

Historical Injustice And Immigration

Nuryezdan Pekmezci | Bilkent University

Abstract

The reason I choose to argue on the ethics of immigration issues, accompanied by a historical background on the past relationship of the countries involved is because it seems as if this matter is overlooked most of the time. Instead, other aspects are discussed such as the benefits and consequences of immigration on the receiving country. I support the idea that countries that have inflicted damage upon other countries in the past have a responsibility in reparations as part of redeeming the actions of their ancestors. While there are many reparations that can be made, this essay focuses on immigration as one of the best compensations. By analyzing the perspectives of four main ethic theories namely: Cosmopolitanism, utilitarianism, deontology, and nationalism; followed by examples from the present, I emphasize the importance of making decisions on immigration while considering the historical events as the past of a country is detrimental to its political, economic, and social development, which are some of the most common reasons for immigration taking place.

Key Words: Reparation, historical injustice, damage, immigration, responsibility

Looking at the duties and responsibilities of humankind, immigration is obviously one of the most discussed topics both in political science, and philosophy in terms of ethical aspect. According to ethical and moral rules people or states have a moral duty not to do harm. But what about a moral responsibility to help relieve the harm some people are experiencing, that might have been induced upon them by the country in talking. The theories I am going to talk about in detail are cosmopolitanism, deontology, nationalism, and utilitarianism.

Does a country have more responsibilities because of the actions of its ancestors? When people desire to migrate to another country, do receiving states have a duty to accept them? Does preventing harm have the same moral weight as not doing harm for a country? Do the past actions of the country put more moral responsibility in accepting immigrants as to countries that have not crossed paths in the past with the immigrating group? The claims that the present citizens of the exploitative countries are not responsible for the past and therefore cannot be held accountable for the state the exploited countries are in today, is a slippery slope argument, as this means they

deny the goods benefitted from this exploitation and the role of these oppressed populations in the development of their country. Borders are what define the different living conditions and circumstances for the populations residing inside them, which in turn lead to inequality between residents of different countries.

One would argue that since it is not fair for the people living in the present to endure the consequences brought upon them by the decisions of their ancestors, it should not be considered ethical to deny their struggle to make their lives better. In this essay I will argue that countries have a responsibility to provide reparations to the countries that they exploited and harmed in the past. Regardless of causing harm not being a legally binding issue, it is in my opinion an ethically and morally binding one. One of the best ways to compensate is a generous immigration policy that allows the citizens of these damaged countries to have a better life in a developed state.

Positive vs Negative Duty

One of the main topics argued not only in philosophy but also in international relations and politics is related to the question whether states have a duty to prevent harm? It is almost agreed by every state and individual that it is a strict duty not to do harm, but there is no certain reply to the issue of preventing harm. Firstly, not doing harm has not been a duty for the states of the world until recently. After World War I, with the consequences of millions of deaths and poverty, all the states in the world established the League of Nations to preserve peace. However, the League of Nations was not successful in its purposes, and World War II started in 1939. The failure of the League of Nations and loss of so many people's lives forced the world states to establish another international organization to maintain peace for good.

Therefore, the United Nations was established at the end of World War II, in October 1945. With the agreement on the principles and purposes of the articles of the United Nations, permanent peace was officially aimed. In chapter one which explains the purposes and principles of the United Nations, in article two the following is stated: "To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of people, and to take other appropriate measures to strengthen universal peace" (United Nations Charter, 1945). The second and similar articles mainly describe that doing harm is no more legal according to international law, and that it has consequences for states that try to disturb peace. Although it is argued in terms of ethical aspects that states are not responsible for preventing harm, since it is not obligatory for them, there are also articles in the United Nation's Charter related to this. In the other charters of the United Nation, it is mentioned that prevention of transboundary harm is legally bounding. (United

Nations General Assembly, 2001). Consequently, it is obvious that states cannot do harm, and even though it does not particularly describe the categories of harm, prevention of transboundary harm is also in the context of the general principles. Thus, in addition to legal limitations, I think that we, as people, and states as institutions, ethically even if not legally, have a duty to prevent harm.

The related question I will raise here is: Is the preventing harm discussion linked to immigration problems? Non-consequentialist theories such as Kantian and Cosmopolitanism would say yes. The main principle of non-consequentialist theories is not to treat people as a mean. So, in the case of some people leaving their countries for some reasons, the country they want to migrate to should accept them, because it is not about the consequences of accepting immigrants in their country, but rather on helping people. However, even for a non-consequentialist, there may be some limitations on accepting immigrants. The reasons of the immigration matter here when the country, making the decision to accept or refuse immigrants, can determine the urgency of the case. There may be a country that is dealing with war, aggression or poverty, and the citizens of the struggling state leave the country to survive, such as the cases in Syria, Afghanistan, and Libya. Here, according to non-consequentialist theories, although accepting immigrants would give bad consequences such as economic and health problems, the decision-maker country should still accept them by ignoring the results, because it is about preventing harm on innocent people. However, if the reason for immigration is based on the economic reasons, accepting them cannot be considered a duty by a non-consequentialist either, because accepting or rejecting them is not about treating them as an end to a mean. It is not about preventing harm, so the decision lies within the state's own initiative.

On the other hand, consequentialist theories may state that countries do not have to accept immigrants if that act would have bad consequences for the receiving country. Since the consequentialists think that one action can be called good, if it brings good results, it can be said that when a state is considering accepting immigrants and having them in the country also means that there will be significant economic, and health problems, the country can refuse immigrants because preventing harm is not found as a duty for them. What I want to state is that for the consequentialist theories, if preventing harm brings good consequences with itself such as economic benefits, then the state should do it, there is no duty needed. On the other hand, if the state accepts the immigrants in exchange of benefits they will bring to the country, and when it suits them, it disregards the problems that come with them, then why not accept them in exchange of having done a humanitarian and moral duty in helping people in need.

Historical Injustice

Next question is whether reparation is necessary for harm done by ancestors. My argument is that, regardless of the type of damage inflicted in the past, there should be a reparation for the victim state. Looking at today's states and societies, almost all of them obtained their freedom and standards through hard ways such as war, violence, aggression, or even genocide. Some victim countries might have got their compensation, but I believe that there are still reparations due by the harming states. Nozick also supports my thesis that compensation should be done, even when the damage was years ago (1974). According to Nozick, and his intergenerational rectification theory, the compensation should take place, and he thinks that undertaking of historical reparation is more essential than achieving justice only for today. (1974).

I also agree that rectification of historical injustice may be more important than having justice today, because states and individuals were able to commit big international crimes, using violence and harming far more than they could today. For example, some of the big detrimental crimes such as slavery or colonialism, that are against humanitarian law, were common to commit by powerful states in the past, however these kinds of actions cannot be taken nowadays due to legal constrictions and so many consequences authorized by United Nation's organs Security Council and the International Court of Justice. I believe that limiting some actions such as slavery or colonialism with today's laws does not make up for the harm done in the past, as some reasons for the poor conditions of the state experiencing flee are international conflicts in the past. So, it is a necessity to have compensation for the victim countries even after many years.

One of the fundamental objections given about historical injustice is that the actions were taken in the past, and the responsibility belongs to the current generation's ancestor. One may even ask whether it is injustice as well to hold people responsible for the actions they did not take but their ancestors did. A similar question has been asked by Morris (1984) Kumar and Silver (2004) Kershner (2004) Meyer (2013) "how can individuals today have a just claim to compensation owing to what was done to others in the past when the (potential) claimants may not exist today had past people not suffered these harms?" Relatedly, the harm was also inflicted many years ago to a different generation. Why should the state that did harm in the past compensate for the current generation that are not being harmed in the first place? I must admit that these are reasonable objections, because punishing some current states or people for the actions they did not take can be found unjust because it also results in punishing the innocent.

The reply I suggest to the first part of the objection, even though the harm was given in the past, the consequences of the damage are still affecting the current generation and may continue to influence in a bad way for more years. To give an example, colonization and slavery are among the most prejudicial harms some states gave to another, it cannot be said that the result of these harms just affected the people who were living at that time. When slavery was a case, the men and boys of the victim country were taken away to serve others under life threatening conditions, and detaining men of the country is not just a physical but also an ethical damage. Being taken away from their home country mostly without their family to work mercilessly can make the victim country have no future. So, my point is, if people feel entitled to the wealth their grandfathers owned then the same should apply for the guilt their grandfathers should have carried. Inheritance is inheritance, no one gets born with a clean slate.

The response I give to the second part of the objection is that although it may be found unfair to punish some innocent people or force them to compensate for some historical actions their ancestors took, I do not think it is injustice because if there is no reparation even after many years later, there will be injustice for the other innocent people, who were harmed in history and are still dealing with the consequences of that big damage. A related question can be asked here, what did these victim countries do to get harmed by other powerful states except for being weak and unable to protect themselves?

The reason why there was a huge damage is just because the weak states did not have financial and military powers, but they had rich resources. This cannot be claimed as a reason for harming innocent people.

It should be clear that the compensation would not be a revenge. Then, it might be asked what kind of compensation should take place for the harmed victim countries? First, here is the main purpose of the compensation matters. According to International Criminal Law (2005), there are three main aims and principles to keep peace in the world, and these are holding the harming state accountable for its actions and getting punished according to articles, the guarantee that the damage would not be done by any other country again and finally compensating for the damaged country. According to that, the compensation can be decided by agreement of the victim state. It might be financial support; it might be taxation as Nozick (1974) supports and if it is necessary it might be letting the victim country citizens immigrate to the country accountable. As a result, historical injustice can be repaired in so many ways.

Related Theories

Stated before that no theory directly mentions about the duty to prevent harm and immigration as a way of compensation to historical injustices, there are some theories such as Cosmopolitanism and Kantian that indirectly support my thesis. On the other hand, the other theories I will talk about are neither directly nor indirectly supporting my thesis, however there might be some circumstances where they also see accepting immigrants as one of the best ways to compensate historical injustice.

I. Cosmopolitanism

Firstly, I will discuss the stance of cosmopolitanism on accepting immigrants to right injustices done in the past. According to Thomas Pogge (1994) although there are different ways and different opinions among those who defend Cosmopolitanism, there is a one shared core idea, namely that all people in the world, regardless of their race, religion, language, or political affiliation, are citizens of a single community, namely the community of the world (p. 90). Cosmopolitanism is about having a moral community rather than sharing a country, political perspective, or religion.

An example given for the immigration issue, cosmopolitanism supports the idea that even if a country does not have a past of harming, the country from where the immigrants is coming, they have a moral responsibility of taking care of them as these people even though from the different nationality are part of the world. So, if some people in the world are suffering from something such as war, violence, or hunger and if the solution is to move in another place in the world, cosmopolitanism would defend it under any circumstance including if it were a means for repairing damage done in the past. Thus, cosmopolitanism does not specifically mention about either that states have a duty to prevent harm or compensation of historical injustice, it can come up with a practical solution for the immigration issue because the main principles of the theory of Cosmopolitanism is related to immigration as a compensation of historical injustice.

II. Utilitarianism

Secondly, preventing harm and making up for mistakes of one's ancestors by taking care of immigrants does not directly find support in utilitarianism. Utilitarianism states that actions are morally permissible if and only if they produce at least as much net happiness as any other available action. Looking at utilitarianism from a different perspective, it can be said that utilitarianism does not consider the relationship between people when there is an issue. The only thing it considers is that the happiness of the majority. So, on the preventing harm issue, utilitarianism would see it as a duty

for the states or individuals if it maximizes the benefit of the majority, and similarly, on the immigration issue, utilitarianism is not concerned with whether there is historical justice or not. For example, the number of people who want to migrate to another country is less than the number of people in that country, and most of the country that considers allowing immigrants or does not see immigration as a negative case; then utilitarianism would basically say that allowing immigrants as a way to mend the past actions of a certain country, is the wrong answer. Thus, I can clearly say that utilitarianism is not working on practice because it does not care about the issue it only cares about the happiness of the majority. For the immigration problem, utilitarianism mainly disregards people in the problem, they can be anyone. Accordingly, it does not regard the relationship between them either. Therefore, there may some harm or damage in the past, some people might have been suffered a lot, however; there is no obligation for any country for reparation if it declines the total happiness in the receiving country. The only way utilitarianism would be okay with helping immigrants is helping to solve the problem that made these people immigrate in the first place thus yielding the most happiness.

III. Deontology

Thirdly, deontological, and therefore Kantian perspective, as one of the non-consequentialist theory, on the ethics of actions could be interpreted as supportive to the duty of preventing harm and immigration not only to rectify mistakes made in the past to the country where these immigrants originate from but to all immigrants. Deontology as a theory only focuses on the will of the actions rather than consequences. Kant (1975) says that “A good will is good not because of what it effects, or accomplishes, not because of its fitness to attain some intended end, but good just by its willing, i.e. in itself” (p.10). Deontological perspective would not support the idea that countries, which did harm in course of history, should allow the immigrants in their territories because accepting them has good consequences for the people who want to migrate instead only because this serves to these people and is therefore considered a good act.

Contradicting to the utilitarianism theory that the consequences a certain action has on the overall happiness of the people should be taken into consideration before deciding to make the decision and that only actions yielding the greatest happiness should be considered ethical. Which means utilitarianism ignores individual rights and happiness that leads to the treatment of people as a mean and not as an end in themselves. However, deontological aspect would support the immigration issue because it is the right thing to do. Considering, Kant’s theory about an action being

morally ethical only if there is no ulterior motive or hidden agenda behind those actions.

IV. NATIONALISM

Fourthly, from the perspective of nationalism the idea of preventing harm and accepting immigrants to pay for harm done in the past is almost inexistent. Nationalism is oriented towards developing and maintaining the national identity based on shared characteristics such as culture, language, race, religion, political goals, or beliefs in a common ancestry. In other words, in terms of nationalism, the territorial state may be explained as a political unit which means that having the idea of belonging to particular ethnic or origin and actively being responsible for protecting its traditions and cultures.

Nations and belonging to a nation, as known as having a national identity, can be described as having a common ethnicity and origin whether voluntarily or not. According to Berlin (1979) and Smith (1991), "one's nation takes precedence over rival contenders for authority and loyalty." In relation to the immigration issue, it is morally acceptable to deny immigrant entry in your country, because, obviously, the citizens of the nation do not have some common characteristics, such as language, culture, religion, etc. with the people who want to migrate to one's country as your duties are towards one's own citizens not everyone in the world. Thus, the immigration issue can be directly refused by a nationalist because it is not an obligation to help people from another group and especially if helping the other group brings negativities with itself.

Nationalism opposes to my main argument that from the aspect of past events, leading to immigration (for which the receiving country is responsible) and why these countries have a greater moral responsibility to take in the immigrants to make up for the past compared to countries whose history does not cross with the immigrating group. For example, in the 19th century, France colonialized Africa, and it also damaged some countries, however, when people from these countries want to migrate to France because of the historically affected reasons, French policies on immigration are hostile regardless of the past and an excuse for not taking responsibility would be that the French of the present do not have to be held responsible for the mistakes of their ancestors.

My response to this claim is that today's people may not do harm right now, however; their state harmed another state or another group of people in the past. So, modern-day nationalists also have responsibilities and obligations for reparation of the mistakes in the history because these people are member of the nations and being a member of a nation brings some responsibilities and these people should try to repair

the historical damage as obligations of their nation. For instance, Germany is to this day trying to compensate for its wrong doings in the past by applying more open policies to the immigrants even if the country where are the immigrants stemming from did not suffer from violence induced by Germany.

Lastly, my go to theories will be cosmopolitanism and deontology. If I were to choose my favorite theory to build my argument, I would choose deontology as it is one of the few theories that considers every individual and not the population as a whole, for in my opinion individualism should be part of the human rights as every person counts only for himself and should not be sacrificed for the benefit of others and the theories supporting only the opinions and happiness of the majority should not be considered morally ethical. For a cosmopolitan, even though not doing harm is a primary duty for himself, helping is like a charity work for him, it is not a strong obligation.

Consequently, according to all these four theories not harming is a duty, on the other hand, helping people is not an obligation for the humanity. However, there is a bigger picture.

There is no obligation for a state to accept immigrants, because only not doing harm is a state's obligation, however; the reason why the immigrants want to go may be because of the harm inflicted by these countries in the past. Easiest and most obvious example can be given from slavery or exportation concepts. In the past, some countries used and exploited another one for their benefits which set the oppressed country's economy and well-being into regression thus resulting into a bad economical state which is one of the most common reasons for immigration. So, I side with cosmopolitanism and deontology instead of nationalism and utilitarianism even in the absence of a specific support on immigration as, at least, it does not make it moral for countries to oppose to the issue.

Historical Injustice & Immigration

Citizens of a country might be facing poverty and to survive, they may have to move to another country. The reason of the poverty may be owing to lack of resources and technology which also leads to no job opportunities, education, and health problems. I find all these reasons interrelated. For example, when there is lack of job opportunities in a country due to the lack of resources, that might have been exploited by other states in the past or the country might be poor of resources by nature, so citizens are expected to work in service industry, but service industry requires technology or natural resources to run a factory and there are so many countries in the world that do not have these raw materials. Relatedly, these situations cause health

problems which can be life risking such running out of clean water or inability to find basic medical drugs. In these kinds of situations, the government itself and the citizens of it get poorer every single day, and at some point, they must migrate to another country for the continuation of the next generation.

Looking at the historical injustice again, countries can have poverty problems right now because of the colonialization in the past. When colonialist states abuse another country for their benefits, it is highly possible that the damaged country would have to live under narrow circumstances for years. Both consequentialist and non-consequentialist theories would find it just to accept immigrants in these situations. Moreover, although a state does not struggle with poverty, the citizens of the country would still want to migrate. Citizens would just leave their own country for better life conditions, better job opportunities or better education systems, mentioned before, then the response the consequentialist and anti-consequentialist would give would be different. However, what I want to focus on is that there are countries in need and their citizens want to migrate to the other countries because of urgent or non-urgent reasons and if there is any relation coming from the historical damage, then, both consequentialist and anti-consequentialist theories must accept those immigrants because it be a reparation for the historical injustice. If people want to migrate to the countries that harmed them in the past, and these victim countries still rely on them economically, then then the wrongdoing states do not have any option except accepting them.

In addition, when colonizing countries were exploiting other weak states, they did not just use their natural resources for their benefit but also, they integrated their culture and language in the countries harmed. Consequently, when the people of the state, that was harmed years ago, want to move to the countries, that did the damage, they have less excuses not to accept them because people would adapt to the countries easily since they are familiar with the culture and know the language. Collste also support my point by stating that “immigrants from former colonies who share a language and culture with the receiving nation will not pose this alleged threat” (2015). The United Kingdom’s colonization in India caused both physical and ethical damage while integrating their own culture. In the current world, the countries that were colonized by the United Kingdom use English as their official language. Pakistan and India can be given as most famous examples here. So, when Indian citizens want to immigrate to the United Kingdom, because of the historical damage, the United Kingdom has a historical responsibility to accept them and it already accepted some of them.

My point is that if some states exploited other people to maximize their benefit in the past, and used violence to do it, there should be a compensation for these damages even if the reparation takes place after many years and accepting these damaging countries' citizen as migrants can be one of the best ways of compensation.

Another objection can be given here, why is accepting immigrants the best way to compensate and if the compensation is necessary for all damaged people, should wrongdoing countries accept the whole population? Although this objection looks like sound because it may not be possible for the countries to accept whole population of damaged country to repair the historical injustice, I found this challenge tricky. Technically, all of them need compensation, and if it is necessary, they must accept them all. Although, I do not think that countries would face these kinds of problems, the generous immigration policy is one of the main current issues especially in the Europe, and I support that countries should be generous about accepting immigrants to rectify the historical injustice. Although, the countries cannot accept the whole damaged country, being generous about immigration policy would indirectly help the people who could not migrate. When immigrants move to Europe to work, they also send money to the relatives living under poor conditions in their home country, and it be financial repairment of historical injustice, poverty. For example, according to different estimations, remittances from Algerian workers in France in the 1960s enabled between 1.25 and 2 million Algerians to subsist (Naylor, 2000).

Another challenge which is related to brain drain is raised by Göran Collste that "if a generous immigration policy means that they lose many educated citizens, it looks more like a continuation of the old colonial regime than a means of compensation for former exploitation" (Collste, 2015) and this objection is also supported by Brock, highly educated professionals as well as workers in the most active phase of their lives leave their poor home country to work in a developed nation is detrimental to development (Brock, 2009).

To answer this objection, I want to take the attention to the reasons of the brain drain. Most of the educated people are leaving their home country because of war and staying means they are putting their survival to risk. In these cases, I argue that it is not a true brain drain if these educated people are to be killed in their own country which would be a drain for humanity on top of that of their country but allowing them to migrate somewhere where they would be safe would diminish these consequences. As a result, brain drain should not be considered a bad part of migration since those educated people are humans too and have a right to live.

However, this response may not make people satisfied because there are many brain drain cases without any survival risk. In this scenario, I still support my

argument because to talk about brain drain as a compensation for former exploitation, numbers should be checked. Exploitation can be a case if a great number of people leaves their countries as brain drain, and it is a rare situation. In addition, exploitation takes place by force, on the other hand, educated people lives their country voluntarily. However, I must admit that people are right to see it as a former exploitation since compensation can be abused easily. Here, I can suggest that to prevent using educated people as doing compensation, there can be a lottery to accept immigrants. With this lottery, which is like Green Card, not only talented people but also others can be accepted as immigrants, relatedly, the former exploitation and discrimination would not be a case anymore.

Consequently, what I want to explain in my thesis was that compensation is needed for the past wrongdoings to make the harmed people better off. Although it is said a lot that compensation may make the current generation of the defacers worst off, it is not the significant point. The main purpose to do reparation is to make sufferers live under better conditions.

In conclusion, immigration should be considered a mean of reparation from countries with an exploitative history to the countries having been exploited. After analyzing the purpose and charters of the United Nations in addition to philosophical theories, it becomes clear that there is ground for support of facilitated immigration policies. Mentioned that after the World War II, Germany tried to compensate about its wrongdoings by paying in construction when it did not have the resources to pay otherwise. Now it is the term of other countries to follow this example and redeem the deeds of their ancestors, accept that they should carry a part of the responsibility for the poor conditions most of their ex-colonies are nowadays.

Regarding problems that immigrations is bound to bring to the developed countries, it is true that it will not be easy to deal with, but not impossible. According to Miller, immigration will endanger the preservation of the national language of the receiving nation and pose a threat to things people value like “its public and religious buildings, the way its towns and villages are laid out” (Miller, 2005: 39; see also Walzer, 1983:39). Yet often it is the immigrants who embrace the culture and language of the country the immigrate to instead of the vice versa not to mention that what it is talked about here is the immigrants from countries that were once colonized and are therefore familiar with the culture and the language of the hosting country. Also, diversities are what make people better so living together with other nationalities.

In addition, reparations are to be considered a moral and social obligations. Taking responsibility by just acknowledging the harm inflicted does not make the lives of the those involved and suffering any better. Immigration on the other hand is

showing regret by actions. Thus, doing something to improve those lives. Last but not least, I think all human beings should be granted the possibility to live to their full potential and ask for better living conditions and it is the humanitarian duty of these who are better off, to aid in making this process easier.

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