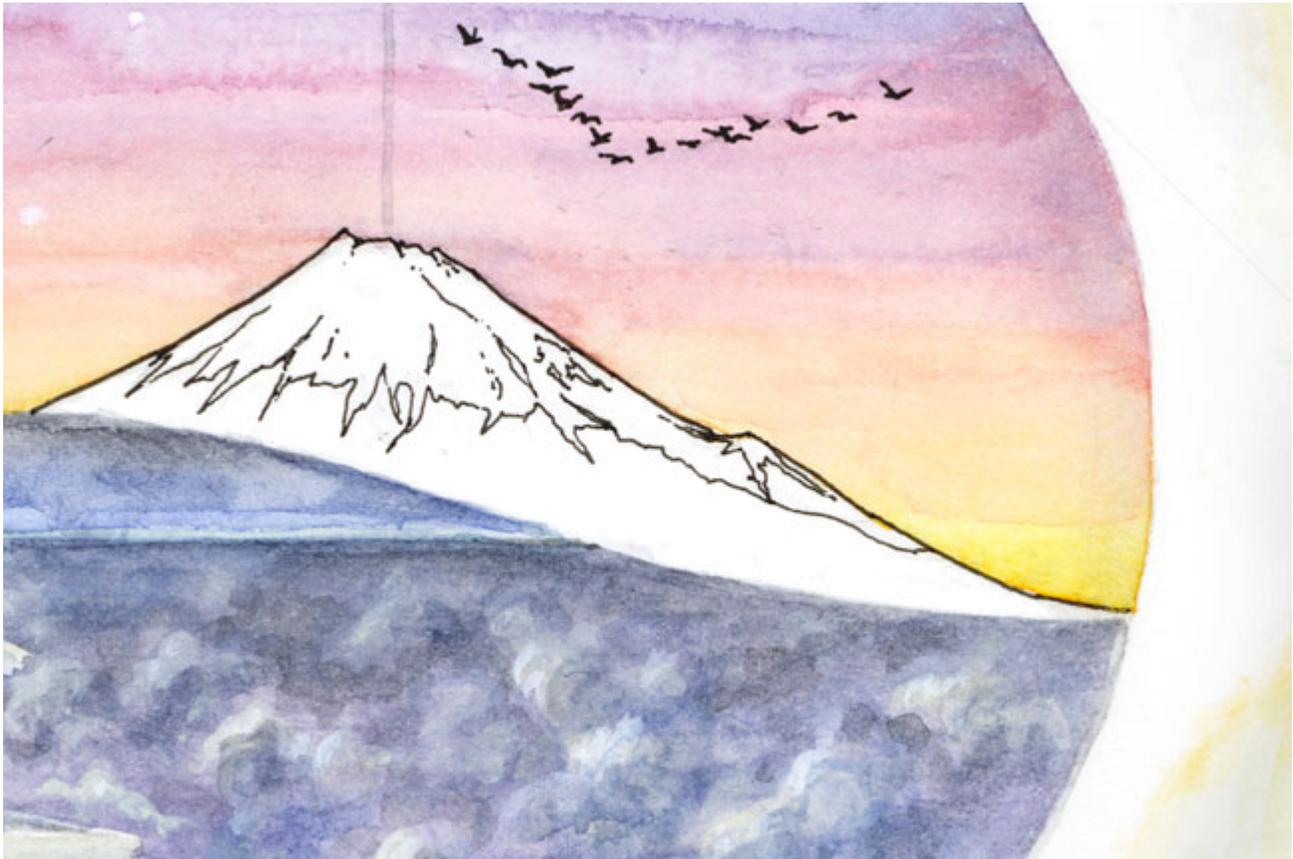


# **CARNEGIE COUNCIL** *for Ethics in International Affairs*

## **Defining a Right to Move? Reflections on the Ethics of Migration Conference James Farrer , Devin T. Stewart**



Migration. CREDIT: Ariel Kaplan (CC)

The goal of declaring a "right to move" proved elusive at the two day symposium on immigration ethics at Sophia University in Tokyo (Dec. 12-13, 2009) held in cooperation with the Carnegie Council for Ethics in International Affairs. While many of the participants, and certainly both of us, started out with the hope of issuing a strong declaration on the rights of people to move across national borders, several obstacles emerged. Given that the conference was held in Tokyo, the Japanese immigration context also framed the debate.

The first obstacle, as pointed out by philosopher [Mathias Risse](#), is that historically, the right to

international migration has been largely defined as a right to leave one's own country. According to Article 13 of the [Universal Declaration of Human Rights](#), everyone has the right to leave or return to their country, and a right to movement within their country, but there is no established right to settle outside one's country. As such, Risse pointed out, the right to move—as it exists now—is more akin to other liberty rights, such as the right to marriage, than to claim rights, such as a right to emergency medical attention. Just as people have a right to marry, but no right to demand that any given person marry, individuals now are widely recognized to have a right to leave their own country, but no right to demand to be let in somewhere else. They must first find a partner willing to accept their claim.

The lack of any international agreements for exercising a generalized "right to move" points to national governments as the site for political interventions. Advocates of "open borders," first must persuade the national governments of individual states to change their restrictive immigration policies. One plausible tactic, advocated by [Michele Wucker](#), is to show states that accepting migrants serves their national interests, particularly economic and societal interests. This was also the approach taken by [John Haffner](#) in his discussion of why Japan should accept many more migrants than it does now, basically in order to compensate for declining birth rates and thereby shore up the tax base. Both Wucker and Haffner thus foresee a happy convergence of immigrant rights and economic imperatives that could lead to a free flow of people across borders—if politicians can be persuaded.

Some participants saw flaws in this argument. At the most general level, Risse pointed out that there may not always be such a convenient convergence of economic and moral arguments on migration. If it seems too good to be true, then it probably is, he said. [Akihiro Asakawa](#) used the case of Brazilian migrants in Japan to show that national economic development policies and migration strategies are not always well aligned. Labor migrants, particularly factory workers such as ethnically Japanese Brazilians, may easily lose out during recessions and become an economic burden on the host society. A borderless world would therefore not always be a happy experience, he concluded. Given such concerns about unskilled migrants, in Japan and in other countries, it seems that economic arguments will favor policies of selective migration, such as those outlined by [Hiroshi Kimizuka](#) of the Japanese Ministry of Justice, in which foreigners who can contribute to society are welcomed but those who harm societal interests are dealt with severely. Japan will increasingly compete for high value skilled migrants. This global competition for "good immigrants" may intensify at the same time that restrictions against other migrants increase.

One difficult problem that emerges in any discussion of a "right to move" is the conflict between individual migrant rights and the group rights of the host community. [Gracia Liu-Farrer](#) argues that undocumented Chinese migrants in Japan justify their own migration practices largely in terms of their contributions to Japan, taking jobs that others are unwilling to take, while not constituting a burden on the host society. On the other hand, as Liu-Farrer herself points out, the objections to migrants often come from Japanese in communities with large concentrations of migrants, who may see new migrants as disruptive and uncooperative in maintaining community standards, such as Japan's complicated recycling practices. Nevertheless, it wasn't clear whether tension between group claims was a problem exclusive to the migration debate or to a broader phenomenon of urbanization. As [Masaru Tamamoto](#) pointed out in the discussion, Tokyoites endured very similar forms of culture shock while absorbing waves of rural to urban migrants during the twentieth century. James Farrer suggests that such intercultural clashes should be considered an essential and positive feature of the creative cosmopolitan milieu of city life.

Another objection to these economic arguments for open borders came from [Koichi Nakano](#), who pointed to the alignment of economic arguments for immigration with neo-liberal politics that advocate free flows of goods and capital, while weakening of social safety nets. In such a context, importing labor may not only exacerbate social inequalities but also undermine the political will to improve the conditions for workers. This phenomenon may already be seen in Japan in the case of foreign "trainees" used as cheap labor by Japanese companies. Japan also has begun to import healthcare workers to cope with the aging population, but not offering these workers the possibility of citizenship or full access to the Japanese labor market. Although, a free flow of people is needed to fulfill the liberal compact of other freely flowing factors such as goods and capital, as this discussion shows, a political failure to protect the rights of both host society and migrant workers simultaneously undermines the welfare of both.

Given the impasse on the labor front, it seems impossible to ground an ethics (or politics) of migration entirely on utilitarian or economic calculations. Risse, in his talk, grounds the ethics of migration in the claim of the general rights of humanity to the entire surface of the earth. If we accept such a universalistic Kantian argument, then people should have a right to move to places that are under-populated or otherwise underutilized in terms of the available resources. Devin Stewart similarly pointed out that nation-states as "imagined communities" have only been the dominant agents of social control and international politics for a brief span of human history, including the 10,000 years of human civilization, and therefore a right of movement can be grounded in primordial traditions of borderless migrations. We might label this a "state of nature" argument for migration rights. Given the arbitrariness of the nation-state as a moral agent and more urgent transnational issues such as climate change on the horizon, Stewart advocated for open-mindedness when it comes to formulating migration policy. Farrer, in his paper, argued that the ethical debates over migration might be better framed in terms of an intercultural ethics of cosmopolitanism in which cultural and social betterment is grounded in a creative dialogue among cultures, rather than simply evaluating migration in terms of economic benefits and costs. [Anthony Appiah](#)'s concept of "rooted cosmopolitanism" suggests that cosmopolitans need not give up their own native culture, nor reach a consensus on all issues, but everyone will benefit from more cultural [contamination](#).

One outcome of this conference seems to be that such fundamental ethical claims to free flows of people will have to be enshrined in international political agreements before national governments will come around to acknowledging a general right to movement across borders. Unfortunately, as [Midori Okabe](#) points out in the case of EU diplomacy with African states, international diplomacy has been tending toward finding ways to better control migrant flows rather than enable these flows. We are still far from any international agreement on a right to move.

Perhaps the strongest case for an internationally recognized right to move may arise out of considerations for the "worst case scenarios" of global migration. As [Mark Raper](#) and Stewart pointed out, we need to focus on those for whom migration is really an existential question of survival, and who are most in need of aid and a place of settlement. Climate or "environmentally-induced" refugees were an important focus of discussion at this conference, and perhaps more than any other category of people, seem to justify a global effort to plan for the massive movements of peoples from one area of the world to another. Climate change could instead spur more efforts simply to lock up national borders and elevate the immediate community as the core of survival. Despite this ominous possibility, the threat of global warming, by focusing the attentions of an

international public on the world as a whole, has the potential for creating a sense of common ownership of the earth, and perhaps pushing more people toward acceptance of a right to move across borders.

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