

*Response by Vincent Rougeau, Dean, Boston College Law School*

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Conversation at the Boisi Center, September 14, 2016

It is a pleasure to be here and to meet Prof. Lloyd. Thank you to the Boisi Center for inviting me, and particularly to my colleague Cathy Kaveny, who knew how much I would enjoy and appreciate this very interesting book.

Much of my own work has considered the relationships among increasing social diversity as a result of global migration, Catholic Social Teaching, and broad based community organizing. In particular, I have been looking at how immigration and undocumented migration are affecting our understandings of citizenship, membership, rights, and responsibilities in wealthy, liberal democracies in North America and Europe.

My interest in Catholic social teaching has obviously oriented me toward natural law. Black Natural Law offered tremendous insights to me, and opened up a number of new avenues of inquiry about the ways in which we understand natural law discourse.

Since my time is brief, I want to offer three sets of reactions.

First, I want to engage Prof. Lloyd's definition of what black natural law is and why it is offers helpful and important insights for how we think about questions of justice in the American context.

Second, I want to use black natural law to analyze two seemingly divergent current phenomena in American public life, and to demonstrate why black natural law analysis can continue be important and helpful, despite its increasing incoherence in African-American political discourse in the post-Civil Rights era.

Third, I want to think a bit about the unraveling of the black natural law tradition and offer an idea for its revival and re-engagement, particularly around issues of global justice. In other words, I want to propose moving black natural law beyond its US domestic origins and bring it into service for conversations about global social justice questions, for instance, the rights of migrants and undocumented immigrants.

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I think it is extremely important and insightful when Prof. Lloyd offers a reinterpretation of the natural law tradition that it rooted in the powerfu

numerous legal and regulatory changes that have been put in place that many would argue have devastated the American middle-class. More on this line of thought later . . .

Black natural law privileges the insights that black people bring to discussions about law and justice by taking seriously both reason and emotion, and as Prof. Lloyd notes, offers a better way to approach politics, not only for blacks, but for everyone. To paraphrase Prof. Lloyd loosely, black natural law recognizes the mixture of reason, emotion, and imagination that more honestly describes the human experience and makes it more obvious how unrepresentable human nature truly is.

But that is only the first part. What this recognition leads to is collective action and organizing to achieve justice, a deeper understanding of how individuals are shaped by their membership in groups, a more serious respect for certain capabilities and capacities of the human person, and a sharper way of assessing, for instance, just or unjust laws.

In the US context, black natural law is an antidote to the anodyne, hyper-individualist expressions of the American experience so common in American public discourse—the somewhat naïve and emotionally empty tale of constant progress, inexhaustible strength, and exceptionalism that acknowledges:

- No struggle



still resonant and intelligible to many around the world. For instance, I think black natural law would offer a very compelling critique of the plight of the undocumented migrant and stateless refugee.

There is a clear issue around the justice of a system of global benefits that offers those with wealth or those born in wealthy nations a privileged position of comfort and security through birthright or purchased citizenship. The role the undocumented play in propping up that system through their labor in the shadows deserves deeper exploration. This is not to mention war, political corruption, ethnic and religious violence, and the accelerating effects of climate change as reasons for human displacement. What should we do?

The binary assessment of legal versus illegal immigrant cannot do the work necessary to address these concerns. We need to think beyond what we know currently. Black natural law might offer a means for bringing in the emotion, the imagination, and ultimately, the organizing, that we will need to truly understand what is at stake as our world is transformed by more and more people on the move.

My thanks, again, to the Boisi Center for this wonderful event, and to Prof. Lloyd for this thoughtful book. I enjoyed the opportunity to read it and it was a privilege to part of this conversation.