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Is a Generous Immigration Policy a Way to Rectify for Colonial Injustices?

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Abstract

Migration from former colonies to former colonial powers represents a large part of the 20th century migration. The question discussed in this article is if a generous immigration policy on behalf of persons from former colonies is an appropriate means for the European nations and former colonial powers to compensate for colonial injustices.

Keywords: rectificatory justice, compensation, immigration, culture, remittances, brain drain

Introduction

Migration from former colonies to former colonial powers represents a large part of the 20th century migration. This migration has been facilitated by generous laws regarding immigration and citizenship. For example, before 1949, every person born in the British Empire was according to common law a British subject and Commonwealth citizen. As a consequence many Indians, Pakistanis and people from the Caribbean immigrated to the United Kingdom. In spite of more restrictive immigration acts intended to limit the number of immigrants, the total number of Commonwealth immigrants to the United Kingdom is estimated to 2.5 million from 1962 until 2011.¹

Immigration to France shows a similar picture. All in all in 2005 France had almost 5 million immigrants, i.e. people born outside of France. About 1/3 of the total foreign born immigrants in France come from the former colonies Algeria and Morocco and approximately 6% of the French population consist of people of Maghreb origin. Similar to Britain, even France provided the citizens from its colonies privileged immigration status. For example the Evian Accords regulating the relations between France and Algeria after Algeria's independence stated a "freedom of movement" between the two countries.² Likewise, post-war immigration to the Netherlands consisted mainly of immigrants from former colonies, not least Moluccans who were provided residence when they were refused to form their own state by Indonesia.³

More recently, anti-immigration sentiments have grown in Europe, including former colonial powers like Britain, the Netherlands, Belgium and France. A relatively open immigration policy towards former colonies has changed to restrictive immigration laws. Should immigration laws be strict or generous? Should Europe opt for welcoming a substantial number of asylum seekers and other immigrants or close its borders? Today, immigration is a much discussed issue and there are many arguments raised in the debate for and against generous immigration laws. This article is limited to discuss one argument that is not very common in the debate, namely that a generous immigration policy is a way for former colonial powers to rectify for colonial injustices.⁴

Let me begin with the following parable:

Assume that I live a life in prosperity and welfare. My next door neighbour, on the other hand, lives in poverty and misery. Let us also assume that many years ago my grandparents invaded the land of my present neighbour's grandparents and our present difference in welfare is related to this historical fact. Then, it seems that my neighbour with good reasons could demand to enter my house and benefit from my wealth, and thus, that I have a moral obligation to compensate my neighbour. And this obligation is generated by the acts of my forefathers.

The parable illustrates – indeed controversially – how the "global village" that we now inhabit came about. "Colonialism is a practice of domination, which involves the subjugation of one people to another", according to Stanford Encyclopaedia of Philosophy.⁵ Colonialism,

¹ http://en.wikipedia.org/wiki/Immigration_to_the_United_Kingdom_since_1922, viewed on 29.10.2012.

² Phillip Chiviges Naylor, France and Algeria. A History of Decolonization and Transformation, Gainesville 2000, pp. 65, 83-84.

³ Focus Migration, <http://focus-migration.hwwi.de/The-Netherlands.2644.0.html?&L=1>, <http://focus-migration.hwwi.de/France.1231.0.html?&L=1>, viewed on 29.10.2012.

⁴ Aristotle distinguishes between *distributive* and *rectificatory* justice. Distributive justice focuses on distribution of scarce resources and goods. Rectificatory or corrective on the other hand is backward-looking and focuses on correction for past deeds. It is in Aristotle's sense that I use rectification in this article. Aristotle, *The Nichomachean Ethics*, Book V:4, Oxford 1980.

⁵ Stanford Encyclopedia of Philosophy, "Colonialism", <http://plato.stanford.edu/>, viewed on 17.05.2012.

and in particular its later stage imperialism,⁶ implied subjugation and exploitation of colonized peoples as well as violations of democracy and human rights. In some countries, like Uganda and Malaysia, the imperial reign was mild, while in others like Congo and South West Africa the natives were harmed in most ways we can think of. They were discriminated, killed, tortured, and used as forced labour. Their land and their cultural artefacts were taken away from them. Thus, colonialism implied in different ways that injustice was done to the colonies and there is a pending need for rectification.⁷

What then does rectification require? In line with recent discussions on historical justice I will stipulate the following requirements for rectification for past wrongs⁸

1. acknowledgment of past wrongs on the side of the victimizer,
2. that something of value is offered the former victim as compensation, and
3. that the motive behind the offer is to apologize.

How then are past wrongs compensated? What could the former colonial powers offer? There are a number of possible options; from official excuses to writing off debts of former colonies, development aid, and favourable trade rules just to mention a few examples. Hence, there are various possible ways to compensate and the question posed in this article is whether a generous immigration policy on behalf of persons from former colonies is a feasible option. I will leave aside the first and the third requirements for rectification and focus on the second: compensation. I will also leave aside other controversial issues related to the question of historical rectification, like the time-limit for historical redress, if claims of rectification can be inherited, etc.⁹

Is a generous immigration policy feasible as compensation for colonial injustices?

Why, then, would a generous immigration policy be an appropriate way for former colonial powers to compensate for past wrongs? In this part of the article I will discuss arguments for and against generous immigration laws as a possible way to compensate for colonial injustices.

First, a generous immigration policy for immigrants from former colonies would imply a symmetrical means for rectification. While colonialism, at least in a number of cases, implied migration of Europeans to the colonies (Rhodesia, Kenya, South West Africa, Algeria, etc.), migration in the opposite direction is an appropriate way to rectify. Europeans who migrated to the colonies benefitted from the resources of the colony in the first place and the present

⁶ There are multiple definitions of the term “imperialism”. In this context I refer to the period of colonialism that started around 1860 and lasted till the independence of the colonies, and continued indeed even after their independence, see Andrew Porter, *European Imperialism, 1860-1914*, Hampshire-London 1994; Michael Barratt Brown, *After Imperialism*, London 1963.

⁷ See Niall Ferguson, *Empire: The Rise and Demise of the British World Order and the Lessons for Global Power*, New York 2004; Jeremy Sarkin-Hughes, *Germany’s genocide of the Herero: Kaiser Wilhelm II, his general, his settlers, his soldiers*, Cape Town 2011; Gardner Thompson, *Governing Uganda. British Colonial Rule and its Legacy*, Kampala 2003; Adam Hochschild, *King Leopold’s Ghost, A story of greed, terror, and heroism in colonial Africa*, Boston 1999.

⁸ See for example Renee Hill, “Compensatory Justice: Over Time and Between Groups”, in: *The Journal of Political Philosophy*, 10 (4/2002), pp. 392-415; Janna Thompson, *Taking Responsibility for the Past, Reparation and Historical Justice*, Cambridge 2002; John C. Torpey, *Politics and the Past. On repairing historical injustices*, Lanham 2003.

⁹ In Göran Collste, “«... restoring the dignity of the victims. » Is Global Rectificatory Justice Feasible?”, in *Ethics and Global Politics*, 2/2010. I elaborate an argument for the need for rectification after colonialism.

immigrants from former colonies to Europe can benefit from the welfare of the nowadays affluent European nations.

An obvious problem with this argument is that if it is taken literally, it implies that citizens from former colonies who did not receive many immigrants from Europe, like Uganda and Sudan, would be discriminated against. If the aim of generous immigration laws is to rectify for historical wrongs, then the fact that many Europeans migrated to a particular colony seems to be arbitrary and irrelevant. Instead, it is the anguish of colonization that is the decisive reason for rectification.

Second, during colonialism different kinds of links between colonizer and colonized were established which are beneficial for present day immigration. Colonized peoples were often culturally influenced – or perhaps better, dominated – by the colonial power and they adopted its language and religion. In comparison to immigrants from nations who lack historical bonds, the cultural commonalities established during colonialism facilitate for immigrants from a former colony to assimilate in a former colonial nation like the United Kingdom or France. This fact also undermines a frequent communitarian argument against immigration. For example David Miller argues that liberal democracies have reasons to limit immigration in order to preserve and defend their “public culture”. 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...”.¹⁰ Now, immigrants from former colonies who share language and culture with the receiving nation will not pose this assumed threat of immigration. Thus, Miller’s argument is of less relevance for immigrants from former colonies who are familiar with the culture and master the language.

An argument for seeing a generous immigration policy as an appropriate way to compensate for past wrongs is that emigration is valuable for the former colony. Remittances from immigrants to their home countries are welcome financial contributions to people in the homeland who often live in poverty. For example, according to different estimation remittances from Algerian workers in France enabled in the 1960s between 1.25 and 2 million Algerians to subsist.¹¹ The volume of remittances is expanding. In 2004, the World Bank estimated that the annual value of transferred remittances was about

\$150 billion which was three times the value of the development assistance provided to low-income nations, and remittances “...now play an essential role in sustaining national and local economies”, the UN Global Commission on International Migration reports.¹² However, even if remittances are welcome and much needed contributions to people living in developing countries, they have so far had a minor long-term impact on the economic situation of developing countries. Only about 10% of the remittances go to savings or investments and remittances are an integral part of a global structure characterised by inequality and dependency.¹³ Hence, although remittances are alleviating poverty in the short term, the consequences for long term economic development in a former colony may even be counterproductive. Therefore, to see remittances from immigrants to their home countries as a way for colonial powers to compensate for colonial wrongs is unconvincing.

The flip side of a generous immigration policy and increased migration from a former colony to Europe is the exit of the best educated work force from the developing nations,

¹⁰ David Miller, “Immigration: The Case for Limits”, in: Andrew Cohen, Heath Wellman (eds.), *Contemporary Debates in Applied Ethics*, Wiley 2005, pp. 200-201; see also Michael Walzer, *Spheres of Justice*, New York 1983, p. 39.

¹¹ P. C. Naylor, *France and Algeria*, p. 65.

¹² Migration in an Interconnected World. Report of the Global Commission on International Migration 2005, <http://www.unhcr.org/refworld/publisher/GCIM.html>. p. 26, viewed on 17.05.2012.

¹³ Ibidem.

the so called “brain drain”. The developing nation has invested in the education of these emigrants but will not gain from their work. Instead they move to a developed nation to practice their profession. This implies e.g. that nurses and doctors from developing nations so much needed at home are employed in developed nations. The Global Commission on International Migration provides some striking figures; from 2000 to 2004 16,000 African nurses registered to work in the United Kingdom alone and only 50 out of 600 doctors trained in Zambia since its independence are still working in their homeland, and of 1200 physicians trained in Zimbabwe only 360 were still practicing there in 2001.¹⁴ The fact that 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.¹⁵ Thus, generous immigration laws in Europe seem to be a mixed blessing for the former colonies. From their point of view, if a generous immigration policy implies that they lose many educated citizens, it might rather look like a continuation of the old colonial regime than a means of compensation for former exploitation.

A common argument for closed borders is that the citizens of a nation contributed to the formation and development of their nation and as a consequence they have the rights to the results of their efforts.¹⁶ This is an argument for closed borders but not against a generous immigration policy as a means for compensation. Quite the opposite; if the argument is valid it would be a sacrifice to open the borders for immigrants. This sacrifice could be motivated by a duty to compensate for past wrongs.

However, from the viewpoint of colonial history the premise of the argument is unconvincing. Can creation of a nation’s wealth solely be explained by the contributions of its own citizens? First, it seems that arbitrary circumstances like access to natural resources and historical conditions, i.e. to use Rawls’s vocabulary, luck in the natural global lottery, might be one factor behind a nation’s prosperity. But in our case more important are the possible economic contributions gained from colonial exploitation. It is a fact that the colonies to some extent, even though economic historians disagree on to what extent, contributed to the creation of wealth in the colonial nations.¹⁷ Given the premise that those who contributed to the wealth of a nation also have a right to the results, and the factual claim that colonialism at least to some extent helped the economic development of the colonial nation, even descendants of former colonized peoples have a right to the results. This is indeed an argument for a generous immigration policy because it implies that the colonized peoples who contributed to the wealth of the colonial nation are entitled to immigrate to get their fair share of this wealth – not as compensation for past wrongs, but rather because they contributed to the wealth of the former colonial nation.

If a generous immigration policy is a means for compensating colonized peoples for past wrongs, this would imply that immigrants from former colonial nations would be given priority to immigrants from other nations. But is this not unfair to immigrants from developing nations that were not colonized? One could argue that it is a matter of luck if you are born in a former colony or not. Why should this luck help you cross the border to a developed nation? This objection to giving priority to immigrants from former colonies is valid *prima facie*. However, it disregards the duty of justice that follows from past wrongs. The relations between on the one hand the former colonial power and its colony, and on the other hand the colonial nations and any other nation are not similar from a moral point of view. While

¹⁴ *Ibidem*, p. 24; Solomon R. Benatar, “An examination of ethical aspects of migration and recruitment of health care professionals from developing countries”, in: *Clinical Ethics*, 02.02.2007.

¹⁵ Gillian Brock, *Global Justice. A Cosmopolitan Account*, Oxford 2009.

¹⁶ Luis Cabrera, *The Practice of Global Citizenship*, Birmingham 2010.

¹⁷ Daron Acemoglu, James Robinson, *Why Nations Fail. The Origins of Power, Prosperity and Poverty*, London 2012.

the former relation has generated a duty of rectification there is a further moral reason for former colonies to give priority to immigrants from a former colony.

Finally, we must raise the question: who benefits from a generous immigration policy? Presuming that the primary recipients of compensation for previous colonial injustices are the previous colonized nations, a generous immigration policy would be the wrong means. First, as we have noticed it would only benefit a minor part of the population of the former colony, i.e. those who are able to leave their home country and their relatives who will receive remittances. More important however, the beneficial consequences for the former colonized nation are highly dubious. A nation cannot prosper if the educated people leave and the poor and uneducated remain. Hence, one should look for other more appropriate means for compensation for the colonial past.

But is not my question, if a generous immigration policy is a way to compensate previous colonies for colonial wrongs, wrongly posed? It assumes that the ethics of migration has something to do with the relation between nations while the real ethical issue is the basic individual rights of migrants, as for example Joseph Carens emphasizes in his critique of Michael Walzer's position that receiving nations have the right to refuse entry to immigrants.¹⁸ The right to migrate is even stated in the Universal Declaration of Human Rights, article 13 (1). However, this objection to my argument is flawed for two reasons. First it fails to recognize that there are instances when a nation's interest could precede individual rights and secondly, that the conflict also can be described as a conflict between individual's rights; on the one hand individual's right to migrate, on the other hand individual's rights to health care and other vital goods.

First, in some exceptional situations the collective interest of a nation could precede individual's rights. For example, if a nation is hit by a natural catastrophe or threatened by a military attack, the government may have to force people to help to relieve victims or enlist in the army even at the expense of some of their individual rights. In a similar way it is at least possible that politicians in a developing nation can consider restrictions of for example emigration of doctors and nurses if that would imply that the citizens would have access to life-saving health care that they otherwise would be deprived of. Hence, it is not unreasonable to raise the question if fulfilling rectificatory justice could imply restrictions of emigration, or for that matter a less generous immigration policy on the side of the receiving nations.¹⁹ It is worth noticing that in the discussion of when national interests collide with migrants' rights the issue are usually the rights of the receiving nations, i.e. mainly the wealthy nations in Europe and North America.²⁰ The interests of the developing nations are rarely discussed.

Secondly, the conflict between the interest of the developing nation and individual migrants can also be seen as a conflict between different individuals' basic rights. On the one side are the rights of the migrants and on the other the rights of individuals who run the risk of being without necessary health care because of emigration of doctors and nurses. The argument that a generous immigration policy could be detrimental to the interest of the former colony implies that migration may violate the basic rights to health care and other primary goods of many individuals living in the former colony.

¹⁸ Joseph H. Carens, "Aliens and Citizens: The Case for Open Borders", in: *The Review of Politics* 49, (2/1987), pp. 251-273.

¹⁹ For a discussion of justification of immigration restrictions see Kieran Oberman, *Can Brain Drain Justify Immigration Restrictions?*, unpublished manuscript http://iisdb.stanford.edu/evnts/5944/Oberman_BrainDrain_20101.pdf viewed on 18.12.2012.

²⁰ M. Walzer, *Spheres of Justice*; D. Miller, "Immigration".

Conclusion

Migration from former colonies to former colonial powers represents a large part of the 20th century migration. The question discussed in this article is if a generous immigration policy on behalf of persons from former colonies is an appropriate means for the European nations and former colonial powers to compensate for colonial injustices.

I have found that there is indeed a valid argument for preferring immigration from former colonies to former colonial nations compared to immigrants from other nations. While the immigrants from former colonies commonly share the culture and language of the receiving nations it would facilitate integration and thus undermine the communitarian argument that a generous immigration policy will lead to cultural clashes. Emigration from developing nations has both positive and negative economic consequence. Immigrants send large amounts of remittances back to their country of origin. However, migration also implies a brain drain from the poor nations to the wealthy. The majority of migrants are people with incentives and education, much needed in their home countries. Besides, remittances tend to preserve a relation of dependency between the former colonial power and the colony. Hence, migration is on the whole a bad affair for developing nations. Then, neither is it an appropriate means for former colonial powers to compensate their former colonies for past injustices. Yet, this conclusion does not exclude the possibility that there are other humanitarian and cosmopolitan reasons for a generous immigration policy.²¹

²¹ See for example J. H. Carens, "Aliens and Citizens" and Seyla Benhabib, *The Rights of Others, Aliens, Residents and Citizens*, Cambridge 2004.