Teaching Transgression

Border Crossing in Philosophy

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Volume 2, Number 1
Spring 2019
DOI: 10.25335/PPJ.2.1-1

Abstract

We argue that philosophers are competent to facilitate public discussion concerning restrictions on human migration across political borders. We also argue that presenting public audiences with a prima facie case for open borders offers a unique opportunity to elucidate important aspects of philosophical reasoning. Finally, we share resources and a lesson plan for those keen to examine the case for open borders with students, or to facilitate public discussion on these issues.

no hay tiempo ya, ni muro: ¡espacio, espacio,
abre la mano, coge esta riqueza,
corta los frutos, come de la vida,
tiéndete al pie del árbol, bebe el agua!,
[...]
y las leyes comida de ratones,
las rejas de los bancos y las cárceles,
las rejas de papel, las alambradas,
los timbres y las púas y los pinchos,
el sermón monocorde de las armas,
[...], las paredes
invisibles, las máscaras podridas
que dividen al hombre de los hombres,
al hombre de sí mismo,
se derrumban

—Octavio Paz, *Piedra de Sol*[1]

1. Introduction

Migration from South and Central America to North America, as elsewhere in the world, is fraught with experiences of suffering, trauma, and death. More than 7,000 humans have lost their lives trying to enter the United States via the Mexico-US border in the past twenty years.[2] Worldwide, the Missing Migrants project recorded 4,670 migration-related deaths in 2018, and annual death tolls are significantly under-reported.[3] Moreover, climate change negatively impacts those born into less affluent nations and economic stations (i.e., the global poor), mounting the pressure on them to attempt to migrate away from the climate-vulnerable regions they inhabit.[4] These changing climate conditions are significantly and disproportionately caused by the economic activities of more affluent nations, like those in North America.[5] Finally, people born in some Central American countries often see no option but to try to escape from situations of defenselessness against either governmental or criminal hostility, oppression, and persecution—the side-effects of a political instability contributed to by US governmental activities in those regions.[6] Thus, the serious risks asso-

1. Octavio Paz, *Sunstone*, fragments, translated by Eliot Weinberger (slightly modified translation), "... there is no more time, / there are no walls: space, space / open your hand, gather these riches / pluck the fruit, eat of life, / stretch out under the tree, and drink! / ... and the laws chewed away by the rats / the iron bars of the banks and jails / the paper bars, the barbed wire, / the doorbells, the pricks and goads, / the droning one-note sermon on war / ..., the invisible walls, / the rotten masks / that divide one man / from another, one man from himself, / they crumble."

2. See US Customs and Border Protection, US Border Patrol Fiscal Year Southwest Border Sector Deaths (FY 1998 – FY 2018), https://www.cbp.gov/sites/default/files/assets/documents/2019-Mar/bp-southwest-border-sector-deaths-fy1998-fy2018.pdf

3. Missing Migrants Project, "Latest Global Figures," May 9, 2019, https://missingmigrants.iom.int/.

4. See, for illustration, Edward B. Barbier and Jacob P. Hochard, "The Impacts of Climate Change on the Poor in Disadvantaged Regions," *Review of Environmental Economics and Policy* 12, no. 1, Feb. 1 (2018): 26–47.

5. Oxfam estimates that the wealthiest 10 percent of people produce half of Earth's climate-harming fossil-fuel emissions, while the poorest half contribute a mere 10 percent. Oxfam, "Extreme Carbon Inequality." Oxfam Media Briefing, Dec. 2, 2015, https://www-cdn.oxfam.org/s3fs-public/file_attachments/mb-extreme-carbon-inequality-021215-en.pdf.

6. Mark Tseng-Putterman provides an instructive historical timeline of U.S. military and economic intervention in El

ciated with human migration warrant genuine moral concern from citizens of the United States, and from peoples of more affluent nations and economic stations worldwide. Taken together, these facts provide a glimpse into the immensity of what is at stake in reexamining our views toward migrating members of our species.

Migrating peoples often flee their country of origin at serious risk to themselves and their families. The opportunity to officially apply for asylum before a nation-state affords them the chance to be heard—to proclaim their need to flee persecution or fear of persecution because of their race, religion, nationality, sex, politics, or membership in an oppressed social group—and to be internationally recognized as "asylum seekers." If their application is successful, then the receiving country confers asylum and they acquire the status of "refugees."[7]

These migrants seek safety, refuge, and protection for themselves and their families. Of course, those migrating cannot know whether any one person in a receiving community will greet them with hospitality or hostility, love or hate, a spirit of generosity or of fear. However, when their options are persecution, poverty, starvation, or death, they may have no better choice than to accept the risk of hostile treatment. Presently, vulnerable migrants (i.e., poor, nomadic, unarmed, unprotected, persecuted) from South and Central America who, against significant odds, live to see or gain entry through the US border with Mexico, are likely to be treated with hostility. Consistent with US immigration policy, the strangers are regarded as "aliens" and "illegal immigrants" who are viewed as a serious threat to national security; individuals may be shot down, families may be separated into detainment camps—more suffering, more trauma, more death.[8] At the mercy of US government officials, detained migrants (many of whom are asylum-seekers) are now being chartered into the country's notorious for-profit prison sites.[9] The United States' burgeoning for-profit prison system (i.e., prison industrial complex) has been condemned by many as a system of modern-day slavery and not without good reason.[10]

Despite this grim reality, some migrants endure with hope. Perhaps because they have no choice, or perhaps because they know the truth: There are those among us who will welcome poor strangers as neighbors, friends, and even family. However, right now, those of us blessed to live in the most powerful and affluent nation on the planet—a nation where we proclaim ourselves under God, home of the brave, and a land of immigrants—are being told by our president that the global poor showing up at our Southern border in need of our help represent *the* most dangerous threat to our national security.[11]

In fact, many political challenges arise when we seriously consider the practical problems presented by human migration and ask for morally satisfactory solutions to them. However, this is not a good reason to shy away from the difficult work of reexamining our views from a moral standpoint. Nor is a lack of a degree or expertise in immigration or international border policies a reason for anyone to shy away from these issues. Quite the contrary, to solve problems of this magnitude and scope

Salvador, Honduras, and Guatemala over the past century, as well as a list for further reading on this topic. See "A Century of U.S. Intervention Created the Immigration Crisis," *Medium*, Jun. 20, 2018, https://medium.com/s/story/timeline-us-intervention-central-america-a9bea9ebc148.

7. Khalid Koser, *International Migration: A Very Short Introduction*. 2nd Ed. Oxford UP, 2016, 63.

8. For an instructive snapshot of current US administration policy toward migrants at the country's Southern border see BBC, "Trump says US will not be a migrant camp," June 19, 2018, https://www.bbc.co.uk/news/world-us-canada-44523541 and "National Emergency: Is there a Crisis at the US-Mexico Border?", Feb. 15, 2019, https://www.bbc.com/news/world-us-canada-44319094. Another instructive historical resource is Trump's 2019 State of the Union Address, transcript, *CNN*, Feb. 6, 2019, https://www.cnn.com/2019/02/05/politics/donald-trump-state-of-the-union-2019-transcript/index.html.

9. See Clyde Haberman, "For Private Prisons, Detaining Immigrants is Big Business," *The New York Times*, Oct. 1, 2018, https://www.nytimes.com/2018/10/01/us/prisons-immigration-detention.html.

10. For perspectives that generate moral concern about for-profit prisons see, Azadeh Shahshahani, "Why Are For-Profit U.S. Prisons Subjecting Detainees to Forced Labor?" *The Guardian*, May 17, 2018, https://www.theguardian.com/commentisfree/2018/may/17/us-private-prisons-forced-labour-detainees-modern-slavery; see also, Kevin Rashid Johnson, "Prison Labor is Modern Slavery: I've Been Sent to Solitary for Speaking Out," *The Guardian*, Aug. 23, 2018, https://www.theguardian.com/commentisfree/2018/aug/23/prisoner-speak-out-american-slave-labor-strike.

11. See Trump's 2019 State of the Union Address; to learn more on the US president's emergency declaration see BBC, "Trump to Declare Emergency over Mexico Border Wall," Feb. 15, 2019, https://www.bbc.com/news/world-us-canada-47247726

we need to take into account a wide variety of lived experiences and disciplinary expertises.[12] Put another way, we cannot let fears of inadequacy, futility, or ridicule stop us from exploring matters that weigh on our moral conscience as we too often do. For example, American citizens of varying political stripes reasonably sense that political interests and media rhetoric currently animating the nation's "immigration debate" have become too polarizing, toxic, and divorced from reality to be of value in framing a genuine moral discussion of the politics of migration. However, we are left feeling alienated, uncomfortable, and unsure how to proceed. In the cultural milieu of misinformation and fear-mongering, who can we trust, what can we even say, how will others receive and interpret our words? Moreover, how can we even begin to tackle a moral dilemma of this magnitude when many of us are struggling ourselves, trying to make ends meet for our own families? Powerful political systems based on fear and misunderstanding are effective insofar as they disempower us, and they disempower us insofar as they overwhelm and silence us from within; that is, insofar as their poisonous rhetoric effectively prevents us from feeling like we can reach out, trust, and talk to one another. Many of us know our countries' rich diversity is the deep well from which we draw our unparalleled strength as a nation; but fear-mongering exploits that strength by suggesting differences can divide and threaten us. When it is effective, we may become paralyzed or motivated to act merely from fear, instead of from courage, compassion, or understanding.

For another example of how fear disempowers us, consider the curious case of professionally trained academic philosophers, many of whom work as university professors. We tend to view ourselves as skilled at the interrogation of boundaries (e.g., conceptual analysis), yet we oftentimes hesitate to teach on topics outside our "certified" area(s) of philosophical expertise due to fears of personal inadequacy (e.g., lack of competency), public perception or judgment among colleagues, or critical reactions from within the profession. This situation is, in some measure, the unfortunate result of institutionalizing philosophy and philosophical education. Among other things, institutionalization has had the unfortunate effect of specializing our thinking to the point where nonspecialists find it hard to see any direct relevance to their life in a good deal of what is said and published by professional philosophers.[13]

Though neither of us claim expertise on international immigration policies, we nonetheless agree that more needs to be done to educate and empower ourselves, our students, and our communities on the moral implications of our actions and decisions. To overcome our own fears of personal inadequacy, we sought inspiration from Socrates, arguably the most infamous nonexpert philosopher of all time. Socrates served magnanimously in the role of community gadfly, interrogating the political "experts" and authorities on their views, and re-examining the "insoluble" problems alongside "nonexperts" seeking wisdom and the other virtues. When we started thinking about it this way, we realized that to shy away from discussing human migration in the classroom out of fear we lacked adequate pedigree or political expertise was the equivalent of us shying away from doing philosophy!

In other words, since we are philosophers and teachers of philosophy, we already know we are practiced in analyzing and making sense of complex problems, and we are committed to teaching our students the critical thinking skills necessary to do the same. We also know we cannot shy away from the difficult moral challenges facing our species. We believe the topic of human migration presents an ideal opportunity for philosophers to showcase the power of philosophical modes of inquiry and explanation to address big questions and to make a difference in the world by transforming public dialogues. Philosophy can and does empower us and others. Moreover, we feel a genuine sense of urgency concerning matters of human migration, though this feeling does not merely stem from the fact that we are philosophers and teachers of philosophy. It stems from our distinct statuses as citizens of the

12. For an excellent scholarly introduction to the significance of diverse perspectives for complex problem solving, see Scott E. Page, *The Difference: How the Power of Diversity Creates Better Groups, Firms, Schools, and Societies* (New Jersey: Princeton UP, 2007).

13. For an excellent scholarly introduction into the problematic consequences of institutionalizing philosophy see Robert Frodeman and Adam Briggle, *Socrates Tenured: The Institutions of 21st Century Philosophy* (London: Rowman & Littlefield, 2016).

United States and Mexico with the power to voice our values and act for changes to immigration policy in our respective communities. Most crucially, it stems from our shared status as human beings with the capacity to help protect others more vulnerable than ourselves.

In what follows, we aim to show how philosophy (and philosophers) can help transform and elevate public discussions of human migration. Having witnessed the understanding, ingenuity, and civility our own students bring to discussing these matters, we are too keenly aware of the distance between the public discourse that is possible and the public discourse that exists.[14] These discussions have enlarged our ability to imagine that conversation can lead to the transformation of consciousness and that philosophers out in public with others can spark discussions to help bring it about.

In section 2, we attempt to shed some light into the nature and process of questioning the moral justification of a social or political practice. Closing a national border—erecting walls, say—is a political practice, and we want to explore what is involved in questioning the moral justification of such a practice. The third and final section jumps headfirst into how to start a philosophical discussion on human migration in a classroom setting. Importantly, we believe our teaching approach is easily adaptable across a wide variety of humanities classrooms, as well as to high school classrooms and off-campus learning communities. With that in mind, we hope our bibliography can double as a convenient starter list of teaching resources for those eager to facilitate a classroom or community discussion on human migration.

2. What's Involved in Asking *Why*?

In this section, we defend two main claims regarding the question of whether closing national borders to peaceful migrants is a morally justified practice or not. First, we claim that raising this question presupposes an ability to abstract from our individual interests to take into consideration the interests of human beings, and groups of human beings, who do not belong to the political community to which we, the individuals who raise the question, belong. Thinking beyond our personal interests is something we already do when we care for the interests of our family, or for those of our group of friends, or for the ethnic or social group to which we belong. Thinking seriously about transnational migration, however, involves taking an additional step, namely, that we make use of our ability to abstract from the interests of that political community to which we belong as citizens (the nation-state). Philosophy is well suited to elucidate the standpoint that we are required to take in order to think properly about migration at this level of generality. Our second main claim is closely related to the first: if raising the question about the moral justification of closing national borders requires the ability to abstract from particular interests, and to take a general moral standpoint, then the public discussion of this question—and, in a more urgent sense, the present public discussion of this question—is in great need of two concurring efforts. On the one hand, nonspecialized citizens need to be willing to take up the challenge of abstracting from their particular interests, thereby adopting the general moral standpoint required in order to pose the question seriously. On the other hand, professional philosophers need to be willing to challenge themselves to motivate the questions of general concern in a language accessible to nonspecialized audiences, leaving behind the all-too-comfortable practice of talking only to people with whom one shares concepts, tenets, and beliefs. In other words, citizens need to awaken the philosophers in themselves, whereas philosophers need to be able to address a public that typically shies away from doing philosophy. We need to meet each other halfway.

Let us start by pointing out the fact that some of our practices and beliefs are justified and some are not. Why do we preserve our own lives? Why do we believe that people continue to exist even when we are not perceiving them in any manner? Most of us never get to ask these why-questions, yet we do preserve our lives, and we do believe that other people continue to exist when unperceived. We just do. For other practices and beliefs, however, we do have a justification, and it is not uncommon to

14. On this, we are especially grateful to the brilliant students that comprised Carmen's 2018-19 philosophy courses at Florida State University and Florida Agricultural and Mechanical University.

be explicit about it. If someone asks Emilia why she goes out for a jog in the mornings rather than in the evenings, she replies that, for her, jogging after seven in the evening tends to lead to sleepless nights. So both her practice of going out for a jog in the mornings rather than in the evenings and her belief that there is some connection between her doing exercise in the evening and her being unable to sleep afterwards are, to some extent, justified. We are, thus, a specific kind of animal. Namely, we are animals who are able to justify their practices and beliefs.

Let us now concentrate on practices, rather than beliefs, and let us point out the fact that some of the justifications we offer for our practices are moral or ethical in nature, while other justifications are not. In other words, sometimes we may claim or think that we are justified in doing something simply because that is the "right" thing to do, or because that is the kind of action a "good person"—such as we aim to be—would do, or because a "good" outcome is to be expected from that action or practice. We may, however, offer justifications for actions or practices that have nothing to do with either moral or ethical concerns. For example, a person who has strong impulses towards forcing vulnerable people to have sexual intercourse with them might take measures that effectively prevent them from fulfilling those impulses. When asked why they take such preventative measures, they might respond that it is because they wish to prevent the undesired consequences that are likely to ensue if they are caught: they are likely to be judged, punished, ostracized, imprisoned, etc. This may be a prudential justification for the relevant action or practice (i.e., to take preventative measures), but it is not an ethical or moral justification. If, on the other hand, the agent in question takes the preventative measures because, despite their impulses, they are convinced that the personal dignity and physical integrity of any other person needs to be unconditionally respected, that may indeed qualify as a moral or ethical justification.

It is evident, and fortunate, that we do not ask for a moral justification for every one of our actions, let alone wait to have a satisfying moral justification for every action before acting. In many cases, the question of justification simply does not arise, as when people eat, sleep, and, in general, preserve their own lives without ever asking themselves why they do such things. In other cases, the question of justification does arise, but what is asked for is not a justification of a moral or an ethical kind, but of a merely instrumental one: Why does one buy a chocolate-and-vanilla ice cream? Well, because that action brings us closer to experiencing a particular kind of pleasure, one that is hard to find anywhere else. Now, it is also true that at least sometimes we do ask for a moral or an ethical justification for our actions and practices. In which cases do we ask for this kind of justification? What is required from us when we are asked to justify an action from a moral or an ethical standpoint? And what, if anything, does it have to do with the practices of the political communities in which our lives occur?

The word "ethics" derives from the Greek word for character (ἦθος, êthos); the word "morality," from the Latin word for manners (*moralis*). We use both concepts to think of our actions in relation to a set of norms and values, which may then be used to make some kind of evaluative judgment, however strict or lax, on those same actions. An obvious problem is, of course, to specify which are the exact norms and values that make up our moral code or our ethics; another problem is to specify how we are supposed to acquire and interpret them, or how strict we should be in their application.[15] Be that as it may, it is important to realize that normative evaluations of actions and practices

15. At this point, some people may be inclined to draw a distinction between ethics and morality. It would seem that we ought to distinguish between, on the one hand, the fixed code that we as individuals passively inherit from our given culture, tradition, or society (the fixed set of rules that our tutors teach us), and, on the other hand, the set of principles and values that we are able to identify only as a result of a (philosophical) reflection that may even be critical of our inherited culture, tradition, or society. Since it is not uncommon to associate the word "moralism" with an unnecessarily strict and tradition-bound evaluation of behavior, and since it is not uncommon to associate the word "ethics" with a philosophical subdiscipline, it may seem natural to use the word "morality" for the fixed set of norms and values that individuals inherit and to use the word "ethics" for the less dogmatically endorsed set of principles. However, the adjective "moral" is sometimes put to the service of purposes other than those of strict moralism. This can be seen when people condemn political regimes "on moral grounds" (e.g., because those regimes violate human rights). Here the word "moral" refers to a very minimal ("thin") set of norms and values, which are, however, held to be universally justifiable.

are not the exclusive property of strict moralists or of “judgmental” people. We judge actions and practices against standards of behavioral norms and values not only when we call them fair or unfair, good or evil, right or wrong but also when we call them cruel or nice, brutal or lovely, outrageous or sweet. Even to call a person “judgmental” involves an evaluative judgment, insofar as it involves taking a stance as to what kinds of things people are entitled to say about our lives.

Those of our actions and practices that have an actual effect on other human beings are the object of concern of our ethical and moral norms and values, insofar as these norms and values typically contain prescriptions regarding how people ought to behave towards one another. For the same reason, the rules, laws, and institutions that govern the proceedings of groups of individuals are the object of concern of ethics and morals, too. In other words, once one has endorsed a set of norms and values regarding how people ought to behave towards one another, it is always pertinent to ask whether an action that has an effect on the life of another human being (like feeding, healing, torturing, or killing a person), a practice (like arranged marriage or female genital mutilation), a law (only white men are allowed to vote), an institution or system of institutions (Apartheid), or a social structure (slavery, feudalism, or capitalism) are justified or not. Different sets of norms and values will deliver different evaluations of actions, practices, and laws; and those evaluations, in their turn, are likely to result in different actions, practices, and laws. This is why a nondogmatic endorsement of a set of norms and values might be the best way to proceed—but this, again, is itself an inevitably evaluative judgment.

Being aware of the fact that not everyone shares our norms and values, it is reasonable to expect that not everyone will accept those of our justifications that appeal specifically to our norms and values either. At this point we may move the discussion one level up, inquiring whether it is reasonable to reject the norms and values from which we were evaluating practices at the first level. We’re obviously off to an infinite regress—the possibility that any set of norms and values may be put into question at a “higher” level. But we, human animals, are very finite beings, and cannot provide absolutely definitive justifications for our beliefs and practices. At least two questions, therefore, are always pertinent to any given justificatory practice that we might engage in: What are the norms and values that the community of justification is assuming in order to evaluate some given actions and practices? And what are the norms and values from which we may evaluate the justificatory practice itself?

We may approach this issue by referring back to the fact that not only practices, but also beliefs, are subject to justifications. Few people would doubt that there are norms and values from which we evaluate the practice of rationally justifying beliefs: rules of inference, such as *modus ponens*, and values like clarity, coherence, and relevance according to which our arguments are constantly evaluated.[16] But are there any moral or ethical considerations (implicitly) at play while we discuss whether a belief is justified or not?

Consider the sharp contrast between engaging in the practice of rationally justifying a belief or a set of beliefs (like a doctrine or a theory) before an audience, on the one hand, and engaging in the practice of violently indoctrinating an audience, on the other. Consider, in particular, what use there would be for justifying reasons once one has succeeded in forcing the belief upon the audience, and vice versa, what use is there for the violence once one has succeeded in rationally persuading the audience? This tension between violent indoctrination and rational justification was pointed out at the heart of a well-known indoctrination processes in world history, the violent indoctrination of the original peoples of the Americas by Spanish colonizers. And it was pointed out by a Spanish colonizer and man of faith himself, friar Bartolomé de las Casas, who engaged in serious reflection regarding “the only way” to bring the Christian faith to someone who first encounters it. Contemporary philosopher Enrique Dussel explains las Casas’s ideas thus:

> the *only way* to bring the members

16. Whether even the most general rules of inference can be established absolutely *a priori* is a different matter. Some people argue that they can’t, and some thinkers have even challenged the most fundamental and entrenched beliefs about how logic works. See Graham Priest, *Beyond the Limits of Thought*, 2nd ed. (Oxford UP, 2002).

> of a foreign culture into a doctrine which is unknown to them is, by making use of the art of persuasion—through "a persuasive way, by means of reasons that appeal to their understanding and which are *softly attractive* in relation to their wills"[17]—, to count on the free will of the listener so that, through no coercion, he can rationally accept the arguments offered. Fear, punishment, and the use of war and weapons are evidently the remotest means for such a rational acceptance of reasons.
>
> … las Casas proposes a twofold act of faith: a) in the Other as an-other—for, if the other's equal dignity is not affirmed and its appeal on us is not given credit to, there is no possibility of reaching a rational ethical agreement—, and 2) in the Other's claim to accept the proposal of a new doctrine, which correspondingly demands from the other an act of faith. This cannot occur unless the other one is free, unless he *voluntarily* accepts the reasons proposed to him.[18]

In other words, treating the other—the one to whom reasons are offered—as a free agent with equal dignity as oneself is a procedural precondition for arguing ("persuading") in general. Dussel calls it an "act of faith," thereby drawing a sharp contrast between this precondition and any other belief or norm for which a more fundamental reason can be offered.

Let us now turn to the question of what norms and values may be presupposed by the practice of justifying actions (practices, laws, institutions), rather than beliefs. Since the contrast between claiming something as the conclusion of an argument and imposing it by force remains as sharp in this ("practical") case as in the former ("theoretical") one, the equal dignity and worth of the coreasoners seems to be a presupposition in this case too. But there is more. The equal worth and dignity of the coreasoners seems to impose certain limits as to the kinds of actions and practices that may be defended before an audience that will be affected by these very actions and practices, at least as long as one wants to keep a certain consistency between the norms and values that guide the practice of reasoning and the effects of the conclusion of the reasoning. In other words, if I treat you as a being with equal dignity as myself, and I enter into a justifying practice with you that presupposes that I respect your human dignity, it would be incoherent for me to try to justify before you an action (practice, law, institution) that undermines your dignity. Kwame Anthony Appiah reaches a similar conclusion:

> This is what happens when you start to give reasons. Faced, especially, with an audience that includes some of those you are claiming do not matter, you are drawn into explaining, even to them, why you are going to do unto them what you would not have done unto you. Once you start defending your nation (or race or tribe), you will be drawn into explaining why your people's being on top is really better for everybody, even those you are abusing. … Once you start offering reasons for ignoring the interests of others, however, reasoning itself will usually draw you into a kind of universality. A reason is an offer of a ground for thinking or feeling or doing something. And it isn't a ground for me unless it's a ground for you. If someone really thinks that some group of people genuinely doesn't count, he will suppose they are outside the circle of those to whom justifications are due.[19]

It's not that there are taboo topics that can't be brought under critical scrutiny. It's just that any piece of critical thinking that is intelligent enough to constantly submit itself to critical examination will quickly discard certain conclusions as inconsistent with the spirit of the argumentative practice.

But this point about the equal dignity of the coreasoners has yet another consequence. The more rhetorically ambitious our justifying reasons get (the more people we think ought

17. Textual citation from las Casas, Bartolomé de (1942), *Del* único *modo de atraer a todos los pueblos a la verdadera religión*, México: Fondo de Cultura Económica.

18. Enrique Dussel, "Meditaciones anticartesianas: sobre el origen del anti-discurso filosófico de la Modernidad," in *Epistemologías del Sur (Perspectives)*, eds. Bonaventura de Sousa Santos and María Paula Meneses (Madrid: Akal, 2014), 305-06. Our translation.

19. Kwame Anthony Appiah, *Cosmopolitanism: Ethics in a World of Strangers* (London: W. W. Norton & Co., 2006), 152-53.

to be persuaded by them), the wider the community of justification also gets and hence the more "universalist" our morals or ethics get too—the more individuals we are committed to regarding and treating as equal in dignity to ourselves. In other words, if one wants to argue for an action (practice, law, institution) that will affect the concrete lives of people who are not part of one's own culture, ethnic group, or nation-state, and one wants to argue for this action before the affected audience, then our previous ideas imply that one ought to be able to locate oneself in a context of justification that takes the affected people as equal in dignity to oneself. The equal dignity of all human beings would therefore be taken as a transnational, transcultural, transethnic value—with norms associated to it—in this "universalist" space of reasons, which philosopher Rainer Forst calls the "moral context of justification":

> This context of practical justification is distinguished by its requiring reasons for actions, or for action-legitimating norms, adherence to which every moral person can demand from every other, even when those affected share no more closely identifiable ethical or political context. The justifying reasons must be as concrete as the respective situation of justification is; here, they must be those that would be reasonably acceptable to persons in general. The connection between reason and morality emerges here: justifying reasons must in principle be accessible and agreeable to every reasonable person. In other words, a moral person must be able to take responsibility for his or her actions before affected others and also generally. The "community of justification" in moral matters is the community of all human beings as moral persons, and those concretely affected are, as representatives of this community so to speak, the primary addressees of justification. This does not mean that they are reduced to "generalized" others with no identity, but that they have, in all their particularity, the authority of the moral community of all persons "behind them" (metaphorically speaking).[20]

Thus, the "moral" or human context of justification is not to be identified with any other "ethical or political context," such as that of a nation, social or ethnic group, culture, family, etc. This does not mean that we do not have all these particular loyalties. As a matter of fact, we have them, and it would be unreasonable to ask anyone not to take them into account while guiding some of his or her actions. But there is no reason to forbid ourselves to interrogate what lies beyond our commitments to particular groups. At least while we are doing philosophy, we have the freedom to transgress the boundaries imposed by our inherited views, interests, unaccounted-for norms, and values.

We are now in a position to see why the question of whether a political community is morally or ethically entitled to prevent people from entering the territory where it is based—whether a nation-state is morally or ethically justified to close its borders—requires that the ones who raise it be capable, at least to some extent, of abstracting from their own interests. Inasmuch as this is a practice that is sure to have an important effect on the concrete lives of fellow human beings, it is the subject matter of ethical or moral consideration (i.e., of justification by reference to norms and values). But, given that this is a practice that affects people outside our national borders, we would need to be committed—at least insofar as we want to argue for the practice before the affected people, and at least insofar as we want to be consistent with the norms and values guiding the justifying practice itself, to treating transnational people as equal in dignity to ourselves. This involves treating foreign peoples' interests as the interests of individual human beings who have a moral worth and dignity equal to our own. But being able to put one's own interests in perspective in this way means being able to abstract from one's own interests: to consider, even if only for a moment, whether the fulfilment of my own interests could be objectively justified in a context of justification in which there are people who do not have those exact same interests as me but who have an equal claim to the fulfillment of their interests as I have to the fulfillment of mine. Thus, asking whether the practice of closing national borders is morally justified or not involves being able to abstract from one's own interests; this

20. Rainer Forst, *The Right to Justification: Elements of a Constructivist Theory of Justice*, 2007, trans. Jeffrey Flynn (New York: Columbia UP, 2019).

was the first point we wanted to make in this section.

Individuals who pursue positions of power within a political community may find it quite profitable, and rather easy, to lead people into thinking that there is no collective loyalty beyond the loyalty towards the community represented by the position of power being sought. But genuine philosophical investigation can encourage us to consider what lies beyond the bounds of inherited or traditional loyalties, especially where they are so contingently constructed. Philosophers, as reasoners, belong to the community of possible reasoners, and this includes at the very least the set of all human beings. Thus, if there is one discipline that can be helpful in awakening individuals to the possibility that there may be spheres of normativity beyond the modern nation-state system that more fundamentally relates them to their fellow human beings *as such*, that discipline may be philosophy. But, if this awakening is going to take place, philosophers need to approach individuals not yet trained in philosophy and motivate them to understand the reasons why boundaries are subjected to interrogation and borders are transgressed by philosophers; and, for their part, public audiences need to leave the door open to the possibility that they are capable of doing (and learning and benefitting from doing) philosophy. This was the second claim we wanted to defend in this section.

3. How to Start a Lively Discussion on Human Migration: Present the Case for Open Borders

How can philosophers who regard themselves as nonexperts on topics of human migration and government border practices nevertheless contribute to elevating public discourse on such matters? For many of us, our classrooms present an intuitive starting place for doing more publicly engaged philosophy, and reasonably so. Moral and political problems regarding the legitimacy of contemporary border practices are ripe for analysis within the existing scope and framework of postsecondary philosophy curriculum.

We included excerpts from the following readings on human migration to our introductory philosophy course syllabi: Joseph H. Carens, “Aliens and Citizens: The Case for Open Borders” (1987) and *The Ethics of Immigration* (2013); Lant Pritchett, *Let Their People Come: Breaking the Gridlock on Global Labor Mobility* (2006); and José Jorge Mendoza, *The Moral and Political Philosophy of Immigration: Liberty, Security, and Equality* (2017).[21] In the course, these readings were preceded by more familiar introductory philosophy readings and discussions, including John Stuart Mill (on Utilitarianism and the Greatest Happiness Principle), Immanuel Kant (on Deontology and the Categorical Imperative), Peter Singer (on the Impartiality Principle and the Utilitarian response to famine and poverty), Onora O’Neill (on Autonomy and Kantian versus Utilitarian responses to famine and poverty), John Rawls (on the Original Position, the Veil of Ignorance, the Equality Principle, and the Difference Principle) and Robert Nozick (on the Entitlement Theory of Justice). We selected the new readings based on how well they dovetailed with these more traditional readings since they so frequently show up on undergraduate philosophy syllabi; and because they were written in an accessible manner for our students.

Posing the question of whether the United States should relax its border restrictions provided students with ample opportunity to apply the traditional philosophical theories they had been learning about to better understand and make sense of the contemporary moral and political problems surrounding human migration. Students demonstrated the ability to draw critical and creative connections between the readings in reexamining their views and developing their arguments. The refreshing civility, quality, and dynamism of student discussion on this controversial topic left us with a renewed sense of hope for the capacity of philosophical education to elevate public dialogue concerning rhetorically entrenched and emotionally charged contemporary political debates. Philosophizing about borders in the classroom proved to be an engaging and rewarding learning experience all around.

There are many philosophically rich ways to frame a discussion on migration. However,

21. For full references, see the Bibliography.

we share the approach we have enjoyed the most success with to date, having now had the benefit of learning from past teaching trials (and tribulations). We ultimately went with challenging ourselves to present students with philosophical reasons in support for open borders, which we regarded as the more challenging case to motivate. We described this as our Socrates-inspired approach to philosophizing on migration because we tasked ourselves to identify, problematize, and ultimately challenge a dominant cultural belief (read: taken for granted assumption or deeply entrenched belief). The philosophy teacher, then, performs the role of the community gadfly, challenging students to reexamine and analyze the newly problematized cultural assumption or belief. This approach seems to work particularly well when it comes to pitching the case for open borders to students. This is because the conclusion of the philosophical argument needs to be something like: Political borders should, by and large, be left open to human migration. However, this is a counterintuitive claim that is, for many people, rather difficult to take seriously. This means that part of our challenge, as philosophers, was to present reasons (read: premises) in support of this conclusion that students would at least minimally accept as able-to-be-reasoned-with upon reflection. To accomplish this, we relied on (and recommend) Joseph Carens's argument for open borders because its premises appeal to intuitive and important American cultural values like personal autonomy, individual freedom, and the moral equality of persons. The dominant cultural belief or assumption that the argument then challenges (there are many, of course, but the one we focused on) went something like this: A nation is morally entitled to use force to restrict human migration across its political borders.

We start the discussion by introducing basic historical facts about feudalism and Apartheid. Both represent traditional political practices that are now widely morally condemned, and both provide an instructive analogical comparison to restrictive border practices. Presenting and discussing these two analogies helps students reflect and gain clarity on some of the moral aspects entwined in these issues. The comparisons likewise work to motivate moral concern with status quo assumptions regarding the legitimacy of restrictive or coercive border practices.

Analogy 1. Historical case: Feudalism.

Joseph Carens presents the analogy between feudalism and restrictive border policies this way:

> In many ways, citizenship in Western democracies is the modern equivalent of feudal class privilege—an inherited status that greatly enhances one's life chances. To be born a citizen of a rich state in Europe or North America is like being born into the nobility (even if many of us belong to the lesser nobility). To be born a citizen of a poor country in Asia or Africa is like being born into the peasantry in the Middle Ages (even if there are a few rich peasants and some peasants manage to gain entry to the nobility). Like feudal birthright privileges, contemporary social arrangements not only grant great advantages on the basis of birth but also entrench these advantages by legally restricting mobility, making it extremely difficult for those born into a socially disadvantaged position to overcome that disadvantage, no matter how talented they are or how hard they work. Like feudal practices, these contemporary social arrangements are hard to justify when one thinks about them closely.
>
> Reformers in the late Middle Ages objected to the way feudalism restricted freedom, including freedom of individuals to move from one place to another in search of a better life—a constraint that was crucial to the maintenance of the feudal system. Modern practices of state control over borders tie people to their land of birth almost as effectively. Limiting entry to rich democratic states is a crucial mechanism for protecting birthright privilege. If the feudal practices protecting birthright privileges were wrong, what justifies the modern ones?[22]

Analogy 2. Historical case: Apartheid.

22. Joseph Carens H., *The Ethics of Immigration* (Oxford UP, 2013), 226.

Lant Pritchett presents the analogy between South African Apartheid and restrictive border practices this way:

> There is a story that while perhaps apocryphal is nonetheless instructive. During its waning days, the international condemnation of South Africa's apartheid was intense in the United States. Protestors in the United States felt that it was morally intolerable that, in this day and age, a system would be maintained that sharply limited the mobility of people, that kept people in disadvantaged regions with no economic opportunities, that destined millions to lives without hope, and that split workers and their families—merely because of conditions of their birth. A prominent antiapartheid activist was invited to come and give a series of lectures in the United States against the evils of apartheid in South Africa. But the trip was cancelled because she could not get a visa to enter the United States.
>
> It is said that fish do not know they are swimming in water. The analogy between apartheid and restrictions on labor mobility is almost exact. People are not allowed to live and work where they please. Rather, some are only allowed to live in places where earning opportunities are scarce. Workers often have to travel long distances and often live far from their families to obtain work. The restrictions about who can work where are based on conditions of birth, not on any notion of individual effort or merit. The current international system of restrictions on labor mobility enforces gaps in living standards across people that are large or larger than any in apartheid South Africa. It is even true that labor restrictions in nearly every case explicitly work to disadvantage people of "color" against those of European descent.[23]

Students can (and often do) start to compare and contrast contemporary support for accepting one's nationality (place of birth) as a morally legitimate basis for discrimination (e.g., sanctioned use of coercive force on migrant persons at borders) with historical support for other equally brutal forms of discrimination based on morally arbitrary (insofar as the individuals themselves cannot be causally responsible for them) circumstances of their own birth, such as religion, race, sex, and ethnicity. Pritchett himself is explicit about this moral concern regarding legally sanctioned, discriminatory treatment toward migrant people when he states:

> The idea of "nations" that legitimates border restrictions is socially constructed or is an "imagined community" (Anderson 1991). That social scholars have a hard time even defining what a nation is (Gellner 1983) makes the idea no less powerful. Nationalism and the distinct but related nation-statism retain a powerful hold on the international system—even are the system. Moreover, the idea of a nation has broad and wide popular appeal. People take for granted that nationality is a morally legitimate criterion for the differential treatment of people. But having a powerful hold on the popular imagination is not immutable—religion, race, sex, and ethnicity were considered legitimate grounds for discrimination for thousands of years.[24]

Before presenting these analogies to students, we present them with basic historical facts regarding feudalism and apartheid. Next, we challenge them to offer reasons why in those two cases *they* view those historical practices as immoral or unjust (they can reflect and write these down). If you have access to a board, then you can record the list of reasons students provide. Then, we present and try to motivate the relevant analogies to restrictive border practices. We challenge students to work together (partners or small groups) to compare and contrast (read: list the similarities and differences) between the cases. After some time has been allotted for this activity, you can reconvene as a class to share and discuss. Ideally, students are given time to reflect on their thoughts individually first, then with other(s) in pairs or groups, prior to large group discussion. This provides

23. Lant Pritchett, *Let Their People Come: Breaking the Gridlock on Global Labor Mobility* (Washington, DC: Center for Global Development, 2006), 79.

24. Lant Pritchett, *Let Their People Come: Breaking the Gridlock on Global Labor Mobility* (Washington, DC: Center for Global Development, 2006), 82.

them with lower stakes opportunities to examine (and reexamine) their views in reflection and dialogue with one another, which can build their confidence to share and develop their views in community with an even larger group. This active learning approach helps to ensure dynamic classroom discussion directed by students' insights, interests, and concerns, thereby optimizing the learning experience for everyone.

The next best move may be to formalize the case for open borders, bearing in mind the moral and political concerns raised by students. Again, we recommend referring to Carens's argument in preparation, since it tends to be in conversation with students' moral convictions. It also marshals Rawlsian and Nozickian theories of justice, as well as Utilitarian and Kantian moral considerations, in support of its seemingly counterintuitive conclusion. Crucially, the argument challenges the taken for granted assumption that nations are morally entitled to restrict peaceful human migration across political borders by means of coercive force. Carens states the challenge this way:

> Perhaps borders and guns can be justified as a way of keeping out terrorists, armed invaders, or criminals. But most of those trying to get in are not like that. They are ordinary, peaceful people, seeking the opportunity to build decent, secure lives for themselves and their families. On what moral grounds can we deny entry to these sorts of people? What gives anyone the right to point guns at them?[25]

Carens then makes his case for open borders. First, he endorses three widely held moral and political convictions, thereby setting the parameters for a shared, moral context of justification:

> 1. There is no natural social order (the institutions and practices that govern humans are socially constructed and mutable).
>
> 2. One must start from the premise that all humans are of equal moral worth when determining the moral status of alternative forms of political or social organizations.
>
> 3. Restrictions on the freedom of humans requires a moral justification. Taken together, Carens explains, these three basic assumptions provide a foundation for the moral and political legitimacy of every modern democratic nation-state.[26]

But state coercive control over migration limits freedom of mobility (movement), a necessary precondition to exercise other forms of individual freedom. Freedom of mobility contributes to enhanced personal autonomy, for instance. In other words, if individuals are to be free to live the lives we choose, then we must be free to move when we need. Similarly, freedom of mobility is a necessary precondition for equality of access to opportunity among persons. Carens explains:

> Within democratic states we all recognize, at least in principle, that access to social positions should be determined by an individual's actual talents and effort and not limited on the basis of birth-related characteristics such as class, race, or gender that are not relevant to the capacity to perform well in the position. The ideal of equality of opportunity is intimately linked to the view that all human beings are of equal moral worth, that there are no natural hierarchies of birth that entitle people to advantageous social positions. But you have to be able to move to where the opportunities are in order to take advantage of them. So, freedom of movement is an essential prerequisite for equality of opportunity.[27]
>
> Freedom of movement would contribute to a reduction of existing political, social, and economic inequalities. There are millions of people in poor states today who long for the freedom and economic opportunity they could find in Europe and North America. Many of them take great risks to come. If the borders were open, millions more would move. The exclusion of so many poor and desperate people seems hard to justify

25. Joseph Carens H., *The Ethics of Immigration* (Oxford UP, 2013), 225.

26. Joseph Carens H., *The Ethics of Immigration* (Oxford UP, 2013), 226-27.

27. Joseph Carens H., *The Ethics of Immigration* (Oxford UP, 2013), 228.

> from a perspective that takes seriously the claims of all individuals as free and equal moral persons.[28]

Moreover, the case for open borders can be bolstered by appeal to the economic interests of the country receiving the migrants. Returning once more to Pritchett:

> The industrial world currently transfers something in the order of $70 billion a year in overseas development assistance. The magnitude of the beneficial impact of this aid in immigrant-receiving countries is hotly debated, but let us assume that the voluntary and mainly altruistic transfer of the $70 billion leads to roughly $70 billion in benefits for poor-country citizens. A recent World Bank study (2005a) has estimated the benefits of the rich countries allowing just a 3 percent rise in their labor force through relaxing restrictions. The gains from even this modest increase in poor-country citizens are $300 billion—roughly four and a half times the magnitude of foreign aid. What does it cost the rich countries to achieve these massive gains? Actually, according to these same estimates, the current rich-country residents benefit from this relaxation on distortions to labor markets—so the net cost is in reality a net benefit of $51 billion. It would seem that the choice between spending $70 billion on foreign aid for an uncertain magnitude of gains versus a policy change with a net benefit to rich country residents of $51 billion for gains to the world's poor of $300 billion would, naively, be an easy one. The crude "cost-effectiveness" of gains to the poor per aggregate cost to the rich country is infinitely larger. But rather than increasing commitments to expanding labor mobility as a complement to assistance, one estimate is that the total spent by just five industrial countries on preventing these labor flows is $17 billion (Martin 2004)—a substantial fraction of what they spend to help others.[29]

Taken together, these reasons can help make the case for open borders. We do not here canvas the reasonable objections raised to the argument for open borders, but obviously they are worth reviewing in preparation for discussion.[30] Fortunately, both Joseph Carens and Lant Pritchett do important work to anticipate and consider such objections to their views, so we recommend their work as a resource in this respect as well.

Connecting the case for open borders to philosophical theories does not require too much imagination or effort. Light bulbs were probably going off for those philosophers with experience teaching topics in moral or political philosophy in the university setting. Regardless, here are a handful of teaching highlights to help motivate the addition of a section on human migration to your syllabus. First, students sympathetic to the argument for open borders appealed to the Rawlsian scenario of the Original Position behind the Veil of Ignorance to make the case that most people would be disinclined, from a self-interested standpoint, to agree to conditions that restricted freedom of mobility as severely as status quo border practices. (Icebreaker: If you did not know in what country you would be born, would you agree to closed or restrictive national borders?) In several instances, students appealed to the two principles of justice in making the case for the priority of freedom of mobility. Some even viewed an international open border policy as a promising way to extend the ethos of the Rawlsian difference principle globally. Some libertarian-leaning students articulated a tension between Robert Nozick's minimal state/Entitlement theory of justice and current government-based restrictions to individual freedom of mobility and freedom of association (e.g., a US farmer wishes to contract for services with a Mexican worker).

Students also demonstrated the ability to make meaningful connections between issues surrounding migration and some of

28. Joseph Carens H., *The Ethics of Immigration* (Oxford UP, 2013), 228.
29. Lant Pritchett, *Let Their People Come: Breaking the Gridlock on Global Labor Mobility* (Washington, DC: Center for Global Development, 2006), 3-4.
30. A prominent contemporary political philosopher who is a defender of the legitimacy closed borders is David Miller. In *Strangers in our Midst: The Political Philosophy of Immigration* (Cambridge, MA: Harvard UP, 2016), Miller advocates for this position. Miller directly criticizes Carens's argument for open borders (44-48), and the positive case for closed borders is defended by Miller in the fourth chapter of his book.

the basic moral tenets of Utilitarianism and Kantianism. Explaining how freedom of mobility can work to secure and enhance individual autonomy helped the Kantian (à la O'Neill)-leaning students in formulating their views, while the consequentialist (à la Mill, Singer)-leaning students were motivated to appeal to economic considerations favoring open borders, as well as the importance of adhering to the Impartiality Principle. Students appealed to the Greatest Happiness Principle and the Categorical Imperative in weighing moral concerns regarding human migration. For example, in several instances students who were sympathetic to Peter Singer's (Utilitarian) argument to the conclusion that rich country citizens are morally obligated to donate to effective aid agencies in order to alleviate suffering and death due to lack of food, shelter, and medical care, identified reasons in support of the view that a similar (and arguably even stronger) argument extends to rich country citizens in the form of a moral obligation to advocate for relaxing border restrictions.

Powerful nations are doing violence to peacefully migrating peoples. Doing philosophy can help us to recognize and challenge the moral acceptability of this reality. Philosophers are competent to facilitate public discussion on human migration and border politics. Many more of us can help to morally transform and elevate public dialogue on these issues. We shared our way of doing so and eagerly look to you to learn more and better ways to carry this conversation forward.

ACKNOWLEDGMENTS

Our sincere and heartfelt gratitude to Andrea Walsh, Shiloh Schlung, and Michael Marcous for the generous contribution of their professional expertise, time, energy, and talents to help us improve our thinking and writing on this topic. I (Carmen) am additionally grateful to my friend and colleague, Steven McFarlane, who has been stationed steadfast behind the scenes since graduate school, providing feedback and encouragement on my ideas and writing. I should also like to thank my sister, Cary Marcous, who has done as much as anyone to try to help save the world from my lack of grammar expertise by reading over my work, and who likewise inspires me to write. For my part, finally, I should like to thank my coauthor, Damián, for his endless patience, positivity, and guiding wisdom throughout this writing process. I (Damián) would like to thank Pablo Guerra Casado for carefully reading and commenting on a previous version of this paper. Finally, I would like to express my gratitude to my coauthor, Carmen, for her courage, genuineness, and for the invaluable experience that has been writing this paper with her.

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