

Guestworkers and second-class citizenship

Anna Stiliz

Department of Politics, Princeton University, 247 Corwin Hall, Princeton, NJ 08544, United States

Abstract

This paper takes up the question of rights restrictions for guestworkers from a liberal-democratic perspective. Is it ever legitimate to offer migrants job opportunities in exchange for their agreement to waive rights? If so, are there limits on the rights we can ask guestworkers to give up? I examine three arguments for why rights restrictions on guestworkers should not be allowed: (1) that they require guestworkers to waive an inalienable claim to membership, (2) that they are exploitative, and (3) that they place guestworkers into dominating social relationships in the receiving society. I conclude that none of these arguments can rule out rights restrictions on guestworkers altogether. I then sketch some restrictions that remain permissible even after we take these arguments into account.

© 2010 Policy and Society Associates (APSS). Elsevier Ltd. All rights reserved.

Guestworker programs are back in fashion.¹ The centerpiece of President Bush's 2004 immigration reform proposal was a guestworker program for low-skilled workers from Mexico. While Bush's plan was defeated in the Senate in 2007, temporary guestwork will likely be retained in any future immigration reform proposed by the Obama administration.² Canada also recently introduced a global Low Skill Pilot project, allowing employment of low-skilled foreign workers for up to 2 years (Fudge & McPhail, 2009). Moreover, guestworker programs are being advocated as a strategy for combating global poverty. Economist Lant Pritchett has argued for global labor mobility with limited social, economic, and citizenship rights—modeled on the regimes in the Gulf States and Singapore—because it would improve the welfare of migrants and allow sending countries to benefit from workers' remittances (Pritchett, 2006, 4–5, see too Kapur & McHale, 2006). A guestworker-style program is also being considered as part of the General Agreement on Trade in Services Mode 4, under negotiation at the WTO (Martin, 2007).

One serious moral challenge to these programs, however, is that they restrict workers' rights. Bush's proposal would have extended guestworkers temporary visas for a maximum of 6 years, required them to leave the country every 2 years for 6 months at a time, and prohibited their bringing spouses or children into the US (Rodriguez, 2007, 224). While guestworkers in Western countries enjoy protection of their basic civil liberties and minimal entitlements like emergency health care, they often lack rights to participate in public pension or social welfare programs, to vote, to access the full labor market, to bring their families, and to reside in the country indefinitely (Chang, 2002, 466; Martin & Ruhs, 2008, 250-1; Hidalgo, 2010, 21). Indeed, the countries that have recruited the highest percentages of foreign-born guestworkers have required them to give up crucially important rights. In Kuwait, the protections of local labor

E-mail address: astiliz@princeton.edu.

¹ I define a guestworker program as one that grants work visas without an entitlement to stay permanently in the country.

² A guestworker program was endorsed as part of a new immigration "framework" outlined by Senators Lindsey Graham and Chuck Schumer in a Washington Post editorial published March 21, 2010.

law do not apply to migrants (Martin & Ruhs, 2008). In Singapore, foreign domestic workers have no minimum wage, no right to stay if they lose their job, no right to free speech or association, are prohibited from cohabiting with or marrying a Singaporean resident, and undergo periodic pregnancy tests that can result in their deportation (Bell & Piper, 2006; Bell, 2006).

These are morally troubling facts. From a liberal-democratic perspective, how should we react to them? One strategy would be to endorse only those migration programs that extend workers full rights and offer a path to citizenship. But this may backfire. Ultimately, we face a choice between offering a generous package of rights and benefits to a very small number of workers, or a more restricted package to a larger number. Many authors have pointed out the “rights versus numbers” trade-off inherent in low-skilled migration: the more rights are made available to guestworkers, the smaller the number accepted (Bell, 2006; Martin & Ruhs, 2008). Extending workers the full panoply of rights—including labor market protections, union rights, unemployment and welfare benefits—makes them more expensive, and erodes their primary comparative advantage relative to domestic workers. Offering workers easy access to citizenship requires integration efforts that make them more costly for the host state. With fewer rights, more job openings can be made available to low-skilled foreigners in need.³

In assessing guestworker programs as an alternative to permanent immigration, then, we must face a key moral puzzle: is it ever legitimate to offer migrants job opportunities in exchange for their agreement to waive (some) rights? If so, are there limits on the rights we can ask guestworkers to give up? The paper takes up these questions as follows. In Section 1, I review the arguments offered by advocates of guestworker programs for why, upon reflection, rights restrictions are not as morally troubling as they initially seem. I also examine claims, by their opponents, that guestworker programs are inconsistent with liberal-democratic values. I note that the inconsistency charge is too strong, since it is already accepted that the state can restrict the rights of at least two other categories of persons on its territory: tourists and foreign students. In Sections 2–4, I then examine three arguments for why rights restrictions might be more objectionable in the case of guestworkers than in the cases of tourists and students. I conclude that these arguments have only partial success: they cannot rule out guestworker programs altogether. In Section 4, I then sketch some rights restrictions that remain permissible even in the face of these three arguments.

In the end, I argue that guestworker programs with restricted rights can be morally acceptable, contingent on their satisfying three conditions. First, using a distinction I develop further in Section 2, I hold that while a guestworker program may permissibly restrict rights of membership, it must not restrict basic rights of personhood. (I do not defend programs, like those in Singapore or the Gulf States, that require guestworkers to forego essential personal liberties.) Second, contracts to waive even membership rights may be unconscionable under certain conditions, as when the guestworker’s basic needs or his membership in his home state are compromised. Migrants in these unduly vulnerable situations are owed a more robust package of protections. Third, acceptable restrictions on membership rights must not force workers into a scenario where they are exposed to the arbitrary power of employers and others in the receiving society. Contracts are valid only to the extent they do not create this vulnerability, and only if they are genuinely enforced by the receiving state.

1. Existing Moral Arguments

Those who support guestworker programs usually dismiss the moral challenge of restricted rights with two arguments, one from *consent* and one from *benefit*. First, they point out that guestworkers voluntarily contract to work in industrialized countries, and thus they have willingly accepted whatever rights restrictions they may be subject to. (Indeed, there are far more applicants than there are jobs available, which shows just how much people want to come.) Pritchett emphasizes that while guestworker contracts would place workers in a subordinate position in the receiving society, these contracts would be voluntary, and prohibiting them would be paternalistic: “What could be more

³ To take one empirical example of the tradeoffs involved, compare the situations in the UK, Ireland, and Sweden—the only countries to open their labor markets to the new EU member states immediately in 2004. Though these countries all offered workers from Eastern Europe access to their labor market, their approaches differed. Sweden gave the migrants full labor market rights and social welfare benefits and introduced measures designed to prevent them from undermining domestic wages and benefits. Ireland and the UK, by contrast, restricted migrants’ access to unemployment and welfare benefits and adopted no measures to prop up their wages. By 2006, a million East Europeans had migrated to the UK and Ireland, while only 5000 were in Sweden (Martin & Ruhs, 2008). Swedish employers were less willing to hire the migrants, since they were no less expensive than a domestic worker.

acknowledging of someone’s status as a ‘human being’ than to offer them a clear choice and allow them to make it?” (Pritchett, 2006, 86).

Second, advocates usually note that guestworker programs are of great benefit to the workers: without guestwork, these people would be worse off. They might be doing similar work for much lower wages in their home countries. Or they might enter wealthy countries illegally, living on the margins of society with few legal protections (Bell, 2006, 299). Viewed in this light, refusing to accept guestworkers looks like moral fetishism: it sacrifices important gains in the workers’ well-being to our desire not to impose formal rights restrictions we consider degrading. If restricting their rights disrespects guestworkers, then it hardly seems more respectful to leave them with the sole option of working for less money under worse conditions (Radin, 1996, 51).

But not everyone agrees that rights restrictions on guestworkers are morally acceptable. Some authors claim that guestworker programs institute a form of second-class citizenship that is fundamentally inconsistent with liberal-democratic ideals (Kymlicka, 2001, 359; Walzer, 1983; Wellman, 2009, 126). On their view, it is unjust to admit migrants without putting them on the path to citizenship and granting them the full rights that members already enjoy. Michael Walzer argues in this vein that it is a basic principle of political justice that a community’s processes of political self-determination must be open to those who live on the territory, work in the economy, and are subject to local law (Walzer, 1983, 60). To tolerate second-class residents, argues Walzer, is to create “a family with live-in servants,” in which some are “governed without their consent” by a “band of citizen-tyrants” (Walzer, 1983, 52, 54). “Men and women are either subject to the state’s authority, or they are not; and if they are subject, they must be given a say, and ultimately an equal say, in what that authority does” (Walzer, 1983, 71).

But Walzer’s view that *everyone* subject to the state’s authority must count as a potential citizen seems incorrect. There are always different categories of people subject to the state, and not all of them enjoy the same rights (Carens, 2008b, 420; Pevnick, 2009, 13). At one end of the continuum, think of tourists. In Western countries, tourists enjoy some rights that citizens also enjoy—including basic freedoms of speech, assembly, and religion; protection from unreasonable searches and seizures; the security of the criminal law; and the right to a fair trial. But there are other rights tourists do not enjoy, like access to the labor market, social welfare benefits, or the right to vote. Or consider foreign students. In the US, foreign students must be enrolled in coursework full-time to maintain their visas, they lack social and voting rights, and their labor market access is partially restricted. While it would be wrong for the government to deprive a birth citizen of access to the labor market, social welfare benefits, or the right to vote, is it equally wrong to refuse tourists or foreign students these things? After all, they came voluntarily, knowing that they would not enjoy the full range of protections they enjoy in their home country. If not, then it may be permissible for a state to protect different rights for different categories of people, depending on their relationship with that state.

Of course, contracts to admit guestworkers might have features that make them more objectionable than agreements to admit tourists or foreign students. So we should look carefully at the reasons why guestworker programs might be specially unjust. In what follows, I consider three different arguments: first, guestworker contracts may ask people to give up an *inalienable claim* to citizenship; second, guestworker contracts may objectionably *exploit* the workers; or third, guestworkers may be placed into *dominating social relationships* in the host society.⁴ If any one of these arguments is valid, then that would explain why the state may permissibly restrict the rights of tourists and foreign students but not guestworkers. But I conclude that these arguments are partially valid at best, and so cannot rule out guestworker contracts altogether.

2. Inalienability

Turning to the inalienability argument, let us recall two kinds of rights that might be at stake in guestworker contracts. First, there are *rights of personhood*, which most liberal-democratic governments extend to everyone within their territory, even tourists and illegal aliens—like the right to a fair trial, free speech, or to integrity of the body. None of the programs currently on the table in Western countries would require guestworkers to give up these rights, nor do I aim to defend programs that would. Second, there are *membership rights*, which—at least on some theories—governments can extend only to persons within the territory possessing citizenship or permanent resident status, e.g.

⁴ A fourth reason why guestworker programs might be unjust is if open borders are a demand of justice, as Carens (1987) argues. For the purposes of this paper, I am bracketing this question and assuming that border control can be justified.

the right to vote, to hold public office, to participate in pension programs, to collect social welfare benefits, and to remain on the territory indefinitely (Bozniak, 2006, 64; Carens, 2008a, 166; Pevnick, 2009, 10). What some have proposed is that guestworkers—though they participate, for a time, in the domestic market and civil society—be offered a more restricted set of *membership rights* than those with permanent residency or citizenship. The grounds for attributing more extensive membership rights to citizens than to outsiders are controversial. But one plausible story holds that citizens and permanent residents owe special obligations to one another that they do not owe to foreigners, and granting each other membership rights allows them to fulfill these special obligations. These special obligations derive from citizens' ongoing cooperation in sustaining the state's system of law, its market, and structure of property rights and entitlements. As participants together in that joint political practice, citizens and permanent residents owe one another a fair return for their contributions, and this generates a set of rights and claims that go beyond those owed to tourists (Sangiovanni, 2007; Hidalgo, 2010, 23).

The *inalienability* argument holds that guestworkers (a) develop a moral claim to membership through their participation in the receiving society's market and civil society, and (b) they should not be allowed to trade or waive this claim, because membership ought not to be commodified. It argues that while some goods are properly exchanged for money or benefits (houses, refrigerators, tax advice), other goods should not be (human beings, body parts, or love). Some of Walzer's statements point in the direction of the *inalienability* argument. He maintains that some transactions should be considered "blocked exchanges" because trading certain goods for money fails to properly respect the goods' value (Walzer, 1983, 100).

Of course, we uncontroversially let tourists and foreign students reside in our country—for a time—without full membership, so at least *this* exchange is not blocked. One difference between guestworkers and tourists, however, is that guestworkers stay longer and are more robustly embedded in the practices of civil society. They work, pay taxes, make friends, and join social networks.⁵ Due to the greater density of their social ties, perhaps guestworkers have a moral claim to membership that tourists do not have. Joseph Carens has argued along these lines that the formation of social ties in the host society gives migrants a claim to full membership there. On Carens's view, it may be permissible to ask short-term residents to waive some rights (like the right to welfare benefits, to vote and run for office, or to be protected against deportation). But the longer their stay, the stronger their claim to membership becomes. Once someone has resided in a country for a sufficiently long period—Carens conjectures 5 years or so—he ought to be granted full citizenship there (Carens, 2008b, 422). Carens's story fits nicely with the special obligations account we outlined above. If citizens are owed membership rights due to their participation in practices of reciprocal social cooperation—obeying the law and paying taxes, participating in the market, and so on—then once guestworkers have participated for a sufficient amount of time, others may owe them a fair return, including access to citizenship.

Still, even if Carens is right that we gradually develop a claim to membership by participating in civil society, we must still ask whether this claim is one that cognizant adults could contract away. The inalienability argument has two prongs: first, the premise that guestworkers gradually develop a moral claim to membership, and second, the premise that this claim is not waivable *ex ante* in return for anticipated benefits. Modern legal systems consider some basic rights inalienable and enforce laws blocking their exchange. But not every right is inalienable: citizens waive lots of rights in exchange for benefits and opportunities all the time, and surely we do not wish to block all these exchanges.

The notion that a claim to membership in the receiving society should not be alienable seems plausible for involuntary migrants, like refugees or young children. It would be wrong to ask them to sign a contract to waive membership rights, because we are concerned about the quality of their consent. Children lack the capacities of deliberation and judgment necessary to validly waive their rights. And we cannot ask refugees to forego membership because they may lack other reasonable options. Each person is entitled to membership in a state that protects her basic rights and allows her to live without fear. Since refugees lack this entitlement, they are vulnerable in ways that compromise their consent.

But suppose we are dealing not with a child or a refugee but with a fully cognizant adult who does have the capacity to consent and who does have access to membership somewhere else. It seems to me that this person could indeed waive a claim to membership in the receiving society in exchange for desirable benefits. To see this, consider an adult migrant who voluntarily signs a temporary labor contract under fairly ideal conditions. Suppose a visiting professor from the US agrees to teach for 5 years at a university in Japan, where her contract bars her from bringing her family,

⁵ Though since tourists and especially foreign students participate in social networks and civil society, this distinction is clearly a matter of degree.

requires her to leave the country if she is fired, and denies her access to citizenship. She signs the contract because she can expect to make twice the salary she could at a university in the US. Isn't this contract—made, to be sure, under ideal conditions—one she should be allowed to make?⁶ Isn't it possible for this adult to waive her right to put down roots in another place, as long as she knows what she is doing and explicitly consents?

If our professor's contract is allowable, then there is nothing in the *substance* of a guestworker contract that precludes its being a fairly enforceable exchange. At least some contracts to waive membership in exchange for economic opportunities are fair bargains. Here, I do not mean to intimate that most guestworkers find themselves in a situation like the visiting professor's. Instead, I only claim that whatever might be objectionable about guestworker programs, it is not that all contracts to forego membership rights ought to be blocked, in the way that all slavery contracts are blocked. Guestworker contracts can be binding, at least when their terms are fair and they are made under reasonable circumstances.

3. Exploitation

But perhaps most guestworker contracts are not fair agreements made under reasonable circumstances. Another objection that is sometimes leveled against guestworker programs is that they are *exploitative*. Low-skilled guestworkers accept a hard bargain: they do the exhausting work that citizens cannot bring themselves to do, in exchange for only minimal wages and restricted rights. Walzer also invokes this argument at various points, calling guestworkers an “exploited or oppressed class” (Walzer, 1983, 59; see also Mayer, 2005, 315).

What does it mean to say guestworkers are exploited? In the most general sense, an exploitative act is an act where A takes unfair advantage of B (Wertheimer, 1996, 10; Goodin, 1987, 171). But this general definition depends on a conception of fair treatment that needs to be fleshed out. I propose the following more precise definition. A *exploits* B when he makes an agreement with B where the following individually necessary and jointly sufficient conditions are met:

- (1) *Skewed terms*. The terms of the agreement are beneficial to A and harsh to B, and
- (2) *Undue vulnerability*. B's consent to their agreement was obtained under conditions where B had no *reasonable alternative*.

Let us examine these conditions in turn.

First, in order to exploit B, A must derive an advantage from their transaction, and that advantage must be in some way skewed or disproportionate. How do we know when an agreement is skewed in A's favor? We tend to think that an agreement is skewed when B pays too high a price, compared to what she gets out of the transaction, and compared to what A receives (Wertheimer, 1996, 22). Though exploitation is sometimes harmful to the exploited party, it can occur even where the exploitee gains from the transaction. This kind of exploitation is *mutually advantageous*: both the exploiter and the exploitee are made better off than they would have been in the absence of any transaction. B may gain from the transaction, compared to a no-agreement baseline, but A gains much more than B does.

We can say that a bargain is skewed if there is some alternative distribution of the gains of the transaction that A would agree to, if B were in a better bargaining position. For example, suppose Alan is selling water bottles on a hot day and Bob is thirsty. Bob would be prepared to pay up to \$5 for a bottle of water and Alan would be prepared to sell for as low as \$2. But because Alan is the only water salesman for miles, he is able to get Bob to pay \$5. Had there been another salesman nearby, Alan would have sold to Bob for much less.

Following Alan Wertheimer, we can define the *social surplus* of a transaction—the total benefit produced by an agreement—as the difference between A's and B's reservation prices (Wertheimer, 1996, 21). Since Bob's reservation price is \$5 and Alan's is \$2, the social surplus of their transaction is \$3. In the actual transaction, Alan is able to appropriate the entire social surplus because of his bargaining leverage (there are no other suppliers). But there is a hypothetical transaction in which Alan would have agreed to a different distribution of the surplus. Alan thus captures

⁶ Mayer (2005) makes a similar argument, pointing to the US H1-B visa program to attract high-skilled workers as an example of a temporary labor program that does not grant full citizenship rights but does not seem unjust. We might also think of *au pairs* who travel from one Western country to another, or professionals who transfer to a company's office in a foreign country for a few years without expecting to acquire full citizenship there.

an economic rent from B that he would not have been able to secure had Bob faced better circumstances. This is what it means for an agreement to have skewed terms.

The fact that an agreement is skewed is necessary, but by itself it is not sufficient to show exploitation. Skewed bargains are sometimes unproblematic, especially when the person on the losing side of the agreement had other reasonable alternatives. This is especially clear in the case of monopoly pricing in specialty or luxury items (though, depending on how thirsty Bob was and how far it was to the next water cart, he may have had reasonable alternatives in our earlier example as well). Suppose Bob is a baseball card collector who needs one more card to complete his set before an exhibition this weekend. Alan is the only dealer in the area who carries this particular card, and he offers to sell it to Bob at five times the market rate. Bob agrees to Alan's price because he is eager to complete his collection right away. Here Bob has also made a skewed agreement in which, once again, Alan appropriates the entire social surplus. But Bob is not exploited. This is because he had reasonable alternatives to buying the card at the dealer's price: he could have withdrawn from the show, or looked elsewhere for the card, though perhaps at some cost to himself.

What distinguishes an exploited person from an eager baseball card collector are the *conditions of vulnerability* from which the former's choice is made. Consider a paradigmatic case of exploitation: suppose A comes upon B drowning in a lake and offers to throw him a life preserver for \$10,000. Here B faces a situation of vulnerability such that he has *no reasonable alternative* but to agree to a transaction that he would certainly not have agreed to in better circumstances. Those who collect baseball cards are not facing such vulnerable background circumstances. So to improve our definition, we must add condition (2): that the skewed or harsh agreement is made under conditions of undue vulnerability, such that B has no reasonable alternative.

Just as a skewed bargain was not alone sufficient to show exploitation, the fact that B makes an agreement from a position of vulnerability is also not sufficient, as long as A does not leverage those circumstances to create a harsh bargain. Suppose your boat has capsized in a lake and I propose to tow you to the marina for the bare cost of my fuel. You have no reasonable alternative but to accept my proposal, but since my proposal is not unfair to you, you are not exploited. People who buy food from the supermarket similarly have no reasonable alternative but to pay for something to eat, but because the supermarket does not extract unfair concessions from them, they too are not exploited (Wertheimer, 1996, 266). Reasonable bargains can be made under difficult conditions and a bargain must be harsh or skewed in order to exploit.

Whether a skewed bargain exploits, then, depends heavily on how we specify the notion of a *reasonable* alternative. This is a tricky issue. It cannot be the case that whenever it would be irrational for me—given my situation and my preferences—to decline an offer, I therefore lack a reasonable alternative. If you offer me a position at your university doing what I now do for \$10,000/year more, it may be irrational for me to decline, but I still have a reasonable alternative: I could stay at my current job and make \$10,000 less. So which alternatives count as *reasonable* will depend on what costs we think it is fair to ask a person to bear. If her current situation is one that is morally acceptable, then a person has a reasonable alternative, even if it would be rational—indeed, greatly to her advantage—to take the offer instead.

To distinguish cases of exploitation, then, we need a normative account of a *reasonable alternative*. I suggest that B has a *reasonable alternative* whenever it is fair to ask him to bear the costs of his own background situation, i.e. when no other person has a moral responsibility to repair B's vulnerability. In the life preserver case, for example, I lack a reasonable alternative because I have a moral claim to a better background situation. You have a duty to rescue me, and I am rendered vulnerable by your failure to live up to this duty. This is what makes the case one of exploitation.

But in other skewed bargains, it is not clear that we lack a reasonable alternative, at least not in the sense of having a moral claim to better background circumstances. Suppose I am skiing at a remote lodge and there is only one restaurant, which prices its hamburgers far above market rate. I may feel that I have no alternative but to take the burger at the price offered: given the costs involved in my finding another place to eat, it is just not worth it. Despite this, I still have a "reasonable" alternative in the *normative* sense. It is not unfair to ask me to bear the cost of seeking my lunch. Even though it is probably not rational for me to look for another lunch spot, it would not be disastrous for me to do so, and so if I buy the overpriced hamburger, I am not a victim of exploitation.⁷

⁷ Goodin (1986, 118) Goodin, 1986 argues for a broader definition of exploitation than mine, where it includes any situation in which we violate a moral duty of protecting those who are vulnerable to us. But this definition is too broad, in my view, because there are some vulnerabilities of other people for which we are simply not responsible. A stalker may be particularly vulnerable to my affections, but I am not responsible for the state of his emotions. A competitor's hot-dog cart might be vulnerable to the lower priced hot-dog cart I plan to open down the street, but I am not responsible for maximizing his profits. In order to operationalize the principle of vulnerability, we need a normative account that shows when it is unfair to ask a person to bear the costs of their own circumstances.

Two features of the above case are important in ensuring that the person on the losing side of the agreement is not exploited. The first is that this case falls within a realm that is rightly regulated by market norms. We all gain collective benefits by conceiving of market interactions as zones in which a lesser standard of moral care applies. Within certain limits, agents in the market are not obliged to take responsibility for all the vulnerabilities of their transaction partners. In other contexts, such as family or friendship relations, it may be less reasonable to expect people to bear the costs of their situation.

Second, in neither case are someone's basic rights or needs at stake. When basic rights are jeopardized, we think it is unfair to ask the individuals involved to bear the cost of their background circumstances. Their situation is not one they can be morally asked to accept. Instead, they have a justified demand that other people provide them with reasonable alternatives, by making arrangements so that their basic rights and needs are met (Shue, 1980, 16). They have a moral claim to a better bargaining baseline than they currently enjoy.

Given these distinctions, are guestworker contracts exploitative? It is clear that condition (1) often applies—guestworkers accept a skewed bargain. They do hard and degrading work that most citizens refuse to accept at prevailing wages. Were guestworkers to enjoy the same background conditions citizens do, it is likely they would refuse this work as well, forcing the employer and host society to accept a smaller share of the social surplus. The trickier condition is condition (2): are guestworkers morally entitled to a better baseline? Must they bear the costs of their own background circumstances, or do foreigners have a responsibility to repair these circumstances? If guestworkers lack alternatives that they are morally entitled to, and if we have a duty to provide them with these alternatives, then offering them employment instead—in exchange for their foregoing their membership rights—may be an act of exploitation. This can be so even if the exchange is one that benefits the guestworker, given his actual, desperate, situation, and even if he would freely consent to it. Once reasonable alternatives have been provided, his choice might look quite different.

Settling the issue of whether guestworkers have a moral claim to better background circumstances raises controversial questions about our general duties to foreigners. Obviously, I cannot hope to provide a full theory of these duties here. But I will try to highlight some duties on which I think there is a broad degree of consensus. If guestworkers lack reasonable alternatives because of outsiders' failure to fulfill at least these duties, then it will be less controversial to say that guestworker contracts may represent an exploitative offer.

First, it is widely believed that each person has right to live in a condition where at least his basic needs are secured. Basic goods like food and water, shelter, personal security, health, and primary education are essential requisites of a minimally decent human life. The primary responsibility to ensure that foreigners do not experience deprivation of these goods likely falls on their home state. But sometimes their home state will fail to live up to its responsibility, or it may find itself challenged by poverty or natural disaster, and in such cases, outsiders will have a duty to step in and ensure that its citizens' basic needs do not go unmet (Miller, 2007). Where extremely urgent interests are at stake, deprivation becomes a matter of global concern (Beitz, 2009, 167).

Where a state fails to provide at least this basic minimum, outsiders have a humanitarian duty to step in and aid those who are in jeopardy, as long as they are capable of providing the goods needed to fulfill these needs at reasonable cost to themselves (Miller, 2007, 197). Since they ought to step in to help, *a fortiori* these outsiders also ought not to leverage others' unfortunate situation in order to secure contracts involving unequal gains that, absent this unjust situation, the foreign workers would never have agreed to provide.

A second moral claim that foreigners plausibly have is a claim to membership in what Rawls calls "well-ordered institutions." Rawls points out two features of such institutions: first, they secure basic human rights, and second, they allow for meaningful participation on the part of citizens, either in the form of (a) a reasonably just constitutional democracy or (b) a decent consultation hierarchy that provides channels for political dissent and justification. Each individual has a claim to belong to a society that is well-ordered in this sense. Outsiders plausibly have a "duty of assistance" to societies that due to their lack of resources, human capital, or political and cultural traditions, are not yet well-ordered (Rawls, 1999, 105–112).

The duty of assistance to burdened societies is more difficult for outsiders to fulfill than the duty to ensure that foreigners' urgent basic needs are met. That is because well-ordered institutions require a supportive political culture to sustain them, and such a political culture depends on domestic practices, which are often difficult for outsiders to reform. Nevertheless, outsiders are obliged to do what they can to foster the conditions under which a people can become well-ordered, by sharing their knowledge about how to build effective constitutional or rule-of-law institutions, how to fight corruption or foster transparency, or how to further economic development. Since

guestworkers have a moral claim to membership in a legitimate institution, it is exploitative to leverage circumstances of political repression abroad in order to get people to accept second-class status as guestworkers. Countries where citizens cannot freely express dissent and receive at least some justification for political decisions—countries like Iran, North Korea, Burma—deny their citizens' basic right to membership in a legitimate state. Foreigners ought not to manipulate the lack of legitimate institutions to secure unfair gains that workers would not have agreed to had their claim to membership been adequately secured.

On this basis, what can we say about the conditions under which offers of guestwork may be exploitative? First, a justifiable system of guestworker contracts ought to tie offers of guestwork with restricted rights to the fulfillment of international humanitarian duties to meet people's most urgent basic needs. Where people lack essential goods like personal security, food, shelter, and primary education, it is implausible to view their consent to a guestworker contract as genuine, because they lack reasonable alternatives. Outsiders ought to step in and remedy their situation rather than offering them guestwork. Second, a justifiable system of guestworker contracts also ought to require host states not to leverage circumstances of political repression to induce people to agree to these contracts. Individuals have a basic claim to membership in a political society where their views are taken into account. If their domestic political institutions cannot readily be reformed to fulfill this claim, then migrants ought to be granted full membership in the receiving society.

These two requirements help to define the conditions under which guestworker contracts would be exploitative. But, applying these conditions to existing practice, it is not clear that most existing guestworker contracts actually *are* exploitative. As an empirical matter, deficiencies in meeting these most basic moral claims may not currently play a significant role in shaping temporary guestworker flows. Consider the largest temporary labor exporting countries at present: they are the Philippines and Mexico, numbers one and two, respectively (Chi, 2008). With a per-capita GDP of \$13,542, Mexico is not a country where most citizens find that their urgent needs for food, shelter, or primary education go unmet. According to the 2009 UN Development Report, only 4.8% of Mexican citizens fall below the \$2/day poverty line. Those that do fall below this line are also unlikely to be temporary migrants, since research suggests that international migrants tend to be drawn from the middle to upper-middle range of the socioeconomic distribution of the country of origin (Massey et al., 1998, 235). A 1999 study of female Mexican migrants found that a majority of them had high school degrees and had held clerical, retail, or professional jobs in Mexico prior to migrating (Momsen, 1999, 73). Mexico is also a functioning democracy that—while still plagued with corruption—has a competitive party system that allows its citizens' voices to be heard in political decision-making. Were a Mexican guestworker program of the sort proposed by President Bush to be implemented, it would be difficult to say that the workers were exploited, at least under the definition proposed here.

The Philippines is a more difficult case, but it too probably falls on the side of non-exploitation. While it is a very poor country, the Philippines's per-capita GDP of \$3536 puts it roughly in the middle of the world's wealth distribution. Forty-five percent of Filipinos fall below the \$2/day poverty line. But interviews of Filipino domestic workers abroad show that many of them are well-educated and have a comfortable economic background by domestic standards in the Philippines, which indicates that it is not the poorest Filipinos who are migrating (Constable, 2002, 139–140). Indeed, studies have found that 70–80% of Filipino domestic workers abroad have completed high school, and a substantial minority have tertiary education (Momsen, 1999, 10). This is not surprising, since their economic standing at home is greatly enhanced by domestic work abroad, which pays more than a doctor or lawyer's salary does in the Philippines. And while it suffers from weak and corrupt institutions, the Philippines is a functioning constitutional republic. Filipino labor migrants are not likely to be starving, lacking basic security, or politically persecuted.

Because guestworkers do not tend to come from the world's most needy and repressive countries, the case that they lack reasonable alternatives—in the sense of failing to enjoy background circumstances where their basic rights and needs are secured—is much harder to make. Instead, for many migrants, guestwork may be an economically advantageous offer that it is rational for them to take. I do not deny that *some* existing guestworkers are exploited on the conditions outlined above—Egypt, a country known for its political repression, is a major source of guestworkers, and 81% of people in Bangladesh, another large sending country, live below the \$2/day poverty line. As an empirical matter, then, some guestworker contracts may fall afoul of our exploitation conditions, because these migrants lack a morally tolerable baseline. But many and perhaps most do not. Guestworkers from places like the Mexico and the Philippines are economic migrants, not migrants whose basic human rights are at stake. So while guestworker contracts may be exploitative under the right conditions (the ones outlined above), as a matter of fact, many

guestworker contracts are not made under these conditions. Exploitation is indeed morally troubling, but it is only partly effective as an argument against guestwork.

4. Domination

The final argument I wish to consider is that guestwork is more objectionable than tourism or foreign study because it thrusts the workers into dominating social relationships. On this view, admitting large numbers of guestworkers with restricted rights undermines *social equality* in the receiving society. Walzer appeals to this consideration too: “guestworkers...are excluded from the company of men and women that includes other people exactly like themselves. They are locked into an inferior position that is also an anomalous position; they are outcasts in a society that has no caste norms. . .” (Walzer, 1983, 59). Institutionalizing the role of *guestworker* creates a new subordinate position in society, and on this argument, this is something a modern democracy, in particular, should avoid doing.

Why should a democratic society hesitate to institutionalize a subordinate role with restricted rights, like the position of the guestworker? One reason is that institutionalizing a form of second-class citizenship for guestworkers may make them vulnerable to domination on the part of employers and other members of the host society. Let us define a relationship of domination as one that meets three conditions (Lovett, 2001, 2009; Pettit, 1997; Lovett & Pettit, 2009):⁸

- (1) The agent of domination, A, wields asymmetrical *power* over the subject of domination, B, because of his superior resources for influencing B’s situation.
- (2) B is *dependent* on A and cannot exit their relationship (thereby escaping A’s power) without incurring severe costs.
- (3) A’s power over B is *arbitrary*: his ability to influence B’s situation is not effectively constrained by social rules and procedures.

Relationships of domination have a number of bad effects. First and most obviously, they constrain the freedom and compromise the self-respect of the subordinate party. A person who is dominated will not enjoy the psychological status of an equal. Subordinates may be subject to threats on the part of those with greater power, their choices may be interfered with, and even if they escape direct threats and interference, they may have to adopt humiliating strategies to protect themselves by currying favor with those in power (Pettit, 1997, 60-1).

Second, and less obviously, widespread social domination also has bad effects on society at large. Relationships of domination tempt superiors to take pleasure in the degradation or humiliation of others. These effects may be particularly harmful to democratic societies. Democracies have historically defined themselves as *egalitarian societies*, in opposition to feudal or caste systems. In feudal or caste societies, a person’s rank or ascribed characteristics determine the amount of respect to which he is entitled on the part of others. A democracy, on the other hand, is a society of equals, not a society of ranks. Every individual is a competitor to be reckoned with, and her status is not dependent on any ascribed social position (Walzer, 1983, 272–280). An additional worry, then, is that besides threatening the freedom of guestworkers themselves, relationships of domination might also erode the ethos of social equality that is necessary for a flourishing democracy.

If rights restrictions on guestworkers force them into dominating social relationships, then they threaten both to compromise the freedom and self-respect of the workers and to erode the democratic ethos of the host society. This charge is a very serious one and, if true, it might tell in favor of banning guestworker programs altogether. But will restricting the rights of guestworkers necessarily have these effects? It is not clear that each-and-every rights restriction is equally bad from the perspective of enabling domination. Perhaps we can design guestworker programs that do not thrust guestworkers into dominating social relationships. To see this, we will have to look more carefully at the effects of particular kinds of rights restrictions.

There are certain rights restrictions that I think we should indeed rule out on domination grounds. One extremely worrisome example from this perspective is guestworkers’ severely limited access to the labor market. Guestworkers are often admitted to receiving countries with visas tied to a particular employer, such that if they are fired or attempt to

⁸ While there are similarities between exploitation and domination, I use exploitation to describe a wrong that might occur at the moment a guestworker agrees to an employment *contract*, and domination to be a wrong that might feature in a guestworker’s social relationships once she arrives and is living and working in the host society.

switch jobs, they can be deported. This renders them highly dependent, because the costs of exit from the employment relationship are so high. The employers, in turn, are able to wield a good deal of power over their guestworkers, who may be exposed to abuses and threats. While some employers may treat their guestworkers with respect, these restrictions make the guestworker overly reliant on a particular person's goodwill and benevolence.

For this reason, if it is not to thrust the workers into a dominating relationship with their employer, the guestworker's visa ought not to be tied to a particular job. Guestworkers ought to be free to quit their jobs and look for another one without fear of immediate deportation. Since the purpose of guestworker programs is usually to relieve labor shortages in specific sectors, giving guestworkers completely unrestricted access to the host society's labor market might exacerbate domestic unemployment or undermine wages. But at the very least, a guestworker visa should allow the migrant to quit her job without fear and to accept another job *in any sector in which temporary migrant labor is currently employed* (Ruhs, 2005 proposes something similar). Employers could continue to apply for government authorization to recruit guestworkers, as they now do, by demonstrating domestic labor shortages. But a guestworker would be free to move between any employers with temporary labor authorization. In many countries, this would open a number of sectors to guestworkers, including agriculture, construction, domestic work, health care, and information technology.⁹ The time for which a guestworker could remain in the country while searching for another job could be fixed at a reasonable period, say between 3 and 6 months.

We can make a similar argument about workplace health and safety regulations and workers' compensation. Where only guestworkers—not regular employees—can be exposed to a demand to do dangerous work, employers can use this leverage to extract concessions from the guestworkers that they cannot extract from other workers. For this reason, temporary migrant workers should be subject to the same health and safety regulations as any other worker and should enjoy the same working conditions. As Joseph Carens puts it, the purpose of health and safety regulation “is to set the minimum acceptable working conditions within a particular democratic community” (Carens, 2008b, 425). Exempting guestworkers from these minimum requirements would leave them highly vulnerable.

Another restriction that is troubling from a domination perspective is the requirement that domestic workers live in the home of their employer. Canada's Live-In Caregiver Program currently issues visas to domestic workers offering them a path to permanent residency on condition that they perform 2 years of live-in domestic service (Satsiulis & Bakan, 2003, 49). But the risks imposed by the live-in requirement are obvious: a survey of live-in migrant workers conducted by a British support organization in 1997 found that 84% reported psychological abuse, 34% physical abuse, and 10% sexual abuse (Ehrenreich & Hochschild, 2002, 108). Temporary workers should not be subject to any requirement that places them in a scenario so ripe for abuse. Instead, employers should furnish workers information about alternative accommodation on the private housing market.

Minimum wage protections are slightly more difficult. On the one hand, enforcing a minimum wage erodes the guestworker's primary competitive advantage *vis a vis* domestic workers and that means many fewer of them will be hired. On the other hand, if there is no minimum wage, employers might set wages for guestworkers at a level that is sufficient for only bare subsistence in the host society. This would clearly exacerbate their vulnerability, forcing them to live on the margins of society with access to only the poorest housing and food. Guestworkers must have their basic needs met and must be able to present themselves without shame. For these reasons they should not be exempt from domestic minimum wage requirements. Though this does erode their comparative advantage, safeguarding them from domination is important enough to make this trade-off a reasonable one.

To sum up, then, there are classes of rights restrictions that force workers into dominating social relationships that are indeed inconsistent with liberal-democratic ideals. Such restrictions include: tying the worker's visa to a single employer, exempting temporary workers from workplace health and safety regulations, worker's compensation, or minimum wage laws, and requiring the worker to live in the employer's home as a condition of employment. Guestworker contracts are morally acceptable only to extent that they do not include these restrictions, and only if they are adequately enforced.

⁹ Such a system would demand changes to the current process of allocating temporary employment visas in the US, which currently ties visas to individual jobs, not sectors. An alternative system would use labor market data to determine which occupations face chronic shortages and would allocate a fixed number of visas among these occupations. An independent board of economists and demographers could present recommendations on the number of visas to be allocated. The UK's Migration Advisory Committee currently plays a similar role, issuing non-binding recommendations to the government about which sectors face labor shortages.

A more difficult question is whether guestworkers should be included in work-related social insurance programs, like pension funds or unemployment compensation (Carens, 2008a). On the one hand, migrant workers often contribute to these programs through their taxes. They also need retirement support in old age and unemployment support just as much as domestic workers do. On the other hand, guestworkers do not expect to remain in the host society for the long term, and extending them benefits that require them to remain in the host country might weaken their incentive to return home.

One model for how to handle this problem may be the Overseas Worker Welfare Administration, developed in the late 1990s by the Philippines to support workers abroad. The program is a trust fund that is not financed out of general tax revenue but rather out of a tax on temporary employment contracts. Each worker makes a mandatory \$25 contribution to the fund, which is primarily used to finance repatriation costs for workers who become ill or lose their jobs overseas, but also provides education subsidies and life and disability insurance (Agunias & Ruiz, 2007). One could imagine extending the overseas fund model to address the issue of work-related social insurance, increasing the required contribution, and requiring employers rather than workers to fund it. Employers could be required to pay whatever contribution they pay for domestic workers' pensions and unemployment insurance into the fund. Workers could then accrue retirement insurance and the fund could provide unemployment support. Receipt of both of these benefits would be conditional on the worker's return to the sending country's territory. This would eliminate the incentive to settle permanently in the host country in order to access these benefits, while still meeting the workers' needs. Workers could retire in their home country on support provided (at least in part) by the host government, or return there with unemployment benefits while they seek another job. While refusing guestworkers work-related social insurance may make them vulnerable, there are alternative strategies for extending them these rights besides their inclusion in domestic programs.¹⁰

Finally, some rights restrictions do not place guestworkers into a dependent social relationship where they are subjected to someone else's arbitrary power. Consider someone who lacks the right to vote and to stand for office. Tourists and foreign students as well as guestworkers lack these rights, but that does not mean that they are vulnerable to domination. First, if the state they are visiting is a legitimate state, then it will guarantee the basic rights of all those on its territory, granting even temporary residents immunity against being treated arbitrarily by state agents or other private persons. Like anyone legally on the territory, guestworkers can appeal to the police and the courts for protection. Second, tourists, students, and guestworkers choose to come to the country they reside in and no one is forcing them to stay—if any time they feel they are treated arbitrarily, they can leave the country.

One justification that is sometimes cited for granting those subject to the law political participation rights is that participation plays an essential role in securing and defending their other rights (Shue, 1980, 85; Lovett & Pettit, 2009). Guestworkers who lack political rights, so the argument goes, are always vulnerable to the sudden deprivation of the other liberties they enjoy. As Walzer puts it, guestworkers “experience the state as a frightening and pervasive power that shapes their lives and regulates their every move—and never asks for their opinion. . .” (Walzer, 1983, 59). But it is not clear that granting guestworkers political rights would better safeguard their other liberties. Even if they were to be granted the right to vote and stand for office, there are so few of them that this would likely not make any difference to the state's laws and policies. And there may be more effective ways of insuring them against arbitrary treatment. The government of the Philippines, for example, trains a cadre of officers, usually attached to Philippine consulates in countries with large numbers of temporary Filipino migrants, who serve as workers' advocates within the host society. They may provide legal counsel to migrants in trouble, or lobby the host country's government directly on their behalf. If the sending society has a sufficiently strong advocacy capability, this may be an even more efficient method of restraining any potential arbitrariness on the part of the host state than political participation would.

Finally, what about restrictions on redistributive social welfare benefits, like means-tested welfare support, educational subsidies, or child payments to families? Here too, I do not see how the fact that he lacks these rights places the guestworker into a dominating social relationship or marks him out as inferior. The main reason for why he

¹⁰ The Philippines' program is often cited as a model of “best practice,” but it has not worked perfectly. Two problems are corruption in the government bureaucracy and insufficient enforcement of the requirement that employers pay the mandatory contributions rather than passing them on to their workers (Agunias and Ruiz, 2007; Chi, 2008). A key issue here is the requirement that the sending state have sufficient state capacity to administer such a program efficiently. Host countries may need to provide technical and financial support to help build such capacity.

lacks these rights is that his stay is only temporary, whereas these rights are meant to provide support for permanent citizenship in a democratic society. Thus, educational subsidies and child payments are ways in which the polity as a whole takes responsibility for the education of the next generation. Means-tested welfare support is a way in which rich citizens redistribute wealth to the poor in order to support their democratic citizenship. Because the worker's stay is only temporary, he does not require or expect the receiving state to provide him the minimal material preconditions for democratic citizenship. For the same reason, the state ought not to require guestworkers to contribute to these programs: since they do not benefit from them, they ought not to be asked to bear their burdens. There is no reason why the denial of these benefits should be perceived as a badge of subordination, anymore than the denial of the same benefits to the tourist or foreign student is so perceived.

A more difficult question is whether denial of family reunification privileges to guestworkers jeopardizes their social equality. I am inclined to think that it can sometimes be acceptable to deny guestworkers family reunification privileges. Citizens often sign work contracts—like the contract to serve in the Army—that mean they must live apart from their family for an extended period, and we consider these contracts enforceable. Of course, citizens can generally quit these jobs if they choose (perhaps with the requirement to pay back benefits received), and return to live with their families. But a guestworker can also decide to quit her job and return to live with her family, albeit in a different country. I am inclined to think that as long as contracts that prevent family reunification are of a reasonably short duration (less than 3 years), then they are acceptable. If they were to be longer than this, a guestworker might change her mind about family decisions, or see herself as permanently deprived of the right to family.

5. Conclusion

To sum up, I have argued that rights restrictions on guestworkers cannot be ruled out across the board. First, I noted that the state already—and uncontroversially—restricts the rights of tourists and foreign students on its territory, so the onus is on the those who wish to argue that guestworker restrictions are different and more objectionable to show why that is so. I then examined three arguments to that effect: first, that guestworkers develop a moral claim to membership due to the length of their stay; second, that guestworkers, unlike tourists and students, are exploited when they sign their contracts; third, that guestworkers are placed into dominating social relationships in the host society. I concluded that none of these arguments can rule out rights restrictions on guestworkers altogether. First, the argument that guestworkers develop a claim to membership may be correct, but it does not show that this claim is one cognizant adults could not contract away. I appealed to the example of the visiting professor to show that there are circumstances in which such a contract does not seem morally objectionable. Second, exploitation is indeed a troubling concern, but I argued that exploitation is not at stake in many, perhaps most, guestworker contracts. I developed a theory of exploitation that suggests guestworkers may be exploited when they face background circumstances where their basic rights and needs go unsecured. But conditions in at least the largest temporary labor exporting countries—the Philippines and Mexico—are not so dire as to engage these claims. Finally, I examined the argument that guestworkers may be thrust into dominating social relationships in the host society. I think this is the strongest moral arguments against rights restrictions on guestworkers. Some rights restrictions are quite troubling from this perspective, notably those that place guestworkers into a dependent relationship in which others can wield arbitrary power over them. This gives us a reason not to restrict guestworkers to a particular employer or occupation for the duration of their visa, not to exempt them from health and safety regulations, not to require them to live with their employer, and to pay them at least the receiving society's minimum wage. But this argument does not rule out all rights restrictions entirely. In particular, restrictions on political participation and social welfare rights do not seem objectionable from this perspective. The reason for these restrictions is that guestworkers are only temporary members of society, while these rights are meant to secure the interests of more permanent democratic citizens. Given common knowledge of the reason for these restrictions, we ought not to expect them to mark guestworkers as subordinate, anymore than the same kind of restriction marks out tourists or foreign students as inferior. While they certainly deserve our scrutiny, I conclude that some rights restrictions on guestworkers may well be morally justified.

References

- Agunias, D., & Ruiz, N. (2007, September). *Protecting overseas workers: Lessons and cautions from the Philippines*. Insight Magazine, Migration Policy Institute.

- Beitz, C. (2009). *The idea of human rights*. Oxford: Oxford University Press.
- Bell, D. (2006). *Beyond liberal democracy*. Princeton: Princeton University Press.
- Bell, D., & Piper, N. (2006). National citizenship and migrant workers in East Asia. In W. Kymlicka & B. He (Eds.), *Multiculturalism in Asia: Theoretical perspectives*. Oxford: Oxford University Press.
- Bozniak, L. (2006). *The citizen and the alien*. Princeton: Princeton University Press.
- Carens, J. (1987). Aliens and citizens: The case for open borders. *Review of Politics*, 49/3, 251–273.
- Carens, J. (2008a). The rights of irregular migrants. *Ethics and International Affairs*, 22(2), 163–188.
- Carens, J. (2008b). Live-in domestics, seasonal workers, and others hard to locate on the map of democracy. *Journal of Political Philosophy*, 16(4), 419–445.
- Chang, H. F. (2002). Liberal ideals and political feasibility: Guestworker programs as second-best policies. *23 Immigration and Nationality Law Review*, 339, 465–481.
- Chi, X. (2008). Challenging managed temporary labor migration as a model for rights and development for labor-sending countries. *New York University Journal of International Law and Politics* 40(2).
- Constable, N. (2002). Filipina workers in Hong Kong homes: Household rules and regulations. In B. Ehrenreich & A. R. Hochschild (Eds.), *Global woman*. New York: Metropolitan.
- Ehrenreich, B., & Hochschild, A. R. (Eds.). (2002). *Global woman*. New York: Metropolitan.
- Fudge, J., & McPhail, F. (2009). The Temporary Foreign Worker Program in Canada: Low-skilled workers as an extreme form of flexible labor. *Comparative Labor Law and Policy Journal*, 31(5), 5–45.
- Goodin, R. (1986). *Protecting the vulnerable*. Chicago: University of Chicago Press.
- Goodin, R. (1987). Exploiting a situation and exploiting a person. In A. Reeve (Ed.), *Modern theories of exploitation*. London: Sage.
- Hidalgo, J. (2010). An Argument for Guestworker Programs. *Public Affairs Quarterly*, 24(1), 21–38.
- Kapur, D., & McHale, J. (2006). What is wrong with Plan B? Immigration as an alternative to development assistance. In S. Collins & C. Graham (Eds.), *Brookings Trade Forum 2006: Global Labor Markets*. Washington: Brookings.
- Kymlicka, W. (2001). *Contemporary Political Philosophy: An Introduction*. Oxford: Oxford University Press.
- Lovett, F. (2001). Domination: A preliminary analysis. *The Monist*, 84, 98–112.
- Lovett, F. (2009). Domination and distributive justice. *Journal of Politics*, 71, 817–830.
- Lovett, F., & Pettit, P. (2009). Neorepublicanism: A Normative and Institutional Research Program. *Annual Review of Political Science*, 12, 11–29.
- Martin, P. (2007). Guestworkers: New solution or old problem? *University of Chicago Legal Forum*, 289, 289–315.
- Martin, P., & Ruhs, M. (2008). Numbers versus rights: Trade-offs and Guestworker Programs. *International Migration Review*, 42(1), 249–265.
- Massey, D., Arango, J., Hugo, G., Kouaouci, A., Pellegrino, A., & Edward Taylor, J. (1998). *Worlds in motion: Understanding international migration at the end of the millenium*. Oxford: Oxford University Press.
- Mayer, R. (2005). Guestworkers and exploitation. *Review of Politics*, 67(2), 311–334.
- Miller, D. (2007). *National responsibility and global justice*. Oxford: Oxford University Press.
- Momsen, J. (1999). *Gender, migration, and domestic service*. Routledge.
- Pettit, P. (1997). *Republicanism*. Oxford: Oxford University Press.
- Pevnick, R. (2009). Social trust and the ethics of immigration policy. *Journal of Political Philosophy*, 17(2), 146–167.
- Pritchett, L. (2006). *Let their people come*. Washington, DC: Center for Global Development.
- Radin, M. (1996). *Contested commodities*. Cambridge, MA: Harvard University Press.
- Rawls, J. (1999). *The Law of Peoples*. Cambridge, MA: Harvard University Press.
- Rodriguez, C. (2007). Guestworkers and integration: Toward a theory of what Immigrants and Americans owe one another. *University of Chicago Legal Forum*, 219, 219–288.
- M. Ruhs, The Potential of Temporary Migration Programs in Future Migration Policy. 2005 Policy for Global Commission on Migration. Available at <http://www.gcim.org/attachements/TP3.pdf>.
- Sangiovanni, A. (2007). Global justice, reciprocity, and the state. *Philosophy and Public Affairs*, 35(1), 3–39.
- Shue, H. (1980). *Basic rights*. Princeton: Princeton University Press.
- Satsiulis, D., & Bakan, A. (2003). *Negotiating citizenship: Migrant women in Canada and the Global System*. Toronto: University of Toronto Press.
- Walzer, M. (1983). *Spheres of justice*. New York: Basic Books.
- Wellman, C. (2009). Immigration and freedom of association. *Ethics*, 119, 109–141.
- Wertheimer, A. (1996). *Exploitation*. Princeton: Princeton University Press.