

Report from the Center for

PHILOSOPHY & PUBLIC POLICY

University of Maryland • College Park, Maryland 20742 • Telephone: 301-454-4103

Volume 2, Number 2
Spring 1982

Persecution vs Poverty: Are the Haitians Refugees?

To make its research easily available to a broad audience, the Center for Philosophy and Public Policy publishes a quarterly newsletter: *QQ—Report from the Center for Philosophy and Public Policy*. Named after the abbreviation for “questions,” *QQ* summarizes and supplements Center books and working papers and features other selected work on public policy questions. Articles in *QQ* are intended to advance philosophically informed debate on current policy choices; the views presented are not necessarily those of the Center or its sponsors.

• • •

In this issue:

The U.S. government admits Cuban refugees while excluding Haitians, arguing that the Cubans flee political persecution while the Haitians merely flee poverty. Does this distinction make a difference to our national obligations to accept our share of the world's refugees? p. 1

Ten percent of the world's species are threatened with extinction. Which ones should we save, and why? p. 6

The case against creationism: a philosopher argues that fairness does not require equal time for creation science in the public schools p. 9

Teaching philosophy and public policy: what each field has to offer to the other p. 12

Amartya Sen's new book on famine and poverty is reviewed p. 14

Two Caribbean islands with allegedly repressive regimes; two mass emigrations to the allegedly friendlier shores of the United States. Yet the vast majority of those fleeing Castro's Cuba have been peacefully and successfully settled in their new land, while those fleeing Duvalier's Haiti are intercepted at sea or incarcerated by the thousands in massive detention camps. Of the 125,000 Cubans who emigrated during the “Freedom Flotilla” of 1980, an estimated 98 percent have been admitted to legal resident status in a relatively quiet and orderly fashion. Yet the Immigration and Naturalization Service has launched a campaign to turn back Haitian vessels enroute to Florida and forcibly send away Haitians whose tiny boats survive the 600 miles of open sea. A grudging welcome is extended to the one group but denied to the other. The official reason: the Cubans, but not the Haitians, are recognized as *refugees*.

Who counts as a refugee? The most widely ratified official definition is given by the 1951 Convention Relating to the Status of Refugees: a refugee is one who “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion” is unable or unwilling (because of such well-founded fear) to return to his country of nationality, or, if he has no nationality, to his country of habitual residence.

On the Convention definition, flight from persecution is the only recognized basis of refugee status. This definition has been incorporated into American law with the passage of the Refugee Act of 1980, which also defines refugees as victims of political persecution. The definition was somewhat broadened by the Organization of African Unity's 1969 Convention on Refugees,



The U.S. government grants refugee status to those fleeing political persecution, but not to those fleeing poverty. Thus hundreds of thousands of Cubans have been welcomed in the decades following Castro's revolution, while far poorer Haitians are refused a haven. Photos courtesy National Archives (above) and the Miami Herald (left).

ratified by eighteen nations, which extends refugee status to those fleeing "external aggression, foreign domination, or events seriously disturbing public order." Certainly, many of what have been widely treated as the most pressing refugee problems of the past decade have involved massive dislocations of people who are not simply victims of persecution. But even this broader definition excludes explicitly economic factors as a basis of refugee status. The African definition, and much current practice, looks beyond persecution to the horrors of war and its aftermath, but does not look further to include flight from famine, malnutrition, disease, and extreme poverty. Refugee status is not accorded those who flee intolerable economic conditions. The distinction between political and economic motives serves to draw the line between refugees and other immigrants who cannot plead the refugee's claim of special urgency.

The U.S. government maintains that the Haitians

are victims of poverty, not oppression, that they leave not to escape persecution, but to seek economic advancement. Many Haitians in this country, and many international human rights organizations, disagree, citing evidence of persecution and repression under the Duvalier family's highly authoritarian regime. It is charged that the United States uses a double standard in measuring political repression, according to whether the repression occurs under Communist or non-Communist rule. Is Haiti less politically repressive than Cuba or the Soviet Union? Is the difference great enough to warrant the deafening welcome we give to defecting Eastern Bloc ballerinas or tennis champions and the perfunctory exclusion hearings we schedule for desperate Haitian families?

This question is obviously an important and difficult one. However, the underlying definitional question may matter even more. Suppose that the Haitians be, indeed, merely victims of intense poverty, fleeing the malnutrition, disease, unemployment, and despair endemic to the poorest nation in the Western hemisphere. Should they count as refugees nonetheless? Can the prevailing distinction be given some rational or ethical justification? If not, we need a new standard for judging what haven we should prepare for those who wait upon our shores.

Coercion and Choice

One rationale given for the distinction between (political) refugees and other (economic) migrants is that the former leave involuntarily; the latter leave freely. Refugees are forced or coerced to abandon their homelands, while immigrants leave of their own free

choice, in pursuit of economic betterment. Refugees are said to be "pushed"; migrants, "pulled."

Why should political persecution seem more coercive than economic desperation? One answer might be that persecution involves the deliberate use of force by human beings against other human beings, while poverty and hunger often result from natural circumstances: arid soil, barren resources, drought, flood. Most nations, like most insurance companies, offer no safeguards against "acts of God."

But if coercion requires human interference with one's activities, then many "natural" disasters begin to seem coercive when we consider the role of institutional response in aggravating or mitigating their worst effects. Judith Lichtenberg, Visiting Research Associate at the Center for Philosophy and Public Policy, writes, "Perhaps I would not be starving had there not been a drought—a natural disaster—but given that there is a drought, whether I starve depends partly on arrangements by human beings, ways of structuring institutions, that are alterable. If such arrangements permit starvation, are those who migrate to avoid it forced to leave? Is their flight voluntary?"

See the review of Amartya Sen's Poverty and Famines: An Essay on Entitlement and Deprivation, p. 14

The distinction between voluntary and involuntary is neither sharp nor clear. In any case, as Lichtenberg points out, "The grounds for it do not coincide with the distinction between political and economic motives. One may be pushed just as hard by economic forces as by political ones. The prospect of starvation, whatever its cause, is as irresistible a force for change as the prospect of physical aggression."

Political persecution and economic hardship both admit of degrees. Persecution may range from imprisonment and even execution to relatively minor restrictions on relatively inessential activities. Economic hardship may range from starvation for oneself and one's family to dissatisfaction with a cramped range of options for financial advancement. Lichtenberg concludes, "The relevant contrast is not between refugees, who flee persecution, and migrants, who seek economic advancement, but between those who are forcibly dislocated, whether for political or economic reasons, and those whose departure is more voluntary."

Negative and Positive Rights

A second motivation for distinguishing between political and economic motives for immigration lies in a supposed difference in the underlying rights to which appeal is made. It is widely believed that rights to political freedom take priority over rights to economic well-being. Certainly in the United States political rights

are given the firmest Constitutional guarantees under the Bill of Rights, while economic rights are left to the good graces of Congress to bestow or withhold. Perhaps in the same way the political rights of refugees fleeing persecution take priority over the rights of those who seek economic ends. Just as economic rights are often held to be spurious, so economic immigrants are denied refugee status and its protections.

The priority of political over economic rights is often taken as a specific instance of the priority of negative rights over positive rights generally. Positive rights require other people to act positively—to do something—while negative rights require other people merely to refrain from acting in certain ways. Since positive rights require other people to do more than negative rights do—perhaps more than people *can* do—negative rights, it is argued, should be fully guaranteed first. The fulfillment of positive rights is secondary.

Rights to freedom from political persecution are often considered to be negative rights—rights that others refrain from interfering with one's speech, worship, peaceful assembly, movement, unless due cause is shown for that interference. Economic rights are usually held to be positive rights—rights that the government and its institutions provide for social security, income support, food stamps, subsidized medical care. To respect political rights, on this view, all the government need do is to leave its citizens alone, not to harm or harass them, not to stifle their open expression of dissent, not to ban their newspapers or close their churches. Respect for economic rights places far greater demands on the resources of the state and its citizenry. Thus economic rights, as positive rights, are less important.

Henry Shue, Acting Director of the Center for Philosophy and Public Policy, challenges the claim that political and economic rights can be identified as respectively negative and positive. In *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy*, he points out that the duties corresponding to both political and

Political persecution and economic hardship both admit of degrees: "The relevant contrast is not between refugees, who flee persecution, and migrants, who seek economic advancement, but between those who are forcibly dislocated, whether for political or economic reasons, and those whose departure is more voluntary."

economic rights involve taking positive steps to ensure their protection as well as merely refraining from their violation. "What people want and need," Shue explains, "is the protection of their rights." Unprotected rights are unfortunately worth very little in an insecure world: "In any imperfect society enjoyment of a right will depend to some extent upon protection against those who do not choose not to violate it."

Thus political rights require far more than mere governmental restraint. They involve as well setting in place a complicated and expensive apparatus for upholding and protecting those rights: for example, establishing and financing a judicial system capable of prosecuting and punishing violations. Likewise, while economic rights may entail positive duties on the part of others to provide the essentials for subsistence, often "all that is necessary is to protect the persons whose subsistence is threatened from the individuals and institutions that will otherwise intentionally or unintentionally harm them. . . . The request is not to be supported, but to be allowed to be self-supporting on the basis of one's own hard work." Political and economic rights do not, then, give rise to greater and lesser obligations.

Shue's point is especially telling once political and economic refugees have crossed our borders. Both categories of refugees make the same kinds of claims on our government and its resources: to be allowed to live in political freedom and to work for a minimally decent wage. Both require the same institutional apparatus to admit and resettle them in a nondisruptive manner and to provide them the opportunity to become productive and self-supporting. The original difference in their motives for immigration, if ever it was relevant, is relevant no longer.

Is there any other ground for granting the popular priority of political over economic rights, some ground that does not appeal to the ease or difficulty of their fulfillment? It seems not. According to Shue, economic rights are *basic* rights. By this he means not that they are especially valuable or intrinsically satisfying, but that they are essential to the enjoyment of any other right. "When a right is genuinely basic, any attempt to enjoy any other right by sacrificing the basic right would be quite literally self-defeating." Economic rights to a

minimal level of subsistence are basic in this sense: "No one can fully, if at all, enjoy any right that is supposedly protected by society if he or she lacks the essentials for a reasonably healthy and active life." Indeed, for Shue, at least some political rights seem less basic, on this criterion, than rights to subsistence.

We cannot be justified, then, in welcoming Cuban refugees and deporting Haitian refugees if we do so by appealing to an essential moral difference in the nature of the rights that are at stake in the two cases.

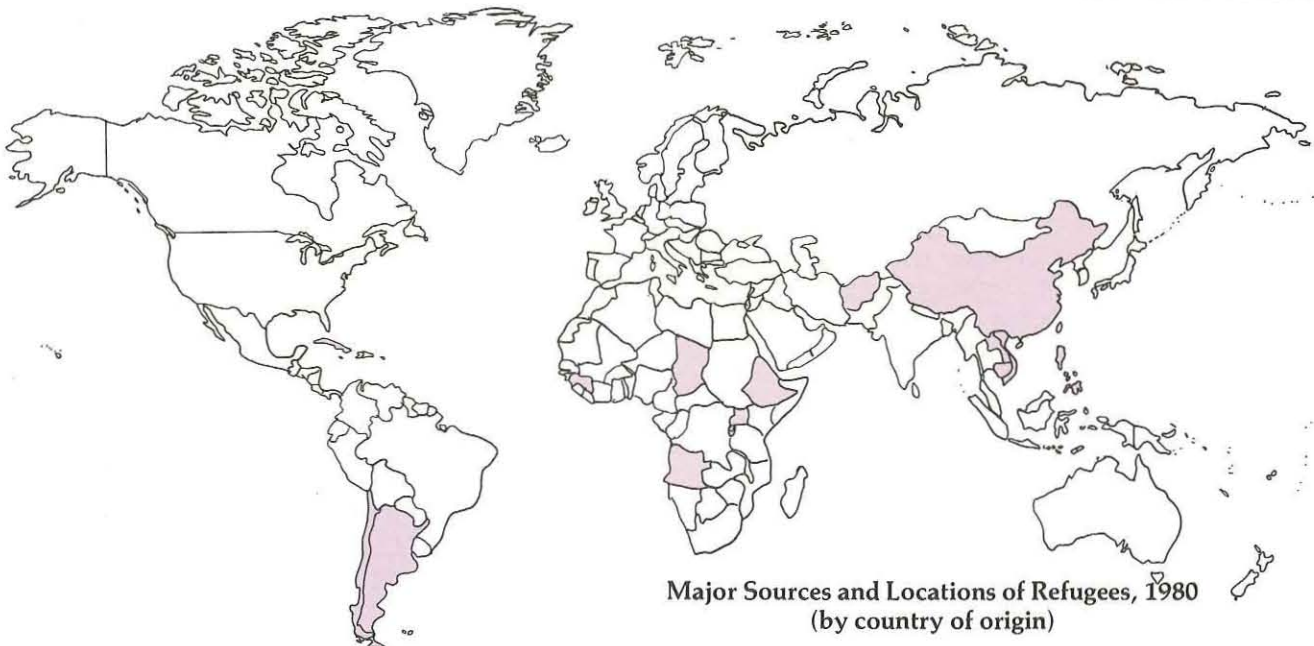
Rights to political freedom have no priority over economic rights, for economic rights are basic rights: "No one can fully, if at all, enjoy any other right if he or she lacks the essentials for a reasonably healthy and active life."

How Many Millions?

The political-economic distinction may nonetheless yield a practical, if not theoretical, explanation for a difference in obligations. First, while the world's political refugees number an estimated 16 million, more than 350 million people worldwide are unemployed or severely underemployed. Thus the class of economic migrants is potentially enormous. Some limits must be set on moral responsibility, and to assign priority to whatever happens to be the smaller class of obligations may be one way to set these limits.

It is not, however, a very good way. It indeed seems

Source: Worldwatch Institute



plausible that we should not be expected to aid all the world's needy people, let alone to make room for them in our already crowded inner cities. But this does not mean that the feasible subset of obligations should be selected arbitrarily. It seems arbitrary to choose political over economic refugees simply because there are fewer of them, if no other considerations support this decision. It seems more reasonable to decide first how many refugees we are able or willing to admit, and then to find independent grounds for making some selection. Possible criteria might be the seriousness of the threat posed to the potential refugee and its imminence. This seems preferable to admitting all political dissidents, without any evaluation of the actual danger they face, while turning away all those who are starving to death.

Second, political refugees may have a greater practical claim than economic refugees because there are fewer other options for aiding them. Michael Walzer, Professor of Social Science at the Institute for Advanced Study in Princeton, writes in his essay in *Boundaries: National Autonomy and Its Limits*: "There is, however, one group of needy outsiders whose claims cannot be met by . . . exporting wealth, but only by taking people in. This is the group of refugees, whose need is for membership itself, a nonexportable good. The liberty that makes certain countries possible homes for men and women whose politics or religion isn't tolerated where they live is also nonexportable; at least we have found no way of exporting it. These goods can be shared only within the protected space of a particular state." The goods that relieve economic distress are at least in theory exportable. Thus it can be argued that the world's needy can be helped directly by some form of developmental assistance. Money can be moved to people, instead of people to money.

This reply has no force, however, if we do not in fact avail ourselves of these other alternatives for reducing the sum total of the world's misery. The existence of other options relieves us of responsibility to accept economic refugees only if we indeed take advantage of them.

Direct aid to the world's poor has upper limits placed on its feasibility. Often poverty results not from natural scarcity as much as from deliberately maintained patterns of economic inequality or abuses of political power.

Furthermore, direct aid to the world's poor has upper limits placed on its feasibility. Often poverty results not from natural scarcity as much as from deliberately maintained patterns of economic inequality or abuses of political power. In this Haiti is a case in point: Haitian poverty has been linked to the political



It has been estimated that half of the world's refugees are children. Photo courtesy National Archives.

oppression of the Duvalier regime—and it has been estimated that 20 to 40 percent of the government's income goes into the private accounts of the Duvalier family. If the government is unresponsive to the needs of the least advantaged, foreign aid may only exacerbate the extremes of poverty and degradation.

In dealing with such nations, of course, the United States should apply what diplomatic levers it can to press for greater domestic equality. But likewise, the United States should also use its influence to alter the repressive policies of totalitarian or authoritarian states in their denial of political liberties. Often we may be reluctant to "interfere," protective of our own national interest. Often such diplomatic strategies and pressures are to little avail. In the meantime there may be millions of people, suffering both politically and economically, who cannot wait for diplomatic channels to be exhausted. For them there may be no alternative but to throw themselves upon the fundamental moral decency of the rest of the world and ask to be taken in.

Judith Lichtenberg's views are taken from "The Refugee as Person Uprooted," an unpublished paper prepared for the Center for Philosophy and Public Policy. Henry Shue's views are taken from Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy (Princeton, N.J.: Princeton University Press, 1980). Michael Walzer's views are taken from "The Distribution of Membership" in Boundaries: National Autonomy and Its Limits, edited by Peter G. Brown and Henry Shue, Maryland Studies in Public Philosophy (Totowa, N.J.: Rowman and Littlefield, 1981). To order Basic Rights and Boundaries, see p. 15.
