

## Migration, Suffering and Rights

Julia O'Connell Davidson

About suffering they were never wrong,  
The old Masters: how well they understood  
Its human position: how it takes place  
While someone else is eating or opening a window or just  
walking dully along

*Musée des Beaux Arts* - W. H. Auden

In an essay about suffering which takes Auden's *Musée des Beaux Arts* as its starting point, David Morris observes that we witness other people's suffering from a distance, 'as if through a pane of thick glass' (Morris 1997). The poem, he says, speaks to the fact that our own lives are necessarily 'more immediate and absorbing', and suggests that our capacity for detachment is 'the outcome of a structural position we cannot help but occupy'. However, Morris continues, there is a difference between this kind of detachment and an ideological blindness to the suffering of those groups of people who are excluded from our 'moral community'. It is not the same to turn away from news reporting a tragedy affecting people far away and continue to butter the breakfast toast because there is nothing you can do to help, as it is to imagine that 'people like them' do not suffer as you would if affected by a similar tragedy. The recognition of a person or group's suffering is linked to their inclusion in the moral community, Morris argues: 'Suffering... is not a raw datum, a natural phenomenon we can identify and measure, but a social status that we extend or withhold'.

I was reminded of Morris's essay when I read about the series of shipwrecks in the Mediterranean in October 2013, in which some 400 people are believed to have drowned whilst attempting to make the crossing from Libya to Lampedusa. Media reporting of the disasters noted that humanitarian agencies estimate that 20,000 lives have been lost in similar circumstances over the past 20 years, and that there are many thousands more men, women and children currently in North African countries, waiting to attempt the crossing (Davies, 2013). People in Europe heard this news and continued with the prosaic business of daily life, just as the ship in Auden's poem continued on its way after witnessing Icarus fall into the sea. The comments sections beneath newspaper articles on the tragedies provide an insight into their thoughts as they did so.

Some certainly recognized the suffering of the migrants concerned, but comments beneath a Daily Mail article included the following: 'Isn't it about time these people stayed to sort out the mess in their own countries instead of running away?'; and 'Hard as it may seem, the only solution is to send all of them (without exception)

back to the port where they came from'; and 'As much as this is a sad story, the UK cannot accommodate the world and its wife in such a small island, this is unfair for the population' (Robinson, 2013). These are not the comments of people simply too absorbed in their own lives to dwell on the suffering of distant people. They express an active resistance against the ethical claim that these migrants' suffering might make upon the authors.

Suffering occupies an important place in refugee and forced migration studies, for in international refugee and human rights law, those who are understood to have suffered are often afforded special status in terms of rights and protections. But much as the connective tissue between suffering and rights appears as a humane counterbalance to the rather callous comments above, it also presents us with a quandary. Though Morris is without doubt correct to say that the status of suffering is more readily afforded to those who are perceived as members of the moral community, suffering is neither a necessary criterion for community membership nor the usual route to inclusion. Indeed, perhaps what the Daily Mail readers were really concerned to contest is the idea that distant others should be able to secure rights of inclusion in European countries on the basis of their suffering. And on this question of whether rights and recognition as a morally considerable person should be tied up with suffering, I find myself in agreement with them, albeit for very different reasons.

Because suffering is not raw datum, it can be selectively recognized. Thus, states acknowledge that people can be *forced* to move as a consequence of suffering purposefully inflicted by private or state actors ('traffickers', actors who persecute on the basis of political or religious belief, race, ethnicity, gender, sexuality etc.) or consequent upon war and armed conflict, but not as a result of suffering that stems from impersonal factors, such as poverty. Such distinctions even came into play in commentary on the October shipwrecks – the High Commissioner of the UNHCR 'expressed *particular* worry that Syrians, who are fleeing a frightening conflict, are resorting to this dangerous route and drowning as they were seeking a safe haven in Europe' [emphasis added] (UNHCR, 2013).

Unfortunately, it is perfectly possible for states simultaneously to recognize some kinds of suffering as a qualification for community inclusion, but continue to operate the lethal immigration regimes and border controls that both deny and generate other kinds of suffering. In Auden's poem, the fact that the ship 'sailed calmly on' expresses an existential truth. But until rights

are afforded on the basis of humanity, not nationality or claims to suffering, even this depressing 'human position' is not universally shared. We are not all free to sail on by.

*References*

Davies, L. (2013) 'Why Lampedusa Remains an Island of Hope for Migrants', *The Guardian* (16 October), <http://www.theguardian.com/world/2013/oct/16/lampedusa-island-of-hope>, date accessed 3 December 2013.

Morris, D. (1997) 'About Suffering: Voice, Genre and Moral Community', in A. Kleinman, V. Das and M. Lock (eds.) *Social Suffering*, Berkeley: University of California Press.

Robinson, W. (2013) 'Shocking Image of Hundreds of African Migrants on Raft Bound for Europe as it Emerges 20,000 May Have Died in Past Two Decades', *The Daily Mail* (13 October), <http://www.dailymail.co.uk/news/article-2457791/Shocking-image-hundreds-African-migrants-raft-bound-Europe-emerges-20-000-died-past-decades.html>, date accessed 3 December 2013.

UNHCR (2013) 'UNHCR Chief Expresses Shock at New Mediterranean Boat Tragedy,' UNHRC press release (12 October), <http://www.unhcr.org/52594c6a6.html>, date accessed 3 December 2013.

.....

