



OBJECTIONS TO THE “GLOBAL HARM PRINCIPLE” WITH REGARD TO MIGRATION POLICY

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David Gonçalves Borges

Doutorado em Filosofia pela Universidade da Beira do Interior (UBI). Professor adjunto pela Universidade Federal do Piauí (UFPI)

davidgborges@hotmail.com

<https://orcid.org/0000-0001-7295-7096>

ABSTRACT:

This work points out problems that would arise from applying the “Global Harm Principle” (GHP), a non-ideal theory regarding global migrations. The Global Harm Principle derives from the “Harm Principle”, articulated by John Stuart Mill during the 19th century, expanded to include geopolitical relations and migratory flows. The article aims to refute GHP. Several objections are listed to demonstrate the unfeasibility of its implementation, through historical and socio-political reasoning, as well as thought experiments. We conclude by speculating that the deficiencies in GHP are due to its formulator, Shelley Wilcox, inadvertently falling into a fallacy of composition when expanding Mill’s reasoning to cover geopolitics and, afterwards, committing a fallacy of division when addressing harm compensation.

KEYWORDS:

Migrations. Global Harm Principle. Political philosophy. Political science. Ethics.

OBJEÇÕES AO “PRINCÍPIO DO DANO ALHEIO GLOBAL” NO QUE TANGE À POLÍTICA MIGRATÓRIA

RESUMO:

Este trabalho aponta problemas que surgiriam com a aplicação do “Princípio do Dano Alheio Global” (PDAG), uma teoria não-ideal a respeito das migrações globais. O Princípio do Dano Alheio Global deriva do “Princípio do Dano Alheio”, articulado por John Stuart Mill durante o século XIX, expandido para incluir relações geopolíticas e fluxos migratórios. O artigo visa refutar o PDAG. Diversas objeções são elencadas para demonstrar a inviabilidade de sua implementação, por meio de argumentos históricos e sociopolíticos, bem como de experimentos de pensamento. Concluimos especulando que as deficiências do PDAG se devem ao fato de sua formuladora, Shelley Wilcox, ter inadvertidamente caído em uma falácia de composição ao expandir o raciocínio de Mill para cobrir a geopolítica e, posteriormente, ter cometido uma falácia de divisão ao abordar a compensação de danos.

PALAVRAS-CHAVE:

Migrações. Princípio do Dano Alheio Global. Filosofia política. Ciência Política. Ética.

1 Introduction

In recent years, the debate regarding migratory policy has reached a critical dimension, especially in developed countries. It is estimated that there are around 258 million migrants all over the globe, with around 68 million of these individuals relocating or displaced due to persecution, conflicts, widespread violence or human rights violations the end of 2017 (Vidal, Tjaden, Laczko, & Aita, 2018, p. 18). The calculation has limitations, since not all the countries studied have data available on this matter and, among those that do, there are differences in methods and definitions used – this may lead to under-reporting and makes it difficult to standardize the data being collected by several countries at domestic level (Vidal et al., 2018, p. 13-14).

These dislocations may happen for several reasons: wars, humanitarian crises, climate change (which led to the coining of the term “environmental refugee”), economic crises, religious and/or political persecution and even, in less serious situations, voluntary migration by individuals who wish to live in another country in search of better work or study opportunities, cultural integration, or due to emotional ties with members of another population. According to Fafchamps and Shilpi (2013), migrations, in general, follow a pattern: people from less affluent countries tend to move towards more affluent countries where potential future living conditions are perceived as being better. However, that does not mean that migrants move far away from their original region or continent:

Over one-third of all international migration is between countries of the Global South, a greater share than South–North migration in 2020. [...] It shows most migrants from the Global South move to countries within their home region, particularly in areas like Sub-Saharan Africa, the Middle East, and South America. However, extra-regional migration

is on the rise as more international migrants travel further distances. Migration from South Asia to the Middle East is now the largest South–South migration corridor in the world. (Chewel, K.; Debray, A., 2024, p. 153-158).

In the society where the migrants arrive, this phenomenon produces some friction at local level: this friction includes a need to reformulate public policy so that they also cover the immigrant population; conflicts arise between the culture and habits of the local population and those of the recently arrived people, which may lead to xenophobia; a need arises to integrate migrants into the labor market; as well as changes in host countries (for example, countries with an older average age and prevalence of certain cultural standards shifting towards a lower average age and different cultural standards due to mass immigration) (Beržinskienė, Kairienė, and Virbickaitė 2009).

Generally speaking, positions in the realm of social and political philosophy with regard to migration have split into two groups: the traditional view, according to which all sovereign States have a prerogative to set criteria with regard to allowing migrants into their territory, and critical perspectives that reject this postulate and are subdivided into ideal and non-ideal theories, with a myriad of internal disputes between these two camps. Ideal theories seek to formulate or justify migration policies that would be possible in an “ideal world”, in which people would not be forced to migrate from their countries of origin due to wars, political persecution or similar issues. Non-ideal theories seek to formulate or justify migration policies applicable in the current state of affairs in the international system – in which political, economic and armed conflicts are a reality.

Thompson (2019) explains the difference between ideal and non-ideal theories as follows:

Methodologically, a foundational question for migration ethics is whether to theorize the ethics or morality of migration within ideal theory or non-ideal theory. Wherein exactly this distinction lies is disputed, but one way to distinguish ideal from non-ideal theory is to determine whether the focus is on identifying what justice is (ideal theory) or on responding to injustice (non-ideal theory). In ideal theory, a key assumption is that all duties of justice will be fulfilled, what Rawls called ‘strict compliance’. Non-ideal theory, then, assumes partial compliance and is concerned with rectifying injustices. (Thompson, 2029, p. 22).

The best-known figure among the ideal perspectives is undoubtedly Joseph Carens, who argues for a system of open borders for all States. The most significant defenders of non-ideal or critical views of the open-border perspective include David Miller, Michael Blake and Shelley Wilcox (Wilcox 2009).

The aim of this article is to analyze the possible consequences of applying some elements of the “global harm principle” posited by Shelley Wilcox, in order to show that it is unfeasible and, as a result, contribute to the debate regarding how non-ideal perspectives on the topic should be formulated. The intention here is not to seek a definition of what would constitute “harm” or to question the basic condition that harm must be stopped immediately by the aggressor once it is perceived; there is also no intention to

attack the author, who has made important contributions to the discussion on migration policy in the last decade. The following text sticks only to reparation measures (or mitigation measures, depending on the perspective adopted) posited by the author after harm has been caused and has stopped, especially second-order measures, which deal with relaxing immigration rules for individuals affected by the harm.

It should be noted that Wilcox is a preeminent author in the field of Ethics, Social and Political Philosophy, and Global Justice and Immigration, holding an associate position at San Francisco State University. Her article entitled “The open borders debate on immigration” has received over one hundred citations, while “Immigrant Admissions and Global Relations of Harm” has received at least sixty. Her writings are frequently discussed by academics, social activists and policymakers when addressing migration laws and policies, particularly when the core of the debate resides in reparatory measures and asylum status for refugees, as it will become clear in the following pages.

2 Explaining the global harm principle

Wilcox’s reasoning springs from the following dilemma. Most human migration is started due to serious needs and, nonetheless, in every host society (affluent societies, generally) the demand to enter greatly exceeds the number of immigrants admitted. According to the author, this situation raises two important moral questions: 1) Do these societies have unacknowledged moral duties to admit immigrants? 2) If restrictions on immigration can sometimes be justified, which prospective immigrants ought to receive priority when not all are admitted? In her perspective, a consistent non-ideal theory should offer answers to both questions, and theories based on an almost unrestricted freedom of movement, as proposed by Carens (1987)¹, for example, deal with the first question but are unable to adequately answer the second (Wilcox, 2007, p. 275-276).

As an alternative, Wilcox suggests broadening the scope of “harm theory”, initially formulated by John Stuart Mill (Mill, 2009, p. 18-19 and 23-24), to a global scale, leading to what she calls the “global harm principle”. The harm principle is based on a primary duty of avoiding causing harm to others, as well as two duties deriving from this: 1) agents that are harming other people should stop doing so immediately; 2) agents who have harmed others should compensate their victims for the harm they have caused them (Wilcox, 2007, p. 277). A preliminary version of the harm principle at global scale could therefore have

¹ It should be noted that Carens does not defend completely unrestricted movement of migrants. In the 9th chapter of “The Ethics of Immigration” the author presents some exclusion criteria which can be used to justifiably deny entrance to migrants in a way that would not be, *a priori*, morally unjust. Among these criteria, he mentions national security concerns (p. 176), prospective migrants with significant criminal records (p. 177), inability of the migrant to sustain itself financially (p. 177-178), and health risks to the population of the host country (179).

been formulated in the following terms: societies should not harm foreigners and societies that violate that duty should: 1) stop harming those foreigners immediately; 2) compensate the victims for the harm they have already caused them (Wilcox, 2007, p. 277). In her explanation, the author avoids justifying the original harm principle (by Mill) because it is, in her own words, firmly anchored in the liberal tradition and does not need additional justification. As for the inclusion of foreigners – defined as “non-citizens who have not been granted legal permanent residency status” (Wilcox, 2007, p. 277) – in the category of individuals whom societies must not harm, this is justified by egalitarian reasons: since all people deserve equal moral respect, there are no legitimate reasons for alleging that harm to non-citizens is somewhat less problematic from an ethical point of view than harm caused to citizens.

With regard to what constitutes “harm”, it is defined as a “human rights deficit” or even as a setback caused in basic interests relating to the individual’s well-being, which would include physical integrity, food, clothing, shelter, access to education, to a safe environment, and basic political freedoms. Wilcox alleges that this definition, which she characterizes as “minimalist”, is consistent with the discourse of human rights protection and allows it to be adopted as a benchmark for different cultures, taking into account two criteria: 1) it is substantial enough to include the setbacks caused to human well-being without restricting the States’ freedom to pursue legitimate national interests; 2) the definition is modest enough to be compatible with a wide range of substantive conceptions of human flourishing. Therefore, this concept of “harm” would be at once compatible with the ideals of individual autonomy and national autonomy (Wilcox, 2007, p. 278).

For a society to be considered collectively responsible for a human rights deficit imposed on others, some members of this society must take causal responsibility regarding this deficit. An agent (A) has causal responsibility about a deficit experienced by another agent (B) if, and only if, two conditions are met:

- (a) A’s conduct is *causally relevant* to the production of B’s human rights deficit;
- (b) A’s conduct is *a critically necessary causal factor* in the production of B’s human rights deficit.

In other words, A’s conduct should not only enable a sequence of events to occur, but should actively “initiate, facilitate, or sustain” B’s deficit (Barry apud Wilcox, 2007, p. 280). This reasoning makes it possible to distinguish between the imposition of a human rights deficit and a failure to mitigate a deficit that was caused by a third actor or natural phenomenon (Wilcox, 2007, p. 280). Nonetheless, two additional criteria should be established, according to the author, after the initial criteria have been satisfied, to avoid the global harm principle being excessively demanding:

- (c) A could reasonably avoid producing B’s human rights deficit in the sense that alternative conduct would not produce comparable harm;

(d) A’s conduct foreseeably gives rise to B’s human rights deficit.

Condition (d) is met if A’s conduct represented a less moderate risk of producing B’s deficit and a reasonable individual in A’s position should be aware of this likelihood. Generally speaking, the greater the risk posed by A’s conduct, the more B’s deficit is characterized as foreseeable (Wilcox, 2007, p. 280).

Agent A is morally culpable for having produced the human rights deficit of agent B if conditions (a) to (d) are met. However, as the global harm principle specifically refers to collective responsibility for human rights deficits, one final condition is added:

(e) The members of a society (Society C) are collectively responsible for A’s conduct.

Criterion (e) refers to the members of society C being collectively responsible for remediating the deficit, regardless of whether or not they played an active role in producing it. This way of understanding collective responsibility resides in the distinction between two meanings of moral responsibility: culpability and responsibility. Suggesting that an agent is culpable for producing a human rights deficit involves that agent having causal responsibility for what happened; in other words, fulfilling criteria (a) to (d). Responsibility, on the other hand, involves a different type of moral perspective: in this case, the responsibility for mitigating or compensating harm caused derives from the relationship between citizens of one country and its elected representatives, specifically based on a process by which the citizens authorize the elected officials to represent them. By investing power in the government to act on their behalf, citizens acquire collective responsibility for the consequences of their representatives’ actions (Wilcox, 2007, p. 281). This argument is strengthened if citizens benefit from unfair conduct by their governments. Additionally, collective responsibility may be shared by citizens of two or more countries, where different actors act together to produce a human rights deficit for someone else (Wilcox, 2007, p. 284).

Now that the concepts of harm, responsibility and culpability have been defined, we turn to the duties arising from them. If a society violates the duty to not impose human rights deficits on foreigners, it immediately has a duty to stop conducts leading to the imposition of those deficits, terminating them immediately. However, in some cases, ending the conduct that caused the deficits is not enough to eliminate them once they have begun. For example, stopping military conduct that has destroyed the farming infrastructure of another country is not enough for the human rights deficit experienced by the affected population to be resolved. In a case such as this, additional actions must be taken – and the society responsible should repair the harm caused, as a derivative (or secondary) duty of the global harm principle. According to Wilcox, a reparation understood to be adequate normally follows the *status quo ante* (the previous state of affairs) principle that establishes a return to the situation before the harm was caused as

compensatory justice (Wilcox, 2007, p. 285). Of course, it is impossible to entirely repair the harm by re-establishing the previous situation in some cases – this is one reason why the global harm principle should adopt a more flexible criterion, bringing victims to have their state of well-being restored to levels similar to those they had before the human rights deficit was imposed on them. As an example, the author mentions that victims of the US’ policy to use herbicides during the Vietnam War (the famous “agent orange”) who suffered permanent disability should be compensated with medical treatment, housing, education, training and monetary compensation as needed (Wilcox, 2007, p. 285).

The methods used to implement compensatory measures depend on the context of each case; ideally, the author states, victims would be compensated in their own communities. However, in some situations, admitting immigrants could become an appropriate – or even mandatory – method to meet the secondary duties deriving from the global harm principle. Since the duty imposed by Wilcox’s principle primarily refers to terminating the imposition of human rights deficits, there are cases where the conditions producing deficits cannot be quickly or easily remediated. In such cases, the society that acted as a causal factor in producing the harm should meet its duty to terminate it by admitting affected individuals as immigrants (Wilcox, 2007, p. 285-286).

It is important to distinguish between admitting immigrants and forced relocation. The global harm principle should not be interpreted as a *carte blanche* for relocating people against their will, since this may cause them serious damage. Wilcox is emphatic in stating that the global harm principle requires societies to grant permission to enter for individuals who choose to migrate as the best way of escaping imminent human rights deficits for which the societies in question (those to which entry was requested) are collectively responsible (Wilcox, 2007, p. 286). These immigrants should also have the right to return to their societies of origin if they wish to after local conditions have improved; however, it should not be required for them to return if they have lived out of their country for long enough to establish social, economic, cultural or political bonds with the members of the society to which they moved – in this case, the immigrants should be given full citizenship (Wilcox, 2007, p. 286).

The rationale underlying the global harm principle is that, although the infrastructure of a country affected by war or economic dispute may be rebuilt (by creating hospitals, schools and so on), individuals should be compensated immediately, and when it is not possible to do so in these individuals’ territories of origin, the society responsible for causing the harm should admit them as immigrants so they can make the compensation in its own territory for the human rights deficits it caused (Wilcox, 2007, p.287). This leads to the possibility of establishing a scale of priorities with regards to immigration: foreigners to whom a certain society owes reparations should take priority over others seeking admission as immigrants, just as

those who have already been harmed would take preference with regard to those who are in a situation of imminent risk (Wilcox, 2007, p. 287).

3 Objections to the applicability of compensatory measures

Although based on easily defensible premises – such as the duty of a harm-causing agent to terminate its harming actions immediately and the need to compensate those who have been affected by them – the measures proposed by Wilcox present some theoretical and practical problems that need to be addressed before the global harm principle and its associated duties become a benchmark for establishing political actions at international level. It is possible that such problems emerge from an attempt to apply a moral principle initially formulated to ensure the freedom of individuals in a society against a possible “dictatorship of the majority” (Struhl 1976) to relationships between entire societies or, even more seriously, between societies that cause harm, viewed collectively, and affected individuals. Transitions from a micro level of analysis to a macro level of analysis and vice-versa are not exactly simple.

The first – and perhaps most serious – problem is due to the fact that the reasoning presented leads to an infinite regress. If applied to international relations today, the global harm principle and duties arising from it would lead to a chain of allegations of harm that could easily be defended, but the compensations for them would be impossible to put into practice. Taking as an example today’s major power, the United States of America would owe compensation to all the countries against which it has waged armed conflict or where it has helped implant authoritarian governments, or even those where it encouraged proxy wars – to cite a few examples, in a non-exhaustive list: Morocco, Canada, Mexico, Spain, Indonesia, Ivory Coast, Philippines, Fiji, China, Taiwan, Korea, Panama, Nicaragua, Cuba, Haiti, Dominican Republic, Honduras, Brazil, Iran, Iraq, Afghanistan, Vietnam, Germany, Somalia, Sudan, Serbia, Pakistan, Yemen, among others. Indigenous nations and native populations could also be included, having been attacked throughout the history of the formation of the country in question, although today the remaining members of those populations are citizens of the aggressor society itself. The argument drawn up by Wilcox contains safeguards against this objection, such as the priority in compensating individuals or societies where the harm caused was more serious or where it is taking place at this moment in time. Following this reasoning, countries such as Germany would have already been compensated (by way of the Marshall Plan) and others, such as Mexico, would not be at the top of the list of priorities – in contrast with, for example, Syria, Somalia, Libya or Yemen (countries where the US is currently involved in conflicts due to the “war on terrorism”). Nonetheless, the problem persists: among the current conflicts in which our example country is currently involved, how can it be established which of them should be given priority in compensatory

measures? Based on the quantity of harm caused? How can this be calculated? In number of victims, potential victims, damage to infrastructure or economic loss? If the criterion is anything remotely similar to a definition of “quantity of harm caused”, Vietnam would take precedence over Syria, Somalia, Libya or Yemen, since the damage that took place in Vietnam was greater in terms of both infrastructure and number of victims. This is despite that conflict having happened decades ago (resulting in the fact that many of the human rights deficits caused by the USA have been resolved simply by the passage of time) and the conflict in Syria, for example, being more recent (and still producing human rights deficits). In a situation such as this, should priority be given to the more recent conflict or the conflict that produced the most harm?

Alternatively, do former European powers owe compensation to their former colonies? Do they owe compensation to each other due to the conflicts they entered into for colonial dominance? Is it possible to “inherit” a moral and political debt arising from compensation duties? Should countries that exist today, such as Turkey, be responsible for compensating peoples that could have been affected by the policies of the defunct Ottoman Empire? Do Austria and Hungary, among others (Ukraine, Poland, Romania, Italy), owe compensation to Turkey due to the former Austro-Hungarian Empire having annexed Bosnia in 1908? Or do they owe compensation to today’s Bosnians? Do today’s Turks owe compensation to today’s Bosnians for the Ottoman occupation that took place before that? Do today’s Macedonians owe compensation to today’s Greeks for the invasion by Alexander in the 4th century BC? What should be done about countries, regions and peoples who have been through successive waves of foreign occupation, as is the case of Greece itself, Eastern Europe, the Balkans, Korea, the Iberian Peninsula, among others?

How can we resolve the problem imposed by the global harm principle in cases where the population was affected by “human rights deficits” and then later assimilated – often violently – into the society that caused the deficit in the first place? This is the case for many native populations in the American and African continents. Let us suppose that the US government decided to increase taxes to have means to financially compensate the remaining native populations in their territory for the policies of extermination, rape and enslavement promoted in previous centuries. Today’s American citizens who have indigenous ancestry pay taxes, consume and form part of the economic structure of what is, today, the USA. These individuals would, ultimately, be paying for compensation to themselves, and that same reasoning would apply to any country in the American or African continents adopting a similar measure. The problem of “inherited responsibility” also emerges here: should the compensation owed to the black population of the Americas for centuries of slavery be paid by the former European powers – England, Spain, Portugal, and

so on – or by the countries that were formed after the independence processes – such as the USA, Mexico, Brazil, and so on? Who is the “legitimate heir” to compensatory duties not fulfilled in the past?

A discussion alongside this deals with economic issues. In *World Poverty and Human Rights*, Thomas Pogge argues that “globally rich” individuals have a duty to eradicate extreme poverty – not due to any notion of charity because the endeavor could be done at a relatively low cost to them, but because these individuals have violated the principle of justice not to cause harm to others, since they have imposed on others a coercive global order that makes access to goods enabling subsistence unsafe (Pogge 2002). The duty to eradicate poverty is, then, formulated as deriving from a negative duty (due to violation of a principle of justice) and not as a positive duty. We could broaden this argument to state that, by extension, countries that have harmed other nations in economic disputes would be violating principles of justice, since it is not uncommon for them to produce further poverty and human rights deficits outside their territories. In such cases, Wilcox’s global harm principle would also need to address economic relations between countries in her discussion on harm and duties to compensate harm. However, in the article where she formulates the global harm principle, Wilcox deliberately refuses to discuss this type of issue (Wilcox, 2007, p. 283-284), which would significantly worsen the problem of infinite regress.

One way of avoiding infinite regress would be to establish a temporal watershed in the application of the global harm principle. Let us carry out a wild thought experiment. Let us imagine that the United Nations approves, today, a resolution stating that the global harm principle will begin to be used in future relations between countries and establishing that all armed conflicts – but not economic conflicts – that have taken place in the last three decades should be covered by the same principle, leading all countries that carried out armed conflicts in the last thirty years to owe compensation to the individuals affected by those conflicts. This would undoubtedly avoid the problem of infinite regress. But it would add an arbitrary element to the application of the global harm principle that is not consistent with the notion of justice – and historical justice, by derivation – that it aims to encourage. And, seriously and notably, some issues would persist, such as collective responsibility and “inherited” responsibility. The Kosovo War, to cite one example, would be covered by this period: who would be responsible for compensating the affected Albanians: today’s Serbia or today’s Kosovo? Or both? Maybe Croatia? Or even other parties that were indirectly involved in the conflict? Furthermore, older injustices whose effects persist today would be left without a solution – as in the case of indigenous populations and people of African descent in the Americas, who are nowadays “free” but are still victims of socio-economic conditions that arise from the social position to which they were relegated during the slavery and conflict period. The same can be said, taking

into account the differing proportions, about the descendants of individuals affected by the 1915-1923 Armenian Genocide or by the Jewish extermination carried out by Nazi Germany.

As well as the matters of infinite regress, “assimilated” populations, inherited responsibility and temporal watershed, there is also a fifth factor that should be analyzed by defenders of the global harm principle when they propose their compensatory policies. It is a potentially inefficient compensation, and that inefficiency may manifest itself at two levels. At the first, there is the issue of comprehensive policies – applied as a “blanket” – not necessarily benefiting the individuals directly affected by the harm caused. The case of financial aid is particularly illustrative: if an affluent country *A* enters into armed conflict with country *B* and destroys *B*’s entire agricultural and industrial infrastructure and then later directs funds so that *B* can rebuild the lost infrastructure, there are no guarantees that the individuals directly affected by the harm caused by *A* (or their descendants) will be the direct beneficiaries of the financial aid. In many cases, reconstruction of infrastructures tends to be of greater benefit to local elites who were less affected (in terms of “human rights deficit”) by the former conflict. Even with institutional designs that aim to avoid cases of corruption during the reconstruction process, it is the local elites who not only have the political strength to influence the destination given to the resources but also benefit more immediately and directly from the increase in trade and production capacity during (and after) reconstruction, as well as from the benefits in later improvement (post-reconstruction) of public services.

At a second level, inefficient compensation tends to happen with regard to admission of immigrants. In both armed and economic conflicts, individuals who emigrate to more affluent countries due to the conflict – which, in our hypothetical example, would include country *A* – tend not to be those who are in the worst situation. Emigrating requires contacts and resources, particularly financial resources, and individuals who are in a severe state of “human rights deficit” generally do not have either. It is for this reason that populations displaced from their territories by humanitarian crises tend to establish themselves in neighboring countries that have conditions similar to those that their country of origin had before the conflict began (Fafchamps and Shilpi 2013). Once again, a comprehensive public policy does not necessarily reach the most affected individuals, precisely those at whom it should be aimed.

The problem of inefficient compensation is joined by the issue of potentially irrelevant compensation. No financial aid or change in migration rules can fully compensate the damage caused by death, permanent disability or severe psychological damage arising from a conflict, whether armed or economic. Of course, defenders of the global harm principle will say that it is better to have some compensation than none at all, but the practical problem that emerges is that there is no public policy of any kind able to bring back the *status quo ante*. Wilcox seems to be aware of this, and makes herself very

clear when she says that compensatory policies arising from application of the global harm principle should have more flexible criteria for this very reason – in her words, “restoring” the well-being of victims to levels similar to those they had before the human rights deficit was imposed on them. The problem is that even this proposal is impossible to put into effect. Let us take, for example, the case of the *Ianfu* – women forced to become sex slaves by the Japanese army during the Second World War. Thousands of women placed in this situation in territories occupied by Japan during the conflict still have psychological scars that no public policy will be able to erase, “restoring” the level of well-being that they had before; some survivors have rejected apologies or attempts at compensation made by Japanese authorities (Chung 1997). Similarly, it would be, at best, in bad taste if the authorities of our hypothetical country *A* suggested to relatives of someone who died in country *B* due to a “human rights deficit” produced by *A* that financial aid or an entry visa would be able to “restore” the level of well-being they enjoyed before. Visas and financial aid cannot bring back those who have died, they do not cause lost limbs to regenerate and do not cure mental illnesses acquired in extreme situations – it would be cynical to say otherwise. This issue would not arise if the compensation duties suggested by Wilcox did not aim to reach the individuals directly affected and restore the well-being they had before the human rights deficit was imposed on them – if, for example, the author had been referring to the compensation duties of a society, understood in an abstract way, in relation to another society, also abstract, the objection laid out here would not have any strength. However, as what Wilcox argues for is the duty held by a society, understood collectively and abstractly, to compensate *individual* members of another society that were *directly* affected by the policies of the first, the problem of how relevant a possible compensation would be becomes pertinent. The same thing happens with the objection presented before regarding compensation perhaps being inefficient, not taking into account the same individuals that the initial policy that produced the deficits affected.

These are not the only problems arising from the transition from a macro level of analysis – societies or countries – to a micro level – individuals – and vice-versa. In her explanation on collective responsibility, Wilcox alleges that it is implausible in liberal democracies for citizens not to be aware of the policies drawn up by their governments and that, organized collectively, they would be able to curtail a policy that would be detrimental to foreign citizens (Wilcox, 2007, p. 281). This position is crucial for her reasoning that responsibility for harmful policies is shared collectively, and the author even states that if we rejected the collective responsibility of democratic regimes we would create a loophole that would allow many human rights violations to go unremediated (Wilcox, 2007, p. 282). However, alleging that the notion of collective responsibility is valid simply because if it was not, it would cause harmful effects, is a special type of wishful thinking by which it is assumed that *P* is true because not-*P* would, in the discourse sender’s view,

be unbearable. It can be easily demonstrated that certain citizens or individuals are not necessarily responsible from a moral standpoint for their governments actions – and, as Wilcox’s reasoning is based on the supposition that there is a moral responsibility that can be obtained through failure to act and that this leads to a duty for all members of a society to compensate those who are affected by their government’s policies, this type of demonstration should be enough to refute at least part of the argument for the global harm principle.

Let us perform the mental experiment of imagining a group of citizens from hypothetical country *A*, mentioned above. As we already know, country *A* entered into an armed conflict with country *B*, producing human rights deficits for the citizens of *B*. Let us imagine that a group of citizens from *A* opposed the policies leading to the outbreak of conflict even before outright armed combat. This group of activist citizens from country *A* organized protests, distributed materials against the propaganda of government *A* (which aimed to justify the brewing confrontation), sought legal means to delay the measures adopted by government *A* that would be harmful to country *B* and attempted to call the attention of the international community to how wrong the policies being followed by their country, *A*, were. Once the war began, they contributed with resources and contacts to evacuate citizens of country *B* who would potentially be victims of the policies drawn up by country *A*, as well as directing other forms of aid to the citizens of *B*. What arguments could we use to impose moral responsibility on this group of citizens for the policies adopted by those who govern them, if they were active against them from the outset and did all that was within their reach to avoid them? The fact that they did not have enough political strength to curtail the government propaganda in favor of the conflict, or the chain of decisions in the upper echelons of the government that ended up leading to the conflict, is not relevant to the underlying moral issue of assigning responsibility. Wilcox’s mistake resides, once again, in the transition from a macro-entity analyzed in abstract – society – to the concrete level – the moral responsibility of the individuals who form that society. Who could, in good conscience, state that the citizens who acted against the policies of their government share responsibility for them with the citizens who did support those policies? The counter-argument presented here becomes even stronger in the case of undemocratic societies: if a country governed by a military junta that represses its own population invades a neighboring nation, it is very implausible that the citizens under this government have a moral responsibility for the actions of those who govern them. Since Wilcox aims to theorize on harm, compensatory duties and migration in a non-ideal world, the latter problem is imposed by the fact that the international community is not formed only by liberal representative democracies.

Similarly, it is problematic to assign moral responsibility to citizens who were indifferent to their governments’ policies because they did not know about them or supported them by way of propaganda.

Although the enlightenment ideal underlying the way modern Western States are run assumes citizens are constantly engaged with regard to what their governing authorities do, in the real world such “ideal” citizens are a minority. Holding each citizen automatically responsible for the policies adopted by the government that rules over them, even when (and if) these citizens are benefited by them, would be the equivalent from a moral point of view of holding every person without medical training responsible for not having the knowledge necessary to avoid the death of a sick person who has a heart attack in a public street. This could only be defended if arguments were provided that could establish the duty that everyone should be sufficiently informed about how to treat a heart attack. Although the analogy is not perfect (like all analogies), there are people who argue that citizens have a (moral or political) duty to be constantly informed about everything happening with their governments – but the reasoning explained here brings to light a second serious problem for liberal democracies, which appears to have escaped Wilcox’s attention: that citizens should never trust in those in whom they have invested powers to represent them. If this is the case, the relationship of trust between representatives and represented is flawed from the outset, which undermines the very foundations of modern republican systems and liberal-representative States in general – precisely the type of political system from which Wilcox’s reflections stem, and she does not question the trust system implicitly contained in this political model. In any case, it is important to highlight that considering an individual responsible for a succession of events or the effects thereof due to deliberate omission, even knowing what such events would represent or their potential results would be, is substantially different from considering an individual responsible for those same events or effects if he or she failed to act with regard to them due to his/her own ignorance about what was happening or what the future effects would be.

In a less serious manner, there is also another point to be highlighted: the global harm principle is incompatible with the international relations theories currently available. For the theoretical current of classical realism, the search for power is part of human nature, and this manifests itself in the relationship between States through the imposition of armed force and the threat to use that force. In this current, it would not make any sense for a state *A* to compensate state *B* for having imposed its force on the latter, since that would not only involve potential loss of power but would also involve, at a second level, that the initial supposition of the realist theory itself – domination by force – would be incorrect. The neorealist current, in turn, does not assume that conflicts among States would arise from something such as a “human nature” but adopts similar principles with regard to the pursuit of national interests and hegemony in the international system by way of force – adding economic conflicts, and not just armed conflicts, to its theoretical instruments. Once again, the global harm principle is incompatible. For a third current,

sometimes called “neoliberal” or “pluralist”, States pursue relative rather than absolute gains and may cooperate with each other to achieve their ends – which, in theory, would open a loophole for the global harm principle – but they continue to operate based on the notion of “national interest”. Furthermore, for this third theoretical position, power is something much more diffuse than in the preceding theories, involving the fact that States sometimes act by way of other actors – their proxies – such as supranational institutions and civil society organizations that serve as undeclared branches of the State. The concept of power assumed by the pluralist theory of international relations makes application of the global harm principle problematic, since the GHP seems to have a rather “state-centric” bias. The different postmodern theories of international relations, moreover, have in common a rejection of any meta-narrative as a falsity and tend to have a more descriptive rather than prescriptive relevance – the notion of global “justice” sought by Wilcox, as well as the “duties” of reparation of harm arising from it, would be quickly rejected as another totalizing, supra-historical meta-narrative (Hay, 2002, p. 1-27). Of course, it would be possible to argue that the global harm principle is a very noble attempt to mitigate serious world problems and that it requires drawing up a new theory for international relations. However, this again takes us into wishful thinking territory and the danger of attempting to adapt social reality (and the intellectual production that aims to analyze it) to principles postulated *ad hoc*.

As well as all the theoretical and practical problems described up to this point, the global harm principle poses a serious risk to the concreteness of relations between countries: it may be used to justify imperialistic endeavors for the pursuit of domination. By establishing criteria under which certain conflicts – whether armed, economic or of another type – would be considered “prone to compensation”, a distinction is created between conflicts that are irremediably unjust and those that can be made more palatable afterwards. It would be hypothetically possible for decision-makers from the different global powers to partially (and dishonestly) appropriate what Wilcox suggests in order to start conflicts indiscriminately under the promise of making the compensation due at a later point – leading to the creation of a new and bizarre just war theory. Even more seriously, they could orchestrate the compensation system and actually put it into practice, using for that intent non-governmental organizations that have close ties with the upper echelons of their governments, effectively making them into proxies designed to promote a government’s own interests in foreign lands. This is something that already takes place in the international system and has become a procedure known as one of the components of hybrid and/or asymmetric wars.

4 Conclusion

In summary, although apparently filled with good intentions, the global harm principle still requires further clarifications and details about its potential mechanisms in order to allow it to be applied as a non-ideal theory for relations between countries. The focus of what has been discussed in this paper is on the compensation system, the most effectively “practical” part of the principle initially posited by Wilcox. It could be argued that Wilcox’s proposal establishes general parameters that could be detailed and improved when applied to each concrete case. However, as demonstrated several times in the paragraphs above, the global harm principle does not only need empirical precision: part of its deficiencies arise from the very reasoning by which it is formulated, which presupposes a broadening of the moral duties to which individual entities are subject – as in Mill’s harm principle, by which Wilcox is inspired – so that macro socio-political bodies – such as societies or States – can be addressed and, from these, a transition back to individual level occurs when seeking to justify responsibility collectively shared by members of a society with regard to other human beings that were harmed by that society, whom compensatory measures should directly address. The double transition, from narrow to broad and from broad back to narrow, is what makes the global harm principle theoretically unsustainable; societies and States are treated almost as epiphenomena in the first transition, as bodies abstractly formed of individuals. In the second shift, the trend is reversed: political institutions take on a rather concrete nature and become those morally and materially responsible for compensating individuals who, this time, are devoid of any concreteness. This concreteness needs to be removed from them for the compensation system to become minimally defensible, ignoring the potential that compensation could be irrelevant or ineffective. It is not the aim of this paper to discuss whether or not societies and/or States are abstract entities or whether they acquire concrete existence once they have emerged or even whether or not they are epiphenomenological manifestations of some kind – this discussion has already filled many tomes and numerous theses, and it would be too extensive for the aims of a simple paper. Wilcox unfortunately falls, accidentally, into a fallacy of composition: by assuming that individuals have certain moral duties that they should meet through certain specific mechanisms, she assumes that entire societies, by being formed of individuals, have the same moral duties and may meet them by using the same mechanisms. Immediately afterwards, she falls into a fallacy of division: by assuming that societies can be assigned properties such as guilt and/or responsibility, she defends that all the parties that form a society share those properties with them. Additionally, there is a certain lack of historical perspective in the way the author addresses the international system – which is clear in the fact that the global harm principle leads immediately to an infinite regress problem. Unfortunately, despite the

clearly very noble intentions, it is not possible to solidly establish political philosophy principles without following the rules of logic.

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