The Ethics of Development-induced Displacement

Peter Penz

Abstract

This concluding piece on the ethics of development-induced displacement notes how all of the preceding articles find the displacement of people by development policies and projects morally objectionable and that it should be prevented. The question of why it is morally objectionable, how states attempt to justify it nevertheless, and how acceptable such justifications are, is addressed in some detail. This is a discussion that falls into the terrain of the new field of development ethics. Development’s promise to reduce poverty and inequality have been used to justify large projects and disruptive policies. In assessing these justifications, three lines of ethical argument are explored, one in terms of the public interest, a second in terms of self-determination, and third in terms of distributive justice. The conclusion is that, while forced migration cannot be categorically declared unjustifiable, the conditions that must be met for its justifiability are considerable.

Displacement and Development Ethics

The implication of the preceding articles is that the displacement of people by development policies and projects is morally objectionable and that it should be prevented. In this short article I will address the question of why it is morally objectionable, how states attempt to justify it nevertheless, and how acceptable such justifications are. It falls into the terrain of the new field of development ethics.¹

But first a prior question: why engage in complex ethical analysis of an issue such as development-induced displacement in the first place? This question arises from two diametrically opposed orientations. One argues that economic advancement has always meant that the landscape of production and distribution is changed and people are often forced to move as a result. It is claimed that people need to learn to adjust (and, perhaps, that they be helped to adjust). Displacement has been ubiquitous in industrial development, whether capitalist or socialist. In fact, it reflects mobility and as such is the opposite to immobility, being trapped in a particular place. Mobility is desirable, immobility is not. The former indicates freedom, the latter its lack. In any case, as long as development serves the public interest, there is no larger ethical issue involved. This position represents a form of developmentalism that is morally simplistic in that it treats only the ends of development as involving moral judgments, but not the means. It will be addressed further under the public-interest argument below. The other orientation that would short-circuit an ethical analysis is the opposite to the first. It is no less simplistic morally. According to this perspective, displacement is ethically unacceptable, pure and simple, and so are any development projects and policies that lead to it. But this line of argument second ignores the justifications that can and have been offered for development-induced displacement. Simplistic moralism, whether pro- or anti-development, is objectionable. Both the means of development and their justifications require ethical scrutiny.

Displacement as Evil

The initial moral significance of displacement resides in its very definition. To displace people means to force them to leave their home, village, town, region or country. To the extent that coercion is morally objectionable, displacement is too. Moreover, displacing people usually involves harming them. They lose their land, their livelihoods, their social networks and the cultural patterns contained in them, the environment for which they have accumulated experience and knowledge and to which they are attached, to mention just the most basic losses. Thus, apart from the moral objection to coercion, there is the further objection to harming people in ways other than contravening their wishes and commitments. Whether various kinds of compensation (including assistance with becoming reestablished

Peter Penz is Associate Professor, Faculty of Environmental Studies, York University, Toronto.
in a suitable alternative location) can offset the harm then becomes a crucial question.

Migration forced by development places responsibility on the shoulders of those taking the development initiatives. If development is an unguided process, one driven by a national or global system that is beyond the control of any identifiable human agency, then of course there is no such responsibility. However, choices with respect to development are made. The economy is not an impersonal machine. While there may be structural constraints on decision-makers, they still have choices such as whether to protect the land rights of forest-dwellers in the face of logging interests or whether to support a system of many small dams that have limited displacement as opposed to one of a few big dams with extensive displacement.

Given that there is moral responsibility for development decisions with displacement effects, this in itself does not mean that development choices that dislocate people are necessarily immoral. Even if it is recognized that displacement is bad because it involves harm or coercion, it is possible that it is a justifiable evil when considered within the larger picture. In particular, the question arises of whether the good that development does can morally outweigh its bad consequences, including uprooting people.

My brief exploration of this question will involve three stages. I will consider, in turn, arguments in terms of the public interest, liberty, property rights, and community autonomy, and equal sharing. My conclusion will be that, while not all displacement due to development can be ruled out as morally unjustifiable, such justification and the social provisions that satisfy it have to go beyond the public interest and compensation for losses.

The Public Interest

Much economic development is justified in terms of the public interest. From this public-interest perspective, as long as the overall well-being of people is increased, even development projects that have the unfortunate effect of uprooting some people should be pursued (unless there are alternative projects that would provide even higher net benefits, in which case these should be adopted instead). This moral stance is in fact operationalized in cost-benefit analysis, which is the standard method of evaluating development projects. To be satisfactory on its own terms, this approach must include displacement effects as costs. These include the loss of land, homes, fields, and transportation and other infrastructure that may be involved, the disruption of livelihoods and communities, the separation from culturally significant places, and the cost for people to reestablish themselves elsewhere. Cost-benefit analysis is supposed to convert all this into a single dimension of commensurability, specifically money. Theoretically, this is to be done by people's individual valuation in money terms. Thus the losses involved in leaving a community are to be evaluated by determining what individuals would need in terms of compensation in order to accept leaving the community. Of course, implicit in this assessment are the alternatives available to them. The thrust of this approach is that all costs and benefits are to be taken into account in determining the overall net benefits of a project or policy. It will be in the public interest if it generates net benefits and if there is no alternative option with higher net benefits.

There are several problems with this approach:

(a) The concept of the public interest may be employed to subordinate the interests of people to some alleged larger good, such as the interests of the state, or to subordinate people's own notions of their interests to some attributed ideal notion.

(b) Even when the public interest is conceived as the aggregate of the interests of the people as individuals, it is prone to being subverted by the actual practice of development.

(c) Most crucial for this discussion is that the idea of the public interest neglects distributive considerations.

(a) The notion of the public interest lends itself to very different interpretations. Some conceptions subordinate the interests of people to some larger good. Instead of consisting of the aggregate of interests of the population, the public interest may be deemed to be the well-being of some overarching entity. For example, the unity and security of the state may be treated as the most basic aim. Thus, in Indonesia and Bangladesh tribal peoples in frontier areas (e.g., Western New Guinea and the Chittagong Hill Tracts, respectively) have been viewed with suspicion and development has been brought to these areas partly as a way of settling loyal populations from the national heartland there. This led to extensive suffering as well as conflict. Especially as customary land occupancy often lacked legal backing, conflicts over land led to violent confrontation and large-scale displacement due to development-induced conflict, with subsequent large-scale deaths and refugee flows (Penz 1993). Even if the public interest consists of the interests of people, it may be conceived without reference to their own notion of what is in their best interest. The public interest may be regarded as the "development" of people in a particular direction, such as becoming "civilized". Thus, even post-colonial states have pursued the development of marginal groups out of their "backwardness" as something desirable in itself (Bodley 1990, ch. 8). Such moral paternalism smacks of old-style colonialism and is objectionable in that it denies moral agency to such marginal groups.

(b) Even when the public interest is clearly recognized as consisting of the interests of people, much development violates it in practice. The politics of development are crucial here. Development is often little more than a struggle between various sections of the national elite over economic opportunities. In some cases there is not so much an extractive struggle as a systematically organized regime of ex-

Refuge, Vol. 16, No. 3 (August 1997)
ploitation; thus Philip Howard re-
ferred in his article to a kleptocratic
regime (rule by thieves) in Haiti under
the Duvaliers. In either case, what is
involved is the self-interested use of
power. A dam, an irrigation project or
tree plantation may not serve the
public interest at all, regardless of how
the public interest may be conceptual-
ized, but merely sectional interests. Or
it is chosen because it contributes to
state revenues rather than in accord-
ance with any reasonably comprehen-
sive conception of the public interest.
Even if there is a commitment to a pub-
lic interest approach, development
politics mean that certain interests
have greater political recognition than
others. Forest-dwellers and other mar-
ginal groups are likely to be rather in-
visible politically and to have their
interests ignored in any public-inter-
est assessment. Moreover, even in a
systematic cost-benefit analysis, some
things are difficult to quantify, and
such difficulties are liable to lead to
their neglect. Anything not somehow
obtained, with reasonable ease, from
market prices, which the theory takes
to reflect individual valuations, in-
volves such difficulties. For that rea-
son, social, cultural and environmental
losses are prone to neglect. In general,
to claim that all development serves
the public interest would be a heroic
assumption, to say the least.
(c) Most striking is the neglect of dis-
tributive considerations in a pure pub-
lic-interest perspective. It is only
overall net benefits that determine the
public interest, not how these are dis-
tributed. It is thus possible to approve
of a project in the name of the public
interest, even though many people are
harmed, as long as this harm is out-
weighed by the gains to the country.
Yet it stands in violation of any reason-
able notion of social justice. One posi-
tion is that all those affected should not
only have all their losses assessed, as
part of a public-interest calculation of
aggregate net benefits, but should be
compensated for them, so that they are
not harmed by the development ac-
tion. The entitlement to compensation
and, more fundamentally, the entitle-
ment to consent to development im-
pacts, including displacement, and to
refuse such consent is the focus of the
next perspective.

Freedom, Property, and Self-
Determination
According to the libertarian perspec-
tive, what makes displacement objec-
tionable is the violation of freedom that
is involved. Freedom and the right to
property without interference that goes
with it are the central values of this
perspective. The legitimate basis
of change is exchange, so that the only
moral way that a dam can be built for a
reservoir in a populated valley is to
have the valley inhabitants accept of-
fers of remuneration or other forms of
compensation (e.g., land or employ-
ment elsewhere). No one can be forced
out without violating the central moral
principle of liberty.

Although libertarianism articulates
the principle of liberty strictly in refer-
ce to individuals, a communal or
"communitarian" version of it is possi-
ble as well. In this case, it is communi-
ties that have the fundamental right to
be self-determining and to be free from
correction from the outside. While
within communities public-interest ac-
tions may be taken, the public-inter-
est morality does not apply to relations
with other communities, the country
or the world as a whole. (Part of the
rationale for this position may be that
only communities are sources of val-
ues and thus cannot be subordinated
to any supervening value system.)

Whether in relation to individuals
or to communities, particular viola-
tions of self-determination can be justi-
fied only if it is to prevent other, more
serious violations, such as by an invad-
ing outside force. In general, it means
that displacement as forced migration
is immoral; only negotiated voluntary
migration is justifiable.

This position, especially in its com-
munal form, has much to be said for it.
In practical terms, it means that de-
velopment projects have to be negotiated
with the affected communities. In fact,
development becomes much more com-
unity-governed under this self-
determination perspective. The latter
requires a fundamental reorientation
from the current top-down and busi-
ness-privileging approach to develop-
ment.

Nevertheless, this position is prob-
lematic. Persuasive critiques come
both from the public-interest perspec-
tive and from the equal-sharing per-
spective that we still have to consider.
From the public-interest perspective,
the first point to be made is that the
concept of self-determination or
liberty employed is a particular and
very limited one. Specifically, it is a
negative conception in that it is con-
cerned with freedom from interference
by others, rather than the freedom and
capacity to choose and pursue certain
options. The latter is a positive concep-
tion of self-determination or liberty.
This raises public-interest considera-
tions in that the lack of development
can be seen to constitute a lack of posi-
tive self-determination. Individuals
and communities cannot do certain
things because of their poverty, limited
resources or restricted technologies or
skills. Thus, building dams to irrigate
fields and provide electricity to vil-
lages and rural industries may en-
harmonic self-determination in improving
the range of options available to peo-
ple and communities. In fact, the
negative self-determination not to be
placed may stand in tension with the
positive self-determination of ex-
panding the range of activities that
become possible. This then becomes a
similar trade-off as that involved in
cost-benefit analysis.

A second criticism of the self-deter-
mination perspective that comes from
the public-interest perspective is a
very practical one. Individuals (and
even communities) may refuse to ac-
cept even a very generous offer to
move, not because it would not make
them better off than before, but simply
because, by holding out for extravag-
ant compensation, they can enrich
themselves at the expense of the
project funders, which may be taxpay-
ers. This presumably is a major reason
for the power of eminent domain that
states tend to retain for themselves. To

Refuge, Vol. 16, No. 3 (August 1997)
be fair, such coercive authority needs to be coupled with fair compensation, but the compensation may need to be determined by an independent adjudicator rather than the person or family, because of this opportunity for exploitation of public-interest projects.

From an equal-sharing perspective, the problem is that the very strong protection that libertarianism and analogous communitarianism accord to individuals and communities, respectively, also serves the privileged. With such protection, land redistribution from the big landowners to land tenants or labourers would not be possible. More specifically regarding displacement, self-determination as such has nothing to say about how the benefits from development projects should be shared. One plausible position is to say that those evicted should not only be fully compensated, but that they should receive a generous share of the development benefits of the project for which they had to make way. But such considerations of distributive justice lead us into the next perspective.

Inequalities and Justice

An equal-sharing perspective broadens the question from simply the treatment of those displaced or otherwise harmed to the overall effects, in a manner similar to that of the public-interest perspective. However, instead of focusing on the total of net benefits, the focus is on the distribution of costs and benefits. In fact, it broadens it even further because the pre-existing inequalities are brought into the picture.

An equal-sharing orientation can have different sources in ethical theories. One is that equal sharing is the fundamental moral default option. Since everyone is entitled to equal consideration, the burden of proof falls on those who want to argue for a distributive solution other than equality. Two arguments that are widely offered are those of incentives and those of property rights. The incentives argument is a kind of public-interest argument in that individuals are to be rewarded for contributing to the public interest. But it raises questions of what constitutes the public interest as well as distributive justice within this public interest. In other words, distributive justice enters into the justification of incentives. One kind of incentive argument (which comes from John Rawls's [1971] contractualism) is that incentives should be structured so as to improve the living conditions of the most disadvantaged. Inequalities in that case are justified only by benefiting the poor, e.g. by offering health workers higher rewards for locating in rural communities or by rewarding engineers that develop low-technology innovations. It is a justification of inequalities, but a very constrained one. In general, it works in the direction of reducing inequalities, including by providing incentives to those assisting the poor to improve their conditions.

The other argument against equality is that of the priority of property rights. While the existence of property rights makes life predictable in an important way, creates a sphere of self-determination and also constitutes an incentive to productivity, they cannot be treated as morally absolute. Much property has been inherited, raising questions of moral entitlement to inheritance as well as questions about the legitimate holding of the property by ancestors. In fact, the pervasiveness of injustice in the historical acquisition and transfer of property (with little land, for example, being free from conquest, force and fraud at some point in the historical chain of transfers) makes property rights at most a morally contingent right. To the extent that inherited inequalities undermine equality of opportunity, their moral basis is very much in doubt.

If ethical development is to serve not only the public interest, but also distributive justice in the form of equality of opportunity (in more than a superficial sense), then development-induced displacement must be considered in a broader context. If development initiatives serve to reduce inequalities, for example by providing electricity and irrigation to the poor and inundating the plantations and mansions of the rich, then displacement may not be unjust in the same way as it is when it displaces those who are already disadvantaged. There may be an important question of fairness among the rich (those affected and those not), i.e. "horizontal" as opposed to "vertical" equity, but, as long as this can be sorted out by appropriate transfers among the rich, distributive justice is served rather than violated. Displacement should still be minimized as a matter of the public interest or to minimize coercion or the required rectification of horizontal inequalities, but it should not stop development that makes the distribution more just.

It becomes trickier when the beneficiaries are one group of disadvantaged, e.g. peasants, and the displaced are another group of disadvantaged, e.g. forest-dwellers. In that case, horizontal equity among the disadvantaged becomes crucial. It would certainly be unjust to benefit the peasants because they are part of mainstream society, while uprooting indigenous forest-dwellers who practice a tribal way of life. Not only does distributive justice require that anyone displaced is fully compensated, but that those displaced receive a fair share of the benefits of the development. This is an important point. Development projects that fully compensate those dislocated or otherwise harmed may still violate distributive justice if the benefits are unfairly distributed. It is true that particular development projects are designed to improve the conditions of particular groups so that it may be impossible for a particular project to meet this criterion; but the requirement of the just distribution of benefits can be applied to the overall pattern of development.

Indirect Displacement and Just Development

The discussion so far is most applicable to direct displacement resulting from development. It is then reasonably clear who the displacement victims are and who ought to receive compensation and share in the development benefits. In the case of indirect
displacement, there is no such clarity. When a poor peasant family sells its little plot of land and switches to making a living with insecure day-labour employment, it is not necessarily clear whether this was a result of deliberate development initiatives or a result of processes of economic change beyond the control of development authorities. In such cases, however, it is not inappropriate to treat development in general as a national project, which has its victims, and these victims are then entitled to compensation and a share in the development benefits. But compensation is difficult to determine in such cases and a share in the development benefits is a loose notion at best. What this point, and the preceding one concerning the difficulty of fairly distributing the benefits of particular projects, mean is that those who are left or made poor in the development process and thus prone to displacement are entitled to assistance. A bottom-up approach to development mentioned in the introductory overview to this edition of Refuge would in fact do this.

Conclusion

The self-determination perspective is important in requiring consultation with communities in the design of development projects that will impact them significantly. It requires that the communities' own conception of their interests and their management of their environment be respected. More specifically, it requires that forced migration be avoided and replaced by negotiated resettlement terms, wherever the need for population movements cannot be avoided. But self-determination cannot be asserted in such unqualified terms that development which serves both the public interest and distributive justice is blocked. There are conditions under which development-induced displacement can be justified. But these are strong conditions, including that coercive displacement is as much as possible avoided by negotiated resettlement, is quantitatively minimized, and is fully compensated. Full compensation means recognizing the full range of losses that those dislocated experience. Moreover, the justifying conditions include that the development benefits contribute to reducing poverty and inequality. These conditions have been massively violated not only in the particular displacement processes which have been described in this edition of Refuge, but typically also in the globally ubiquitous pattern of development-induced displacement.

Notes

1. This field is represented by the International Development Ethics Association. Inquiries concerning this organization can be directed to Prof. David A. Crocker, Institute for Philosophy and Public Policy, 3111 Van Munching Bldg., University of Maryland, College Park, MD 20742, USA. Email: dncrocker@quailmail.umd.edu

2. This classification is a slight elaboration of the very basic framework I employed in Penz 1997, which confined itself to the no-harm and equal-sharing perspectives in the treatment of international environmental justice. The one employed in this article roughly corresponds to three of the perspectives on social justice in standard classifications in political philosophy, namely utilitarianism, libertarianism, and egalitarianism. Another perspective, that of contractarianism, is an amalgam of these three. Communitarianism can take a variety of forms; I will discuss one form in connection with libertarianism. For such classifications and explanations of the perspectives contained in them see e.g. Smith 1984, chapters 4 and 5; and Sterba 1992. For a more elaborate classification specifically of perspectives in development ethics, see Penz 1991.

3. There is a problem in cost-benefit analysis in that valuations by individuals are determined by their wealth levels, but this is more of a distributive issue of concern to the equal-sharing perspective introduced below than to the public-interest perspective. For a fuller discussion of cost-benefit analysis from an ethical perspective, see e.g. Wenz 1988, chapter on cost-benefit analysis.

4. In Penz 1992, I argue for an equal-sharing perspective even with respect to the land of indigenous peoples, but introduce important caveats that normally rule out the redistribution of frontier land from tribal peoples to colonizing landless peasants.

References


Legitimate and Illegitimate

Discrimination: New Issues in Migration

Edited by Howard Adelman


287 pp., indexed. $22.95

Freedom of movement: If the members of a state are forced to flee, the legitimacy of that government is questionable. On the other hand, if members cannot or must leave, again the government is not democratically legitimate.

Immigration control: While limiting access and determining who may or may not become members of a sovereign state remains a legitimate prerogative of the state, the criteria, rules and processes for doing so must be compatible with its character as a democratic state.

Legitimate and Illegitimate Discrimination: New Issues in Migration, edited by Professor Howard Adelman, deals with the question of legitimacy with cases studies from the Developing World, Europe, Australia, the United States, and Canada.

CONTRIBUTORS:

Available from:
Centre for Refugee Studies
Tel.: (416) 736–5843
Fax: (416) 736–5837
Email: refuge@yorku.ca
From Being Uprooted to Surviving:
Resettlement of Vietnamese-Chinese "Boat People" in Montreal, 1980-1990
By Lawrence Lam
Toronto: York Lanes Press
ISBN 1-55014-296-8
200 pages, indexed; $18.95

The saga of the "boat people" is a dramatic story, a story of one of the largest refugee movements in recent years. Canada played a significant role in the resettlement of these refugees in bringing them to Canada where they could start anew. From Being Uprooted to Surviving by Professor Lam, is based on ethnographic data of a sample of Vietnamese-Chinese accepted for resettlement in Montreal in 1979 and 1980, who were interviewed again in 1984--85 and in 1990-91, this book provides a longitudinal account of their experience of resettlement in Canada. This experience has been marked by successive stages of their struggle to overcome structural barriers and to negotiate, a meaningful niche in Canada.


Back Issues of Refuge
The following is a list of general and thematic issues of Refuge-Canada's periodical on refugees.


Single copy: Vol 12, 13 & 14—$6.50; Vol 15—$10. 10 percent discount on 3-9 issues (copies); 20 percent discount on 10 issues (copies) or more. Special discounts are available for students and exclusively volunteer-run NGOs. P.O. accepted. Please send your orders to:
Centre for Refugee Studies, York University
Suite 333, York Lanes, 4700 Keele Street
North York, Ontario, M3J IP3, Canada
Fax: (416) 736-5837 Email: refuge@yorku.ca

© Peter Pense, 1997. This open-access work is licensed under a Creative Commons Attribution-NonCommercial 4.0 International License, which permits use, reproduction and distribution in any medium for non-commercial purposes, provided the original author(s) are credited and the original publication in Refuge—Canada’s Journal on Refugees is cited.
CALL FOR PAPERS

REFUGEE IDENTITY IN
RESSETLEMENT COUNTRIES

The Centre for Refugee Studies will soon publish a special issue of Refuge on "Refugee Identity in Resettlement Countries." The issue will address topics such as:

- Gender and refugee identity
- Processing refugees and identity
- Identity (re)formation among refugees
- Immigration and identity
- Civic identity and civic participation among refugees in resettlement countries

Contributions with abstracts are invited. They must be received by October 31, 1997.

Papers should be typed, double-spaced, and referenced in proper academic form. They should not exceed 16 pages or about 4000 words. Short papers of about 900 words are also welcomed. Word-processed submissions may be sent on disc or by email.

Les rédacteurs accepteront aussi des articles en français. Les articles doivent être conformes aux normes édictées pour les articles rédigés en anglais.


For further details, please contact:

Rob Kennedy
Guest Editor, Refuge
Centre for Refugee Studies, York University
Suite 322, York Lanes
North York, Ontario, Canada M3J 1P3
Tel: 416-736-5663
Fax: 416-736-5837
Email: refuge@yorku.ca

© Peter Penz, 1997. This open-access work is licensed under a Creative Commons Attribution-NonCommercial 4.0 International License, which permits use, reproduction and distribution in any medium for non-commercial purposes, provided the original author(s) are credited and the original publication in Refuge: Canada’s Journal on Refugees is cited.