

Border Control and Relational Egalitarianism

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In this article, I examine Wellman's proposal in Immigration and Freedom of Association that wealthy states have a right to close their borders to migrants from poorer states. I pay particular attention to Wellman's discussion of relational egalitarianism, and his argument that even if the claim of relational egalitarianism is weighty enough to trump the wealthy state's right to closed borders, the lack of relational inequality between members of wealthy and poorer states means that no sufficient reason is generated to oblige wealthy states to close their borders. I argue that relational inequality does exist between members of wealthy and poorer states, and that opening borders could be one particularly effective way of overcoming this inequality. Therefore, I conclude that if we take the weightiness of the relational egalitarian claim seriously, then we should understand it as undermining the right of wealthy states to border control

Introduction

In *Immigration and Freedom of Association*, Wellman argues that wealthy states have a right to close their borders to migrants from poorer states. This proposition can be understood in one of two ways. Firstly, wealthy states may have an absolute right to close their borders to migrants from poorer states. Secondly, wealthy states may have a right to close their borders to migrants from poorer states, given that it is not trumped by competing considerations. In line with Wellman's discussion of border controls⁹, I will focus on the second interpretation: whether the right of wealthy states to border control is trumped by competing considerations. One such competing claim is that of the relational egalitarian: to avoid a level of inequality that facilitates domination through oppressive

⁹ I will use the term 'border control' to refer to the state's right to close their borders.

relationships. Wellman accepts the pull of relational egalitarianism, yet argues that it does not suffice to outweigh the right of states to border control. This is because, argues Wellman, there is no relational inequality between members of wealthy and poorer states (2008: 123). Further, even if there were such inequality, there are better ways to combat it than opening one's borders.

In this essay, I will argue that there is in fact relational inequality between members of wealthy and poorer states, and that the alternative methods of combatting relational inequality are not clearly superior to open borders. I will remain agnostic as to whether the claim of the relational egalitarian is weighty enough to trump the state's right to border control. However, I will argue that given that *if* we accept that the claim to relational egalitarianism is sufficiently weighty, then this does undermine the claim of wealthy states to border control; firstly because relational inequality does exist between citizens of wealthy and poorer states, and secondly because there are no clearly superior alternative methods of combatting relational inequality.

Wellman's Argument

While Wellman concedes that he is "*personally inclined towards more open borders*" (2008:116-117), Wellman argues that insofar as we have a right to freedom of association, states should be equally entitled to freedom of association, and therefore to the freedom to set their own immigration policy. Note that Wellman refrains from arguing that states *should* close their borders, just that states have a *right* to close their borders. Wellman's argument can be presented thus:

- (1) In the absence of sufficiently weighty competing claims, states have a right to self-determination
- (2) Freedom of association (and disassociation) is one component of self-determination

- (3) Therefore, in the absence of sufficiently weighty competing claims, states have the freedom to exclude

To understand the nuances of Wellman's position, his argument requires further unpacking. Firstly, the 'in the absence of sufficiently weighty competing claims' aspect of (1) is significant. In the context of border control, Wellman does not argue that the state's right to self-determination is absolute. Rather, Wellman only intends his support of the right to border control to be "*prima facie*" (2008:113), and this right could in theory be overridden by competing claims (Fine, 2013:160). Nonetheless, Wellman later argues that no competing claim is weighty enough to override the state's right to border control.

Secondly, Wellman offers further argumentation to support the link between freedom of association and self-determination. Wellman notes that without the right to freedom of association, it is difficult to explain the wrongness of forcing a country to join the EU (2008: 112). To force a country to join an association such as the EU would be to violate their freedom to associate and disassociate with whomever they please. This freedom to association is guaranteed by self-determination, for without the freedom to join and remove itself from such associations, a country cannot be free to determine its own statehood.

Finally, Wellman goes into more detail about this *prima facie* reason to respect the state's right to freedom of association. In doing so, Wellman draws a comparison between the state and the individual's right to freedom of association. In the same way that individuals have the right to choose who they do and do not marry (given the consent of the prospective partner), states have the right to choose who they invite into their community. Just as individuals have the right to remain single, states have the right to reject people from their community (2008:110-111). Wellman accepts that there may be some disanalogy here, as freedom of association in a marital context is more important for individuals than

freedom of association in a political context. Nevertheless, argues Wellman, his argument does not depend upon an equivalence of importance between these two types of freedom of association. It is enough for Wellman to establish the prima facie importance of the freedom of association, and later to argue that no competing considerations are as weighty as this prima facie importance.

To summarise, Wellman offers a logically valid argument, as illustrated in bullet-point format above. Given that states have a right to self-determination in the absence of sufficiently weighty competing considerations, and that the freedom of association is one component of this right, then states must have the freedom to exclude. Further, as explained above, Wellman additional presumptive support for this argument through his analogy with marriage.

In order to make my argument, I will not attack either of Wellman's premises or his conclusion. I will grant that states have a right to self-determination in the absence of sufficiently weighty competing considerations, that this right includes the right to freedom of association, and therefore the right to exclude. Further, I will not commit to arguing that relational egalitarianism is a sufficiently weighty consideration. Instead, I intend on objecting to Wellman's claim that even if we do accept the weightiness of relational egalitarianism, that this "*does not generate sufficient moral reasons to obligate the wealthy state to open its borders*" (208:122). I will argue that, given Wellman's argument, *if* we do accept the weightiness of relational egalitarianism, then this does in fact generate sufficient moral reasons to obligate wealthy states to open their borders.

Relational Egalitarianism

As previously explained, Wellman's endorsement of the right to border control is contingent upon there being no competing considerations with

sufficient weight to override the right to border control. One proposed competing consideration is the claim of the egalitarian. The egalitarian position forks off in two directions, towards luck egalitarianism and towards relational egalitarianism. The luck egalitarian points out the vast inequalities between states, and argues that it is unjust that one should face lower life prospects due to the morally arbitrary fact of being born in one state rather than another. The luck egalitarian may therefore reject the right to border control, as such a right reinforces this bad brute luck. Wellman recognises the intuitive appeal of this position; It is unfair that some people's lives start off worse than others through no fault of their own, and it would be better if this were not the case (2008:121). Nevertheless, it is relational egalitarianism, not luck egalitarianism, which captures what is most important about inequality for Wellman. Relational egalitarianism is less concerned with absolute inequalities between persons than with the relationships that these inequalities entail. What is particularly problematic about inequality for the relational egalitarian is the domination that arises from the oppressive relationships facilitated by inequality. Wellman justifies his endorsement of relational egalitarianism as "*the most compelling understanding of inequality*" (2008:120) by appealing to Anderson's split-world case. In one world, there exist great inequalities between the citizens of A and B. However, living on opposite sides of the world, they know nothing of the other's existence. This inequality is mirrored in society C, where not only are the citizens aware of their unequal status, but their relationships are affected by these inequalities. Wellman's greater appreciation of relational egalitarianism above luck egalitarianism is reflected by the fact that it is "*uncontroversial that the inequality among the Cs is much more worrisome than the inequality between the As and Bs*" (2008:122).

The Significance of Relational Egalitarianism

Despite his advocacy of relational egalitarianism as an explanation of what is wrong with inequality, Wellman states that “*the lack of a robust relationship between the constituents of a wealthy state and the citizens of a poorer country*” (2008:123) implies that the objectionable level of inequality between the states does not give sufficient moral reason to obligate the wealthy state to open their borders. For Wellman, even if the claim of the relational egalitarian could be sufficiently weighty to override the right to border control, there is no relational inequality between states, so such a claim cannot get off the ground.

However, it is not immediately clear that such a robust relationship is lacking between constituents of wealthy states and citizens of poorer countries. The type of robust relationship with which Wellman concerns himself is one in which “*subordinates are dominated in oppressive relationships*” (2008:121); Wellman refers to ‘oppressive relationships’ on numerous occasions, while also quoting Anderson’s appeal to the need to protect citizens’ “*entanglement in oppressive relationships*” (2008:122). While a precise definition of ‘oppressive relationships’ is not found in Wellman’s paper, Anderson sheds some light on this area, drawing upon Young in defining oppression as “*marginalization, status hierarchy, domination, exploitation and cultural imperialism*” (1999: 312). If we accept Wellman’s account of robust relationships as relationships that involve domination through oppressive relationships, then certain relationships between citizens of poorer and richer states appear to be robust in this relevant sense. One pertinent example involves the exploitation of migrant Nepali 2022 World Cup workers. Lynch of Amnesty International describes how Nepali workers are indebted by the huge fees charged by Qatari recruitment agencies, leaving them with no choice but to stay in low-paid and dangerous jobs. Here, Nepali workers are exploited by their Qatari employers – once they arrive in Qatar their employers take advantage of their inability to return home by paying them a lower monthly salary than

was originally promised (Kelner, 2007). Such a relationship fits Anderson's criteria of an oppressive relationship. Furthermore, this oppressive relationship exists between members of different states – specifically, between Nepalese workers and the Qatari recruiters who exploit and dominate Nepalese workers. Further examples include sweatshop labour; McVeigh writes of American sportswear company Nike recruiting Cambodian women to work 60-hour weeks in 37C heat, resulting in mass faintings as a result of their working conditions (McVeigh, 2017). If Wellman is to take seriously the claim of the relational egalitarian and the worrisome nature of such inequalities, then Wellman should take seriously the threat that relational egalitarianism poses to the right of wealthy states to border control.

Wellman, however, constructs a second defence against the relational egalitarian. Wellman argues that even if relational inequality does exist between members of different states, and the claim to alleviate this inequality is weightier than the state's claim to their right to border control, it need not follow that the right of the state to border control is overridden. Even under such a strong claim to alleviate relational inequalities, a policy of open borders is not the only mechanism, or even the most efficient mechanism, available to the wealthy state. Wellman draws upon Miller's criticism that a policy of open migration may not offer substantial benefits to the worst-off who would be unable to afford to migrate before concluding that "*sending aid abroad is a better way to rescue those most imperilled by poverty*" (2008:128). Wellman's point is that even if wealthy states have a duty to move to alleviate relational inequality, this need not involve opening their borders. However, it is unclear how Wellman reaches the conclusion that aid is any more effective in rescuing those most imperilled by poverty than open migration. Firstly, the efficiency of aid in helping the worst-off is far from uncontroversial. Mwenda notes how \$600bn was provided to Africa in aid between 1960

and 2003 (Mwenda, 2007), yet still almost half of Sub-Saharan African children live in absolute poverty (Hodal, 2016). Furthermore, while overstating the efficiency of aid in rescuing those most imperilled by poverty, Wellman understates the efficiency of open migration. A lack of resources does not suffice to render migration impossible for the worst-off; this is evidenced by the continued efforts of Libyan refugees to migrate to wealthier countries. As Carens points out, millions of poor and oppressed people would have much to gain from the opportunity of migrating to wealthier states (1987:264).

To argue that relational inequalities can be easily overcome without having to resort to open borders oversimplifies the complexity of the problems posed by relational inequality. Of course, it would be an even greater oversimplification to argue that open borders alone could solve the problems posed by relational inequality. Nevertheless, it is clear that migrants from poorer states would have something to gain from some form of open borders, and it is less clear that we would be able to completely eradicate inter-state relational inequality without wealthy states opening their borders to some degree.

Therefore, I have argued that if Wellman is correct that a state's right to border control can be overridden by sufficiently weighty competing considerations, and that the claim of the relational egalitarian has sufficient weight, then the right of wealthy states to border control is undermined by the claim of the relational egalitarian. I have justified this claim by arguing that relational inequality does exist between states, and that there is no clearly superior mechanism that would be able to wholly eradicate inter-state relational inequalities.

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