Introductory Note

The following exchange occurred at 21st Annual meeting of the Association for Professional and Practical Ethics held on March 1-4, 2012, in Cincinnati, Ohio. The session was an author meets critics session on Boylan's 2011 book published by Westview Press, Boulder, Colorado. The topic of the discussion is a controversial treatment of immigration by Boylan in his chapter on immigration.

The critics were: Gabriel Palmer-Fernandez and Julie E. Kirsch, who provide critical assessments of Boylan's claims. Boylan then offers a reply to their arguments.
Author Meets the Critics: Michael Boylan's Morality and Global Justice

1. A Just Society and Its Critics

A few years ago I had the very good fortune to be part of a group of scholars who were invited to comment on Michael Boylan’s work, A Just Society. Our contributions were published under the title Morality and Justice: Reading Boylan’s A Just Society, edited by John-Stewart Gordon. A few of us challenged Boylan with what I will call the Cosmopolitan Challenge.

1.1 The Test

In a number of places in A Just Society, Boylan identifies our fellow compatriots as the relevant population for our considerations of justice – i.e., citizens or members of our political community rather than persons, as such. For example, he writes: “I do hold that at this moment in history our first responsibilities are toward those in our own society, basic goods (i.e., food, clothing, shelter, protection) “are to be distributed equally to all citizens” (Boylan 2004-a, 174, 245); and elsewhere he writes, “at this moment in history, it seems that the only way to execute duties is first through one’s sovereign state and then remotely via … international bodies” (Boylan 2004-b, xxi, n. 1). In giving priority to fellow compatriots, Boylan, I argued, limits the scope of justice. Others made a similar argument. For example, Christopher Lovry and Udo Schüklenk focused their discussion on justice and global health and noted the same matter, namely, the limitation on the scope of justice to domestic society – call it, conational priority.

1.2 The Challenge

The challenge Christopher Lowry, Udo Schüklenk, Edward Spence, John-Stewart Gordon, and I put to Boylan was to expand the doctrine of justice, to remove territorial restrictions on the just distribution of goods and thereby transcend conational priority. After all he already had the foundation for a global, cosmopolitan doctrine of justice in what he calls the Table of Embeddedness, comprising a schedule of basic goods, universal in scope and absolutely necessary for human action. As I suggested in my essay, given the characterization of basic goods “one would reasonably assume that in a needs comparison between the hungry in Bangladesh, Congo, or the Philippines and those in New York City priority in needs satisfaction must go to the former” (Palmer-Fernandez 2009, 152). I wanted to love Boylan toward a cosmopolitan or global perspective. No borders or walls. So, too, did other.

1.3 Boylan’s Response

To say that Boylan limits justice to a world bounded by borders and walls does not capture his whole thought. Indeed it would be unfair and unkind. Unbeknownst to some of us – at least unbeknownst to me – Boylan had already moved in the desired direction: justice would no longer be territorialized to political communities but globalized to persons – independent of national or state membership there would be an equivalent schedule of rights for all. Following Saskia Sassen and Seyla Benhabib we can call this the “unbundling” or “disaggregation” of justice and territory (Sassen 1998, 92; Benhabib 2006) – a phenomenon of contemporary globalization that is in line with what Benhabib calls an “international human rights regime” (Benhabib 2006, 27-31).

To our challenge, Boylan responds thus: [Their essays concern themselves with cosmopolitanism [and raise the question] why I did not extend my conclusion in the argument for the moral status of basic goods to the whole world. Since I justify my argument not by institutions or nations, but rather by individuals viewed generally, it seems reasonable that national boundaries not be introduced. All the same, as Palmer-Fernandez suggests, there is no moral status for national boundaries. I am inclined to agree with the general thrust of these remarks. I am contracted to write a textbook on global ethics and plan a sequel to A Just Society entitled A Just World. But why did I limit myself to an individual state as the boundary conditions of A Just Society? … I limit my conclusion to societies … because … I believe that most of the effective large-scale social action at this moment in history will occur within societies. (Boylan 2009, 208, 212).

It’s an important empirical claim - “that most of the effective large-scale social action at this moment in history will occur within societies.” Some, including myself, believe otherwise: national states are at this moment in history neither self-sufficient nor self-contained. No hard shell surrounds most of them. The few exceptions prove the point. Bhutan and North Korea come to mind. If correct, large-scale social action will occur both within and beyond territorial states, for example, the International Day of Protest Against the War in Iraq in February 2003, protests against WTO, and the recent Occupy Movement from Tel Aviv, Israel to Barcelona, Spain and Youngstown, OH where I live.

At any event, so far as his published writings go, in 2011 Boylan was somewhere within and beyond the state. In his new book, Boylan goes beyond the state. I turn to that text next.

2. Morality and Global Justice

The book works from a basic cosmopolitan premise: "the world is structured nationally but moral rights exist ultra-nationally […] this does not mean that the state becomes irrelevant, but merely that the horizons of moral applicability extend to people, as such – wherever they live" (Boylan 2011, ix, 203). The cosmopolitan premise is, I think, an important development that flows quite naturally from the earlier book’s emphasis on basic goods. Here there is no parsing of justice’s demands by states, their borders, and walls. It is not tethered to territorial boundaries. Like capital, finance, culture, art, terror and pollution, narco-trafficking, information networks and social media, justice now has universal, i.e., global, reach.
2.1 Immigration in Morality and Global Justice

Chapter 14 of this book directs our attention to immigrants and refugees and on grounds of basic goods argues for open borders, at least as a prima facie right that, under some pressing conditions, can be restricted. The rights to flee and to enter a country are thereby understood to be that of a passive bystander to processes outside its domain—[But] if immigration is conditioned on the operation of the economic system in receiving countries … [it] emerges as an integral part of the spaces and periods of growth of the receiving economy … The economic, political, and social conditions in the receiving country set the parameters for immigration flows (Sassen 1999, 136-137—emphasis mine).

José Moya reaches a similar finding in his remarkable study of Spanish emigration to Buenos Aires, Argentina between 1850 and 1930 by. He writes: Spanish emigration … was not a national phenomenon but part of a global one … Individual agency normally exists within the boundaries of, and interacts with larger historical forces … [Mass emigration] results from … the alloy of global trends and locally based networks (Moya 1998, 4, 5, 386; cf. Anderson 2005).

If Sassen and Moya are correct that large-scale migrations are “conditioned largely by the operation and organization of the receiving economies, politics, and societies” and result from the “alloy of global trends and locally based networks,” at least four important points follow. First, Boylan’s description of the phenomenon of large-scale migrations is incomplete. He accounts for the push but not the pull. He is correct in the analysis of those conditions in life that motivate people to leave their homelands, but does not explain why they go to a particular destination—the patterns and trends that act upon individual agency over and above our wanting and doing. Second, and most importantly, the incomplete analysis misconstrues what I will call the double harm of immigrants in current large-scale migration flows to the US.

3. Expanding the Analysis on Immigration

Migrations are usually understood as motivated by poverty, persecution, overpopulation or other facts about persons and the sending states. Brute facts—frequently horrible facts—push people out of their native land. There is truth in that. Most of us, after all, do not wish to leave home. It takes an ugly, bad scene to get us to do so. It’s hard. That is certainly the case with my family and myself, as a very young boy. Facing serious threats of violence, the imprisonment of a family member, and execution of several close associates by a revolutionary government we migrated to the USA; and over the past several decades, so too have some 1.5 million of my fellow Cuban-Americans. But why did those 1.5 million move and not my family? And why the United States? All after, Puerto Rico, Venezuela, Mexico, Spain or any other Spanish-speaking country would have been a more natural destination state, making the cultural change less traumatic. Yet those did not pull most of us. In my family’s particular situation, we came to the US because we had business interests here, in New Orleans.

We were in some manner already established here, certainly sufficiently so to exert a strong pull on us. More generally, there were long-established business, military, political, and ideological relations between the two countries and these made our journey a sort of natural flow in a single transnational entity (Sassen 1988). The dynamic of being simultaneously pushed and pulled as part of an international process more adequately captures the reality of immigration than the usual notion.

From my incomplete analysis and understanding, if I am correct in thinking it is safe to say that large-scale migrations do not just happen. People do not just get up, leave home, and move to another place. Rather these migrations are produced. They are, as Sassen observes, “patterned and bounded in duration and geography … [and] transcends the brute facts of persecution, poverty, and overpopulation” (Sassen 1999, 2). They are produced, patterned, and bounded not only by the push of conditions in the sending nation, but also by the pull of existing “linkages” that serve as bridges to the receiving state. So there are at least bilateral—perhaps it would be more accurate to say historical or glacial—conditions that together produce migrations.

Sassen writes:

If migration is thought of as the result of the aggregation of individuals in search of a better life, immigration is, from the perspective of the receiving country, an exogenous process, one formed and shaped by conditions outside the receiving country … [and its] experience is understood to be that of a passive bystander to processes outside its domain …[But] if immigration is conditioned on the operation of the economic system in receiving countries …[it] emerges as an integral part of the spaces and periods of growth of the receiving economy … The economic, political, and social conditions in the receiving country set the parameters for immigration flows (Sassen 1999, 136-137—emphasis mine).

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4. Double Harm of Immigrants

Current law in several of our states imposes significant private harms on undocumented immigrants. Alabama makes it a misdemeanor crime for an undocumented immigrant to enroll in any postsecondary education institution or to apply for, solicit, or perform any work. It prohibits United States citizens who hire or rent to them, or charitable organizations and religious institutions if they provide food, housing, or transportation to them and permits law enforcement officers to detain persons suspected of being in the country illegally. So important goods that are taken for granted by Alabamians—their migration to the US, with or without anti-immigration laws, is not very likely to decrease, as it is an integral part of the globalized economy. Again, Sassen:

The emergence of a global economy … contributed both to the creation abroad of pools of potential emigrants and to the formation of linkages between industrialized and developing countries that subsequently were to serve as bridges for international migration. Paradoxically, the very conditions commonly thought to deter immigration—foreign investment and the promotion of export-oriented growth in developing countries—seem to have had precisely the opposite effect. The clearest proof is that several of the countries industrializing with the highest growth rates in the world are simultaneously becoming the most important suppliers of immigrants to the United States (Sassen 1999, 34).

How foreign investments contribute to the creation of potential emigrants from developing nations is a long, complicated story. If Sassen is correct, some of the central elements of the story are these: the disruption and uprooting of traditional ways of life (for example, subsistence farming replaced by commercial agriculture and recruitment of young women into industrial areas) give rise to the internal displacement of people and force their migration to cities, ultimately creating an urban reserve of cheap labor that potentially becomes a large-scale migration. In Mexico and the Caribbean Basin the wage laborer migrates to the United States, at once being pushed by the lack of work at home and pulled by the availability of low-wage jobs abroad. In Southeast Asia where Japan has been the major investor the same pattern can be observed. In short, Sassen notes, foreign investment in export-production “transforms people into migrant workers and, potentially, into emigrants.”

This transformation of people into emigrants involves a series of harms directly caused by the processes of globalization, particularly foreign investments and the internationalization of production. Even when there is rapid employment growth in the manufacturing sector, people are made worse-off, their rights to basic goods are violated, and then illegally entering their destination state they suffer further privations by anti-immigration laws. Many of us are beneficiaries of the undocumented immigrants’ plight. And in so far as we are beneficiaries, we share responsibility for their harms.

References