

Comments on “International Institutions and the Chixoy Dam Project – Erasing People in Place” by Barbara Deutsch Lynch (Department of City and Regional Planning, Cornell University)

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In this paper, Professor Lynch presents the history and social context surrounding the planning, development, and finalization of the Chixoy Dam Project in Guatemala’s Baja Verapaz province. This story stretches from the inception of the project in the 1960’s, through the building phases from the mid 70’s through the mid 80’s, up until the reparations process which began near the end of Guatemala’s thirty-year civil war (circa 1986). During the course of this project, the minority communities of the Achi Maya, e.g. the community at Rio Negro, were subjected to large-scale violence and exploitation. The facts, as presented by Lynch, support the claim that there was a strong connection between the atrocities committed against the Achi Maya and the execution of the Chixoy Dam Project. A question central to Lynch’s paper is how much responsibility should be attributed to the World Bank [WB], the Inter American Development Bank [IDB], and other international financial institutions and contractors for these crimes.

Lynch notes that a *strong case for the culpability* of these institutions – i.e. one involving the charge that the WB and the IDB *knew* at the time of their loan granting that the dam project was connected to a campaign of state-sponsored terror against the Achi Maya – cannot be established from the available documentation. However, she asks whether these institutions may not still be held significantly morally responsible in virtue of their failure to apprise themselves of the relevant moral features of the situation. Although Lynch appears to express an affirmative response to this question, she is less explicit with respect to the degree of responsibility she thinks we ought to attribute to them and what she takes as the grounds for this responsibility.

In the remainder of my comments, I will briefly sketch out one possible (and also – to me at least – *plausible*) account of what one might take to ground the WB’s and IDB’s moral responsibility and why the particular form of their delinquency is significant enough to warrant their contribution towards reparations, even if the strong case for culpability does not obtain. Although there are parts of my proposed account which challenge aspects of Lynch’s evaluation, I take myself to be presenting an interpretation that is in line with much of what Lynch says in her paper, as well as the spirit of her case.

It is clear from Lynch’s presentation that the international financial institutions involved in the Chixoy Dam Project employed methods of information gathering and risk/loss-assessment which systematically undervalued the plight of the Achi Maya community and steered them away from acquiring evidence which would have led them to question the project’s moral legitimacy. Lynch calls this preference for methodologies which led to institutional ignorance an instance of “the hiding hand” (the term is attributed to the political economist Albert O. Hirschman). The concept of *the hiding hand* is a metaphor intended to express the idea that ignorance of certain obstacles may

prove practically useful for achieving one's goals – especially when a sincere recognition of these obstacles would affect an agent's, or institution's, willingness to initiate projects for the sake of these goals. On Lynch's account, a form of *the hiding hand* was operative in the planning and developmental procedures employed by the WB and IDB.

Now, Lynch suggests that the particular form of *the hiding hand* evidenced in this case is one which falls somewhere between a benign form (as described by Hirschman) and a form of deliberate malfeasance, which she illustrates by reference to the notion of a “don't ask, don't tell” policy. The difference between these extremes is not made explicit, but it is easy enough to get a sense for how one ought to understand the extremes.

On the one hand, there is the benign case of someone's merely putting out of one's mind the troubling or painful details involved in the execution of some valuable project. For example, one might imagine a case of a family's deciding whether or not to have a child. In making their decision, they might focus more on the positive ways that a child might contribute to their lives and solidify the commitment between the parents rather than on the risks of pain and loss or the financial burdens that child-rearing inevitably brings. Of course, if no consideration were given to the potential costs, the parents' decision to have a child would be irresponsible and blameworthy. However, intuitively, there does appear to be a way in which the parents may overlook the extent of the negative evidence in this case without being considered blameworthy. By not fully engaging with available evidence which might deter their decision to have a child, the parents are able to muster the motivation to undertake the valuable project of child rearing. Such a practically useful ignorance of the full extent of risks and costs would count as a benign form of *the hiding hand* principle.

On the other hand, there is the form of willful ignorance which counts as deliberate malfeasance. In cases where this opprobrious form of ignorance is at play, the agent, or institution, has enough evidence to reach the conclusion that her actions likely involve morally troublesome complications but willfully ignores this evidence in order to achieve her aims. Such a case might be illustrated by the example of someone who is offered and buys high-end stereo equipment at a premium price from someone they meet off the street. The fact that the price is premium and the dealer unconnected to any retail establishment would count as evidence that something dubious is afoot (in this case, let us imagine that the merchandise is stolen). However, the buyer, who is overjoyed by the prospect of getting such a great deal, does not inquire into the provenance of the merchandise; rather, she engages in a kind of “don't ask, don't tell” agreement with the seller. In such a case, the buyer's willful ignorance appears blameworthy.

Lynch claims that the ignorance professed by the IDB and the WB (if they are indeed ignorant) still involves *the hiding hand* principle in a way which is far less benign than the former extreme but also somewhat less blameworthy than the latter extreme. Although there are passages in which Lynch comes close to claiming that the degree of culpability associated with this type of ignorance is *sufficient* to warrant reparations payments from these international finance institutions, she does not explicitly make this claim. In what follows, I will sketch out the framework of an argument which Lynch may appeal to in support of this sufficiency claim.

Let us begin with what knowledge we *can* attribute to the relevant authorities at the IDB and the WB. It is safe to assume that the IDB and the WB knew the following: (1) they granted loans for the construction of a hydro-electric dam; (2) the creation of

hydroelectric dams usually involves the flooding of river valleys; (3) such flooding makes a significant impact on the environment and local populations; (4) in the case of local populations, displacement and relocation are commonplace impacts which result from flooding; (5) displacement and relocation of the affected populations are morally significant impacts which must be handled correctly if one is to ensure a just outcome.

One should hope that it is incontestable that the IDB and WB knew (1). From the public evidence available from decades of similar large-scale dam construction and other public works (dating back to at least the 1950's and the projects of the TVA), it should be relatively uncontroversial that the IDB and WB also knew (2)-(4). Perhaps, (5) – the crucial claim in support of culpability – might be contested. This seems a plausible route for their defense, especially if the authorities in charge of these international financial institutions maintained the conception of the public good which Lynch suggests. However, I do not think that such a conception of the public good can plausibly be advanced as a defense against the claim that these institutions knew or, at least, had good reason to believe (5). As a result, I think it is reasonable to conclude that the IDB and the WB knew or, at least, had good reason to believe (5).

Lynch names three aspects of the project culture which facilitated institutional ignorance and the systematic undervaluing of the impacts of dam construction on the local populations of Achi Maya (viz. a long gestation period, technical biases, and a particular conception of the public good). The third aspect mentioned is the particular conception of the good dominant within the relevant organizations. Lynch describes this conception of the public good as having three main principles (though perhaps they are not exhaustive): (i.) there are times when a minority must be *inconvenienced* for the good of the majority; (ii.) the idea of progress – i.e. that the public good is expressed, for example, in the progression from pastoralism to industrial agriculture; (iii.) a “counterfactual principle” which says that an action is, at least, permissible if the consequences of our not performing this action would be worse, on the whole, than if we performed the action.

If one accepts Lynch's account of their conception of the public good, one might think that the relevant IDB and WB authorities would not have known or maintained something like (5). For one might construe the principles – especially (1) and (2) – in such a way that abiding these principles would lead one to undervalue, or perform actions which override, any moral significance attached to the displacement and relocation of the Achi Maya. However, I do not think that a plausible construal of the conception of the good maintained by the relevant authorities is incompatible with taking the prospects of displacement and relocation seriously. But, in order to see this, we must revise one of the principles which Lynch describes as expressive of these institutions' conception of the good.

The principle which appears most in need of revision is (ii.). As it stands, I do not think it fairly expresses any principle which could be defensibly maintained as part of a conception of the public good. Who could reasonably maintain that progress – specifically, technological progress – is a fundamental value, one which stands to rival or override other basic human values? Just imagine a case of a kind of very sophisticated technology whose manifestation would, on the one hand, signify great achievement but, on the other hand, simultaneously destroy all human and animal life. Intuitively, such an obsession with technology would count as fetish but not an expression of any deeply-held

human value – a value which could be counted as part of a reasonable conception of the public good. It does seem plausible that someone would take technological progress as an important means for achieving other things we hold valuable. But, such a value would be merely instrumental and not the kind of basic human value that could rival the moral significance attached to displacement and relocation. Since it is not reasonable to maintain this value in technological progress as any kind of basic value which could make up part of a conception of the public good, I do not think we should attribute this principle to the relevant authorities. For, otherwise, we risk being uncharitable. Although charity might not be such a concern in itself, I think it allows one to make a stronger case for culpability. So, where does this leave us?

After we have revised (ii.), there does not seem to be any reason to think that the conception of the public good maintained by the relevant authorities within the international financial institutions was incompatible with or undermining of a reasonable belief in (5). Principle (i.) only states that a minority may be *inconvenienced*. Displacement and relocation, as I will soon argue, are not mere inconveniences – or, at least, there is no reason to think that we should generally treat them as mere inconveniences (even if, on occasion, the context is such that displacement and relocation amount to mere inconvenience). If it turns out that a population's displacement and relocation affects more than an inconvenience, then (i.) says nothing about whether the course of action is permissible, or not. Principle (ii.), in its revised form, is not a basic principle which one could take to override the moral significance of displacement and relocation. Principle (iii.) involves the consequentialist notion of taking only those actions which minimize bad effects. However, it is unclear how one would go about quantifying the improvement in lives one could expect from the new source of electricity (one that was planned to supply power to 60% of the country) and comparing this against the loss in lives and dignity which the project might affect. Regardless of whether or not one thinks that such comparisons can plausibly be carried out, it does not seem that (iii.) is incompatible with thinking that displacement and relocation are morally significant impacts. In fact, (iii.), taken seriously, would appear to require a thorough investigation into all the potential impacts of the project, including the degree of harm that would be constituted by the Achi Maya's displacement and their relocation. In sum, this slightly revised conception of the good cannot figure in a defense of a benign ignorance, or an ignorance that resulted from defensible moral assumptions.

So far, I have tried to make the case that the relevant authorities within the IDB and the WB did not have any good reason for rejecting (5). But, I have not yet provided any motivation for their maintaining (5) or explanation for why such knowledge or justified belief would imply serious moral responsibility for their failure to carry out more comprehensive investigations into the potential environmental and social impacts of the project. In my concluding remarks, I will address this motivation by gesturing at what I take to be a very general and intuitive value one attaches to where one lives.

I take it that the right to live undisturbed in a place of one's choice is something any one may appreciate. Although this right may be challenged or overridden by other basic human interests, the value we attach to where and how we live is one that demands a very high standard of review if it is to be overridden. Something like this value is expressed in the right to privacy and bodily integrity which one might take to express part of the basic conditions for justice. If this right is not granted the appropriate consideration

within a society, the society risks the instability which may arise when the social bases of self-respect and dignity are undermined. Such an instable society is not one in which the conditions for justice are easily met. In short, protection of this right to live undisturbed is very important and should not be taken lightly.

Again, this right to live undisturbed is something that is general and intuitive. It does not require any detailed knowledge of particular cultures and the value they attribute to their homes and the physical spaces they inhabit – though such knowledge would certainly figure in considerations as to whether, or not, the right might reasonably be overridden.

Lynch acknowledges the special importance of place for the Achi Maya. In explaining this point, she introduces the technical term “placeness” (from Lefebvre), which is supposed to express the idiosyncratic value which the Achi Maya assign to place. *Placeness* is a particularly intense valuing of the connection to the physical space one inhabits that is illustrated by, e.g., the Achi Maya practice of ancestor worship and their connection to, what they believe are, the sacred elements of the landscape (I was a bit surprised to read that the concept of *placeness* is more than a value; as Lynch describes it, *placeness* is also an *ability* to distinguish safe from dangerous spaces – an aspect of the concept that would appear to diverge from the general and intuitive notion of the value of place, which I describe above).

However, Lynch’s focus on a technical notion which picks out a particularly intense expression of this basic human value may distract one from the case of whether, or not, the IDB and WB authorities were culpable for their ignorance and failure to conduct serious inquiry into the impacts of the dam construction. For, if the value of *placeness* is a value specific to the Achi Maya and, perhaps, not shared by the people at IDB and WB or any groups they normally come in contact with, then we might be hard pressed to accept their claims to benign ignorance. But, we ought not accept this excuse.

As I have already mentioned, the right to live undisturbed is both general and intuitive. It does not depend on any specific value of *placeness*. Any mature moral agent of sufficient experience should acknowledge this value and the right which protects it. Hence, once it is acknowledged that the IDB and WB were aware of (1)-(4), it is not difficult to make the case that they ought also to have been aware of (5). The prospect of the displacement and relocation of the affected Achi Maya communities was enough to signal to the authorities at these institutions that their potential support of the Chixoy Dam Project involved significant moral stakes – stakes which required far more than the scant investigations carried out. By failing to apprise themselves of the relevant moral features of the situation, the IDB and WB authorities appear responsible for a significant degree of blame. Although they might claim ignorance of the particular value of *placeness* for the affected Achi Maya community, they may not claim ignorance of the general and intuitive moral significance attached to situations involving displacement and relocation. In virtue of their failure to give this aspect of the construction project appropriate consideration, the IDB and WB appear to open themselves to the charge of culpability which is consistent with the demand that they contribute to a reparations scheme for the affected communities.