

## **The value of compromise: a case study**

*How can the concept of compromise be applied to decision-making processes of the Dutch government regarding the fire in camp Moria, Greece?*

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## **Abstract**

The fire in camp Moria, located on the Greek island Lesbos, put further pressures on the failing European asylum system. This study looks at the response of the Netherlands, which was minimal and caused significant chaos in the Dutch government and was felt in the Dutch society as well. I argue that the used decision-making process was inefficient and could be improved by the application of the concept of compromise, a tool for long-term collective decision-making. This study looks at the case of the fire in Moria and the Dutch response and proposes an alternative form of compromise that includes a focus on relationships, acceptance of some wrongdoing, and incorporation of a “would-be” third party. The limitations consist of the complexity of the context and a complication of the “would-be” third party.

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## 1. Introduction

In 2015, a sudden large increase of the inflow of migrants to the European Union occurred. Approximately 1.300.000 migrants applied for asylum, mostly in Greece, which was a significant incline of 123% compared to the year 2014. These applicants mainly originated from countries in Africa and the Middle East: Somalia, Eritrea, Syria, Afghanistan, etc. This large inflow of migrations caused the the European Union to tremble as it generated a collapse of the EU asylum system, which caused chaos in European political discourse (Doliwa-Klepacka & Zdanowicz, 2020). This failing system resulted in one of the worst refugee camps in the world, named Moria and located on the island of Lesbos, Greece. This resulted in a severely lacking capacity of a camp originally build as a hotspot for a short stay, in which migrant now find themselves waiting for years in inhumane circumstances (Giesen, 2020; Human Rights Watch, 2020). Social workers have been pointing out the horrifying situation for years, and claimed that this would undoubtedly go wrong, which it did.

In summer 2020, a tremendous fire ripped through camp Moria leaving thousands of people on the streets, which highlighted the already existing urgency of the situation. As a response, the European Union provided guidelines and advice to European Member States (MS). These guidelines served as an advice and were non-binding, meaning that every MS could decide for themselves to what extent they would provide support, including whether to adopt refugees. Most countries remained reversed regarding granting asylum, and supported in other ways such as financial and material support (VluchtelingenWerk Nederland, 2020b).

The Netherlands presented a motion within their government regarding the adoption of 500 minors. Initially, this motion got rejected, however, it was reconsideration resulting in an agreement of adopting 100 refugees. The decision-making process of this issue did not run smoothly nor did the outcome have positive effects on the government or the Dutch society in general. High frustrations caused troubled in the collaboration among parties and many strikes and petitions started as a response to the decision. Moreover, as emotions were raising, democratic values were occasionally ignored. To prevent this from happening in the future, I suggest using the concept of compromise as a decision-making tool for this case.

Compromise is one of the possible procedures to make collective decisions and allows for parties to make a “second-best” agreement to stay away from worse options, such as the

escalation of the conflict (van Parijs, 2012). Compromise incorporates reciprocity and consent, in which consenting to a reciprocal agreement is morally-binding (Rouméas, 2021). Compromises constructs a way to combat the presented issues, such as the refusal of collaboration as it includes trust, mutual respect, and equality (Weinstock, 2017). Therefore, the aim of this study is to answer the following research question: *“How can the concept of compromise be applied to decision-making processes of the Dutch government regarding the fire in camp Moria, Greece?”*

Firstly, I will explain the methods and approaches I used to gain insight into the reason for choosing these as the best way to conduct this research. Next, I will present a literature review with the aim of providing a basis to understand the rest of the study. The literature review starts by describing the concept of compromise incorporating its procedural value and differentiating it from bargaining and deliberation. Furthermore, this review contains a simple description of the Dutch political system and the European asylum system. Then I move on to present the case study of the fire in camp Moria and highlight why a compromise is not only suitable, but also not applied already. The main part of this study is the proposal of an alternative form of compromise to properly tackle the occurred issues in the decision-making processes of the case, which can also be applied to other situation in which compromise is a suitable option. Lastly, I will illustrate two limitation, namely the complexity of the context as well as the complication of the one of the aspects of the proposed form of compromise, after which a summary and conclusion will follow.

## **2. Methodology**

This paper covers ethics and political philosophy applied to the concepts of leadership and decision-making. A conceptual analysis has been conducted to gain an understanding of the existing literature, which delivered a comprehensive overview of the issue as a base to build normative claims and answer the posed research question. This conceptual analysis was carried out in an interdisciplinary manner, as this take on compromise touches upon the connections between ethics, political philosophy, leadership, decision-making, and refugee policy. The first approach of the analysis, used to gain an understanding of the concept of compromise, incorporated the snowball literature review. Snowballing involves the use of the

reference list of a ‘seed’ article to determine additional articles. This approach starts by using identified keywords in academic databases, in this case ‘*compromise - decision-making - procedure*’, to find the necessary seed article that frames the topic (Lecy & Beatty, 2012; Ramer, 2005; Schlosser, Wendt, Bhavnani, & Nail-Chiwetalu, 2006). Such an article should be widely cited, which includes the allowance of an exposure to different audiences (Lecy & Beatty, 2012). The chosen seed article was ‘*What makes a good compromise?*’ by Phillippe van Parijs (2011). The next step is the inclusion of papers that are cited by this seed article as well as papers citing this seed article, to create a representative reference network. This approach reduces cognitive biases as it allows to gain insights into a broad context of academic outputs and its connections, rather than a narrow one through use of keyword searches (Garfield, 2001; Petticrew and Gilbody, 2004). Therefore, it provides a holistic and interdisciplinary understanding of the subject, which is rarely achieved by individual searches (Lecy & Beatty, 2012). The second approach of the analysis incorporated secondary literature from websites of the European Parliament, Dutch political parties, as well as several NGOs, which was obtained using the following keywords “refugee – fire Moria – response – The Netherlands”.

Additionally, this understanding of the existing literature was made relevant by using a case study about the fire in Camp Moria, Greece, in which the diverse disciplines were brought together to highlight their interconnectedness. The ‘research-practice gap’, also known as the ‘relevance gap’, designates a gap between academic findings and its practices, which can be perceived as issues regarding knowledge transfer or “lost in translation” (Shapiro, Kirkman, and Courney, 2007; Van de Ven and Johnson, 2006). Academics and practitioners often have fundamentally distinct frames of reference regarding what kinds of information serve as an accurate basis for action and “sense-making”. Academics are mostly interested in the ‘truth’, while practitioners are more focused on practices, profits, and liquidity (Kieser & Leiner, 2009; Makin, 2021; Wood, 2014). Particularly political scientists are often judged on their ability to provide practical solutions to real-world political problems, yet, there is a distinction between what they consider ‘relevant’ and what policymakers consider ‘relevant’ (Wood, 2014). This contrast suggests that there is a certain barrier between these two worlds (Makin, 2021).

Therefore, a case study is presented to attempt to narrow this gap and maximise the impact of academics in policy by making knowledge relevant.

### **3. Literature review**

#### *3.1 Compromise*

This section includes several different aspects of compromise. First, compromise will be introduced to gain a general understanding of the concept. Next, the procedural value will be explained by highlighting the importance of reciprocity. Additionally, compromise will be compared to bargaining and deliberation by similarities as well as differences to clarify the position compromise has between the two.

##### *3.1.1 General concept*

Compromise is often described as one of the possible procedures to make collective decisions. A compromise allows parties to make a “second-best” agreement to refrain from a worse option, such as continuation or escalation of a conflict (van Parijs, 2012). The underlying norms are what makes compromise valuable, namely reciprocity and consent, and enrich it with a normative frame. When parties hold contradictory claims, compromise can be used to address the conflict through reciprocal sacrifice intended to secure the consent of those involved. Reciprocity serves as a basis for concession-giving, which indicates an ethos of mutual concern and realises a shared value of fairness. This spreads the burdens in a matter that is believed to be acceptable by all parties, which is consenting to an agreement that is morally binding (Rouméas, 2021).

According to Jones a compromise consists of two or more parties, which can be individuals, groups, institutions, etc., between whom there must be a conflict. Such a conflict can be grounded in contrasting principles, beliefs, interests, preferences, and judgements. Moreover, the compromise is reached by those who are part of it, meaning, there is no involvement of a third party (arbitration) to come to a solution (Benjamin, 1990; Van Parijs, 2012). A compromise is also a process which all parties involved have agreed to take part in and in which they make concessions of some sort (Jones, 2012).



### *3.1.2 Procedural value*

Compromises are often presented as an outcome of an interaction between different actors, for example in the form of a policy (Benditt, 1979; Golding, 1979). Nonetheless, the procedural value of compromise also gives valuable reason to choose this manner of decision-making. A procedure can be described as a set of rules to build the practice. Compromise is a rather odd procedure as the set of rules and the practice it relies on is informal (Roumeas, 2021). In advance of the compromise, compromisers do not agree to be bound by its output. Alternatively, they generally enter the discussion determined of their views and opinions and find themselves having to make concessions in the process. Nonetheless, informal rules do not imply they are unstructured or negligible. When determining whether an informal agreement is a compromise, it depends on conformity with certain basic norms, namely, as aforementioned, reciprocity and consent, to give the compromise normative value. There are adequate reasons to choose such a reciprocal and consensual process, but there must be an initial position of approximate equality (Becker, 2005; van Parijs, 2012).

The norm of reciprocity requires concessions to be made voluntarily, free from coercion, and in pursuit of the other's consent (Becker, 2005; Roumeas, 2021). "Reciprocity implies consent." Reciprocity functions because it develops moral expectations and a feeling of indebtedness, meaning those who give, expect something to receive in return. The accepted concept of reciprocity demands a proportional and fitting response to what has been received (Becker, 2005), which creates a sense of fairness (White, 2003) In the context of compromise, two crucial features of reciprocity can be identified: the subjective metric and nature. Firstly, the subjective metric refers to the exchange rate of the concessions. Each actor's own loss and the other actor's loss must be evaluated to determine whether the exchange standard is "agent-relative". Each agent's loss as well as the other agent(s)'s should be evaluated to determine whether all consider the concessions to be fair. This does not imply that the value of the concessions must be equal in absolute terms, but in their own respective terms, called agent-relative terms. Secondly, the nature of what is being exchanged is important. As repeatedly indicated, compromise is about loss for loss (Becker 1986; Gould 1988; Gouldner, 1960). Reciprocity is the norm that manages the tentative alteration of these losses. Generally, a compromise starts with a concession on one end, after which, following the concept of

reciprocity, a concession takes place at the other end as well. It is highly probable that the appropriate concession differs from a truly equal return. It is key to acquire mutual concern by taking the other's views seriously (White, 2003), which calls for active engagement with each other's standpoint to accommodate it accordingly. A frequently used and powerful example to highlight the necessary coordination is the short story called "The Gift of Magi". A story that talks about a married couple wanting to buy each other a gift. They did not possess much money, which forces them to make certain sacrifices. The wife chose to cut her long hair in exchange for a chain for the watch of her husband. At the same time, her husband decided to sell his watch in exchange for a comb for the hair of his wife. You can most likely imagine that this resulted in a loss on both sides, which arose due to a mutual sacrifice that was not coordinated (Gautier, 1986; Golding, 1979; Roumeas, 2021). This approach demonstrates acknowledgement of the opponent(s)'s perspective as well as trust, which signifies that compromise has intrinsic value (Roumeas, 2021). Therefore, compromise is a valuable procedure that builds long-term relationships of cooperation, which makes future (political) decision-making processes smoother (Gouldner, 1960; Schwartzberg, 2018; Van Parijs, 2012).

### *3.1.3 Bargaining and deliberation*

It is quite common to position compromise somewhat between bargaining and deliberation. The fundamental difference between bargaining and compromising is the attitude of the parties. The attitude in bargaining is strategic and seeks to maximise own interest, while the attitude in compromise is rather cooperative and seeks to agree on a mutually satisfactory solution (Van Parijs, 2012). A compromise includes a readiness to make sacrifices to come to a mutual solution, while bargainers are focused on getting the most out of their own utilities (Benditt, 1979; Leydet, 2006; Roumeas, 2021).

Additionally, the fundamental difference between deliberation and compromise lies in the willingness to change one's mind. Deliberation depends on the willingness of actors to change their mind. It is built on the premise that their claim is potentially wrong, after which it can be revised and corrected accordingly to adopt an alternative view. In other words, there is no loss, as actors improve their views to come to a common good, a consensus. However, compromise operates differently. In a compromise, actors do not change their minds, but hold

their original view, while conceding on their original aspirations (Gutmann and Thompson 2014; May 2005; Weinstock 2017). This means that compromisers remain convinced of the correctness of their original position, while giving up part of their view to secure an agreement. One party offers to yield a certain aspect if the other does so as well to reach a mutually acceptable solution, which includes losses on all sides and serves as a “second-best” result (Elster, 2000; Leydet, 2006; May, 2005; Weinstock 2017).

Even though compromise has been illustrated to be essentially different from bargaining and deliberation, compromise does use some features from those two concepts. On the one hand, compromise can be interpreted as a moralised version of bargaining in which there is a cooperative attitude alternatively to the purely strategic one. On the other hand, compromise can be viewed as a more realistic form of deliberation which includes more pragmatic matters and ways of communicating. The hybridity concerning the adoption of traits from both other concepts causes the need for compromise to have a label of its own (Gutmann and Thompson, 2014; Weinstock, 2017).

In short, compromise consists of different aspects. It is a decision-making tool used for parties that face opposing views in a conflict. Not only the outcome but also the procedural value, such as mutual respect to build relationships that enhance future collaboration. Lastly, compromise positions its somewhere between bargaining and deliberation as it includes characteristics of both.

In negotiations power asymmetries always occur and create (deliberative) deformities. Some people have difficulties getting their voices heard, while others lead the debate and dominate the political agenda. This also is true for migration issues, and, in this case, the fire in camp Moria, Greece. Compromises forms a way to combat these issues by incorporating parties in a collaboration that serves to collectively make decisions by treating each other equally and with respect. As I will display in one of the following sections, several different strategies of combatting the migration issues, both on the EU-level as well as a national level, have been used. It often polarises people rather than bring them together. Incorporating the inputs of political opponents can, for example, serve as a corrective mechanism. Compromise can rectify this deficiency of inclusion in our democracy by contributing to an accommodating

society (Weinstock, 2013). In the following paragraphs, I will shortly discuss two topics, namely the Dutch government and existing asylum policies, in their simplified version to better understand the context of the situation to which compromise will be applied.

### *3.2 Dutch government*

Dutch politics mainly occurs within a parliamentary democracy.<sup>1</sup> The House of Representative, Tweede Kamer (literally the Second Chamber) consists of 150 seats which are distributed through elections by party-list proportional elections every four years. The Second Chamber makes laws and creates government policy, which are accepted or rejected by the First Chamber, and is led by a governing coalition formed made up of political parties. Even though it is not an obligation, this coalition is often established by political parties that together possess over half of the seats of the Second Chamber, so at least 76. This is origins from the fact it is necessary that for a policy to be accepted having a majority of at least 76 seats supporting (Aarts, 2008; Mair, 2008).

A quick overview of the orientations of the political parties involved will be presented to gain insight in their position in the case of the fire in Moria, Greece. These political orientations are differentiated in two manners, namely progressive versus conservative and left-winged versus right-winged.

- Progressive left: BIJ1, PvdD, GL, SP, DENK, PvdA.
- Progressive centre: D66, Volt.
- Centre: CU, 50PLUS, CDA.
- Conservative centre: PVV.
- Centre right: VVD, BBB.
- Conservative right: SGP JA21, FvD.<sup>2</sup>

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<sup>1</sup> The Netherlands also is a constitutional monarchy, but the power of the king is generally insignificant regarding Dutch politics and irrelevant for this specific study.

<sup>2</sup> Sources propose different classifications of Dutch political parties, so some might disagree with the one I presented. Nonetheless, for the sake of this study only very general knowledge about the approximate position of these political parties is necessary.

The current governing coalition is formed by the VVD, People's party for Freedom and Democracy; CDA, Christian Democratic Appeal; CU, Christen Union; and the D66, Democrats 66. Within the Dutch government, debates are crucial for its function and in such debates all parties get the opportunity to be heard, so this includes the parties outside of the governing coalition (Van Herk, Schoonees, Groenen & Van Rosmalen, 2018).

### *3.3 Current Asylum Relocation Policy*

Within the European Union (EU), recent years have generated a strong need for extra-coordinated actions with regards to asylum policies. In 2015 and 2016 an abrupt increase of the inflow of refugees into the EU triggered a collapse of the common asylum system, which is mostly based on the Dublin III Regulation that determines the country responsible for reviewing an asylum application. This regulation states that the first country of the European Union entered by a migrant would be responsible for the examination, which resulted in a disproportionate burden for Greece. This highlighted the pitfalls of the regulation and triggered chaos into the European asylum system (Doliwa-Klepcka & Zdanowicz, 2020).

As most migrants were entering the EU via Turkey, the cooperation between the EU and the Turkish government was imminent and generated the EU-Turkey deal. This deal stated that all new irregular migrants, refugees, entering Greece via Turkey would be sent back to Turkey. In exchange, for every migrant being sent back to Turkey from Greece, another migrant would get moved from Turkey to the EU. Additionally, the EU has arranged Turkey with 6 billion euro (Casella Colombeau, 2020; Doliwa-Klepcka & Zdanowicz, 2020).

This issue of migrants entering the EU via Turkey is not sustainable for the long-term as continuous political changes makes the maintenance of the agreement difficult. In 2020, the issue of refugees arriving in the EU from Turkey returned as Turkey reopened its borders to Greece. This time the European Parliament asked EU Member States to use the principle of solidarity described in Article 80 of the Treaty on the Functioning of the European Union (TFEU) considering migrants' rights, which created high ambiguity. Therefore, there is no current solution nor working policy in place to tackle the asylum crisis in the European Union (Casella Colombeau, 2020). In other words, European Member States can make their own decisions when it comes to migration issues.

## **4. Case study - Dutch response to Fire Camp Moria, Greece**

### *4.1 Overview EU refugee crisis*

The refugee crisis in the European has faced many problems, including a failure of the system after the large inflow of migrants could not be dealt with. For years social workers have been pointing out the inhumane situation financed by the European Union and that, at some point, it would undoubtedly go wrong (Human Rights Watch, 2020; NRC, 2020). Moria, a camp built to function as a hotspot to accommodate a short stay for approximately 2.000 before being divided over several EU-countries (Giesen, 2020). Instead, procedures take years, and the capacity has been lacking since its existence, leaving people in brutal circumstances, including a defective sewage system, lack of medical staff and support, and the absence of a future perspective (Human Rights Watch, 2020; Stichting Vluchteling, 2018). This has contributed to the creation of the “worst refugee camp in the world” where human rights are utterly violated (Amnesty International, 2021; Stichting Vluchteling, 2018). 96% of the refugees in the camps of Lesvos report symptoms of depression, 93% of anxiety, while 80% now endure behavioural problems such as social isolation and substance abuse (IRC Deutschland, 2021). This highlights the already existing urgency to find a solution to this issue, but in summer 2020 a fire broke out in one of the main refugee camps in Greece which put further pressure on the situation.

### *4.2 Fire Camp Moria*

On the night of September the 8<sup>th</sup>, 2020, a devastating fire ripped through Moria, the largest refugee camp of Greece on an island called Lesvos. Over 12.000 people were left without basic services and nowhere to go (Cossé, 2020; European Parliament, 2020; IOM Nederland, 2020; Markham, 2022; UNHCR, 2020a). So, the urgency that has always existed is now stronger than ever (NRC, 2020). According to multiple NGOs, such as Human Rights Watch (HRW) and the United Nations High Commissioner for Refugees (UNHCR), long-term solutions should be advocated and EU-leaders should share responsibility for the support and reception of refugees to decongest the Aegean islands (Cossé, 2020; UNHCR, 2020b). Ylva Johansson, the European Commissioner for Home Affairs, stated that the European

Commission Pact on Migration and Asylum will be an opportunity for Member States of the EU to tackle these issues and secure more solidarity, support, and responsibility-sharing across the EU (Deutsche Welle, 2020b; UNHCR, 2020c). Even though many politicians verbally expressed what must be accomplished, the reality looks highly divergent.

#### *4.3 European response*

As an immediate response to these fires in Moria, Brussels had announced a new camp was going to be built on Lesbos (Deutsche Welle, 2020a). UNHCR has been assisting the setup of this new tented facility to accommodate the urgent humanitarian needs. The Hellenic has been responsible for the provision of water and food (UNHCR, 2020b). Denmark, Sweden, Finland, Germany, and Austria have offered hundreds of tents, blankets, and sleeping bags, which only emphasises the sharp contrast between the provision of humanitarian equipment and the willingness to decongest the islands by a fair distribution among the EU Member States (Statewatch, 2020). According to IOM, the priority right now is to focus on the immediate needs of the refugees, but as previously stated, a collective long-term sustainable solution has yet to be found. A stronger system of relocation is needed to which European Member States should be committed (Deutsche Welle, 2020a).

To address the interdependence between Member States' decisions and policies, on 23 September 2020, the EC has proposed a new framework that attempts to tackle migration issues for the long term called the European Commission Pact on Migration and Asylum. A Pact that should provide more clarity and humane conditions for those arriving in the EU. It seeks to build confidence through increased effectiveness of procedures, clarify responsibilities to restore trust between MS, and emphasises the importance of solidarity (European Commission, 2019; Giesen, 2020). This Pact states that 'pre-procedures' shall be set at the external border of Europe, which will mean that within 5 days a decision will be made on whether the asylum application is promising or not. In case the percentage is lower than 20%, the application will practically directly be rejected. VluchtelingenWerk Nederland (Refugee Work the Netherlands) fears that this will lead to many returns to unsafe areas (VluchtelingenWerk Nederland, 2020b). The Pact is supposed to set out a fairer approach to dealing with migration and asylum. Its goal is to put a comprehensive and sustainable policy

in place to support an effective, humane, and long-term response to the current challenging situation. This includes developing legal migration pathways, deepening migration partnerships, and improving the integration of refugees to stimulate mutual benefits. The Pact pursues faster procedures and better management of the Schengen Area and its border by a division of responsibility and effective solidarity (European Commission, 2020a, 2020b).

The European Union has provided guidelines and advice to Member States (MS), and, as previously stated these are non-binding. This means that European MS can decide for themselves whether, in what way and to what extent they provide support to countries of refugee arrival such as Greece. Examples of support are the reception of refugees, and financial and/or material aid (VluchtelingenWerk Nederland, 2020b). Germany and France are receiving unaccompanied minors and hope that other Member States will join them into receiving people who have fallen victim to the fire in Camp Moria (Giesen, 2020). For this paper, an example of a response from the Netherlands will be provided to examine whether the theory of compromise can be applied to this particular case.

#### *4.4 Dutch response*

As a response to the fires in Camp Moria, on September 9, 2020, two similar motions were submitted by Dutch politicians, one by Mr Van Ojik and one by Mr Nijboer.

A motion is a tool to add a discussion point to the debates in the First or Second Chamber that is often used in the Netherlands. All members can submit a motion, nonetheless, this does not entail that all those submitted will be processed. Firstly, the motion needs sufficient backing, meaning at least four additional members of the Chamber must support it. It is important to highlight that supporting this does not directly mean these members agree to accepting this motion, they support the adoption of the motion to the debate, while still voting against. Through a voting the decision of whether the motion will be accepted or rejected gets made (van Zanten, 2020). In case a motion gets accepted by the majority of the Chamber, it is still up to the Cabinet and/ or the minister whether to take action by implementing it or not (*Motie*, n.d.; van Zanten, 2020).

Both of these submitted motions stated that the devastating fire in Camp Moria has dramatically worsened an already untenable situation, which has made it impossible to



continue the reception of people in the camp. The motion by Ojik calls for an immediate response from the Dutch government by supporting Greece in the evacuation of asylum seekers. This would need to happen through offering to receive a proportionate share of these vulnerable people in the Netherlands, just as other countries will or should do. The motion by Nijboer demand the Dutch government to offer a safe home to at least 500 unaccompanied children (Nijboer, 2020; van Oijk, 2020).

Initially, both motions got rejected by both only having support from 48 out of 150 chairs. It is worth mentioning that all parties of the at that time governing as well as the current coalition, VVD, D66, CDA, and CU, voted against the motion. Other parties voting against include the PVV, SGP, and FVD. Meaning the parties in favour of the motion were the following: GroenLinks, SP, PvdA, PvdD, 50PLUS, and DENK (Nijboer, 2020; van Oijk, 2020). After rising pressures from the supporters of the parties that voted against, the Second Chamber came to the following agreement on September 10, 2020: The Netherlands will receive 100 people, including 50 minors not older than 14 years old, and 50 people coming through family connections. These 100 people will be deducted from the 500 internationally recognised refugees that The Netherlands receives annually via a programme by the United Nations. This means no additional refugees will be received by the Netherlands and this reception will happen at the expense of extra vulnerable refugees (Boon, 2020a; NRC, 2020; VluchtelingenWerk Nederland, 2020a). Additionally, a promise was made to sharpen penalties for people smuggling, extend the possibilities to withdraw residence permits of criminal aliens, and generate a more efficient asylum procedure (Boon, 2020a, Grütters, 2020). NRC calls the fact that the coalition could not come to a substantial solution for this emergency a disgrace (NRC, 2020). Furthermore, up until today, no single unaccompanied minor has arrived in the country, 49 of the people who arrived from family connections have not even ever been on Moria (Kuiper & van der Poel, 2021). According to several NGOs including VluchtelingenWerk Nederland, Defence for Children, and Stichting Vluchteling, refugees are the losers of the Moria-deal (Musch, 2020).

The decision-making process as well as the outcome of these motions have caused serious issues. The coalition parties often speak with one voice, even though there are strong differences between them. Whereas the VVD would like to limit asylum migration as much as

they can, D66 and CU preferred to receive more people, and CDA locates itself somewhere in between (Boon, 2020c). And even though the parties might have come to an agreement, followers of all are not happy with the result. On the right side of the political spectrum, followers call the outcome an “emotional chantage” of left parties, while those on the left side call the deal wry. Even though Prime Minister Mark Rutte received much critique from members from his own political party (VVD), the outcome seems most advantageous for the VVD as the number of refugees the Netherlands will be receiving remains the same, while the asylum system has been sharpened (Kuiper & van der Poel, 2021). Left parties demanded an explanation from D66 and CU, as they have seemingly achieved nothing with the ‘compromise’ (Boon, 2020a, 2020b).

Besides, ever since, multiple actions have been taken by the Dutch population, such as covid-proof demonstrations, petitions signed by thousands of people to receive 500 children, and an open letter signed by approximately 1.500 active members of D66, CU, CDA, and VVD. In other words, the decision has caused unrest between parties, within parties, and in the whole country of the Netherlands (Boon, 2020b), which is an issue that could be tackle by the application of a compromise as it puts focus on the procedural of decision-making process to connect people rather than take them apart (Rouméas, 2021).

## **5. Case study through the lens of compromise**

Compromise is essential and desirable in a democracy to achieve anything of significance (Gutman & Thompson, 2014). As previously discussed, the concept of compromise includes a set of characteristics that makes a compromise a compromise. These characteristics can also be interpreted as conditions of the situations for it to fit this concept. Therefore, the first part of this section will go through different aspects of the decision-making process of the Moria fire, to analyse whether this case meets the conditions for applying of the concept of compromise. Next, I will argue that the, in reality, used decision-making process during this time was not a compromise.

### *5.1 Conditions compromise*

First, a compromise always includes a conflict of some sort within a collective decision-making process (van Parijs, 2012; Cabulea May, 2018). In this case the conflict is concerns the admission of 100 refugees, proposed in the motion by van Oijk as well as Nieboer, that some agents support while others do not. Next, a compromise is suitable in a situation in which the agents treat each other in an equal manner. This does not imply that these agents must be equal in the power they carry, but rather hold one another in equal regard and respect each other as people. (Cohen, 2018; Moody-Adams, 2018). This relates to the following condition, which is that a compromise can occur when these agents form a democratic relationship together, a setting that, again, incorporates collective decision-making (Dyzenhaus, 2018). The previous two conditions are met as the Netherlands is a democracy, meaning it includes collective decision-making, in which all persons should be treated equally. Therefore, even though some agents have more power than others, all members of the Tweede Kamer get the opportunity to speak in which they get equal consideration and respect (Van Herk, Schoonees, Groenen & Van Rosmalen, 2018). As the presented case about the decision-making process regarding the fire in Moria meet these conditions, I will conclude that the case is a good candidate to apply the concept of compromise to.

### *5.2 No compromise*

Now that I have argued that the setting of the decision-making process with regards to the fire in Moria does meet the conditions for applying the concept of compromise, I will highlight that the handled manner was not a (good) compromise. Even though it might seem a compromise was applied as the two proposed motions were officially rejected, but at the end of the day partially adopted. Instead of adopting the proposed 500 children, an agreement was made to adopt a 100 people. Furthermore, the Dutch government implements many occasions of debate and other forms of communication. However, I argue that it does not meet the proper criteria of compromise.

Firstly, as many other governments, it often is a competitive exchange of words generally used as persuasion. The “smoke-filled room” has evolved into a metaphor for organised ambiguity (Beerbohm, 2018). Parties purposely do not reveal much of their hand as

well as there are strong incentives to misrepresent their position, which include winning debates and gaining votes (Kirshner, 2018). Moreover, lying in plain sight is a practice that often occurs as a form of misrepresentation and bargaining. The process of counteroffer builds incentives for exploitation, manipulation, and coercion. (Beerbohm, 2018). In the debates of the Dutch government, there was a competitive atmosphere among the parties in which most parties were not willing to change their position after making promises that were not met (NRC, 2020; VluchtelingenWerk Nederland, 2020a). This created a chaos within the government including parties not willing to work with each other anymore. Again, compromise aims at bringing agents together and treating each other equally and respectfully, rather than increasing polarisation. The decision-making processes in the Dutch government regarding the fire, did not incorporate this and ignored some democratic values in the process.

Furthermore, in a compromise, an agreement is reached because all agents sacrifice a part of their initial offer (Cohen, 2018). In essence, a motion only allows for its acceptance or rejection, meaning some agents must make a large sacrifice, while others do not at all. Even though an eventual reconsideration of its output, a motion does not seem the good way to make a compromise. There seems to be a praise for the idea of compromise, however, this is coupled with a clear resistance to make this a reality (Gutmann & Thompson, 2014).

## **6. Discussion**

Now that I have argued that the case of the fire in camp Moria is suitable for the application of the concept of compromise, I will propose an altered concept of compromise. Even though I will connect this to the case of the fire in camp Moria, it could be generally applied to cases for which compromise is an appropriate decision-making tool as well. Firstly, the right relationships are crucial, which was already incorporated in the theory of compromise, and touches upon the all the following proposals of application that follow. Nonetheless, I argue that the relationship between the representative and the citizen is essential to as this strengthen democratic values important for a compromise. Next, I will present an additional aspect of a non-traditional form of compromise that accepts some ignorance of the rules, such as misrepresentation and threats, and displays how to deal with those kinds of situations. Moreover, I argue that a compromise should contain a “would-be” third party that is not

directly involved in the decision-making but is affected by the outcome of the decision and should therefore be considered.

### *6.1 Relationships*

The first issue I would like to raise is that the presented issue, of whether to adopt refugees after a fire in camp Moria, is ours. Let us suppose that there is an unjust bill voted for by representatives, acting as public servants. Whether you advocated for this bill or voted for a certain candidate committed to executing a policy, the concept of dirty hands proposes you do not bear any responsibility. You are morally closed off from the actions of your representatives that are carrying out just and unjust actions in our name by shielding us from its blame. This might seem as a convenient solution from the angle of the democratic citizen, as they can escape the responsibility by the authority of an agent to do the ‘dirty’ work. However, I argue that citizens should co-own responsibility for both just and unjust legal decisions as it’s implausible give full responsibility to our representatives when they lie and intrigue for us (Beerbohm, 2018; Waltzer, 1973), and, therefore, the problem is ours. This poses that it is co-owned by democratic citizens and touches upon the practice of compromise, which includes joint uptake of a solution. In other words, politics asks for a willingness to engage in concessions and adjustments from its citizens, even when representatives are in a position to ignore it. This argument taps into the commitment that a healthy civic life concerns some accommodation of the views of others. So, the proper rationale for handling compromise is as a non-instrumental value requires a conception of democracy as a complex collection of relationships encompassing the relationship between the representative and citizen (Beerbohm, 2018).

This is particularly important when it comes to the case of the fire in Moria, as migration issues often cause chaos in society and the used decision-making processes, and its outcome generated more polarisation in society as well as the government. Applying compromise, this recognises the importance of relationships creating a form of mutual respect that aims at bringing people together not only to solve the current presented issue but those in the future as well. Moreover, it plays a central role in making the following proposed aspects work.

## *6.2 Non-traditional compromise*

I argue that to properly apply the concept of compromise to this case, a less strict and traditional definition of compromise should be included. It is tempting to refuse to participate in any compromise proposal by opting out, which was the case the Dutch government. After the failure of coming to an agreement that all parties were satisfied with, some parties refused to work together or even talk to each other (NRC, 2020). This way of opting out could either be by getting involved in pure bargaining during this process, or simply by denying to accept the necessary concessions or future collaboration. Both postures are unsustainable when adopted by representatives as they engage in a complex relationship with their citizens, as previously described. The behaviour of acting fully purist can lead to longstanding obstruction of our political system, a democracy. Serving as bargainers, including no concessions that are not strictly necessary to accomplish an agreement is a subtler hazard. This characteristic may not directly seem compatible with the ideal of democracy, but does not immediately throw it through the window. There is a real sense that the characteristics of a compromise make our political system more democratic. Compromise incorporates a set of rules including shared intentions and mutual respect to each other and the given rules. As long as all agents commit to honour the rules of the compromise, they can continue their decision-making process (Beerbohm, 2018).

At the same time, describing compromise also sheds light on its vulnerabilities. The commitment to the presented, nonlegal, rules puts the participants in a vulnerable position. The method of offer and counteroffer generates incentives to misuse the presented rules. In other words, compromise does not only build new ways of joint activity, but also creates space for several ways of potential abuse. This moral abuse might sound like something for the ill willed, but there is also a strong temptation for morally motivated agents to use unpleasant tactics to reach a solution that does satisfy their (moral) principles. An example of such an unpleasant tactic are breaking promises; lying, concealing, or making misleading statements; coalition with the 'ill willed' (Williams, 1978). To build my argument, I will show two frequently occurring concerns when it comes to negotiations.

*Misrepresentation.* If you have ever experienced bargaining, you know the initial offer is always a conceit, one party is generally asking for much more than they think they should get or the product or service is worth. This might work in car sales, but it can be troubling when used in legal decision-making processes. In such a case none of the parties want to reveal too much of their hand or the concessions they are willing to make as they realise their initial strong position can leverage their negotiating power, often called the power of the anchoring effect (Kahneman & Tversky, 1981; Beerbohm, 2018). This increases the temptation put oneself in a false position or make false claims. This might give the audience the idea the party does support a certain decision or position, and causes to spread inaccurate information (Wallace, 2010). This devitalises compromise by justifying suspicion that the positions from which parties are negotiating are not genuine. Moreover, this weakens the essential sense of reciprocity, including a mutual commitment to good convictions and crucial to form a compromise (Shiffrin, 2014).

*Threats.* Bargainers have been long aware of the effectiveness of (extreme) threats. One party can threaten to walk away in case the other party demands something without offering something in return. An example could be rowing a boat together (Schelling, 1990; Beerbohm, 2018). One might urge that the other rows the boat or you will tip it over, which will cause all parties to drown. Specifically moral threats are highly common. In this case, one party might make a threat of doing moral wrong if the other party does not commit to another, lesser, wrong (McConnell, 1981; Knight 2018). This gives an incentive to accept an unfair offer.

Both misrepresentation and threat occur in Dutch government almost as if it is ingrained in the nature of politics, and also were included in the debates surrounding the fire. Even though the aim of a compromise includes honouring its rules, what should be done if exploitation does occur? At first glance, one might want nothing to do with the other party, as the case shows, if it does use forms of exploitation. One party might engage in compromise through offering concessions, while participating in selective truth-telling and potentially implicit threats. If parties reveal a big part of our agenda when we enter a negotiation, the opportunities to make progress will be greatly reduced (Austin, 1962; Knight, 2018). In reality, if one party violates a rule, this often results in further violations of the rules (Shughart, 2003),

or one purist party or parties walking away. Purist parties often wave the banner of not wanting to compromise when it is against their moral principles. They will not accept accommodating the other party's position when they violate the rules, which is in their eyes unjustifiable (Benditt, 2002). This is a matter of principle and these parties are not willing to give such fundamentals up for negotiation. This put an end to the collaboration, even if the unsatisfactory violation of the rules results in a reduction in the overall amount of injustice of the issue (Scheffler, 2004). This unwillingness is incredibly difficult to change and this manner of thinking about a compromise includes a notion of shared moral responsibility that seems to repel purists. To put this idea into context, let us discuss one of the most famous purist examples in normative ethics. A killer knocks on your door and asks whether someone is hiding in your attic. Imagine you mislead the killer, but your deception leads him back to the person hiding in your house. According to Kantian ethics, once a moral principle is violated, you become responsible for all consequences of your actions. This type of logic carries over to purist parties resulting in their refusal to engage in the activity of compromise in disagreement of the included procedure or outcome (Beerbohm, 2018).

On the other hand, strategists often look right through compromises. They perceive it as a series of leverages that they can use to maximise their own advances. Even though they might participate in the shared commitment of a compromise, their reasons will always be instrumental. This includes the maximisation of their first order desires, instead of coming to an agreement after all parties have somewhat equal concessions and accept to receive their second-best outcomes. They might be engaged in some policies that incorporate outcomes not in line with their moral standpoint, but this will always be in favour of pleasing their own moral commitments on the long run. They could for example simply write some sentences and publishing them just to adjust people's moral requirements that will benefit them after (May, 2011). In other words, strategists are focused on their own (legislature's) output completely losing sight of the valuable character of compromise in decision-making processes.

My proposal is to include the appealing characteristics from purists and strategists, and call such an agent a practitioner. This creates space for a middle stance within the means and the ends of the negotiation. This means that certain types of misrepresentation are accepted for



the good of the overall compromise. When confronted with agents leaning using more strategist practices, practitioners receive permission to participate in deception. What is crucial for practitioners is that they relate to their fellow parties, and, therefore, the democratic system, and equally sharing authority with them. This places an important value on parties co-owning rules and laws that they act out together. This includes the “co-ownership” within democracies and refers back to my first argument stating that social issues are “ours” and not only for those that represent us. These parties are agents that citizens stand in a relationship with and are speaking in name of a certain subdivision of the citizens (May, 2011; Beerbohm, 2018).

Defend one of the strategic features, consider someone has three choices within policies: the first option fully satisfies his principles, the second is an effort to have a compromising option and the third is completely against his principles. In my opinion, it is perfectly justified and not surprising that this person will prefer the first option. Nonetheless, this should be combined with the responsibility of the proposed a certain solution or supported a decision by putting weight on co-authorship. This entails that they also get exposed to the objections of the persons wronged by it, which includes the negative attitudes of blame, indignation, and resentment. Contrarily, if a party co-accepts a decision, it is morally lying for its arrangement, which encompasses the concessions they made. In this case, they do not possess a strong moral responsibility, see it as a secondary responsibility. Awarding this responsibility and liability can change the future agenda-setting of (strategist) parties as pressure is put on highlighting this issue that has often been ignored in the negotiation process. Moreover, it continues to highlight our democratic values (Knight, 2018).

These general suggestions are applicable to the case of the fire, as simply refusing to collaborate, disrespecting one another or frustrations so high causing to not want to talk to each other, are not a sustainable solution. If compromise does not prevail in our politics and democratic system, we must find a way to (re)invent it. I have defended a type of compromise that accepts parties that misrepresent themselves and use threats, a situation in which traditional compromising parties do not engage in, with the aim of stimulating the joint uptake of legal decision-making processes and their solutions (Beerbohm, 2018).

### 6.3 “*Would-be*” third party

Next, compromises are often wrongly presented and treated as being bipolar. In this section, I argue that such decision-making processes always include at least three agents as those affected by the decision should be included in the process. If anything, justice requires not to wrong people, a requirement that is important when making decisions. Even though not all decisions include the potential to harm someone, most of the, directly or indirectly, do. To support my claim, I will use an example of an old flowerpot standing on a balcony. The simplest thing to do might be to push it off. This could be when it is a balcony of the ship in the sea, but also when it the balcony of an apartment hanging over a busy street. Pushing the flowerpot off the balcony in the latter case, gravely wrongs the people in the street, a manner in which they do not deserve to be treated. Even though it is not an issue of represented or acting on behalf of the people risking to get a flowerpot on their heads, the person on the balcony still has a duty not to harm them and the people in the streets can form a claim against this person if they would like. In case the act is committed by multiple people, instead of one person, the same rule applies. Such decisions are often highly political and can be made by different types of political agents such as politicians and other public officials, political parties, trade unions, activist organisations, etc. Compromise encompasses a conflict in which justice is at stake. This means that in such disagreements there is always someone at risk of being harmed by the decision, a “would-be” third party. Bipolar accounts of compromise are misrepresenting the type of decision that prompts an interest. Even in bilateral agreements there is always someone in danger of being wronged and are therefore always tripolar. Such disagreements are unmistakably more complex than the simplified example of the old flowerpot. I argue that they are at least as complicated and not less, as there is no possibility in a democracy that transforms a tripolar relation to a solely bipolar relation (Ford, 2018).

A compromise is always shaped by its context as it occurs in a continuous institution in which members have responsibilities to maintain relationships with one another to deal with a broad scope of issues. The duty to those who are vulnerable to unjust decisions is often not incorporated in the theory and practice of compromise, which it should (Gutmann and Thomson, 2014). Returning to the flowerpot example, if two people or a group of people would vote about whether to push the flowerpot, this would be fair as this does not invalidate the

agents' duties to the people in the street. These people were not participants in the decision-making process. However, this is not the point, the essence is that these people are at risk of being wrong by the agents on the balcony. This example also applies to immigration and asylum agreements, as it include people who are not participating in the decision-making process, but are often not represented as people who are affected and can be wronged by it (Ford, 2018; Knight, 2018).

Guiding this back to the decision-making processes in the Dutch government surrounding the fire on camp Moria, the “would-be” third party can be interpreted as the refugees themselves that are not included in the decision-making process. Several aspects that are included in the decision-making process are the effects of the adoption of refugees on the Netherlands as a society, such as societal, economic, political, and environmental results. An example of a societal influence could be the opinions and responses from the inhabitants of the Netherlands. Nonetheless, the consequences for the refugees of The Netherlands giving asylum and not giving asylum are huge. Giving asylum not only provides food, water, and shelter, but also opportunities to build a living, including finding a job. You can guess, not getting asylum takes away these opportunities. And, in the case of refugees located in Greece, this often means having to live in a camp that does not respect basic human rights. Therefore, more efforts must be made to truly take into account this group, the “would-be” third party.

## **7. Limitations**

Each case or theory comes with its limitations and so does the application of the concept of compromise to the fire on Moria, Greece. In this section two main limitations will be discussed, namely the complexity of the context and the complications of “would-be” third parties.

### *7.1 Complexity of the context*

Firstly, I have provided a simplified version containing the, to my understanding, most important aspects of the fire in Moria plus having compromise in the back of the mind. In reality, this case is much more complex and therefore forms a limitation to this study. Some

of the contexts of this case have not been discussed in order to increase the understandability of this work. Such contexts include the different nationalities involved in the case, all coming from a state with their own state having their own history and causes of the flow of refugees. Even though, as previously stated, there is no clear collective framework to address the current refugee crisis, still many attempts to handle the issue have been put in place. This includes policies theoretical/ legal, such as the EU-Turkey deal, as well as practical, the illegal pushback of refugees. Moreover, different strategies of tackling the issue have been used overtime. Whereas in 2015 and 2016 many refugees got asylum in EU countries, in the more recent years this seems to have come to a halt. Some policies or less official actions that worked just fine years ago, are outdated and inefficient today.

Furthermore, other aspects of the context of the decision-making processes that representatives are dealing with are touching upon the well-being of their citizens, social justice, the improvement of relationships, economic incentives, biases, prevention of chaos, etc. These factors play a role in the final decision-making among the agents involved and can be used for the competitive character of negotiations (bargainers, strategists). It is nearly impossible to fully grasp their influence, even by those who are engaging in the process. A compromise cannot be properly evaluated as a freestanding act and, even though there is no golden overview of the contextual factors that come into play, it is crucial to consider those factors in the decision-making process. Especially since the differing desires of the agents participating in the compromise are key with regards to the concessions made, and therefore influence both the process and the outcome (Gutmann and Thompson, 2014). So, this study incorporates a simplified version of the context of the fire of Moria and there are several different aspects to the context in which representatives make their decisions rather than only including the topic of the issue itself. Nonetheless, the latter emphasises the importance of the rules of compromise with regards to striving for the long-term relationships that contain mutual trust.

### *7.2 Complications “would-be” third party*

The second limitation is that the inclusion of the proposed “would-be” third party might not be fully realistic, or, at last, not with the most literal sense of the concept. The section that

discussed the proposal of the engagement of this party, in this case the refugees, already stated that this does not include them joining the decision-making table in a sense that their (imaginary) representative can vote. Much rather, it would entail that their needs and potential risk of maltreatment considered and represented in the decision-making process to ensure no harm is done to these refugees as they are highly affected by its outcome. Nonetheless, this still poses a limitation as this raises multiple complicated questions. Should all refugees be equally considered? How much does the justice towards refugees weigh compared to the duties towards and the needs of citizens? To what extent is this state responsible for the adoption of refugees and how does this relate to other EU countries? How highly should one be affected to be included as a “would-be” third party? All these questions are also interrelated to the contextual factors stated in the previous section. I cannot provide a clear answer to these questions, but the acknowledgement of their presence and valuing their existence by considering the potential harm that could be done to them is already a great start. Furthermore, this relates to aspects of compromise such as mutual respect towards all parties included in the process as well as *reducing* moral harm to build a good compromise. Even though there is no clear general rule, the inclusion of the “would-be” third party is still a crucial aspect of a compromise to increase fairness and justice. Therefore, judgements must be made on a case-to-case basis as every case will differ depending on the context.

## **8. Conclusion**

To conclude, the already existing refugee crisis became even more urgent after the fire on one of the main Greek refugee camps called Moria. This additional crisis caused chaos within the Dutch government and had a significant effect on the society too. I argued that their decision-making process could be improved by applying the concept of compromise to the case. Compromise is a decision-making tool that is suitable for a democratic setting in which there is a conflict of opposing views from the parties involved. Reciprocity and mutual consent lie at the centre of the concept as it increased trust and respect for the agreement leading to better relationships and long-term collaboration. The study revolved around answering the following question to look deeper into the application of the concept to the case: “*How can*

*the concept of compromise be applied to decision-making processes of the Dutch government regarding the fire in camp Moria, Greece?”*

The answer to this question includes my proposal of an alternative form of compromise that not only puts value on the relationship between agents, but also between the agents and the citizens. Moreover, this proposal put forward the need for acceptance of some wrong, such as misrepresentation, and continuing to honour the agreement to increase the future collaborations and collective decision-making. Moreover, the compromise should include a “would-be” third party, even though this party is not directly included at the decision-making table, their inclusion leads to a minimisation of harm done to other people. The alternative form of the traditional compromise can not only be applied to my presented case, the fire on camp Moria, but could also be beneficial for other situations that contain suitable characteristics to use a compromise for. The incorporation of the alternative form of compromise does not only positively serve the direct occasion for which it is used, it also stimulates the society as a whole as it emphasises and reinforces democratic values. Therefore, this compromise includes a new way of handling decisions that pushes the democracy forward.

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