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

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Boylan on Immigration

Gabriel Palmer-Fernandez
Youngstown State University

My remarks on Boylan’s ideas on Immigration divide into four brief sections. First, I describe an exchange of ideas with Michael Boylan on his earlier book, A Just Society; second, I turn to his most recent work, Morality and Global Justice, and focus on his chapter on immigration; third, while I share the basic thesis of that chapter, I try to expand the analysis on immigration; and finally, I brieﬂy note harms of immigration caused by the globalization of production.

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, xxxi, n. 1). In giving priority to fellow compatriots, Boylan, I argued, limits the scope of justice. Others made a similar argument. For example, Christopher Lowry and Udo Schükleenko 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 Schükleenko, 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 others.

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 Saksia 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:

The limitation on the scope of justice to the domestic scene is, of course, not unique to Boylan and it is a matter of important discussion among philosophers, political theorists, and others. Some argue that it is no longer possible or desirable to think of justice as tethered to a territorial state as there is very little regional or domestic economy left. Even my local farmer’s market does not escape the reach of globalization. There are very strong empirical reasons for thinking that an image of the world as comprising self-sufﬁcient national states is no longer valid. Others acknowledge this point and go on to claim there’s an important practical reason for this limitation, i.e., that traditional liberalism argues that all persons have equal moral status, the level of social unity needed to make egalitarian justice feasible requires a bounded political community. So we close discussions on justice at national borders, even when we agree that national states are neither self-sufﬁcient nor self-contained.

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 territory. Like capital, ﬁnance, and culture, war, art, terror and pollution, narcotics, 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 secured. Together call them the right to free movement. Crucial to the analysis of this chapter are the causes or conditions that motivate people to migrate, that give rise to large-scale migrations. Of these, Boylan lists four: violence, especially, intrastate violence; economic causes for open borders; political causes; and natural disasters. These causes look to conditions of the sending state – the push factors in migrations. They are well documented in many international studies. But there are equally important causes of migration that Boylan misses.

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 United States; and over the past several decades, too, so have some 1.5 million of my fellow Cuban-Americans. But why did those 1.5 million migrate and not stay where they lived? And why the United States? After all, 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 United States 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, the best way 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 glued–conditions that together produce migration.

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).

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 the several 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 more importantly, from my incomplete analysis misses what I will call the double harm of immigrants in current large-scale migration flows to the US. The rights to flee and to enter a country are thereby secured. Together call them the right to free movement. Crucial to the analysis of this chapter are the causes or conditions that motivate people to migrate, that give rise to large-scale migrations. Of these, Boylan lists four: violence, especially, intrastate violence; economic causes for open borders; political causes; and natural disasters. These causes look to conditions of the sending state – the push factors in migrations. They are well documented in many international studies. But there are equally important causes of migration that Boylan misses.

4. Double Harm of Immigrants

Current law in several of our states imposes significant privations 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 – the right to vote, the right to health care, the right to purchase food, housing, or transportation to them and permits law enforcement officers to detain persons suspected of being in the country illegally 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