

Guest worker programs and reasonable, feasible cosmopolitanism
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Abstract

Guest workers in affluent countries pose difficulties for social justice theories. Allowing badly off foreigners to enter and take temporary employment, even on harsh terms, seems morally desirable on grounds of benefits to the entrants. However such policies also seem to be exploitative, and to make social relations within the affluent country less just. A non-cosmopolitan theory of justice that imposes higher standards on the treatment of insiders than of outsiders will tend to oppose guest worker programs, as will a theory of justice that gives priority to relational equality. A cosmopolitan theory of justice gives equal weight to benefits achieved for anyone anywhere, whether the ones benefited are insiders or outsiders. Such a theory, especially one that tilts toward equality, might appear too readily accepting of guest worker programs and their expansion. This essay argues that the cosmopolitan egalitarian views strike the right balance.

Border control policies that include guest worker programs² and permanent resident programs³ raise difficult issues for theories of social justice. As viewed from some standpoints, these issues are especially acute for the class of such theories that might be described as cosmopolitan and egalitarian. An egalitarian social justice theory, we stipulate, either requires equal treatment or equal condition for all those people included in its scope or holds that in the determination of what policies and practices are morally acceptable, extra weight should be given to obtaining gains for people, the worse off they would otherwise be, over the course of their lives, if the set of policies and practices under review were not adopted.

A cosmopolitan theory says that in the determination of what policies, institutions, and practices would be morally acceptable, equal weight is given to equal gains and losses in the interests, well-being, opportunities, or rights—or whatever the particular theory deems to be the measure for determining what we owe to one another—of any individual person who might be affected by choice among alternatives, regardless of spatial or temporal location of the individual, and regardless of the nationality, ethnicity, or other social group membership of the individual. We interpret cosmopolitanism as just characterized to allow that possibly the friendships and loves and similar close personal ties of the individual might have a bearing on what is owed to the individual and what according to moral requirements is owed by others to the individual. In other words, the conception of cosmopolitanism employed in this essay leaves it open that friends might at the fundamental level of morality owe more to friends than nonfriends but denies that at this level conationals owe more to each other than to others (for an opposed view, see Hurka 1997).

This essay explains how egalitarian cosmopolitanism may have implications for the moral evaluation of guest worker programs that appear problematic or worse from common standpoints (relational egalitarian and noncosmopolitan doctrines⁴). In broad terms, what will strike some as problematic is that the cosmopolitan egalitarian will be insufficiently critical and too accepting of harsh guest worker programs. In response, one counter to be made is that these rival doctrines have serious defects that infect their implications for public policy. As to the “insufficiently critical” charge, this essay argues that egalitarian cosmopolitanism does have the resources to condemn certain kinds of guest worker programs, and to the extent that it doesn’t, and approves guest worker programs that we initially find counterintuitive, these are intuitions we should reject.⁵

1. A PUZZLE.

Here is a simple characterization of the moral puzzle that is posed when one seeks to identify just immigration policies and just guest worker policies. If a country allows guest workers to enter, and accords them lesser rights and benefits than that country's citizens, the country's social arrangements virtually automatically seem to be less fair than they had been prior to the entry of the guest workers. The temporary newcomers are denied rights and privileges that everybody else in the society enjoys. In a typical guest worker program, the entering guest worker must have secured in advance a job offer from some employer, and the guest worker must take the offered job and is required to leave the country if he loses that job and does not swiftly find similar employment. He typically is not permitted to exercise the normal market freedom to search for employment with any employer willing to hire him in any sector of the economy, to bide his time to wait for more favorable offers if the currently available options do not suit him, and to quit his current employment without fear of losing the right to reside in the country (see Attas 2000). The guest worker has an inferior status compared to other members of the society in which he works. Moreover, if the guest worker resides for a considerable time, or repeatedly over the years so that he accrues a considerable time of residency in the host country, he is living under social arrangements without having any political rights to vote and in that way have an input into political decision making that affects his life as host country citizens do. The presence of guest workers renders the society more hierarchical and less egalitarian in unattractive ways.

The relations between guest workers and their employers look to be intractably exploitative. This will be so on just about any account of the standard for assessing people's dealings with each other to be exploitative.⁶ As just noted, the guest worker lacks the freedom that every agent operating in a textbook market economy is assumed to have, to contract with any other agent on mutually agreeable terms and to quit existing trading relations and seek better offers. There's an unfair asymmetry: the guest worker is subjected to constraints to which her potential employer is not subjected. If the guest worker comes to the host country from a country that is impoverished, her home country alternative employments may all be far below the prevailing wage rate for plain unskilled labor in the host country, so she will find it in her interest to accept a host country guest worker wage that is far below that prevailing wage rate. The host country employer can profit from the vulnerability of the foreigner hired on a temporary basis. This fact by itself does not establish unfair dealing; I have no choice but to deal with my local utility company, which might profit from my vulnerability even when it sells me electricity for a very reasonable price. But the opportunity for excessive profit-taking from persons in a vulnerable position is there, the opportunity residing in the gap between the reservation prices of the seller and buyer of labor.

On the other side, suppose that an ethically minded state prohibits typical guest worker arrangements: no foreigner is allowed to enter the land to take up offers of unskilled low-paid labor. Or suppose the ethically minded state establishes regulations that allow guest worker arrangements only with pay levels and working conditions that are no worse than those prevailing for native-born unskilled workers. In this scenario there remain poor, perhaps very poor foreigners barred by these legal rules from accepting employment they would like to take on terms that affluent country employers would be willing to offer. Any negative consequences that would fall on others if these poor foreigners were allowed to enter as guest workers would seem to be very small: if there are pecuniary externalities involving some lowering of the terms of wage offers subsequently available to least skilled native persons seeking employment, these will be losses that fall on better off persons that are compensated by gains accruing to worse off foreigners. The ethically minded state looks to be imposing unethical policies.

Let it be granted that there might be ways for an affluent country and its members to fulfill their global justice obligations to help the truly needy in a world-wide perspective that would be better than instituting and sustaining guest worker programs, especially harsh and austere and arguably exploitative ones. Perhaps affluent countries should open their borders and allow anyone who seeks to enter to take up productive employment to have the option of permanent residency with a path to full citizenship. Perhaps affluent countries should transfer huge blocks of capital to poor people in poor countries up to the point at which further transfers would impose greater losses on affluent country citizens than they would achieve for poor country inhabitants. This does not undo the puzzle.

What is puzzling is the question: If the only politically feasible choice for a particular affluent country would be either to close its borders to would-be poor entrants or to admit them on very harsh terms, which would be deemed morally unacceptable if imposed on the country's citizens, which of these options is morally more desirable? Of these two policies, which is morally superior, perhaps morally required? Also puzzling is a related question: Suppose that an affluent nation has in place a carefully regulated and constrained guest worker program, one that as it were implements morally attractive norms that are designed to maintain a sufficiently good package of working conditions and available government-provided benefits and pay guarantees for the foreign guests. Suppose the nation has the option of lowering these standards, making the hiring of foreign low-skill entrants on a temporary basis more attractive to employers, and inducing a larger influx of guest workers. Should standards be lowered? As analysts have noted, the choice might be viewed as rights versus numbers (Martin and Ruhs 2008). We could have greater rights protections serving a smaller number of guest workers, or lesser rights protections serving a greater number. If we suppose, as is likely, that the lower-protection regime induces employers who would not find it profitable to make job offers under the higher-protection regime to do so, and that the extra foreigners who take these jobs will tend to be worse off as they are responding to decreasingly attractive offers, the rights versus numbers tradeoff also involves benefits to fewer better-off individuals versus benefits to a larger number of worse-off individuals.

2. NONCOSMOPOLITAN AND RELATIONAL EQUALITY RESPONSES.

These puzzles will not be troublesome for a wide range of social justice perspectives. One class of unperturbed theories will be those that are noncosmopolitan by way of holding that the members of a nation state or national community have greater moral duties to each other than to outsiders, so that it is morally obligatory for the state to pursue policies that favor the interests of insiders over the interests of outsiders. In this spirit Hidalgo (2010) defends guest worker programs on the ground that they make it possible for an affluent country to fulfill its global justice beneficence obligations to help outsiders without imposing significant costs on low-wage citizens. This assumes that affluent countries have global beneficence obligations but that they are constrained by stronger obligations to secure benefits for its own citizens. Hidalgo is also assuming that for the most part foreigners attracted to low-wage jobs by guest worker programs are taking jobs that are sufficiently unattractive to the country's citizens that competition from guest workers does not significantly drive down wages and working conditions of low-skilled citizens; the guest workers and low-skilled citizens are employed in separate compartments of the labor market.

On this view, if the presence of guest workers did impose costs on low-skilled citizens, this would not be tolerable, absent compensation for the citizens. By the same token, acceptable guest worker programs must impose restrictions on guest worker entrants that prevent them from competing with employment-seeking citizens and crowding some of them from jobs they are seeking or forcing them to accept lesser employment compensation

packages. In this perspective some features of guest worker programs that might look to be morally suspect are in fact requirements for such programs to be acceptable before the bar of social justice. (I do not say such programs will be easy to devise and implement, just that there is no basic moral quandary with these assumptions in place. For a discussion of how guest worker program policies in the U.S. might be reformed in a way that should be pragmatically acceptable to the major interest groups in U.S. society, see Hanson 2010.)

Another range of unruffled theories will be relational egalitarian views which hold that the moral value of equality should be interpreted not as demanding equality in the distribution of resources, opportunities, or well-being across persons but rather as demanding that all members of society be enabled to relate as equals and do relate as equals.⁷ What “relating as equals” amounts to is variously interpreted in different versions of these doctrines, and is to some extent still in flux, as relational egalitarianism is a work in progress, whose features are in process of being drawn.

Elizabeth Anderson (1999, see also Scheffler 2003) has articulated a relational equality doctrine that she calls *democratic equality*. According to this view, justice requires that all members of society be continuously enabled to be full participants in a democratic society in which relations of oppression and domination are absent. On its face, the requirements of relational equality so interpreted apply in each separate country taken one at a time, at least so long as the world is organized into a plurality of sovereign independent states rather than some form of world government. Whatever global justice duties we have would be primarily to facilitate, and certainly not to undermine, progress toward democratic equality in each separate society. This view as stated does not take a stand on border control policy and immigration, except that it is adamant that border control policy must be compatible with maintenance of democratic equality (or progress toward that) in each country our policies affect.

This means that letting poor foreigners who would like to enter our affluent society languish in their home states may well be perfectly acceptable, but letting them enter without making them full members of society, at least if their stay is protracted, is ruled out on grounds that the long-term resident aliens, by being denied the opportunity to be full members, constitute a permanent underclass. This intrusion of social hierarchy would be incompatible with democratic equality (or more broadly, with many plausible relational egalitarian views).

In their account of international justice, Andrew Altman and Christopher Wellman note the appearance of tension in broadly egalitarian accounts of what justice requires by way of treatment of would be entrants who want to cross the border to take up temporary or permanent residence in a host country. They then suggest an easy resolution of the tension. (Altman and Wellman 2009; also Wellman 2009). They cite the position of Michael Walzer (1983), who takes it to be morally acceptable for members of a nation state to enact policies that exclude outsiders at the border but unacceptable to allow such outsiders to enter and work productively without being given the option, at some point, to apply for membership and become full citizens of the host country. They acknowledge that this position might appear anomalous. How can one have no right to enter a foreign country with a view to taking up employment there but a conditional right to be offered citizenship rights if one is allowed to enter and stays for some length of time? One might add, how can an egalitarian justice doctrine prefer the outcome in which rich people cluster together in their own society and exclude needy foreigners altogether to an outcome in which some needy foreigners are allowed to enter voluntarily and take up employment opportunities they desire to have but are not allowed to become full citizens of the host country?

Altman and Wellman resolve these questions highlight by appealing to a relational egalitarian doctrine. The idea is that the standard of relating as equals imposes

varying demands depending on the nature of the relationship. Egalitarian friendship, egalitarian marriage, egalitarian membership in a nation state, and egalitarian trade across international borders are all different and have different associated duties and standards. In some of these cases individuals have rights to be treated as equals in certain ways if a relationship is formed, but no right that others become partners in a relationship with them. One has no duty to marry, but if one enters a marriage relationship, norms of equal treatment appropriate to that relationship apply and bind.

Altman and Wellman combine this relational egalitarianism with limited obligations to assist others in good samaritan ways. In particular, there is no across the board moral imperative to equalize people's conditions of life or life prospects. Hence "the same inequalities that would clearly be pernicious among compatriots might well be benign when present between individuals of two distinct countries." They add, "a permanent political underclass within a state is vulnerable to oppression and unjust exploitation by the rest of society" (at 172) but nothing like this vulnerability and bad hierarchy need accompany differences in wealth or resources of opportunities for good quality life between persons living in different societies.

One might think that this line of thought erects no moral barriers against guest worker programs, because by definition they admit foreigners just on a temporary basis, so that their establishment might be thought never to involve the creation of a permanent political underclass. However, a guest worker program continued over a long time period, with a revolving door through which workers who have reached the end of their residency permits leave and others enter and take their place, does create, in a sense, a permanent political underclass, albeit one with shifting membership. The country establishing a guest worker program is inviting foreigners to enter and occupy an inferior status, less than that of citizen.

3. CONTINUING PUZZLEMENT.

I am not so sure that the tension or anomaly that Walzer, Altman, and Wellman find unproblematic really is that. We could sharpen this worry. Suppose we are considering scenarios in which all concerns about the voluntariness of people's choices to accept work in distant lands on the basis of very limited information are removed. Let it be stipulated the would-be guest workers know exactly what they are choosing and what its likely upshot will be. Nor are they being coerced or manipulated, though they may be choosing under some duress. Not only are their choices fully voluntary, but suppose also that the guest work contracts they would be signing would clearly bring substantial benefits in lifetime well-being to them and to those near and dear to them to whom they would be sending regular remittances. Moreover, we can also suppose that these foreigners who would be benefited if a guest worker program were allowed are among the worse off, though not at the very bottom of the worse off among the world's population.

There may yet be reasons to prohibit or severely curtail guest worker programs when these conditions hold. After all, they are contracting into hard work for small pay under adverse working conditions, and may qualify as exploited according to some reasonable conceptions of exploitation. But a morality that does not register a problem with the implication that it is better to protect people from relational inequalities than to secure significant gains in well-being for disadvantaged persons should give us pause, and ultimately lead to our scratching our heads in disbelief. More broadly, a morality that is cosmopolitan and distributive egalitarian will balk at the rejection of the permissibility of guest worker programs that is an immediate implication of noncosmopolitan views and also of relational egalitarian views. The noncosmopolitan view will say we owe more to conationals than foreigners, so if the normative elbow on the scale favoring conationals is heavy, blocking would-be entrants from crossing our borders to seek employment might be justifiable even if the gains to conationals thereby

achieved would be small and losses to the foreigners large and the latter are far worse off in their life prospects and overall condition than the former. The relational egalitarian view, interpreted naturally to hold that we must relate as equals to those to whom we have dense interaction, that is, to fellow countrymen, will register no injustice in a world in which in every country fellow countrymen relate as equals, no matter how bad the condition of the equally relating members of some of these countries is, as assessed in welfare or resources or opportunities for these, according to the standard of the version of distributive egalitarianism that is in the wings.

The relational egalitarianism has no trouble condemning guest worker program proposals that would do considerable good for some badly off foreigners if instituting the program would bring about a lessening in the degree to which people in each country stand in relations of equality to one another. Before the guest worker program was instituted, we related as equals more fully than after their inception—so its institution was morally wrong.

Even if we accept relational equality as a value, we might doubt it should rule the roost. As insistence on some specified relational equality must be purchased at a cost of greater and greater losses in other values, at some point the price will be excessive, judged from a wide variety of moral perspectives. A perspective that gives significant weight to cosmopolitan distributive egalitarianism will be stingy in allowing relational equality gains to offset distributive equality losses.

4. SOME EGALITARIAN COSMOPOLITAN RESPONSES TO THE PUZZLEMENT.

Suppose instead that rather than interpreting egalitarian justice as dictating relational equality, we interpret it instead as dictating distributive equality in people's access to resources or opportunities or life prospects or well-being or else as holding that benefits to a person along one of these dimensions are morally more valuable, the worse off this person would otherwise be over the course of her life, absent these benefits. Distributive equality or priority plus cosmopolitanism establishes a moral presumption in favor permitting rather than forbidding guest worker programs and in favor of regulating the programs so that they attract the participation of larger rather than smaller numbers of low-skilled potential beneficiaries. The next section of this essay continues this line of thought.

Self-styled egalitarian cosmopolitans appear to disagree. Some deny that guest worker programs as such are ever morally acceptable, because anyone allowed to enter a country and take up employment or self-employment within it must be allowed access to a path to full membership in the society at least if she persists in a protracted stay. The argument for this position is essentially that justice requires a democratic political system of governance, and democracy requires that residents have access to citizenship (see Lenard and Straehle 2011). These critics say that "a receiving society's willingness to accept these partial members necessarily compromises its own democratic principles" (211) (and compromise with democratic principles is either never acceptable or never acceptable in the sort of case being considered).

Valeria Ottonelli and Tiziana Torresi (2012) argue that cosmopolitan liberal egalitarians who deny the moral legitimacy of guest worker programs on the basis of the primacy of democracy are failing to register the moral significance of the fact that many would-be temporary migrants are dedicated to what they call "temporary migration projects." That is to say, many who seek to be temporary migrants do not aspire to become permanent residents or full citizens in the host country. Their aim is to take employment for a limited time period in order to accumulate resources to be used to enhance their lives and the lives of those near and dear to them (typically family relatives) in their country of origin during their times as guest workers and after their return. Since the would-be temporary migrants engaged in projects of

this sort have no interest in becoming full participants or citizens in the host country, a theory that makes provision of such access a pivot point for determining whether guest worker programs are morally acceptable or not is missing the point. A reasonable theory of morally acceptable immigration policies will establish criteria for acceptable guest worker policies that take temporary migration projects seriously and are fair to those with such projects.

This critique of the relational egalitarian insistence that no one shall be condemned to participating in the productive life of society while being denied a path to full citizenship status falls flat. Consider as a parallel the claim that people have a moral right to date and mate anyone they choose on mutually agreeable terms. The insistence on such a right to romantic autonomy is not undercut by the possible fact that many individuals have no interest in romantic fulfillment and instead are pursuing nonromantic life projects as monks and nuns and hermits. The advocate of a right of romantic autonomy might reply that its moral importance is not called into question by the possible fact that some or even many people do not want to exercise it. Same goes with the right of productive participants in society to have the option of applying eventually for citizenship in it.

Even if all guest workers admitted to a country start with temporary migration projects, over time these may change, as happened in countries like Germany that instituted guest worker programs after World War II (see Castles 2006, at 743). One may become romantically involved with a host country member. One may have children in the land that was to be a merely temporary residence. One may aspire to take a permanent job, which a host country employer would want to offer if that was legally permitted.

Joseph Carens takes an intermediate stance. His position is that “democratic states may legitimately admit people to work while limiting the duration of their stay, but that other sorts of restrictions are morally problematic because they violate the state’s own understanding of morally acceptable conditions of employment” (Carens 2008, at 421). He is assuming for the sake of the argument that states generally have wide discretion to close their borders as they wish. His view is that allowing guest workers entry is permissible, but not on terms substantially different from those that protect full citizens participating in the labor market.

Carens explicitly considers the rights versus numbers tradeoff, and the puzzles it generates, but his position is hard to interpret. His general approach is in broad outline similar to the approach taken by countries such as Sweden: allow guest workers but insist that the labor rights protections and social benefits available to citizens be supplied to them. This opts for giving “rights” priority over “numbers,” but why is this the right balance to strike? The problem is that the more favorable regulations make the guaranteed condition of guest workers, the less desirable their hiring will seem to prospective employers. At the limit we could have a rich menu of guaranteed rights for guest workers but zero utilization of the program by employers so no actual entry of foreigners who benefit.⁸

He says that the situation regarding potential guest workers is no different in principle from government regulation of labor regulations in one country. The regulations may dissuade some potential businesses from forming, or dissuade some employers from hiring, but that can be an acceptable cost of fair regulations.

However, in the case of such labor regulations, presumably a package of programs can be put in place that makes all (or almost all) badly off persons whom the package of programs is trying to aid better off overall. If would-be low-skilled foreign entrants to the labor market are excluded, they are made worse off, either for the sake of benefits to already better off citizens, or to fulfill some putatively moral norm that makes some worse off and nobody better off. Why should any nonoparochial version of egalitarianism, which is concerned to make people’s conditions more equal across the globe, embrace such an implication?

5. BACK TO EGALITARIAN COSMOPOLITANISM.

I want to explore the thought that we should not be stampeded away from allegiance to cosmopolitan egalitarianism by what we might call the Dubai abyss (Collier 2013, at 133). This is the implication that if friendly and generous forms of guest worker programs are unavailable, perhaps due to voters' or rulers' firm unwillingness to be more charitable in ways morality requires, and the question becomes whether exploitative and oppressive guest worker programs that nonetheless bring about gains for the guest workers without imposing significant offsetting losses on people in either the sending country or the host country would be morally better than shutting down the programs, these being the only alternatives, cosmopolitan egalitarianism embraces the former.⁹ That is to say, cosmopolitan egalitarianism in these circumstances endorses exploitation and oppression, at least as the lesser evil. If something like this stylized choice frequently arises under present conditions, cosmopolitan egalitarianism regularly consorts with exploitation and oppression.

To fix ideas, let us consider a particular version of cosmopolitan egalitarianism. Consider welfarist priority. This is a consequentialist doctrine that says one ought morally always to choose, among the available alternatives the one that would bring about the best outcome over the long run. Outcomes are assessed exclusively in terms of the well-being levels of individual persons that are associated with them. Well-being gains and losses are weighted in favor of those who are worse off over the course of their lives. We ought to choose actions and policies that would maximize a function of individual well-being according to which a benefit for a person (or avoidance of a loss) has greater value, the greater the well-being gain it would achieve for that person, and greater value, the worse off the person would otherwise be, in absolute terms, in lifetime well-being. So far this characterization identifies a family of views; a particular view specifies the relative value of greater gains and accrual of the gains to the worse off; the correct view correctly specifies this tradeoff ratio.

What welfarist priority recommends depends on how we should conceive of well-being or individual welfare. There are many rival views. Many favor the identification of the good for an individual with preference satisfaction, a preference for A over B being the psychological state that disposes one to seek A over B when there is a choice between them. But the opposed thought is that our subjective preferences may be at variance from what is objectively worthwhile. Take pleasure, for example. It's in itself good. If I get some pleasure, say it just falls on me, then all else equal, my life is thereby going better for me, regardless of whether or not my confused religious and moral and philosophical beliefs lead me not to choose pleasure when it is on offer. The further thought is that pleasure or enjoyment is not the only thing good in itself for the one who obtains the thing; achievements are also goods, and friendship and love, and so on. This takes us to an objective list account of good. This just says there are several intrinsic goods, and the more of them one gets or achieves over the course of one's life; the higher one's well-being level. A complementary story is to be told about objective bads.

In principle there might be a measure that tells us, for any combination and amounts of items on the objective list that anyone achieves over the course of her life, a number that indicates how well her life has gone for her.

In our present epistemic state, and maybe forever, we must make do with scrappy partial commensuration. In this essay I am not going to persuade you that this account of individual good or well-being is on the right track. For present purposes the point to note is that to give welfarist priority a fair run for its money, you should fill it out by stipulating reasonable comparative weights to be assigned to its components and you should interpret it in terms of the most sensible idea of individual well-being.

According to welfarist priority, notions of exploitation and oppression and the like may be of supreme moral importance, but their significance is derivative and instrumental. In the Dubai abyss hypothetical, if opting for exploitation and oppression maximizes priority-weighted individual well-being over the long run, so be it. This is the policy our morality endorses, and we should not apologize for this implication.

This doctrine dissolves the numbers versus rights dilemma. There is no dilemma. Rights such as rights to permanent residency, or rights to membership, or rights to citizenship, or rights to health and safety protections at the workplace, are morally valuable not in themselves but rather as instruments to boosting weighted well-being (or possibly morally bad as hindrances). To obtain this result, interpret “numbers” not as sheer numbers of guest worker entrants but as increases of weighted well-being.

There is of course a counterintuitive odor that clings to the position as here crudely adumbrated. Paul Collier mentions the proposal that “all the high-wage countries should encourage the mass temporary immigration of unskilled workers from poor countries.” He comments that “in economic terms it is hard to fault this prescription: it would indeed generate global economic gains and benefit almost everyone involved. The world of upstairs-downstairs could be recreated: servile maids from the bottom billion could be stuffed into the attic of every middle-class home.” He nonetheless faults the proposal as revealing “tin-eared detachment from a workable ethics.” He goes on to specify that at least in European countries, a will to extrude temporary immigrants who want to remain would be lacking, and reasonably so, and so true guest-worker policies are not feasible. He adds that a true guest-worker program could avoid social costs associated with immigration, but only preventing the guest workers “from integrating in any way into the society other than as workers” (Collier 2013, at 1334-135). But this drastic exclusion sounds harsh, and in conflict with any workable [= acceptable?] ethics. Moreover, his evocation of the upstairs-downstairs world suggests that this social exclusion would itself give rise to social costs, by giving democratic citizens a taste for social hierarchy.

In a similar spirit, we might cite Stephen Castles’s comment that “the inherent contradictions of the guestworker system led to today’s ethnically diverse but socially divided European societies” (2006, at 744). The thought is that bringing in temporary workers as a temporary inferior group in society eventually led to some temporary workers becoming long-term inferior members of society, the object of nationalistic and ethnically chauvinistic hostility.

The bad moral smell is undeniable. We should take care to try to identify its exact source. The hunch I shall try to explore is that possible and actual guest-worker programs associated with a parade of horrors will not be endorsed by welfarist priority, because the horrors of exploitation, domination, and abuse are not bringing about good lives for people with good fairly distributed. If we succeed in imagining conceivable guest-worker programs that do advance these egalitarian cosmopolitan goals despite containing problematic features, the problematic features in themselves will not provide good reasons for prohibiting programs so characterized.

There is another consideration that might be distracting in such a way as to make specifically consequentialist versions of cosmopolitan egalitarianism look to be generating implausible recommendations for choice of policy and conduct when that appearance is deceptive. The deceptive appearance arises because consequentialism can be applied with varying contexts taken for granted. It generates second-best, fourth-best, millionth-best, and so on judgments of right conduct. Given that we are running a concentration camp with innocent inmates unjustly condemned and sadistic guards running amok, we can ask whether it is morally better, other things equal, to give the guards regular vacations or not, and if provided a specification of the relevant facts, consequentialism mechanically grinds out a recommendation,

perhaps that vacations will render guards ever so slightly less horrible in their actions toward inmates. In the hypothetical circumstances, given the limited alternatives for choice, instituting vacations would be maximizing morally weighted well-being. This judgment might be confused with endorsing concentration camp policies, but it is not. The judgment reflects the sensible thought that half a loaf is better than none, the tiniest crumb better than none at all, and excruciating pain better than even worse pain.

Notice that the willingness to countenance and in a sense approve exploitation, oppression, and so on when the policy choice embracing these evils leads to better outcomes than would any other available choice is not limited to consequentialism. Any moral view that includes a significant beneficence obligation will countenance similar judgments, provided that the moral constraints it accepts alongside the beneficence obligation will not be absolute and exceptionless but will give way when the consequences of abiding by them would be excessively bad. Arguably this characterization encompasses all candidate moral views that are remotely plausible. (But for a moral theory that resolutely denies the existence of any enforceable beneficence obligations and at least flirts with absolutist exceptionless moral constraints, see Nozick 1974).

6. POSSIBLE WELFARIST PRIORITARIAN GROUNDS FOR RESTRICTION OR PROHIBITION OF GUEST WORKER PROGRAMS.

The suspicion may remain that welfarist priority will rule against prohibiting guest worker programs in circumstances in which morality should dictate prohibition. The suspicion might be somewhat alleviated if we call attention to considerations that will dictate substantive regulation of possible guest worker programs, or failing that, outright prohibition, when willing poor foreigners would be willing to accept temporary jobs in a host country on terms that employers in that country would be willing to offer.

6.1. Exploitation reduction.

If bargaining advantages bring it about that the difference between the reservation prices of the workers offering their services and the employers accepting them are significant and almost entirely flow to employers, there is room for state regulation without blocking any work arrangements that would secure voluntary agreement from taking place. The regulation would simply shift the division of the surplus.

6.2. Paternalism.

If would-be guest workers commit themselves to a stint of temporary labor abroad when they are ignorant or confused about facts that are material to their decisions, there is in principle a possible case for regulation or prohibition of the guest worker arrangements that if carried through would be significantly less than fully voluntary in this way.¹⁰ Information provision might be a preferred state action in these circumstances. Also, if a guest worker program is ongoing and there is frequent rotation of experienced guest workers back to the sending country, one might anticipate that choices to incur similar arrangements will tend to be made on a better informed basis over time. If it is deemed on reasonable grounds that some types of guest worker arrangements would not be in the interest of those who select them no matter how fully voluntary their choice, there is potentially a hard paternalist case for regulation or prohibition.

A hard paternalist holds that it may in some circumstances be morally permissible, or even morally required, to restrict someone's liberty for their own good, against their will, when their choice is substantially voluntary. A voluntary choice is one made in a cool hour, with full relevant information, after careful deliberation. Consider a young person's carefully considered choice to commit suicide to spite his romantic partner who has rejected him. Or consider a potential guest worker who wants to work as a live-in full-time servant for an obnoxious family

in an inhospitable foreign country because she highly prizes the slight benefits her remittances home will bring about for her elderly ailing grandparents.

6.3. Damage to Relational Equality When that Damage Over the Long Run Would Reduce Priority-Weighted Well-Being Compared to Alternative Arrangements that Would Better Secure Relational Equality.

This way of thinking makes a travesty of the relational equality ideal as it is seen from the perspective of its advocates. They take relating as equals, in appropriate contexts, to be valuable in itself—intrinsically and not just as a means to other values. Nonetheless there is a lot to be said for regarding relational equality just as a means to other goals, albeit an extremely strategic and important means.

Anna Stilz (2010) considers various objections that might be made against guestworker programs, viewed as allowing would-be temporary migrants to accept exclusion from some standard rights of membership in a society in return for temporary access to a restricted sector of its labor market. The ones she considers most serious stem from domination (in the Philip Petit conception) concerns. Her conclusion is that “there are classes of rights restrictions that force workers into dominating social relationships that are indeed inconsistent with liberal democratic ideals.” These rights restrictions place some “into a dependent relationship in which others can wield arbitrary power over them.” To avoid this outcome, guest worker programs should be instituted only if they do not countenance these domination-creating rights restrictions. Although her official position may be that relationships of domination are in themselves unjust, her discussion stresses what I would call the likely well-being or quality of life losses that she believes domination brings about.

What it is to relate as equals is not transparently clear, but for present purposes we can just cite examples and assume we have a rough idea of what relational equality demands. An ideal-typical serf doffing his hat to his lord and disposed to serve him loyally and obeying his commands is not in a relationship of equality with his lord. A marriage in which the partners are resolved to treat each other’s comparable interests as equally important for purposes of the marital enterprise, to share burdens and benefits roughly equally, and to extend to each partner equal authority and power in marital decision making is one in which the partners are relating as equals.

A very broad and rough generalization is that in many social settings things go better for the people involved if they strive to relate as equals. Human nature being what it is, by and large a top-down hierarchical arrangement, in which power and authority for an enterprise involving many persons are concentrated in the hands of a few and the powerless lack exit options and must put up with whatever the powerful chiefs dish out, is a recipe for producing outcomes in which the interests of the chiefs as they perceive them are fulfilled and the interests of everyone else associated with the arrangement are ignored or trampled.

The affirmation of the value of relating as equals, to be credible, has to be carefully hedged and qualified. Samuel Scheffler, a subtle interpreter and defender of relational egalitarianism, states the creed in these words: “we believe that there is something valuable about human relationships that are—in certain crucial respects at least—unstructured by differences of rank, power, or status.” But he immediately proceeds to note that “differences of rank, power, and status are endemic to human social life” (Scheffler 2010, at 25). So the question arises, which hierarchies of rank, power, and status are to be tolerated, which ones celebrated, which ones condemned. Some basis for nuanced differential judgment is needed.

The welfarist egalitarian has a constructive suggestion here. The suggestion is that proposed hierarchical relations and arrangements should be assessed according to their long-term impacts on aggregate human well-being with extra weight assigned to well-being

improvements for the worse off. The welfarist will say that promotion of well-being with well-being fairly divided across persons is a plausible candidate bedrock, fundamental principle. Gains according to this standard are not sometimes or in certain contexts or conditionally ethically desirable; they are always and everywhere desirable.

Consider in this light the practice of bringing in guest workers to serve as live-in servants. That is to say, the practice involves binding contracts in which the prospective servant agrees to reside in the home of the employer and his permission to stay in the host country is conditional on his continued employment in that role or (in the event he quits or is fired) his immediate employment in another live-in servant role. Another possibility is that quitting the job results automatically in termination of one's eligibility to stay in the host country. Quitting triggers enforced repatriation.

A contractual obligation to make one's residence in the home of one's employer, especially if one's entitlement to residence in the host country is conditional upon maintaining the job one first gains upon entry to the country, evidently leaves one open to overwork, loss of privacy, and other forms of abuse. Writing about Filipina domestic workers in Hong Kong, where there is a standardized contract for these guest worker arrangements, Daniel Bell (2001) quotes a local politician who clamors for rewriting the standard contract: "The working hours for live-in maids in Hong Kong are not specified and I think it should be in the contract. We should look at the system in Singapore where they set the work at 16 hours a day, which seems reasonable. I have heard complaints from several employers saying their domestic helpers started work around 8 a.m. and are going into their rooms at 9 p.m. and not doing any more work--if we set the working hours these situations would not happen" (see also Bell and Pipewe 2006).

According to Bell, guest workers from the Philippines have willingly accepted live-in servant arrangements in Hong Kong and harsher arrangements in Singapore for many years, so it is implausible to think that most who accept the live-in role are substantially misinformed about what they are in for. Nonetheless we may surmise that contractual arrangements that mimic feudalism are deadening to the soul, tend to wear people down and induce them to regard themselves as imperious employers regard them. We may also surmise that coming to see oneself as a natural superior tends to foster false views of self-worth and of the appropriate bases of self-esteem and self-respect. In the long run these hierarchical attitudes are inimical to building and sustaining social relations that bring about good quality lives for people with good fairly distributed across them.

How, if at all, do we know this? Robert Adams (1995) suggests being a moral person and a good democratic citizen might require a belief in people's capacity for moral behavior and for citizen virtue that is not susceptible to empirical confirmation and more akin to faith. One might take a similar line regarding relational egalitarian norms—one should believe without evidence the anti-hierarchical empirical claims mentioned in the preceding paragraph. I believe that how we ought to treat other and what sorts of institutions and practice we should form and sustain should be based on our best empirical evidence about what people's capacities and dispositions really are. But the relevant evidence may be delicate and elusive.

Government regulation of guest worker arrangements is not a panacea (the informant Bell quotes envisages government regulations that will be a useful club for browbeating live-in servants) but can play a role in nudging attitudes in a democratic equality direction. This will be right to do if relational equality is a good tool for advancing welfarist distributive equality.

It should be noted that erosion of relational equality norms might in the long run threaten the promotion and right distribution of well-being in ways that would be bad for members of the host society as well as bad for guest workers and potential guest workers and

other members of the sending society. It could sometimes be that even if acceptance of, for example, nonnegotiable live-in servant contracts might be marginally beneficial all things considered to those who accept the contracts and even acceptable when externalities falling on fellow potential guest workers are considered, acceptance might still be wrong once the scope of inquiry is broadened and the costs of externalities falling on members of the host society are taken into account.

This is not to say that no guest worker arrangements that are harsh should ever be legally and socially tolerated. The point is simply that the instrumental value and disvalue of social relations needs to be taken on board before bland tolerance is rightly extended.

6.4. Cosmopolitan Tribalism.

The members of a nation state may oppose immigration, including the temporary immigration of guest worker programs, on the ground that they want to continue carrying on a national communal life that is continuous with its historical tradition and recent and present embodiments. In this connection we should note that there are possible cosmopolitan goals that parochial loyalty and solidarity might serve. This is a claim often made by political theorists defending noncosmopolitan views.¹¹ But it can be appropriated by cosmopolitans. A familiar observation about prejudice is that “people are more likely to be hostile to people who are different, that is toward people who are defined as members of an out-group along some salient dimension” (Alesina and Glaeser 2004, at 134). Another familiar observation is that race, and to a lesser extent ethnicity, often define in-groups and out-groups. If we consider the willingness of people in democratic societies to vote for policies that help the less well off members of their society, policies that redistribute from rich to poor, as a key element of solidarity, we observe that solidarity decreases when society is more heterogeneous along racial and ethnic lines. If racial minorities make up a large fraction of the poor, the majority bulk of voters balks at spending “our” money on “their” children, us and them being understood in racial terms. The surmise that racial heterogeneity is a bar to redistribution is supported by comparisons between European countries and the U.S. Alesina and Glaeser compute a racial fractionalization index (measuring the probability that two members picked randomly from the population of a country will be from the same racial group, ranging from 0 for a completely homogeneous society to 1 at the limit of a country split into an infinite number of tiny groups). This index correlates negatively with the level of social welfare spending in a country, and this relationship continues to hold when one controls for the society’s GDP.

Within the U.S., evidence points in the same direction. Looking at Americans’ attitudes to welfare, Gilens (1999) finds that “racial stereotypes play a central role in generating opposition to welfare in America. Using U.S. census data and the National Opinion research Center Social Survey, Luttmer (2001) finds that “proximity to welfare recipients of one’s own race increases the level of support for redistribution, but proximity to welfare recipients of another race decreases support for redistribution.” --“Increases” here indicates a correlation, not a proven causal relationship, but the evidence is suggestive.

Reflecting on these observations, one might acquire a renewed sense of the moral imperative of combating merely racial and ethnic and similar group-based partialities. But one might also note that given that there are some bad tendencies in humans that living in a heterogeneous society exacerbates, maybe in some circumstances we should, to advance cosmopolitan aims as best we can, prefer to maintain powerful forms of homogeneity where they exist and be cautious about inducing policy changes that make heterogeneous societies even more so. That is the strategy of cosmopolitan tribalism. This strategy favors more Portugals in the world, that is to say, societies that are relatively homogeneous in racial, ethnic, linguistic, religious, and other dimensions that are especially likely to be toxic for within-society

solidarity, rather than movement to a world in which societies look more like Switzerland or the U.S. The strategy looks for its justification not to partiality norms that say it is morally more important to benefit fellow group members rather than outsiders but rather to egalitarian cosmopolitan norms that are impartial in assessing the moral value of benefits and the moral disvalue of harms that accrue to any person and that furthermore either favor more equal distribution or priority for the worse off.

You might object that if rich country institution of programs that allow migration, temporary or permanent, of poor individuals from poor countries would, at least up to some point, benefit poor people in sending countries at, in the worst case, modest cost to better off individuals in host countries, cosmopolitan egalitarianism must always favor making national borders more porous in this way. But we have been speculating that erosion of relational equality values in rich countries in which they are now somewhat entrenched might in the long run bring about reduction of world-wide weighted well-being totals, compared with might have been possible absent the erosion.

Here it is worth recalling a point made by Christopher Wellman in another context. Wellman was defending the moral right of an otherwise well-functioning wealthy nation state to control its borders as it sees fit, either allowing no temporary or permanent migrants to enter or some or instead instituting an open door policy. He appeals to a freedom of association analogy. Just as an individual has a broad right to associate with others (who agree to associate) or refrain from association, individuals banded together in groups have a similar broad right of association that gives the nation state the right to close its borders if that is the chosen policy. Anticipating the objection that wealthy nation states have extensive duties of global justice, Wellman responds that however extensive one believes global justice duties to be, they can clearly be fulfilled by alternative means, so from duties to aid, for example, the global poor, no duty to open state borders can be deduced.

Without agreeing that there is a strong right to freedom of association, we might agree that global distributive justice obligations can be met in various ways. In principle at least, helping to improve the world in terms of global justice by admitting poor foreigners into one's society could be rejected while doing no less for global justice by helping these foreigners (or others) in the lands where they currently reside. A variant of this closed-door policy would allow temporary migrants only to enter the country, with rules set so that little permanent migration to the host country results.

Some of us might prefer a nontribalist cosmopolitanism, embracing policies that lead all countries of the world to be multinational and multicultural bazaars where people of many different cultures and values mix it up in ways that enrich everyone's lives. This would be a world in which, for example, Salman Rushdie would feel at home everywhere. But in the actual circumstances of our world, it is an open question whether nontribalist cosmopolitanism is compatible with cosmopolitan egalitarianism as applied to all countries, or even to any.

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² . Guest worker programs are a possible feature of a country's border control system. Under guest worker programs, foreigners are permitted to enter a country for a specified time to carry out paid employment or self-employment, with no guarantee and perhaps no possibility that the individuals entering on these temporary work permits will be permitted to become permanent residents and perhaps full citizens of the country they are entering on these terms.

³ . A permit to enter a country as a guest worker may be contrasted with two other types of entry permit. Permit to enter as an immigrant involves permission to enter as a resident for an indefinite period, with the option of applying to become a full citizen of the country after some period of residency. A permit to enter as a permanent resident allows one to stay in the country and engage in paid employment and self-employment, but without any promise that one will ever have an option to apply for full citizenship status.

⁴ . These terms will be explicated in the text that follows.

⁵ . For the formulation of this last thought in the text, and for other helpful criticisms, I am grateful to an anonymous reviewer for this journal.

⁶ But see Robert Mayer 2005. On his account, for exploitation to exist, not only must one party take unfair advantage of a vulnerable agent, but the party to the transaction that gets the short end of the stick must have no sufficiently good alternative. —On this account, if nonexploitation is a condition for a permissible guest worker program, bringing in moderately poor temporary migrants for a certain benefit might be acceptable, whereas bringing in desperately poor migrants on identical terms for the same benefit would be impermissible. See also Anna Stilz 2010.

⁷ . Relational egalitarian theories might be either cosmopolitan or noncosmopolitan. It might seem to be an analytical mistake to lump relational egalitarian views and noncosmopolitan views together. However, while formally distinct, cosmopolitan relational egalitarian views may not differ much in practice from views that say that morality requires favoring conationals over foreigners. If what matters is relating as equals in a democratic society, a cosmopolitan relational egalitarian view might be completely fulfilled in a world in which inequalities in wealth and other determinants of life prospects among persons worldwide are no less than they are at present. One can imagine a world composed solely of rich and poor democratic countries. In each country, members relate as democratic equals, but in poor countries, people's life prospects are bleak, impoverished.

⁸ . Lenard and Straehle 2011 offer the optimistic appraisal that insistence on the protections for those foreigners brought in to labor in a country that they embrace, including the guarantee that entry opens an eventual option of citizenship in the host country, will not unduly restrict the numbers of foreigners who benefit from being allowed entry for employment. I do not see a reasonable basis for this optimistic assumption. I suppose this depends on what counts as “unduly.”

⁹ . Weyl (forthcoming) notes that in devising a temporary migrant worker program bringing in low-skilled outsiders to a rich country, “social prejudices based on national origin or authoritarian regimes that support a caste system could be Pareto-improving.” (An immediate partial response is that even if an adequate morality must require that in an ideal state where everyone conforms to moral demands, the outcomes of compliance will not lead to a state of affairs from which one could improve someone’s position while worsening no one’s position, still in a nonideal world where there is noncompliance with moral demands, the morally best reachable outcome might lead to a Pareto-nonoptimal state of affairs that is nonetheless better on other moral grounds than the best attainable Pareto-optimal state. Another immediate response is that if the Pareto norm interprets an individual’s being better off and worse off in terms of subjective preference satisfaction, on an objective list welfarist justice standard, Pareto nonoptimal outcomes might be acceptable in many circumstances.)

¹⁰ . Studies of people’s experienced moment-by moment happiness (enjoyment, good feeling) and also studies of retrospective life satisfaction reports (over a period of the informant’s life or the whole of it) might supplement data on economic outcomes to buttress judgments that some migration decisions would-be temporary workers make are ones they would not make if they could accurately foresee the consequences. Such judgments could be cited in support of weak paternalist arguments. I do not say that moment-by-moment enjoyment or long-term reported life satisfaction are more than rough indicators of true well-being.

¹¹ . See Miller 1995. Miller distances himself from ethnically and racially based versions of nationalism. His idea is that a legitimate national identity is based on shared culture and language, a sense of common history, and a shared aspiration that the national community be politically self-determining (whether as a more or less autonomous region of a nation state or as a separate sovereign nation).