. For example, even if some of the arguments we present lead to citizens discriminating against non-white migrants, perhaps there are other mitigating arguments that activists can express which persuade citizens to not hold such discriminatory attitudes.<sup>2</sup> If so, then a final goal in the experiment is to simply understand whether there is a need to seek out such other mitigating arguments. In other words, we aimed to understand if certain arguments lead to increases in support for visas but also discrimination partly to understand if there is a need to explore the effects of additional arguments to mitigate the negative effects of discrimination. While we don't do so here, understanding the need has value.

This last point can be better understood with an analogy to medicine. One goal of medical research is to understand the positive and negative effects of a given intervention, such as a given pharmacological intervention, keeping all else fixed. If it turned out that a given intervention was both effective at bringing about some health outcome but also led to nausea, and this is made clear with a Randomized Controlled Trial (RCT), then this makes clear that there is a need to explore other interventions that might mitigate the

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<sup>2</sup>The idea that certain arguments may have both negative and positive effects, but that there may be alternatives that avoid these negative effects whilst keeping the positive effects, has been noted more generally in work by Ian Haney-Lopez. See, for example, *Dog Whistle Politics: How coded racial appeals have reinvented racism and wrecked the middle class*, New York: Oxford University Press 2014.

nausea, such as certain antiemetics. In this example, the original RCT keeps everything fixed precisely to understand the effects of the medicine itself – to see if the medicine really does have benefits and really does cause nausea – so that researchers can become aware precisely what other research is necessary to see what other interventions counteract the medicine’s negative effects. We take a similar approach here: our research aims to understand what occurs when an argument is expressed and everything else is kept artificially fixed precisely to understand the potential positive and negative effects of an argument itself, so that it is clear what future additional research is needed.

To summarize all of the above, for us the value of experimental work we conducted is it can explain

- (a) Whether there are particular reasons for and against expressing a given argument,
- (b) whether a dilemma arises because there are conflicting reasons for and against expressing the argument, with some of these reasons arising from the positive and negative effects of the argument and
- (c) whether there is a need to explore future research to understand what mitigating interventions are necessary to avoid dilemmas by counteracting the argument’s negative effects.

Now that we have spelled out the value of certain experiments for philosophical work, we now describe in greater detail the experimental methods we utilized to learn about the first variant of the Immigration Discrimination Dilemma.

### *The racism dilemma*

Sometimes expressing a given argument both increases support for migrants in general, and increases the discrepancy in support between different migrant groups due to racism.

To see how, let us first explain the experiment we conducted, which took place in the United States in 2021 amongst 2,024 citizen subjects. Our sample is representative of the US population using sampling weights for age, gender, education, and political ideology constructed based on the US census and the American National election Study.<sup>3</sup> Subjects were all exposed to a series of arguments as part of a broader survey on migration,<sup>4</sup> and two of the arguments focused on the contributions that migrants make to supporting US citizens. These arguments were similar to arguments appealing to reciprocity and gratitude in philosophical literature on migration, where it is claimed that migrants who contribute to society ought to be given certain rights (Gerver 2022; Rubio-Marin 2000; Shachar 2009; Song 2018; Sullivan 2019). We selected arguments relating to reciprocity and gratitude because we suspected they were the least controversial amongst the general public, even if not very popular amongst philosophers. In particular, we suspected these arguments were particularly popular during the COVID-19 pandemic. During this period there was a marked increase in support for granting more rights to migrants currently in the United States, including an increase in

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<sup>3</sup>A comparison of our sample and data from the U.S. census/American National Election Study can be found in Figure S1 in the supplementary materials.

<sup>4</sup>Further details of the experimental design and vignettes can be found in the supplementary materials.

support for the millions of healthcare and agricultural workers who provided medical care and food security during the pandemic (National Immigration Forum 2020).

The two arguments, though both appealing to values of reciprocity and gratitude, were framed slightly differently: the first aimed to appeal to conservative voters, and in particular those who valued national loyalty, while the second aimed to appeal to liberal voters, and in particular those who valued caring about others.<sup>5</sup> Below are the arguments:

### 1. Conservative ‘Loyalty Argument’:

It is important that people show loyalty to the United States, and the U.S. government should show gratitude to those who are loyal.

People show exceptional loyalty when they risk their lives for U.S. citizens

Many migrants risk their lives for the benefit of American citizens.

For example, many nursing assistants have risked their lives during the COVID-19 pandemic to keep Americans safe. Similarly, many agricultural workers secured America’s food supply while the country was locked down. This is true for legal migrants as well as undocumented migrants.

One very effective way for the U.S. government to show gratitude for migrants’ loyalty is to give them the right to remain in the US

When the government has an effective policy for showing gratitude, it has good reason to implement this policy

Therefore, if migrants risk their lives for American citizens, the government has good reason to give them the legal right to remain in the country.

### 2. Liberal ‘Caring Argument’:

It is important that people are caring, and the U.S. government should show gratitude to those who care for others.

People are exceptionally caring when they risk their lives to help other people.

Many migrants risk their lives for the benefit of other people.

For example, many nursing assistants have risked their lives during the COVID-19 pandemic to care for patients. Similarly, many agricultural workers ensured people had enough to eat while the country was locked down. This is true for legal migrants as well as undocumented migrants.

One very effective way for the U.S. government to show gratitude to migrants who care for other people is to give them the right to remain in the U.S.

When the government has an effective policy for showing gratitude, it has good reason to implement this policy.

Therefore, if migrants risk their lives for other people, the government has good reason to give them the legal right to remain in the country.

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<sup>5</sup>We drew upon moral foundations theory, which holds that the value of loyalty is more prevalent amongst conservative voters, and the value of caring is more prevalent amongst liberal voters (see e.g. Graham, Haidt, and Nosek 2009). However, many have raised criticisms of moral foundations theory. For example, see Suhler and Churchland (2011) and Curry (2016). And, indeed, one of our findings – as will be clear below – was that the loyalty argument was not more persuasive for conservative voters as compared to liberal voters, and the caring argument was not more persuasive for liberals as compared to conservatives.

We additionally included a third argument grounded not in gratitude or reciprocity, but non-exploitation. It is similar in form:

‘Exploitation Argument’:

It is important that people are not exploited, and the U.S. government should help people avoid exploitation.

People are exploited when they are taken advantage of, risking their lives to benefit other people while given very little pay. Many migrants risk their lives for the benefit of other people, and they are paid very little.

For example, many nursing assistants have risked their lives during the COVID-19 pandemic to care for patients. Similarly, many agricultural workers ensured people had enough to eat while the country was locked down. This is true for legal migrants as well as undocumented migrants.

One very effective way for the U.S. government to help migrants not be exploited is to give them the right to remain in the U.S.

When the government has an effective policy of helping people not be exploited, it has good reason to implement this policy.

Therefore, if migrants risk their lives for other people, the government has good reason to give them the legal right to remain in the country.

Finally, we included a placebo argument unrelated to migration, and related to the importance of the government requiring that parents send their children to school.

Subjects were randomly assigned to read one of the four arguments, which for short we call the Loyalty, Caring, Exploitation, and Placebo arguments. One main benefit of randomly assigning the argument intervention is to help us see the effect of a specific argument at work. People usually have a combination of arguments in mind for, for example, their support of a policy. Randomization means that the distribution of different combinations in the minds of the respondents assigned to treatment and control group should be, in expectation, the same. The one difference between those groups then is that they were made to consider one particular argument or not another.

After subjects were given one of the four arguments, they were given comprehension tests to make sure they had understood the premises we presented in each argument, followed by questions about the rights they thought migrants should be granted. In particular, we asked how much they agreed with the claim that migrants who provide ‘important services’ should be provided certain rights. The questions we asked were:

Thinking of an *undocumented migrant* who provides important services, which of the following actions should the government take? Should they be ...

- Deported and banned from re-entering the US (1)
- Deported but allowed to visit the US as a tourist (2)
- Given a 1-year temporary visa (3)
- Given a 3-year temporary visa (4)
- Given permanent residence (a ‘Green Card’) (5)
- Given US citizenship (6)
- No action should be taken at this time (7)



Thinking of a *legal migrant with a temporary visa* who provides important services, which of the following actions should the government take? Should they be ...

- Deported and banned from re-entering the US (1)
- Deported but allowed to visit the US as a tourist (2)
- Have their temporary visa extended for 1 year (3)
- Have their temporary visa extended for 3 years (4)
- Given permanent residence (a 'Green Card') (5)
- Given US citizenship (6)
- No action should be taken at this time (7)

Next – and this is important – we asked respondents for their opinions about specific migrants. To do this, we presented a factorial-vignette experiment. In factorial-vignette experiments subjects are presented with a series of scenarios, with each one varying along certain attributes. In our case, we presented scenarios of migrants who contributed, in either small or large ways, to the wellbeing of US citizens. These included nurses, firefighters, agriculture workers, and workers stocking shelves in the supermarket. Some vignettes included migrants who had helped during the pandemic, while others included migrants who provided other forms of help. Migrants also varied in whether they had visas authorizing them to work in the US, whether they were men or women, whether they were protected or exposed to risks, and whether they were from Turkey, China, Vietnam, Nigeria, Honduras or the United Kingdom (UK). We then asked subjects how they thought the migrant in the vignette should be treated, presenting the following question:

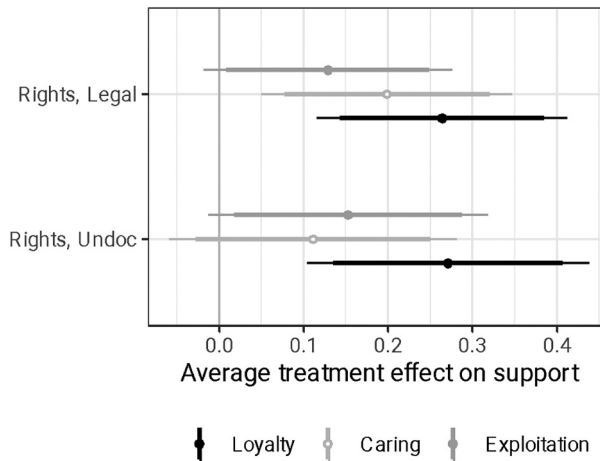
Thinking of immigrant A, which of the following actions should the government take? Should they be ...

- Deported and banned from re-entering the US (1)
- Deported but allowed to visit the US as a tourist (2)
- Given a temporary visa or have theirs extended (3)
- Given permanent residence ('Green Card') (4)
- Given US citizenship (5)
- No action should be taken at this time (6)

We hypothesized that *Conservative subjects exposed to the Loyalty Argument, as compared to subjects who were exposed to the placebo argument, would be significantly more likely to support granting more rights to both documented and undocumented workers, when asked about such workers in general in the first set of questions.*<sup>6</sup> We further hypothesized that *Liberal subjects exposed to the Caring Argument, as compared to subjects who were exposed to the placebo argument, would also be significantly more likely to support granting more rights to both documented and undocumented workers, when asked about such workers in general in the first set of questions.* Finally, we hypothesized that *all arguments except the placebo would have a general effect across both groups: exposure to the Loyalty, Care, or Exploitation argument would lead to*

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<sup>6</sup>See the Pre-Analysis Plan at <https://osf.io/phznr>.



**Figure 1.** Average treatment effect on support for granting rights to legal migrants or undocumented migrants by argument treatment condition.

*greater support for visas as compared to exposure to the placebo.* Or put another way, tying back to our discussion in the last section: we hypothesized that there would be a moral reason to express arguments supporting migrant rights because of these arguments' positive effects on increasing visa.<sup>7</sup>

These hypotheses were partly confirmed, as summarised in Figure 1. It was indeed true that subjects exposed to the Loyalty argument were significantly more likely to support granting more rights to both documented and undocumented workers, as compared to subjects exposed to the placebo argument, but this was true for both Conservative and Liberal subjects. We also found some effects for the Caring argument compared to the placebo across both Conservative and Liberal subjects, but less so for both groups, and there were no effects for the Exploitation argument as compared to the placebo. The Loyalty argument, then, won out in unexpected ways: it was particularly effective at garnering support for migrants' rights in general.

After this analysis was conducted, we also hypothesized that *those exposed to either the Loyalty or Caring argument would be more likely to show significant differences in support for migrants from a majority-white country as compared to a majority non-white country when expressing their level of support for particular migrants in the vignettes.* In other words, we hypothesized that both arguments, as compared to the placebo, would be effective at increasing support and also increasing discrimination. If this hypothesis was confirmed, there would be moral reason to not express either argument because of effects on increasing discrimination, even though there would also exist reason to express both because of the benefits of increasing support for visas, such that both arguments would give rise to a dilemmas as to whether they should be expressed.

<sup>7</sup>We chose our sample size to identify a treatment effect size of .2 at the appropriate level of statistical power for those parts of the analysis that make between-respondent comparisons (between the placebo treatment and the loyalty, caring, or exploitation argument treatment groups) of the 'Rights, Legal' and 'Rights, Undoc' outcome measures. Since the outcome measure presented in the factorial vignette is recorded several times for each respondent, with a fully randomized draw from the universe of all possible migrant attribute profile, the required sample size for identifying a treatment effect of the same magnitude is even smaller.

We learned that it was the Loyalty argument – the most effective one – that led to discrimination. By effective we mean showing the clearest, not necessarily a statistically distinguishable larger, effect on outcomes. When it came to the factorial vignette experiment, those exposed to the Loyalty argument were only more likely to support visas for UK migrants as compared to those exposed to the placebo; the argument seemed to have no effect on opinions concerning other national groups (See Figure 2). In other words, while individuals exposed to the Loyalty argument were more likely to support general policy changes that did not discriminate, those exposed to this argument were also more likely to discriminate when asked how specific migrants should be

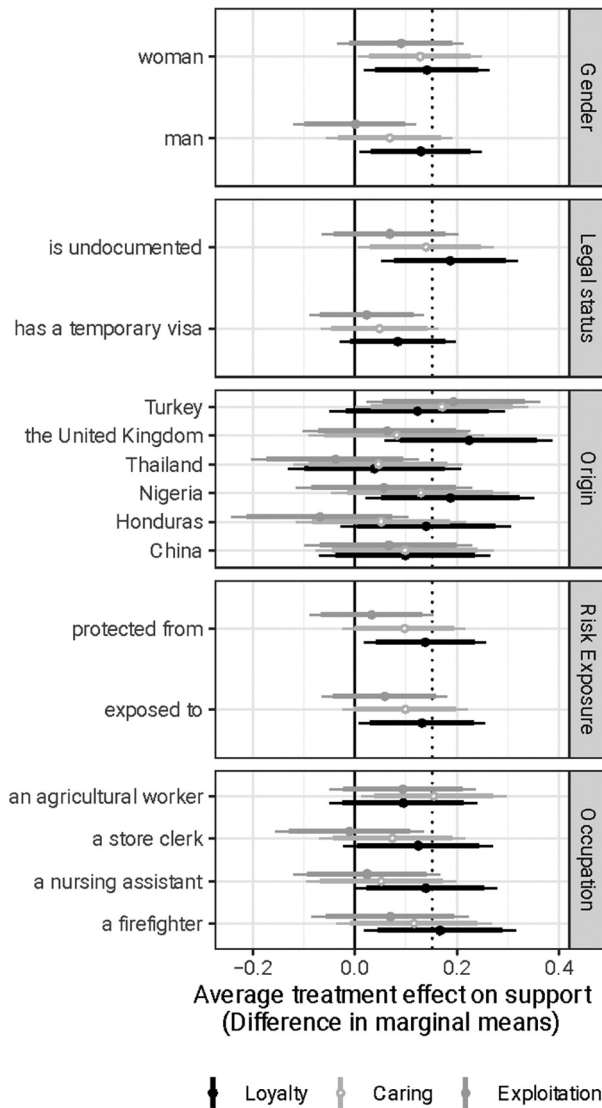


Figure 2. Average treatment effect of the loyalty, caring, and exploitation arguments (vs the control argument) on the difference in marginal means for all vignette attribute values.

treated, with this argument only associated with greater support for UK migrants and not others.

We therefore found evidence of a moral dilemma, which can be expressed with a bit more detail: on the one hand, not only was the Loyalty Argument associated with an increase in support for migrant rights on a general policy level, but it was associated with an increase in support for UK migrants who may have a right to visas. UK migrants, despite the fact that they are generally relatively advantaged, likely have a right to some sort of visa if they have worked for many years in certain jobs, or even if they have just lived in the US for a sufficient number of years. Expressing the Loyalty Argument seems to help these migrants gain visas and even citizenship, and this is a positive outcome. Yet, the Loyalty Argument also seemed to result in a type of discrimination, helping UK migrants but not others, and this may be due to wrongful implicit biases or just outright racism. It is not clear whether an argument should be expressed if it leads to discrimination due to implicit bias and/or racism.

In particular, if we presume that discrimination is wrong when (but perhaps not only when), an already worse-off group fails to obtain some benefit because of stereotypes or other wrongful attitudes about this group,<sup>8</sup> and if the reason that migrants from non-white countries did not benefit from the arguments we posed was due to stereotypes or other wrongful attitudes, then it is not clear if the argument should be presented, given these effects alongside the help the arguments provide to at least some migrants.

The above is a very general description of the dilemma, but we can be more precise by parsing out specific pairs of conflicting considerations. Or, put a little differently: there are certain reasons that can be grouped together in terms of pairs, with one reason speaking in favour of expressing the argument, and the second related reason speaking against expressing the argument.

The first pair concerns intentions. On the one hand, we don't think that we as researchers were motivated by racism when expressing the Loyalty argument in the survey. Perhaps, so long as those expressing the argument are not themselves motivated by racism, then discrimination on the part of those exposed to the argument is not as wrongful as if those expressing the argument had themselves been motivated by racism. In other words, keeping the effects fixed – assuming that the effects of an argument are the same whether the person has racist attitudes or not – there is greater reason to express the argument if the person expressing the argument does not have racism than if they do. If there aren't racist motivations on the part of the speaker (or writer in our case), and the argument also has positive effects of increasing migrant rights for at least some, this seems a point in favour of expressing the argument. Yet – and here is the related reason to not express the argument – the argument does create a state of affairs where subjects express support for only some migrants due likely to racism or at least bias. Even if someone expressing the Loyalty Argument doesn't intend to cause citizens to support rights for UK migrants but not similarly-situated migrants from majority non-white countries, if those expressing the argument cause individuals to treat UK migrants in a better manner due to racism, then those expressing the argument are

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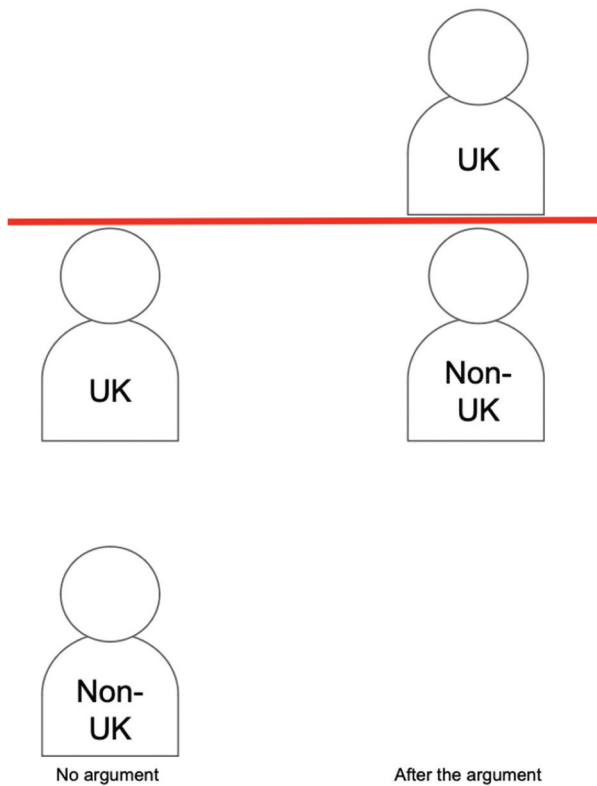
<sup>8</sup>This is a broad sufficient condition for wrongful discrimination, which is compatible with a range of theories of when discrimination is wrong, including (but not limited to), Moreau (2020), Lippert-Rasmussen (2013), Hellman (2008), Hellman (2008), Slavny and Parr (2015), and Parr (2019), Benatar 2012.

creating a state of affairs where discrimination due to racism occurs. It is not clear whether creating a state of affairs where discrimination due to racism occurs is morally permissible.

There is another pair of conflicting considerations, and this relates to the relative benefits for UK versus other migrants. On the one hand, we might think the following: it is true that subjects support rights for UK migrants due to racism, and so hold the wrong level of support for non-UK migrants, but they perhaps express the right level of support for UK migrants after being exposed to the arguments we formulated. In other words, the problem isn't the support for UK migrants but the lack of support for others. If so, then UK migrants might make the following claim: even if migrants are wronged when they are not given a visa due to racism or other types of wrongful attitudes, this does not mean that UK migrants are receiving more than their due when given visas. If so, then there is still reason to express an argument which ensures UK migrants obtain visas. More generally, if there are arguments that persuade citizens to do the right thing for some migrants, there is reason to articulate these arguments. At least, there is such a reason if the arguments don't make other migrants worse off. And, indeed, we found no evidence that the Loyalty argument would make any migrants worse off: there was no difference in the level of support for non-UK migrants amongst subjects exposed to the Loyalty argument as compared to the placebo.

Yet, even if the argument does not make anyone worse off, perhaps discrimination can be wrong even when it doesn't make anyone worse off than in a world where the discrimination did not occur (Hellman 2008; Parr 2019; Slavny and Parr 2015). In particular, discrimination can be wrong in virtue of being insulting and demeaning, even if individuals are not worse off materially than had the discrimination not taken place (Hellman 2008). One way that discrimination can be insulting and demeaning (and this is not the only way – see Hellman 2008) is that the discrimination is the result of objectionable intentions or attitudes (Benatar 2012; Hellman 2008; Parr 2019; Slavny and Parr 2015). For example, freeing white prisoners at a greater rate than black prisoners needn't make black prisoners materially worse off than had the white prisoners remained in prison, but black prisoners are worse off in the sense that they are demeaned in virtue of being treated differently due to racist attitudes. The same can be said about the case of migrants above: if non-UK migrants are not more likely to be given visas or citizenship after the Loyalty argument because they are not white, and the differential effect is due to racist attitudes, they are demeaned, and such demeaning treatment is a reason to not express the Loyalty Argument.

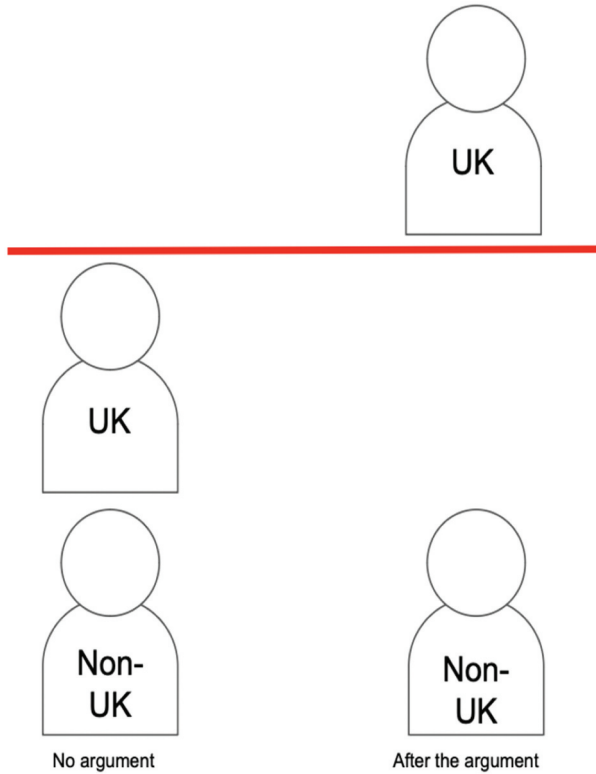
There is another closely related pair of conflicting considerations, and this pertains to an additional finding: though the Loyalty Argument only increased support for UK migrants and not migrants from majority non-white countries, it neither decreased nor increased the statistically-significant discrepancy between UK migrants and migrants from majority non-white countries. The fact that it did not decrease the discrepancy might create a reason to not express the argument, because the argument both leads to support for only the migrants from a majority white country, and also does not somehow decrease the support between these migrants and others. In other words, it was *not* the case – as depicted in the image below – that the argument shifted support for all migrants up and decreased the difference between support for the two groups was closer together:



In this figure, the Y-axis represents general support for each group of migrants, while the red line represents the threshold of support above which subjects are willing to actually grant such migrants a visa. Unlike in the above scenario, where we might think there is reason to express the argument because at least the difference between support for the two groups is narrowed, in our findings no such decrease occurs. So the absence of a narrowing in support between the two groups seems a point against expressing the Loyalty Argument.

<sup>9</sup>There is a final pair of reasons, and this requires a broader theory concerning immigration ethics. It might matter whether and to what extent the US has a right to control immigration. While we assumed that the US really ought to give visas to all workers which were included in our vignettes, given that they were workers who assumed significant risks, it could be that the US is permitted to simply not give very many visas at all. Assume, for the sake of argument, that this is true. If so, then it could be that the argument leads to support for many UK migrants obtaining visas and others not, but if the argument were to not be expressed, then it would lead to far fewer obtaining visas but no discrimination. If very fewer obtaining visas is not unjust – because the US has a right to not give very many visas – then this seems like a reason to not express the argument: more precisely, a reason to not express the argument is that it will not lead to an unjust outcome, but expressing the argument will because it will lead to discrimination. On the other hand, even though expressing the argument will lead to an injustice and not expressing the argument won't, there might still be moral value in granting visas to UK migrants. A dilemma therefore persists. We put the possibility of this specific dilemma aside, because for simplicity we assume that the migrants in question – from the UK and elsewhere – do have a right to some type of visa. While this assumption may indeed be wrong, we wish to at least illustrate how the experiment we present gives rise to such a dilemma if this assumption is taken as a given.

Yet, there is a competing reason to express the argument: while our findings show no decrease in discrepancy between UK versus other migrants, at least our findings show no increase in discrepancy between support for UK versus other migrants. In a world where an argument increases discrepancy, the effects might look like this:



In such a world, there would be especially strong reasons to not express the argument, because not only would the argument lead to only UK migrants obtaining support for visas, but the argument would also create an increase in discrepancy between general support for UK versus other migrants. The fact that the Loyalty argument did not increase the discrepancy might shift us in the direction of expressing the argument.<sup>9</sup>

We can combine some of the above considerations by expressing the dilemma in a way that accounts for multiple considerations: on the one hand, the Loyalty argument leads to only some migrants being given visas, potentially due to bias against other migrants, and also does not lead to a decrease in the discrepancy between UK versus other migrants. On the other hand, the argument at least leads to some migrants being given visas that have a right to such visas, and also does not increase the discrepancy in support between UK versus other migrants.

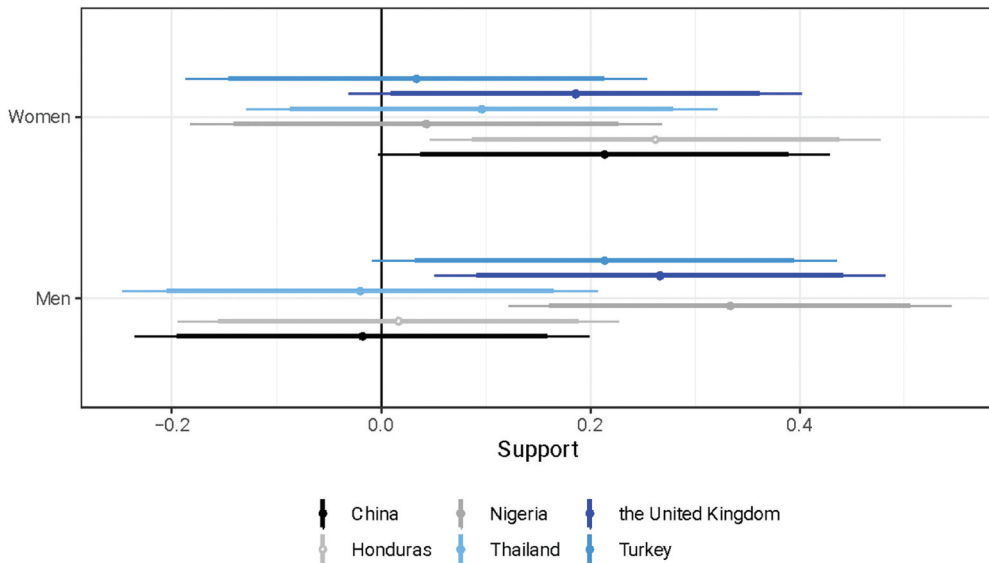
To summarize thus far: the racism variant of the Immigration Discrimination Dilemma is especially difficult to resolve, given that

- (1) the argument (a) may not be intended to express wrongful discrimination but (b) leads to the creation of intentional wrongful discrimination amongst those exposed to the argument,
- (2) the argument (a) does not make anyone worse off compared to not expressing the argument but can be (b) demeaning towards those who are not made better off and
- (3) the argument (a) does not increase the discrepancy of support between the two groups, but also (b) does not decrease the discrepancy between the two groups.

While we will not attempt to establish whether the argument should ultimately be expressed, as this would require further philosophical work, we hope to have demonstrated that the empirical data we present suggests conflicting considerations arise. Related conflicting considerations also arise when it comes to gender.

### The gender dilemma

While UK migrants were the only national group as a whole benefitting from the Loyalty argument, some sub-groups did as well, including men from the UK, Turkey, and Thailand and – importantly – women from Honduras (see Figure 3). While we did not hypothesize this ahead of time, we learned that when women from Honduras were presented in a fictional vignette then subjects were more likely to support granting them



**Figure 3.** Average treatment effect of the loyalty argument (vs the control argument) on the difference in marginal means on support for policy change by country of origin of the migrant and migrant's gender.



visas if exposed to the Loyalty argument as compared to subjects exposed to the placebo argument. In contrast, when men from Honduras were presented in a fictional vignette, subjects were not more likely to support granting them visas as compared to subjects exposed to the placebo argument. Importantly, subjects exposed to the placebo argument did not express a statistically-significant difference in support for male vs. female Latin American migrants, while subjects exposed to the Loyalty argument did: they were significantly more likely to support visas for women from Honduras as compared to men from Honduras ( $p = .07$ ). Equally importantly still, no such gender positive difference arose for other national groups (Nigeria shows a negative gender difference in the effect of loyalty with  $p = .05$ ). Put another way: the Loyalty argument both only increased support for women from Honduras and not men, and led to significant differences in support for women from Honduras as compared to men.

While this analysis is exploratory – as already noted, we did not hypothesize the above effect prior to launching the survey – there is a possibility that subjects were drawing upon stereotypes about male migrants from Latin America when evaluating what they thought, and such stereotypes often do not apply to female migrants.

To get a sense of the stereotypes applied to male migrants from Latin America, recall President Trump's 2015 speech stating that migrants were drug dealers and rapists. The accusation of rape is far more likely to be associated with men, and this speech expressed a particularly gendered form of xenophobia. More generally, a range of studies find that citizens draw upon stereotypes against male Latin American migrants which are distinct from the stereotypes that apply to female Latin American migrants. The stereotypes surrounding Latino men can lead to specific harms against male Latin American migrants not experienced by female Latin American migrants (Vasquez-Tokos and Norton-Smith 2017). For example, a 2019 study found that US recruiters discriminate against male Latin American migrants but not female Latin American migrants (Yemane and Fernández-Reino 2019).

Our findings regarding Honduras migrants in the United States are consistent with the above findings: they demonstrate that presenting US citizens with the Loyalty Argument may be only effective for persuading citizens to support rights for female Latin American migrants, and is even associated with a discrepancy between male vs. female Latin American migrants not found amongst subjects not exposed to this argument. If xenophobic stereotypes about male Latinos partly explains this discrepancy, there is a question of whether arguments which contribute to this discrepancy ought to be utilized by those seeking to expand rights for migrants. This gives rise to a dilemma: on the one hand, we might think they should not express such arguments if they make male Latino migrants worse off than female Latino migrants in virtue of wrongful stereotypes about male Latinos. On the other hand, if the arguments do help female migrants, then perhaps expressing such arguments is all-things-considered justified.

We think the depth of this dilemma can be understood if, as before, we point out pairs of conflicting considerations. One pair relates to stereotypes. On the one hand, male Latino migrants face distinct stereotypes not generally faced by female Latino migrants, and not faced by white men. If the argument we presented leads to disadvantages for such migrants partly due to these stereotypes, perhaps this is a reason not to express the argument. On the other hand, Latin American women also face

harmful stereotypes, and are either no less vulnerable than male migrants, or at least still highly vulnerable in absolute terms. If an argument helps them when expressed, this creates one reason to express the argument.

Another pair of conflicting considerations relates to the discussion described in the last section. In the last section we argued that there is reason to express an argument if it decreases the discrepancy in support between migrants from majority white countries as compared to majority non-white countries, and there is reason to not express an argument if it increases the discrepancy in support between migrants from majority white countries as compared to majority non-white countries. We found no evidence of either an increase or a decrease in discrepancy when it came to UK versus other migrants, but for male and female Latino migrants we did find an increase in discrepancy: the Loyalty Argument was not only associated with an increase in support for female Latino migrants but not male Latino migrants, but it was associated with an increase in the difference in support for male versus female Latino migrants. If so, there seems to be two reasons against expressing the argument: it both only helps female Latino migrants, and also increases the discrepancy in support between male versus female Latino migrants. At least, such reasons arise if wrongful stereotypes explain the fact that only female Latino migrants were helped, and there was an increase in discrepancy in support between men versus women.

Though there are two reasons against expressing the argument, we think these reasons still face counter-reasons concerning women: Latino women migrants are typically worse off, and face harmful stereotypes not faced by, white women who are migrating to the US and US citizens. There is value in an argument which makes Latino women better off, especially if the argument does not make the men worse off. For this reason, we think that a serious dilemma arises in this case. It remains unclear whether the Loyalty Argument should be expressed, given the benefits to severely disadvantaged women, and the relative benefits of such women compared to men due to stereotypes about these men.

In addition to the above conflicting pairs of considerations, there are also pairs of considerations related to intention. As with the race-based dilemma, the fact that the argument is not intended to express wrongful discrimination might seem one reason to support its articulation, because we presume that the attitudes of the person expressing an argument matter. However, if expressing the argument leads to those exposed to the argument supporting female Latino migrants alone due to wrongful stereotypes, then the argument may contribute to individuals expressing wrongful discrimination.

The dilemma concerning gender also includes a pair of conflicting considerations pertaining to the demeaning nature of discrimination. On the one hand, the Loyalty argument does not make anyone worse off in terms of visas, and so this might create one reason to express the argument compared to an argument that does make people worse in this way. On the other hand, the fact that only female Latinos are made better off could be demeaning towards the men, and so a reason against the argument's articulation.

In short, the dilemma concerning gender is clear when we consider these pairs of conflicting considerations:

- (1) As with race, the argument (a) may not be intended to express wrongful discrimination but (b) lead to the creation of intentional wrongful discrimination amongst those exposed to the argument,

- (2) the argument (a) does not make anyone worse off compared to not expressing the argument but can be (b) demeaning towards those who are not made better off and
- (3) The argument is (a) demeaning towards men from Latin American, assuming the reason men are not helped by the argument is due to stereotypes about Latino men, but the argument (b) also helps women who are subject to their own harmful stereotypes and
- (4) the argument (a) does increase the discrepancy of support between the two groups, but (b) by helping women who are particularly disadvantaged it may decrease the discrepancy between these women and white women and citizens.

### The Loyalty Dilemma

We have only talked about the effects of arguments thus far. This is because our contribution to debates on immigration ethics is understanding the effects of arguments on subjects exposed to such arguments. However, clearly are there dilemmas arising not from the effects of an argument, but from the content of the argument itself.

The content of the Loyalty argument makes some (including us) uncomfortable. It is not an argument which appeals to the rights of migrants, or the wrongness of exploitation, or the value of equality. Left-leaning readers might endorse these other values more. These other values, in contrast to that of loyalty, do not seem to underpin the sort of nationalism responsible for xenophobia, including xenophobia which contributes to migrants being deported. When migrants are deported, they are sometimes blamed for not being loyal enough to the nation. Given this fact, it is not clear whether the Loyalty argument ought to be expressed.

Here, too, the dilemma can be understood in terms of pairs of conflicting considerations.

The first pair concerns the role of loyalty in the argument itself. On the one hand, some might suppose that national loyalty is not the sort of value that ought to be endorsed. This could be because national loyalty is itself morally suspect, or because loyalty when evoked in debates on immigration implies a certain xenophobia, even if this is not the intention of the person expressing the argument. The idea that evoking a value can be wrong because of its implications, even if the value itself is legitimate, can be found in broader debates on gender and race. For example, the slogan ‘All Lives Matter’ might not – when looking at the content itself – entail a value that should be rejected, but expressing the argument in response to Black Lives Matter can imply opposition to racial equality, or a denial that black Americans face widespread discrimination and police brutality. The same could be said when it comes to expressing national loyalty as a value: it is national loyalty which is often evoked as a reason to deport migrants with a right to stay, including migrants who come from majority-Muslim countries, migrants who have worked in dangerous jobs, and migrants who do not support conservative values. If the value of loyalty in the context of immigration implies support for morally objectionable policies, then this seems to create a reason to not appeal to loyalty in arguing for migrant rights.

Yet, there is a counter-reason to appeal to loyalty: even if many who appeal to this value imply support for objectionable policies, perhaps it is possible to express loyalty in

a way that co-ops these implications. The idea of co-opting can be found in other expressions and words, as when the word ‘Queer’ – used once to as a derogatory term for gay men – was co-opted by gay and trans men and women as a marker of their identity of which they were proud (Perlman 2019). There may be a way of using the word ‘national loyalty’ which no longer has the connotations that all or many migrants are not loyal to the state. If it is possible to use the word ‘national loyalty’ in this way, then this creates one reason to express the argument.

Of course, we do not know if this is possible: without further research we do not know if the argument we presented avoids the problem of objectionable implications, and so for now we simply wish to highlight that it might, and exploring whether it does is pertinent. At least, it is pertinent if the positive effects of appealing to loyalty are substantial, such that there is value in understanding if these effects are worth the potential cost of implying objectionable views.

A second pair of conflicting reasons presumes that national loyalty is, in fact, simply not valuable. While we lack the room to full explore this presumption, if we assume that national loyalty is not valuable, then two conflicting considerations arise. On the one hand, there might be reason to not express the Loyalty argument because it states the untrue claim that national loyalty has value. There may be reason to not state untrue claims – it is a sort of lie or type of dishonesty – even if stating the claims contributes to better outcomes for certain migrants. On the other hand, the Loyalty argument we presented did not technically rely on this value for its philosophical validity. One can just remove the claim about loyalty, and replace it with values concerning caring or non-exploitation, and the argument still works philosophically. It works philosophically, but is just not as persuasive for those reading it on a screen. This may be because readers who are supportive of migrant rights already endorse values of non-exploitation and/or caring, while those who do not support migrant rights do not endorse these values, and so arguments appealing to these values are not effective. If they are not effective, and the same core argument can be expressed by appealing to the value of loyalty that typical anti-migrant voters endorse, then perhaps there is more reason to express the argument than if the argument’s philosophical validity truly relied on loyalty being a genuine value.<sup>10</sup>

Somewhat relatedly, even if loyalty does not have value and the argument states that it does, perhaps it matters whether the appeal to the value of loyalty encourages individuals to support other true premises in the argument, premises they might not come to believe without the appeal to the questionable value. Perhaps those who read or hear the Loyalty argument are more likely to believe that ‘Many migrants risk their lives for the benefit of American citizens.’ If evoking loyalty contributes to more American citizens believing this to be true, and it is in fact true, some might feel there is reason to express the argument. This reason might not be decisive, but it is one consideration nonetheless. If it is one consideration, there is a sort of dilemma arising from the fact that – on the one hand – the argument states an untrue claim and so there is reason

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<sup>10</sup>This point, it is worth noting, is not that loyalty was unimportant to the argument from an empirical perspective: we are fairly certain that mentioning loyalty had an impact on respondents, because an argument mentioning loyalty was associated with greater support for migrant rights. Our point is only that it does not matter philosophically: the argument’s validity does not depend on mentioning loyalty, it is simply that mentioning loyalty makes it more persuasive.

against its expression, but – on the other hand – the argument (potentially) encourages individuals to believe true claims they might otherwise not believe.

This last pair of conflicting considerations is somewhat tentative, as we would need additional experimental data to evaluate whether the Loyalty argument does increase the likelihood that individuals will believe true premises. However, we hope to have shown that the findings raise potential conflicting considerations to be explored with further philosophical and empirical studies.

### Profession-based discrimination

People like firefighters. And nurses. In our study, subjects exposed to vignettes about firefighters and nurses were significantly more likely to support granting them visas and/or citizenship compared to subjects exposed to migrants working in other professions. While this was true for both subjects exposed to the Placebo argument and the other three arguments, subject exposed to the Loyalty argument increased their discrepancy between nurses/firefighters and others. This finding (summarised in Figure 4) arose even though the risks migrants faced in the vignettes varied randomly; for example, we included vignettes with agricultural workers facing risks from COVID-19 and pesticide use comparable to the risks nurses face from COVID-19 and long night shifts.

Given that there was discrimination based on profession, there may be a variant of the Immigration Discrimination Dilemma. While we are not as confident that a dilemma arises, it does if we presume that:

- (a) profession-based discrimination is sometimes or always wrong, and
- (b) When it is wrong there is moral reason to not express an argument that contributes to such discrimination but
- (c) There is moral reason to express an argument that helps those in high-risk professions obtain visas.

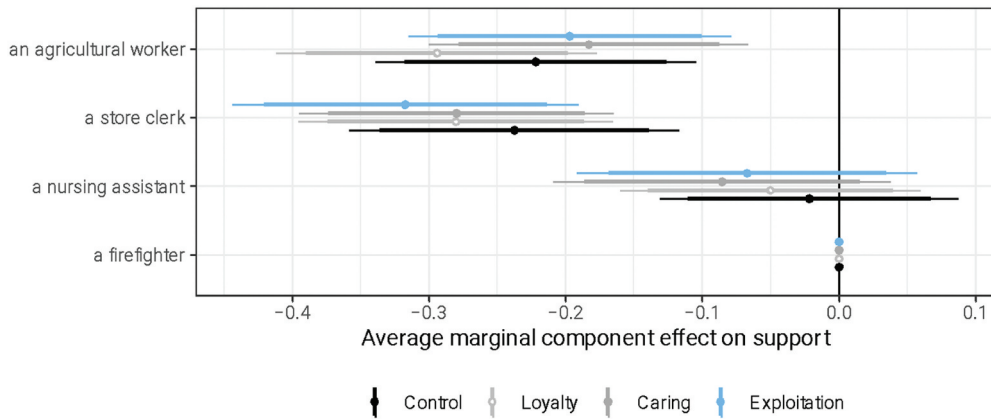


Figure 4. Average marginal component effect of occupation (fire fighter is the reference attribute value) by control, loyalty, caring, and exploitation arguments.

Regarding the first claim, that profession-based discrimination is sometimes wrong: such discrimination could be wrong when it is a type of wrongful indirect discrimination based on race, ethnicity, or nationality. In our study, subjects were more likely to support visas and citizenship for firefighters and nurses as compared to agricultural workers, and in the real world agricultural workers in the US are more likely to be men from Latin American countries as compared to men from other countries, and as compared to women from Latin American countries (Pilgeram, Dentzman, and Lewin 2022). In contrast, firefighters are more likely to be white men (Fahy, Evarts, and Stein 2022), and nurses are more likely to be women (US Bureau of Labour Statistics 2022). Of course, in our experiment these demographics did not apply, in the sense that we presented an equal number of men and women in the vignettes, and varied nationality randomly, but subjects may have been less supportive of agricultural workers as compared to firefighters and nurses because of their association of both groups with certain demographic groups. If discriminating against such demographic groups is wrong, perhaps discriminating against agricultural workers is wrong as well.

If it is wrong, then it seems there is moral reason to not express an argument which creates or contributes to such discrimination. The Loyalty argument may be contributing to such discrimination by exacerbating its effects: not only were firefighters and nurses significantly more likely to receive support for being granted visas and citizenship amongst subjects exposed to all four arguments, but those exposed to the Loyalty argument were significantly more likely to support granting such visas and citizenship to firefighters and nurses as compared to those exposed to the placebo argument. In other words, firefighters and nurses may have had an unfair advantage without the Loyalty argument, but the Loyalty argument gave them an even greater unfair advantage.

This creates a dilemma because, on the one hand, if firefighters and nurses are given an unfair advantage in general, we might suppose there is good moral reason to not express an argument which gives them an even greater advantage compared to those in similarly-risky professions. This seems especially true if subjects are more likely to support privileging firefighters and nurses when exposed to the Loyalty argument because of some interaction effect between exposure to this argument and sexism or xenophobia, or perhaps some other wrongful disregard for the risks agricultural workers experience. On the other hand, both documented and undocumented migrants who become firefighters and nurses have strong claims to visas and/or citizenship, especially if they have lived in the country for a considerable number of years.

In such cases, as with cases where UK migrants and Latin American female migrants are advantaged, the depth of this dilemma can be further articulated by considering more specific pairs of conflicting considerations. As before, one pair of conflicting considerations concerns whether the argument increases or decreases the discrepancy in support between different groups. We found there was both greater discrepancy in support between agricultural workers vs. firefighters and nurses amongst subjects exposed to the Loyalty argument as compared to those exposed to the placebo argument, and also no increase in support for agricultural workers amongst those exposed to the Loyalty argument as compared to those exposed to the placebo. If so, then two competing considerations can be articulated as such: on the one hand, the Loyalty argument both failed to increase support for agricultural workers, and also increased

the discrepancy between support for such workers and support for firefighters and nurses. On the other hand, even if firefighters and nurses may be unfairly advantaged by the subjects on our experiment compared to agricultural workers, and further advantaged from the Loyalty argument, they are not very advantaged in general: pay is low, especially for nursing assistants and freighters. Indeed, undocumented migrants who become firefighters often do so on a volunteer basis, receiving no route to legalizing their status (Délano and Nienass 2014; Democracy Now 2021). There is a strong case for expressing the Loyalty argument if it helps this population improve their legal status and access to rights. Put a little differently: there is both a reason to not express the argument – it increases unfair discrepancies between different professional groups – and a reason to express the argument – it decreases the discrepancies between the rights that migrant firefighter and healthcare workers possess, and the rights of citizens.

Some of the other pairs of competing considerations are also clearly relevant here. As noted in the discussion on gender, an argument which does not make a given group worse off can still be demeaning towards this group. In the case of agricultural workers, they are not made worse off from the Loyalty Argument – it is just that other groups are made better off – and this fact could be a reason in favour of expressing the argument. On the other hand, expressing the argument may also create an advantage for nurses and firefighters which is demeaning towards agricultural workers, and so there is reason to not express the argument.

A final pair of competing considerations concerns the term ‘loyalty.’ Appealing to loyalty, as notes in the last section, can imply support for objectionable policies or views, and appealing to loyalty might have especially demeaning implications for agricultural workers. It is agricultural workers which many Americans had in mind when Trump stated that those crossing the border from Mexico were criminals, and it is criminals who seem especially disloyal to the state. Loyalty, then, might imply support for stereotypes, even if the value itself is not objectionable. If so, then even if the Loyalty argument does not make agricultural workers worse off, the argument implies that a range of migrants are not loyal, and this can create a powerful reason against the argument’s articulation. On the flip side – as already noted in the last section – perhaps loyalty as a word can be repurposed, its implied meaning shifted when applied to certain arguments. Perhaps the argument we presented or a close variant implies that there ought to be radically expanded rights for migrants. If loyalty is presented as precisely the value which justifies expanded rights, perhaps the meaning of the word can shift, its implications no longer associated with deportation and violence against those crossing the border. Whether this is the case would require further philosophical analysis on the way meanings evolve, and empirical research on the way words are perceived.

## Conclusions

We have thus far presented the findings in terms of dilemmas, but doing so was in some ways artificial: we simply presented reasons for and against presenting a very specific argument relating to loyalty, when in practice there are far more arguments that could be presented which perhaps do not give rise to the dilemmas we present, and which help migrants just as much if not more than an argument about loyalty. While the other arguments we tested –

which evoke the values of care and non-exploitation – do not garner as much support for migrants, others might. If so, it is worth testing additional arguments, carefully evaluating whether these arguments contribute to shifts in support without increasing the discrepancies of support between different groups. If so, then one important conclusion from our analysis is that more empirical work is necessary to find arguments that avoid moral dilemmas. Perhaps no such arguments exist, but we cannot know until we try.

A second conclusion is simply that, at least for some arguments, there are dilemmas in the sense that arguments can have conflicting considerations. A given argument can have certain implications and impacts that give rise to reasons both for their articulation, and against. We hope to have provided an illustration of such an argument.

Given the above conclusions, a third overarching conclusion becomes clear: just because an argument is effective, and perhaps even if it is philosophically valid, it does not follow that it ought to be expressed. Whether it ought to be expressed depends on a range of considerations pertaining to the discrimination it can give rise to, the disadvantage of those who benefit from its articulation, and the implied meanings of such an articulation. Understanding how these considerations arise, and how they can conflict with each other, can make us realize the challenges of establishing what moral arguments are moral to express. Realizing and overcoming these challenges requires a range of philosophical studies that have yet to be pursued, and further empirical work that has yet to be conducted.

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