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# The US Border Wall as a Failed Moral Project from a Second Person Standpoint

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## ABSTRACT

*This paper argues that the US-Mexico border wall is a failed moral project if viewed from a second-personal standpoint, like that espoused by Stephen Darwall. The US functions as an agent of harm by its sustaining support of the continued construction and maintenance of the border wall because it fails to recognize the legitimacy of the moral claims made by border citizens. The US border wall obliterates a reciprocal authority/accountability relation between the US as a moral agent and the southern border cities as moral patients. For the US to gain efficacy as a moral agent with respect to the border wall, it must act as though those people directly impacted by the construction of the wall weigh in on the moral deliberations over the border wall.*

*To date, philosophical discussion concerning the morality of the border wall has largely hinged on agent-neutral reasons from nationalistic or libertarian perspectives, and from the mainline topics of economics, national security, or civil rights. In this project I refocus the debate over the border wall, and contend that the border wall is, ultimately, a failed moral project—but not for its effects, but because the current agent-neutral reasons the United States has given for a border wall strip the US government of moral authority to act.<sup>1</sup>*

*Darwall's recent *The Second Person Standpoint* offers a unique foundation from which to build an argument that the fundamental moral difficulty with the United States' continued commitment to the border wall is that it makes the US an agent of harm by acting outside of a second-person standpoint. I draw from two case studies (the maquiladoras, and US/Mexican colonias) to show that the moral result of the border wall is that citizens of US and Mexican border towns are denigrated to a less-than-person moral status.*

*Moral obligations, according to Darwall, are second-personal, so that one's actions make claims on others' conduct and will. A characteristic of many morally impermissible acts, according to Darwall, is that they skew the shared moral accountability balance, so the agent does not properly recognize her moral relationship to the other. Herein is the fundamental moral difficulty with the US border wall. The act of constructing the US border wall—from its implications on US landowners and environment, to its effects on Mexican workers (documented, national, and otherwise), to its empowerment of the Secretary for Homeland Security—is reasoned solely from the basis of a first-person plural perspective, that of the (not unimportant) epistemic, agent-neutral reason of national security. In this debate, there is no moral "other" with whom the US government can relate. Moral authority presupposes an accountability relation that simply does not exist with citizens on the US/Mexican border because the US has not acted from agent-relative, second-personal reasons. People, as Rawls famously noted, are self-originating sources of moral claims (Rawls, 1980, p. 77) and when an entity acts for reasons that are divorced from the specific persons directly tied to its act, the entity acts wrongly as an agent of harm. The US border wall, then, if constructed independent of reasons tied to the persons affected by it, minimizes the US's moral authority along the border.*

## A Shift in Focus

There may be good sociological, political, and epistemic reasons for the continued construction of the US border wall, and indeed, the groundswell of arguments in favor of the wall cites these reasons. However, to use suggested empirical evidence as justification for the border wall requires an assumption that the United States has the moral authority to build the wall. Such an assumption might seem *prima facie* obvious, since the US has the legal right to protect her borders, as well as a moral obligation to protect her citizens from physical danger originating outside her geo-political boundaries. Moral authority, however, can be tacitly granted only when the state works from the best interest of its people, and, arguably, when the state's reasons for acting include an essential reference to the claims of its people not to be mistreated. In order to properly assess the moral permissibility of the border wall, the United States' moral reasons for acting must be identified, and those reasons must be evaluated to determine whether the US's reasons provide enough of a framework from which to morally justify the construction of the border wall.

Nagle suggested that ethics is concerned not only with which states of affairs should occur, but also with what people and people groups should or may do (Scheffler, 1988). The pursuit of overall utility can be constrained by certain deontological considerations, so that the degree of moral authority an agent has to act is illuminated by the agent's reasons for acting. To argue that the US has a moral interest in securing her border through a border wall, then, is insufficient to

show that such an act is morally justified. Rather, the types of reasons for which an act can be morally justified depend in no small part on who is included in the moral calculus of the act. In this case, the US's reasons for establishing a southern border wall are permissible only if those who are directly impacted by the construction of the wall function as a constraint on the moral deliberations over the border wall. So, a judgment about the morality of the border wall is not based on its predictable effects; rather, it depends upon whether—and to what degree—the reasons used in the moral calculus consider the interests of those who will be affected by the act.

The primary reason for the continued construction of the US border wall and militarization of the US border, according to the US Customs and Border Patrol

(<http://www.cbp.gov/xp/cgov/bordersecurity/bs/>), as well as civilian groups like the Minuteman Civil Defense Corps is to ensure the safety of the southwestern border and to minimize drug and terrorist activity

(<http://www.borderfenceproject.com/>).

The epistemic question over whether the border wall is necessary or effective to minimize drug and terrorist activity is contested, but it is quite distinct from the moral issue of whether these reasons provide the United States with the moral authority necessary to ensure that the border wall is not a doomed moral project.

One of the most compelling contemporary perspectives about moral reasons and moral authority is the second-person standpoint espoused by Darwall (2006A). A second-person moral standpoint, as its name suggests, is the idea

that moral obligations are essentially interpersonal. You and I, as moral agents, have moral reasons to respond to our claims on each other, in virtue of the fact that we share responsibility for our free actions. The facets of a second-personal standpoint that are relevant to this assessment of the moral permissibility of the construction of the border wall are: a.) Its derivation of moral authority from moral reasons, so that the moral demand represented by another person gives someone moral reason to act; b.) Its reciprocity thesis that provides the recipient of action (i.e., the moral patient) a moral reason to respond to the authority of the moral agent; and c.) Its contention that agent-relative reasons (i.e., those that depend on a particular agent's personal projects and commitments) may constrain actions only if there are authority and accountability relations between the moral agent and the moral patient. Darwall (2006A) argues that moral authority is given to an agent from a moral patient only if the agent addresses the patient second-personally. We can determine whether the agent addresses the patient second-personally based on whether the agent's reason for acting includes an essential reference to the person affected. On Darwall's view, this "essential reference" in its most simple form reduces to respect, so that the reasons that connect agents to moral obligation and the equal dignity of persons encapsulate the commitment we have to one other when we relate to each other second-personally (Darwall, 2006A, p. 77).

The result of acting from second-personal reasons, and the residual moral authority that comes with it, is that the moral patient is given a distinctive, reciprocal, second-personal reason to

comply with the demand of the moral agent (Darwall, 2006, p. 122). The objectivity of moral obligation rests upon a perspective that agents and patients take up when they make and acknowledge claims on one another's conduct; so without the patient's acceptance of the agent's moral authority to act, the agent's moral authority is impotent. (A classic practical example of this can be found in the rebellious teenager. If the child refuses the moral authority of the parent, she will rebel against any claim the parent makes on her.) Moral action itself, then, requires a reciprocal accountability relation between the moral agent and the moral patient (Darwall, 2006B, p. 5). The agent recognizes the moral other as a "you"-- as a constraint on her action-- and the patient acknowledges the agent also as a subject that constrains her response. If the reciprocity condition of moral action is met because the agent acts from second-personal, agent-relative reasons, the agent has the moral authority to demand compliance. (To carry the parental example forward, a child who knows that the parent acts out of respect for her will be less likely to rebel against the reasonable constraint placed on her by the parent.) Conversely, unless an agent's reason for acting is second-personal, and if there is not compliance from the moral patient, the agent has no reason to object simply because she contravenes it (Darwall, 2006A, p. 90).

## **Second Personal Reasons and the Moral Authority of the US**

If Darwall's second-personal standpoint can inform the moral debate over the US border wall, it will do so by evaluating whether the United States' reasons for acting ground her moral authority to build. On the basis of the second-person standpoint, then, the following questions must be addressed: 1.) Do the US's reasons for acting give it moral authority to act?; 2.) Do the US's reasons for acting provide those directly affected by the border wall moral reasons to respond to the supposed moral authority of the US government?; and 3.) Does the construction of the US border wall support a reciprocal authority/accountability relation between the US as a moral agent, and the southern border cities as moral patients?

Although I have earlier provided a thin demonstration that the US's reasons for acting are epistemic and agent-neutral (rather than moral, agent-relative reasons), perhaps the best evidence for whether the US acts from appropriate moral reasons is to look at snapshots of those who are directly impacted by the border wall and then ascertain whether the US's actions take them into account. The two brief case studies that can inform my analysis of the moral authority of the US to construct the border wall are, first, the *maquiladoras*, and then the *colonias*.<sup>2</sup>

*Maquiladoras* Although much has been written in non-philosophical works about mobilization against export-processing manufacturing (*maquiladoras*), little attention

(especially in philosophy) has been paid to the challenges posed to these organizations in the borderlands, and even less since the construction of the border wall began. The *maquiladoras* most relevant to this project are the large number of US-owned, Mexican-run *maquilas*. The structure of production in these factories is established by Mexican managers whose US superiors largely accept their budgets and production plans (Salzinger, 2003, p. 185.).

The *maquilas* have long been a source of contention on the border, since, on one hand, they transplant large numbers of (usually) poor, rural women into the Juarez border region replete with violence and drugs, while, on the other, they represent the ability of Mexican women to gain ground economically and socially (Heyman and Campbell, 2004, p. 208). As Staudt and Coronado rightly point out, “If people cannot collaborate across national borders in a fifty-mile radius like El Paso-Ciudad Juarez, how well do transnational and global movements [that support civil rights] really fare” (Staudt and Coronado, 2002, P. 21)? And, as men begin to compete for jobs at the *maquilas*, a new field of struggle for border women emerges. The notion of “productive femininity”, at once a bane and triumphant adjectival phrase, will suffer another turn with the completion of the US border wall, even if the exact effect cannot be predicted. The moral import of the wall in this case depends on whether the plight of the *maquila* women, who are epitomized by the notion of “the cheap, docile, and dexterous third-world woman worker” (Salzinger, 2003, p. 154) factors into the moral reasoning of those who justify the border wall.



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One error that those on the northern side of the border tend to make is that they have a concept of ‘border’ that is frequently ideological—a textual, theoretical border that rigidly delineates the US government’s sovereignty to determine who can come in. For poor workers on both sides of the border, however, the notion of ‘border’ as an actual geo-spatial object projects a walled-in-presence and an obstacle to their survival (Castillo and Cordoba, 2002, p. 5-6). For these border citizens, the border is fluid, and represents both parts of their identities, budgets, and traditions as Chicano/as. They are both Mexican and American, and a terse border line divorces these traditionally fluid aspects of their lives. Even apart from any economic impact, *maquila* workers suffer deleteriously as a result of the border wall if only because their own personal and familial identities are not disjunctive—who they are is not tied to either the United States *or* Mexico. Instead, the lives of these workers are tied to the United States *and* to Mexico, and so they would denounce the political, racial, social, economic, and existential hegemony in Mexico as well as in the United States that is represented by the border wall.<sup>3</sup>

Of course, that negative impact itself is not enough to show that the United States lacks moral authority to justify the continued construction of, and commitment to, the border wall. Rather, any moral authority in this case comes in relationship to the role that the *maquiladoras* play in the moral reasoning about the border wall. At a minimum, the border wall is a physical representation of a moral paradox for the US: a barricaded, militarized border,

which divides two borderless economies, whose interdependent success depends on people who work at manufacturing jobs in Mexico and who live in the United States and vice versa (Andreas, 2000,). Critics might argue that since most *maquilas* have their physical presence on the Mexican side of the border, American and Mexican *maquiladoras* need not be related to second-personally. Such thinking, however, obscures both the US-grounding and impact on these companies as well as the bi-national and bicultural dimensions of US-Mexican border towns.

*Colonias.* *Colonias* are settlements on both sides of the border which are “characterized (in the most part) by uncertain land tenure, lack of adherence to land planning regulations, absence of formal financing, and emphasis on housing self-construction” (Heyman and Campbell, 2004, p. 214). *Colonias* are the products of a perfect storm of typically negative-growth indices: (at least) temporary growth in low-wage jobs, negligible investment in public services for the poor, a shortage of housing and mortgage financing for migrants, and the refusal or lack of basic utilities for the poor communities (Ward, 1999, p. 3). A main difference between US and Mexican *colonias* is that the United States has implemented land and utility rules to freeze or erase existing *colonias*, in spite of gradual community development. (For example, a longitudinal study by UT-Austin’s Peter Ward found that many *colonias* on the Texas-side that are eligible for water and basic services do not have them, and even more disturbing is that in order to obtain the threshold population required to secure public and private-sector funding for

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these improvements, there is an urgent need to actually settle *more* new families in *colonias*). (Ward, 1999, p. 145).

As is the case for the *maquiladoras*, the *colonias* are an integral part of US/Mexico border-town life that has been impacted by the construction of the border wall and, ironically for the US, the impact undermines one of the purposes in building the border wall: helping to secure national safety through tangible lines of national identity. Although there are anecdotal accounts of negative discourse about the *colonia* experience, Heyman and Campbell (2004, p. 215) point out that, “Many *colonia* dwellers epitomize the virtues—strong work ethic, individual initiative, independent spirit—of the American pioneer myth.” The introduction of the border wall, along with the ambiguity it brings to the issues of citizenship, nationality, and ethnicity, has disrupted the ability of *colonias* to emerge out of the dredges of poverty. Further, and more relevantly for this project, the lack of national attention paid to the *colonias*—to the people living among them and to the effect that the wall has on their way of life (not just the actual, physical excoriation of the *colonias* by the wall, but on their ability to thrive)--mitigates against any suggestion that the United States factors these people-groups into their moral decision-making as second-personal reasons.

Focusing on the three main tenets of moral authority as well as a second-person standpoint underscores the fact that US interest in the border wall is not girded by agent-relative, second-personal reasons. The broad-stroke ‘interest of national security’ brush that is used to

justify the continued construction of the southern border wall ignores key populations on both sides of the border that serve as cross-border allies. If the US does indeed fail to take into careful consideration those for whom the border wall serves as a direct physical consequence, on a second-personal standpoint, the United States fails to have the moral authority to act, even if legally she is entitled. The damaging consequence of this is not merely theoretical or abstract. Instead, if the United States does not act with the proper moral authority, then by unreflectively failing to treat border populations as second-personal constraints on its actions, the US gives those same populations moral reasons to reject the legitimacy of the border wall. If the government does not treat border cities as moral patients worthy of moral consideration, citizens of those towns reciprocally may reject as valid the moral claim that the United States' action of building a border wall seeks to make.

### **Moral Upshots of the Rejection of the Second Personal Standpoint**

The success of the US border wall as a moral project depends upon the moral authority of the United States. This paper draws upon a second-person standpoint to demonstrate that the moral authority of any agent (and so, for my purpose here, the United States) relies upon the agent's reasons for acting. If my contention is right, and the US's reasons for structuring a southwestern border wall are agent-neutral, but not moral, and if the anecdotal evidence of the *maquiladoras* and *colonias* does show that the United States is negligent in considering border

populations in her moral calculus, then I must conclude that the United States' reasons for acting do not provide it with justified moral authority to remain committed to the southern border wall mission. Even more, the border wall as a moral project is undermined, since the reasons for acting in this case do not provide those who suffer the direct consequences of the border wall with moral reasons to respond to the supposed moral authority of the US government. Finally, the US border wall fails as a moral project because moral obligation hinges on a valid moral claim being made by an agent, received by a patient; and in this case, the construction of the US border wall obliterates a reciprocal authority/accountability relation between the US as a moral agent and the southern border cities as moral patients.

The United States does have a valid moral obligation to pursue overall utility for her citizens, but not at any cost, and not without some deontic constraints. Although most analyses of the border wall focus on whether the wall can in fact achieve its purported purpose, a philosophical exploration of the moral issue of the border wall must include a foundational exercise into the likely viability of the wall as a moral endeavor. When the United States fails to count flesh-and-blood border citizens as self-originating sources of moral claims, she undermines her position as a moral authority, domestically and abroad, and in the end, threatens the future practical success of the US-Mexico border wall.

**NOTES**

1. The question of whether any government can be characterized, as moral agent is philosophically important, but any thoroughgoing arguments for or against are outside the scope of this paper. This paper assumes the political moral realism—the idea that moral concepts cannot be applied to governments—is faulty if a. a government can act intentionally, reflectively, and responsibly (since moral concepts only apply to such actions) and b. if a government's actions have calculable positive or negative consequences on people.
2. The impact of the border wall extends far beyond these two case studies, certainly. These examples however are meant to represent the economic, social, political, existential, and racial consequences of the border wall for those border citizens living in America or Mexico, as well as many of the businesses on the border.
3. Castillo and Tabuena Cordoba (2002) do an admirable job of exploring, economic and social difficulties presented to American, Mexican, and bi-cultural people by a strict, exclusive border policy.

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## **BIOGRAPHICAL SKETCH**

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