

California Has its Own Travel Ban. Is That a Good Thing?

By **Rachel Robison-Greene** - Apr 20, 2018



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In January 2017, a **California law** went into effect that prohibits state funding for travel to states that have passed laws that are discriminatory toward members of the LGBTQ community. There are currently eight **states** on the list: Kansas, North Carolina, Mississippi, Tennessee, Alabama, Kentucky, South Dakota, and Texas. The ban does not limit personal, private travel in any way.

Alabama, South Dakota, and Texas recently **passed laws** allowing adoption and foster agencies to discriminate against members of the LGBTQ community when it comes to placing children in homes. North Carolina joined the list after it passed a law requiring people in public places to use the bathroom corresponding to the gender they were assigned at birth. Tennessee is on the banned list because of its law allowing state-licensed therapists to deny treatment to members of the LGBTQ community if doing so is motivated by sincere religious conviction.

The hope is that the ban on travel to these states will cause economic hardship for the affected areas and that they will then be motivated to change their laws. There is some evidence that the policy is having the desired impact. Businesses and other institutions looking for a location for conventions and conferences seem to be dubious of the idea of hosting their events in locations that won't attract a large segment of the Californian population. It appears, for example, that Louisville, Kentucky, **missed out** on two million dollars' worth of convention revenue as a result of the ban. The economic consequences are broader than the mere absence of tourist dollars from citizens of California. These states are also seeing a reduction in business from organizations outside of California that are making decisions about where to send their business.

California's strategy here is tremendously controversial. First, some people think that there is room for reasonable disagreement when it comes to the laws that motivated the ban in the first place. Many of these laws were passed in an attempt to preserve the religious liberty of the parties involved. Some argue that California's ban treats these issues as if the solutions are obvious rather than recognizing the complexity involved. We have witnessed tremendous gains in the fight for gay rights in recent years, but the fact remains that many people have religious objections to homosexuality. We may strenuously object to religious convictions of this kind, but we also tend to treat

freedom of conscience as a fundamental political and moral value. There is a serious tension between these considerations.

Others argue that, even if California is justified in their criticism of the laws in question, a travel ban is still an unjust way of expressing disapproval. First, if the ban really does affect the local economies of the states involved, there will be negative consequences for people who played no role in the passage of the laws. Some percentage of the people who will miss out on employment opportunities as a result of the ban will be members of the very LGBTQ communities that the policy seeks to protect.

Second, some are concerned that the ban is an unjust restriction of liberty. The ban prohibits state-funded travel, and that affects the travel possibilities for a substantial number of important groups. For example, students from a university that had, for many years, competed in a Bioethics Debate competition were unable to do so this year because the tournament was held in Alabama. Professors and state-funded researchers may, in their professional opinions, judge that participation at a particular conference would be beneficial to their professional development. If that conference is held in a banned state, those professionals are out of luck. If the goal is to promote the best set of overall consequences, this policy may fail in its objective. It is far from clear that this policy will cause the states involved to change their laws. Along the way, however, it limits possibilities for education and personal growth.

Others feel that California should focus its attention on California. If they value democracy, they should respect the rights of the citizens of individual states to elect representatives who will pass laws that reflect their values. One of the reasons our country is structured in a way that allows states to function fairly autonomously is that citizens in different portions of the country will have different interests and different values. California should respect that. In response, supporters of the travel ban may argue that California isn't trying to pass laws for the banned states. They are simply passing laws that dictate the way their money is spent. Banned states aren't entitled to California's money.

Others are concerned about the divisive nature of the policy. The current political climate is one in which people have deep loyalty to their political party and there is very limited opportunity for reasonable, rational discussion among people who disagree. The ban adds fuel to that fire by suggesting that if we disagree with a group of people, we should cut off contact with them entirely.

Supporters of the ban may argue that the laws that motivated it aren't just any old state laws. They are laws that undermine the basic dignity of individuals and restrict their ability to pursue their conception of a good life.

Ordinarily, of course, the people of California don't need to be very concerned with the affairs of other states. These are exceptional cases. We all have a human interest and a moral obligation to do our part to ensure that people aren't discriminated against.

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