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Note	<p>Author Meets the Critics: Michael Boylan ' s Morality and Global Justice</p> <p>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</p>
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# A Compromise Solution to the Immigration Problem: A Response to Michael Boylan

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## 1. Introduction

In *Morality and Global Justice*, Michael Boylan presents us with a set of solutions to some of the world's most pressing moral issues. Boylan claims that his solutions are not utopian; instead, they are practical, workable policy recommendations that governments and other organizations should adopt. For the most part, Boylan is correct; there are no obviously insurmountable obstacles to implementing many of his recommendations. But, as he himself admits, his position on immigrants and refugees borders on the utopian (Boylan 2011, 204). In what follows, I will discuss two concerns that I have about his position. The first concern (1) is consequentialist: I fear that implementing a policy of open borders may lead to economic, environmental, and political consequences that are on balance undesirable. The second (2) is practical: even if American citizens have moral reasons for supporting a policy of open borders, they may have reasons of self-interest for rejecting it. If this is correct, then Boylan may have a difficult time garnering the support necessary to make the policy a reality.

## 2. Boylan's Solution to the Immigration Problem

Before we can understand Boylan's position on immigration, we need to take a look at the theory of ethics that he defends in *Morality and Global Justice* (and throughout his other published works). Boylan claims that we each take our human agency to be a fundamental value. Boylan defines human agency as the ability to act in the world "to achieve our vision of the good" (Boylan 2011, 35). The exercise of human agency minimally requires that we have certain biological necessities—"food, clean water, sanitation, clothing, shelter, and protection from unwarranted bodily harm" (Boylan 2011, 35). Boylan classifies these biological necessities as 'level-one basic goods of agency' (Boylan 2011, 35). Level-one basic goods of agency are the most deeply embedded goods of agency; obviously, we cannot act or pursue our vision of the good if we are dead or non-existent (Boylan 2011, 42). There are, however, other

goods of agency that we must possess to act as agents in the world. Boylan's Table of Embeddedness provides us with a neat hierarchical ordering of these goods based upon their significance for human action. It also presents us with a method of weighing and evaluating the claims for goods that individuals and groups make. Whenever conflicts between two or more claims arise, we should prioritize more embedded claims over less embedded claims (Boylan 2011, 44).

How might the Table of Embeddedness help us understand the moral obligation that we have to immigrants and refugees? As Boylan explains, refugees often flee situations of dire need and desperate poverty. They lack the "biological necessities of life," or the "level-one basic goods of agency" (Boylan 2011, 35). For this reason, refugees make a significant moral claim upon the rest of the world. If we share Boylan's commitment to cosmopolitanism, then we must respond to their situation immediately by adopting a policy of open borders. As Boylan puts it,

[E]very country should actively work through the United Nations and exert international pressure (including economic sanctions) to permit the free and safe migration of peoples both intranationally and internationally. Further, the wealthiest countries of the world (G-8 to G-20) should commit to accepting immigrants according to the priority of their claims measured according to the Table of Embeddedness" (Boylan 2011, 203).

Boylan is right to emphasize the severity of this humanitarian crisis and the moral claim that refugees make upon the rest of the world. Indeed, most ethical theories (and theorists) would find this situation appalling and worthy of some response. But must we respond by adopting a policy of open borders?

## 3. Some Consequentialist Concerns about Open Borders

A. In answering this question, it would be helpful to consider the probable consequences of such a policy. We can make some predictions about the economic

consequences of open borders by considering the economic consequences of immigration in the United States over the last sixty years or so. Since 1965, as a result of legislative changes, we have experienced a marked increase in immigration to the United States of America (Borjas 2004, 1-4). We have also experienced changes involving the composition of the immigrant population itself. One noteworthy change is that we are now admitting immigrants of greater ethnic diversity than ever before. A second important change involves the level of education of new immigrants. In comparison with earlier immigrants, new immigrants have a lower level of education relative to the native population. As a result of this educational difference between immigrants and natives, it is predicted that immigrants will earn 20% less than natives throughout their working lives. They are also more likely to make use of social welfare programs than were earlier immigrants (Borjas 2004, 4-5).

These changes in immigration have given rise to certain positive consequences. Perhaps the most noteworthy consequence has been a modest increase in per capita income among natives. Economist George Borjas estimates that the per capita increase in income amounts to no more than \$30 per year. Unfortunately, this increase in per capita income has not affected all natives equally. It is well known that those at the low-end of the earning scale tend to be hit the hardest by an influx of immigrants. This is because an increase in the number of unskilled immigrant workers floods the market with excess laborers that, in turn, drive down wages. An increase in a country's wealth is not always accompanied by a fair or just distribution of wealth among the country's people (Borjas 2004, 6-7). We have witnessed this first hand in the United States. Indeed, Borjas argues that increasing immigration in the United States disproportionately harms native-born black and Hispanic workers "because a much larger share of minorities are in direct competition with immigrants" (Borjas 2004, 1). If Borjas is right, then an increase in immigration would result in further economic setbacks for minorities and other economically disadvantaged Americans.

Cosmopolitans are typically concerned but unconvinced by economic worries of this kind. After all, many potential immigrants and refugees are considerably worse off than the unskilled American laborers whom they risk harming. According to Boylan, arguments against open borders that appeal to the economic harm done to Americans are 'specious' because they fail to prioritize the rights of potential immigrants and refugees. In his view, we are morally obligated to adopt a policy of open borders so long as it does not bring Americans down to the economic level of would-be immigrants and refugees (Boylan 2011, 203-204). As we have seen, we must respect the Table of Embeddedness and secure more embedded goods before less embedded goods

wherever they may occur. In this case, securing the more embedded good involves supporting a policy of open borders that may help potential refugees and immigrants.

B. When evaluating an immigration policy, we should also consider the effect that it would have upon the environment and quality of life in a country. How might a policy of open borders affect the environment and quality of life in the United States? A recent Gallup poll indicates that the United States is the most desired destination country in the world. About 165 million people report that they would rather live in the United States than in their present home country. If the United States implemented a policy of open borders, we have reason to expect that many of these individuals would migrate to the United States. How would a massive influx of immigrants affect the quality of our air, soil, and drinking water—especially in large urban centers? A policy of open borders might lead to overcrowding in our cities and the destruction or depletion of our natural resources. From an environmental perspective, it would make sense to stagger the world's population throughout the world instead of funneling it into dense and overpopulated cities.

C. This brings us to a third and final consequentialist concern about a policy of open borders. From a moral point-of-view, we have reason to support and preserve liberal democracies and other morally decent nations<sup>1</sup>. The United States should not adopt a policy that would be so destructive to its economy that its position in the global moral order would be compromised. If the United States were to suffer a tremendous economic blow—assuming that it has not done so already—who would stand in its place? A shift in the global moral order might have profoundly negative and far-reaching consequences for us all. In the long-run, it is possible that a policy of open borders would lead to a greater lack in basic human goods than what the world is currently experiencing. Admittedly, worries about shifts in the global moral order are highly speculative. However, they are serious nonetheless and provide us with some grounds for proceeding with caution when developing and implementing an immigration policy.

## 4. Towards a Practical Answer to the Immigration Question

Thus far I have presented a number of consequentialist concerns about Boylan's defense of open borders. Now I would like to comment upon its practicality. My suspicion is that most Americans would not support

<sup>1</sup> I am borrowing this terminology from John Rawls, 1999.

an immigration policy that they take to be personally threatening. Given the highly politicized and scattered nature of the evidence available to us, it is unclear whether or not a policy of open borders really would harm Americans economically. If Borjas is right, the economic consequences of increasing immigration might be somewhat mixed. But, regardless of whether or not this is true, many Americans are under the impression that an increase in immigration would cause them some harm. This economic fear, coupled with worries about national security, make it unlikely that the United States will adopt a policy of open borders any time soon. Until then, Boylan may have to settle for a policy that seeks to strike a balance between the moral and practical concerns that arise in the immigration debate. Let me gesture in the direction of such a policy.

### 5. Towards a Compromise Solution to the Immigration Problem

The compromise position that I would like to put forward attempts to balance the moral and practical concerns that arise in the immigration debate. In agreement with Boylan, I support increasing immigration in the United States. I also support a policy of giving considerable weight to potential immigrants whose most basic needs are not being satisfied in their current country of residence. Following this recommendation would involve reversing our current policy of giving preference to those who already have family members living in United States. However, the United States must weigh other factors as well. We may want to give some weight to applicants whose education or background can strengthen our economy and diversify the effects of immigration across the socioeconomic spectrum. Indeed, if we hope to remain a destination for immigrants and refugees, we must ensure that our economy is strong and able to provide them with decent employment opportunities.

This compromise position also seeks to address the underlying issues that prompt citizens to emigrate from a given country in the first place. While a policy of open borders may provide many of the world's people with a good immediate solution, it may not provide them with the best long-term solution. There may be solutions, or partial solutions, to some of these underlying issues that do not require that we dramatically increase immigration in this country. If one of our goals is to promote global equality of opportunity, then we might heed Stephen Kershner's advice and transfer resources to impoverished people throughout the world. We might also respond by "defending them militarily or by promoting democracy and free markets" (Kershner 2000, 147). If our goal is to help the world's worst-off, we might do so "through

international aid programs such as international loans or grants, reduced tariffs, and aid in the form of extending the U.S. umbrella of defense" (Kershner 2000, 149). As Boylan explains throughout his book, there is much that we can do to assist others throughout the world that does not involve immigration reform.

Some of the problems that I have mentioned in this paper can be partially addressed without immigration restrictions. For example, we could limit overcrowding and environmental harm caused by immigration by placing refugees and immigrants in under populated cities or states. But this partial solution raises worries of its own. Buffalo, NY, my hometown, has suffered from significant population declines since 1950. The influx of immigrants to the area has helped to slow down population decline (Orr, Wieler, and Pereira 2000, 1). However, it has also increased competition for jobs in a city wherein joblessness is serious problem that has itself contributed to population decline. Moreover, many immigrants make use of social services but leave the city as soon as they are able to settle down elsewhere in the United States or Canada where job prospects are better. This prevents the city from experiencing the long-term economic benefits that immigration typically brings. If we increase immigration in the United States, we should strategize about how best to help immigrants and refugees as well as current citizens and struggling cities. Buffalo is experimenting with some of these strategies locally. I am confident that similar efforts at the national level would help to alleviate some of the harms outlined in this paper.

### 6. Conclusion

To sum up, we must act now to help those whose basic needs are not being met throughout the world. For Boylan, our response should involve helping the world's worst-off escape their current living conditions and migrate to a safer and more prosperous country. While I am largely in agreement with Boylan, I would argue that we must increase immigration gradually, selectively, and with considerable caution. In revising our current immigration policy, we should strive to help those who lack the most basic goods. But we should also do what we can to protect and improve the environment, the global moral order, and the economy needed to sustain current citizens and future immigrants and refugees within the United States.<sup>2</sup>

<sup>2</sup> These remarks are on the occasion of a panel on Boylan's, *Morality and Global Justice: Justifications and Applications* (Boulder, CO: Westview, 2011) at the Association of Practical and Professional Ethics, March, 2012.

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