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Catherine Dauvergne\textsuperscript{a} & Sarah Marsden\textsuperscript{a}

\textsuperscript{a} Faculty of Law, University of British Columbia, Vancouver, British Columbia, Canada

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The ideology of temporary labour migration in the post-global era

Catherine Dauvergne* and Sarah Marsden

Faculty of Law, University of British Columbia, Vancouver, British Columbia, Canada

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Temporary labour migration is becoming intellectually topical once again. Following renewed government interest in temporary labour migration on a global level, migration scholars are now also showing renewed interest in the area. In this essay, we seek to explore the potential of these two movements, by states and by scholars, to yield different outcomes than earlier dialogues surrounding guest-worker programmes in the 1970s and 1980s. By looking at key ideological elements of temporary labour migration, we assess the potential for an alternative trajectory for understanding and reframing the discussion in terms that are capable of responding in a more emancipatory way to the lived experiences of migrant workers. We identify three concepts central to most analyses of temporary migration policies and programmes: temporariness, the labour market and rights. Our central contention is that these concepts function ideologically, and as such they constrain innovation with regard to temporary migrant labour programmes. We draw on Hannah Arendt’s work in The Human Condition to work towards an alternative conception of what is at stake in temporary migration programmes.

Keywords: temporary labour migration; Hannah Arendt; the human condition; ideology; workers’ rights

1. Introduction

Temporary labour migration has become intellectually topical once again. Slightly behind renewed government interest in temporary labour migration on a global level, migration scholars are now showing renewed interest in the area (e.g. Castles 2006, 741; Martin 2006; Vetrovec 2007; Carens 2010; Rosewarne 2010; Zapata-Barrero, Fau ´ndez Garcıa, and Sánchez-Montijano 2012). In this essay, we explore the potential of these two movements, by states and by scholars, to yield different outcomes than earlier dialogues surrounding European guest-worker programmes in the 1970s and 1980s. By looking at key ideological elements of temporary labour migration, we assess the potential for an alternative trajectory for understanding and reframing the discussion in terms that are capable of responding in a more emancipatory way to the lived experiences of migrant workers.

We are drawn to an analysis of the ideology of temporary labour migration because we are interested in interrogating the common premises underlying current conversations about temporary labour migration. We aim for an understanding of the function of certain concepts that form the core of the central questions about temporary labour migration programmes, regardless of one’s position about whether these programmes work well. We have identified three concepts central to most analyses of temporary migration policies and programmes: temporariness, the labour market and rights. Our central contention is that these concepts function ideologically, and as such they constrain innovation with regard to
temporary migrant labour programmes. We draw on Hannah Arendt’s *The Human Condition* to work towards an alternative conception of what is at stake in temporary migration programmes.

Our aim is to build on earlier waves of scholarship regarding European guest-worker programmes (for example, Martin and Miller 1980; Castles 1986; Rudolph 1996). Accordingly, we take as known quantities those insights of this guest-worker scholarship that have been so well established that they appear almost as trope in contemporary conversation. Primary among these are that once temporary migrant labourers arrive, it is difficult to ensure their departure, and the longer they remain, the harder it is to develop a theoretical argument for their exclusion from the polity and the territory. Similarly, we seek to build upon the insight that while workers may be invited, it is human beings who arrive. These touchstones are vital to understanding the linkage between temporary labour migration and illegal migration, and the policy trade-offs between the two categories that underpin state policy but which, for fairly obvious reasons, are rarely articulated by policymakers (Dauvergne 2008). We situate our analysis in what we call the ‘post-global’ era because a key difference from earlier guest-worker programmes is the backdrop of advancing globalization. No matter how one defines globalization, its pervasive effects are now standard features of migration policy-making (Held et al. 1999). Drawing on this older scholarship, and the resurgence of temporary labour migration initiatives in the post-global era, we have identified three elements that feature in all analysis of these programmes: temporariness, labour markets and rights. This article demonstrates that these three elements converge into an ideology of temporary labour migration.

Arendt’s acute formulation of citizenship as ‘the right to have rights’ has become a touchstone of migration analyses (Arendt [1951] 1958). But her work has far greater and more complex reach in this area. We draw on Arendt’s perspicacious treatment of the human condition (Arendt [1958] 1998) to help envision a way through the ideology of temporary labour migration. Arendt’s rich treatise could be read in almost its entirety as a study of labour under conditions of globalization. In this essay, we draw out potential Arendtian responses to the key ideological elements of temporary labour migration. We also invoke the spirit of *The Human Condition* in two ways. A great admirer of Marx, Arendt was also a limning critic, believing that his account of labour and of its relation to ideology was insufficiently complex and sometimes simply wrong. She honours Marx’s contributions with a deep respect, and we hope that some trace of this respect will be found in our engagement with the concept of ideology and the notion of rights for migrant workers. Arendt was also an inveterate optimist. The underlying structure of *The Human Condition* relies on a succession of redemptive movements. Man is saved: an enormous moment in her trenchant engagement with technology, knowledge and postmodernity. Arendt’s optimism builds directly from her understanding of forgiveness as a fundamental distinction of humanity, which allows us to amend the unchangeable consequences of our actions. Arendt’s optimism is compelling, and we draw on it unabashedly as we seek to imagine a way out of what has become a political and legal gridlock.

Following a brief discussion of ideology as a framing concept, we describe current temporary labour migration trends, paying attention to what is ‘new’ at present and to points of convergence between the states we take as examples (Canada, Australia, the USA and the UK). This sketch grounds our consideration of the notion of temporariness and the aims and interests it serves. The subsequent section considers the representation of national labour markets within temporary labour migration programmes. Following this, we turn to the possibilities and impossibilities of rights remedies for temporary workers. In concluding,
we draw on Arendt’s insight that labour is a vital aspect of the human condition in order to consider new ways of conceptualizing temporary migrant labour programmes.

2. Ideology

In electing to use the concept of ideology, we draw on its intellectual tradition, and in particular, upon its acute focus on social relations of domination and how such relations are replicated without resort to violence. This perspective is particularly useful for discussing temporary migrant labour because it is common to hear how these programmes can be rendered ‘beneficial’ to both the parties to an employment relationship – the employer and the migrant worker – and the shadow parties to the relationship – the host state and the state of origin (e.g. Ruhs 2005; IOM 2008), despite profound inequalities that underpin these relationships. What we reject of ideology’s intellectual freight, in the company of much contemporary post-Marxist work, is the notion of ideology as false consciousness. This particular shorthand goes further than is necessary and opens the way for an irresolvable debate about the nature of truth.

What is most compelling and appropriate about the concept of ideology for our analysis is what Purvis and Hunt have termed its ‘directionality’. In their words, ‘... ideology always works to favour some and to disadvantage others’ (Purvis and Hunt 1993, 478). In this sense, ideology has a sharper edge than other concepts we might have chosen, such as ‘discourse’, or even ‘theory’ or ‘theoretical framework’. As Purvis and Hunt (1993, 478) elaborate:

... the critical project of a theory of ideology is concerned to explain how the forms of consciousness generated by the lived experience of subordinate classes and social groups facilitate the reproduction of existing social relations and thus impede such classes and groups from developing forms of consciousness that reveal the nature of their subordination. In its simplest and most pervasive form ideology presents the existing social relations as both natural and inevitable; particular interests come to be disassociated from their specific location and come to appear as universal and neutral. (emphasis added)

This edge works well for our analysis, because while we are engaged in advocating for better legal protections for migrant workers, we are also reticent about the promises of rights remedies as permanent solutions to the barriers and difficulties facing migrant workers. Our analysis derives in large part from our desire to express this tension underlying advocacy efforts.

The ideology of temporary labour migration involves the interdependent concepts of temporariness, labour markets and rights. Temporariness is presented as a neutral policy objective, valuable because it facilitates the import of just enough labour to meet particular labour market gaps (GCIM 2005, 12). The framing of people as ‘labour’ opens the way for rights abuses and exploitation, and thus creates the need to protect the rights of temporary migrant workers. Accordingly, a labour market analysis and a rights analysis are not alternative perspectives; they occupy the same ideological terrain. Our objective is to interrogate these concepts and analyse how they function ideologically to reproduce social relations of domination and to make those relations appear natural and inevitable, and in the case of temporary migrant labour, mutually beneficial. Arendt’s imaginative work elucidates the limits of rights-based analysis by identifying both labour and work as aspects of the human condition. This is a strong distinction from current rights discourse, where critical focus is on how human dignity has been subordinated to labour.

3. Temporariness

We are primarily interested in the recent increase in temporary labour migration to industrialized, rich Western nations and how this increase is presented politically.
We begin by looking briefly at four examples: the USA, Canada, Australia and the UK. These examples reflect in part that this work originated as part of a conference about immigrant democracies. We sought to examine whether these programmes that have ramped up over the past five years differed from the continental European programmes that had been the focus of much scholarly critique in the 1980s (for example, Martin and Miller 1980; Castles 1986; Brubaker 1989; Rudolph 1996; Ruhs 2005). We analyse the data in greater detail in a companion article (Marsden and Dauvergne, 2013). Here, we present these numbers briefly to ground our discussion of temporariness.

According to the Organization for Economic Cooperation and Development (OECD), approximately 2.5 million temporary labour migrants entered its member states in 2006, about three times the number of permanent migrants to the same countries that year (OECD 2008). This figure is based on a definition of temporary that includes mandatory return to country of origin as a condition of entry into the receiving country, and thus includes intra-company transferees, working holiday visa holders and ‘free circulation’ migrants. The International Organization for Migration (IOM) indicates that there has been a ‘significant growth in temporary labour migration’ in most developed countries since 1990, and again since 2000 (IOM 2008, 32). The IOM describes the potential of temporary migration programmes, and particularly low-skilled labour migration programmes, as a ‘win-win-win’ situation. The first two ostensible ‘wins’ are for the migrants and the labour economies of receiving countries. The third ‘win’ of temporary labour migration, as described by the IOM, is to the economy of the sending nation, which improves through remittances, job creation and ongoing connection of the migrants to their home country (IOM 2008, 92).

In the USA, temporary migrant worker entries have consistently exceeded both the total number of permanent residents from all categories (including economic, family, refugee, etc.) and the total number of employment-based permanent resident entries over the past decade, as illustrated by Figure 1.

These data show only a modest increase in temporary migrant admissions, and also confirm that temporary worker admissions have consistently outnumbered permanent worker admissions to the USA. At this level, no recent shift is apparent; however, within

![Figure 1](image-url)
the temporary worker category, there has been a shift towards admissions of temporary workers categorized as having lower skill levels (Figure 2). Viewing the two sets of data together, an increase in low-skilled worker admissions is evident in both raw numbers and proportionally. While temporary migrants to the USA can theoretically obtain permanent residence, the path is arduous and is much more difficult for those in lower skill classifications. The data also suggest a cut in temporary admissions concurrent to the economic downturn in the USA, which is not evident in the permanent admissions numbers. Interestingly, the flow of illegal entry also appears to have decreased in the past five years (Passel and Cohn, 2010).

In Canada, temporary foreign worker entries have been on a gradual increase in terms of pure numbers since 2003. The number of temporary foreign workers entering Canada exceeded the number of economic-class permanent residents entering Canada for the first time in 2006, and this pattern has continued since that time (Figure 3).

As in the USA, work classified as low skilled is on the increase by pure numbers and as a proportion of migrant labour as well (Figure 4). Unfortunately, the large number of ‘level not stated’ entries in government data decreases the transparency of this information.¹ By way of legal regulation, migrant workers in low-skilled categories are more likely to be separated from family, have few renewals options and have limited access to permanent residence as compared to those classified as high-skilled workers.

Australia has also participated in the trend towards admitting more temporary migrant workers in lower skill classifications, in a somewhat more oblique manner.

The government data regarding temporary migrant workers focus on the 457 visa class, which is based on an employer’s specific labour need, and the vast majority are professionals, managers and skilled tradespersons or other high-skilled positions (Figure 5). The Working Holiday programme is available to applicants between the ages of 18 and 30 from a specified list of other rich, highly industrialized nations and is designed ‘to be particularly helpful to regional employers in providing short term casual employment to industries such as hospitality and rural industries’ (Australian Bureau of Statistics 2010). Cumulatively, these two temporary labour-based categories now far exceed the number of permanent skill-based entries per year. In addition, Australia has seen significant growth in student visas since 2006, with which foreign students are allowed to work up to 20 hours per week; in 2008, the work permit became automatically issued alongside the study permit (Department of Immigration and Citizenship 2010). It would appear, therefore, that the appetite for temporary workers

![Figure 2](image-url)
with limited entitlements is being absorbed in two visa categories that mask the labour being undertaken and that in large part do not lead to permanent residence. At the same time, the Minister of Immigration has posted a stated goal of reducing temporary work permits by 50% by 2012, revealing a surprising level of doublespeak (Minister for Immigration and Citizenship 2010). In addition to these trends, in 2008, the Australian government started a Pacific Seasonal Workers programme to bring in a maximum of 2500 workers annually from various poorer Pacific nations to work in low-skilled agricultural positions (DEEWR 2010).

In the UK, 2004 and 2007 expansions of the European Union (EU) have led to dramatic changes in immigration patterns (Figure 6).

In 2004, the UK implemented the Worker Registration Scheme, in which nationals of newly acceded nations were required to register in order to work in the UK. This was followed in 2008 with a dramatic reduction in the categories of temporary migration, and further changes to its migration system in mid-2010 that will reduce entry of non-UK nationals (Home Office 2010). The registration scheme ended in 2011. Given the policy...
shifts of the past five years, the focus of British labour migration policy appears to be the entry of accession country migrants for low-skilled positions, with high-skilled and specific programme temporary migration available to non-EU nationals on an increasingly limited basis.

While it is being achieved in different ways in each of these four states, the overall trend is for increased entry of workers classified as low-skilled. In the USA, this shift is marginal within an overall system where temporary migration has long outstripped permanent migration, and has traditionally been a route – however narrow and circuitous – to permanent status. In Canada, the predominance of the temporary as an explicit category is new, and dovetails with an increase in the proportion of temporary workers in low-skilled categories. In Australia, it appears that temporary labour migration is being significantly masked by working holidaymaker and foreign student visa categories. In Britain, an influx of low-skilled workers from the 2004 and 2007 EU expansions has eclipsed the purported need to admit temporary foreign workers from other countries. Through the use of registration rather than migration per se, this programme functions to submerge and make invisible the requirements and restrictions which distinguish this group of workers from citizen workers in the UK. In the first three cases, temporariness is emphasized as the low-skill numbers grow. Britain’s policy is distinct from that in the states with a longer and more explicit immigration tradition, and thus provides an important counterpoint for testing our argument.

Against this backdrop, we can begin to explore how temporariness functions ideologically. At the most basic level, the label is illusory. While permission to stay may be time limited, many migrants who arrive on a temporary basis remain permanently with or without permission (Batalova 2006; Legomsky 2009, 148; Papademetriou et al. 2009). This insight is not new, and indeed close attention to it is at the core of much guest-worker scholarship and is embedded in many regulatory structures. Furthermore, it is increasingly true that the jobs filled by temporary migrant labour programmes are also not temporary (Fudge and MacPhail 2009). Immigration policy in each of the countries we examine acknowledges this and, rather than precluding a conversion of temporary status to permanent status, seeks to distinguish who will be able to make that

Figure 5. Temporary and permanent migration to Australia.
shift. Understanding this as an ideological function means accepting that temporariness, rather than leading to a ‘win-win-win’, embeds and normalizes a directionality in which workers’ rights are limited and states’ rights (to expel, to control) are expanded. A second ideological function of temporariness is that it distracts attention from inequality between regulatory regimes applied to ‘high-skilled’ versus ‘low-skilled’ workers. That is, a focus on appropriate rights restrictions to ensure that workers will in fact depart at the end of their permitted period masks the fact that the current surge is primarily about giving those with lower skills fewer rights. Attention to ‘temporariness’ makes it seem natural and inevitable (to return to Purvis and Hunt’s phrasing) that these workers will have restricted rights. However, given the overt inaccuracy of the ‘temporary’ label, the contemporary rise in both numbers and popularity of these programmes (Ruhs 2005) facilitates curbing entitlements for those categorized as low-skilled because rights restrictions are the only way to ensure actual temporary stays. This equation is the essence of Ruhs and Martin’s persuasive ‘numbers vs. rights’ argument (Ruhs and Martin 2008; Marsden and Dauvergne, 2013).

Figure 6. Temporary and permanent migration to the UK.
Note: Net permanent migration and work related:
http://www.ons.gov.uk/ons/dcp171778_300382.pdf (used chart xls, for ‘inflow’ as of June for each year, Figure 2.12, excluding ‘British Citizens’).
Tier-based data from table ho-tcm77-300438.xls, linked from http://www.ons.gov.uk/ons/dcp171778_300382.pdf, Figure 3.12.
Long-term (net permanent) migration figures taken from charts, excluding British citizens. As described in the definitions accompanying these charts, long-term migration is determined using the UN definition of one year or more, and while this does not represent naturalization directly, other studies use these data to represent some degree of permanence, with an exception in the case of students: http://www.migrationobservatory.ox.ac.uk/britains-70-million-debate/3-net-migration-and-immigration-overview-0
Temporariness is but one of the three components of the ideology of temporary labour migration, but focusing on this criterion alone has explanatory power in analysing the divergence in contemporary programmes between our example states. In the USA, where migrant rights have the longest and most sophisticated history of political contestation and where illegal migration is vastly higher than in the other three states, temporariness predominated long before the current surge (Durand, Massey, and Parrado 1999). Illegal migration provides a pool of workers with even fewer rights protections than temporary workers. In Australia, the surge in low-skilled temporary work is almost completely hidden, reflecting the long-standing (and atypical for Western democracies) consensual approach to migration management that marks Australian party politics. In Canada, relative transparency about rights restrictions based on skill level has attracted the most intense scholarly critique of these three countries (Preibisch 2007; Carens 2008; Fudge and MacPhail 2009). Finally, in the UK, where EU expansion has fractured the linkage between temporariness and low-skilled admissions, the immigration system has undergone a full-scale overhaul, with responses ranging from High Court review of permanent migration caps to crisis rhetoric (Casciani 2010; Guardian [UK] 2010).

We can begin here to see the acuity of Arendt’s lens. Two points are directly linked to temporariness. The first is the very broad point that labour is but one of the three aspects of the human condition. It is impossible to separate it from the others (work and action). Arendt builds this argument in part by drawing on Marx’s introduction of the vital idea of ‘surplus’, asserting that labour’s productivity

… does not lie in any of labour’s products, but in the human ‘power’ whose strength is not exhausted when it has produced the means of its own subsistence and survival but is capable of producing a surplus beyond what is necessary for its own ‘reproduction’. (Arendt [1958] 1998, 88)

The fact that labour is never self-contained, but is always productive of something more than itself, and is an aspect of being human, goes a great deal of the way to explaining why it is impossible for states to simply ‘import labour’.

The second Arendtian insight at this point is her suspicion of the distinction between skilled and unskilled labour. ‘Every activity requires a certain amount of skill, the activity of cleaning and cooking no less than the writing of a book or the building of a house’, ‘… unskilled work is a contradiction in terms’ (Arendt [1958] 1998, 90). Arendt makes this point in part to emphasize the distinction between her conceptions of work and labour, but it is useful beyond that objective: within the current division of labour, all requirement for skill is eliminated by labour fragmentation. As such, skilled/unskilled labels communicate social valuations rather than inherent truths. With these insights in mind, we turn to consider the second element of the ideology of temporary labour migration, the labour market.

4. The labour market

In post-global conditions, migration is analysed and understood almost exclusively in economic terms (Dauvergne 2008, 29–49). One consequence of the discourses of globalization is that we are remarkably unselfconscious about a reductive economic analysis. The insistence on economic paradigms is at its most acute when talking of temporary labour migration because the insistence on temporariness attempts to turn people into ‘pure’ economic inputs who will depart when their labour is no longer necessary. Temporary labour migration programmes are driven by employer demand and mediated by state policy, which matches migrants to defined gaps in the national labour
market. This objective rests on a number of assumptions: that labour shortages can be identified with a high degree of specificity; that training is globally transferable and that migration programmes can be tailored to provide a kind of ‘just-in-time’ delivery of workers.

As temporary migrant labour schemes come under increasing scrutiny, the labour market analysis tends to become increasingly focused. Typically, checks are introduced to ensure, at least ostensibly, that citizen workers are genuinely unavailable and to ensure that the labour market is a level playing field by ensuring that temporary workers are not simply more desirable because they are being paid less or otherwise exploited. For example, in Canada, prospective employers of temporary workers are required to obtain a ‘labour market opinion’ documenting demand for a specific position (CIC 2013c); in the USA, the law requires a similar process of ‘labour certification’ (USCIS 2010). In Australia, the new Pacific Seasonal Worker programme requires employer to be approved in advance of recruiting foreign workers (DEEWR 2010).

The presumption behind these policies is that a better understanding of the labour market, and regulations based on this knowledge, will produce better temporary migrant worker programmes. To summarize simplistically, the improvements will be tripartite. From the perspective of industry, the right workers will be made available at the right time. From the state perspective, production will rise as quickly as possible and the temporary nature of the programme will ensure that in slow times unemployment is exported and thus non-existent. There ought even to be benefits from the perspective of the worker through wage parity with citizen workers and close matching of skills with vacancies.

This sounds quite straightforward, and not particularly novel, which is telling. We gain insight into why labour market proposals are front and centre to improving temporary migrant worker programmes from a state point of view, yet meet with limited success, through attention to how labour markets function ideologically. All workers rely on remunerative work to support themselves; migrant workers also rely on the endorsement and approval of employers to obtain basic status, and contingent membership, in the states where they work or seek to work. Thus, the basic condition of any migrant worker is marked by an inherent degree of subordination that identifies the labour market analysis as a directional ideological terrain. In the ‘win-win-win’ analysis, this subordination is justified by the presumption that the migrant worker is better off under these conditions than she would be at home. The fact that this may well be the case reinforces the ideological function of the discourse.

In this terrain, the idea of a ‘market’ is presented as natural and politically neutral, an arena where employers and workers engage in free exchange, which is regulated primarily to protect the interests of workers. Adam Smith’s depiction of the free market was a thought experiment devised in a time of horrendous abuse and exploitation of workers. What remains firmly embedded in the policy talk is the assumption that labour markets are naturally occurring. For example, the Global Commission on International Migration’s analysis of migration and work laments that market reforms have not been able to fundamentally transform labour markets in developing countries (GCIM 2005, 12). Ruhs writes that policy actors have now generally accepted a persistent ‘demand’ for migrants in the labour markets of high-income countries (Ruhs 2005). The Canadian government’s circular on how to hire temporary foreign workers begins with the statement:

Short-term labour shortages are a common occurrence in many sectors of Canada’s economy. They can affect workplaces that need employees with highly specialized skills, seasonal businesses such as tourism and agriculture, or entire regions during periods of rapid economic
expansion, like the pre-Olympics construction boom in British Columbia or the development of the oil and gas sector in Alberta. (CIC 2013b)

In varying ways, each of these policy analyses presents the labour market as a terrain that governments can observe and possibly act in, but that develop independently of state action, and that state action may fail to influence at all. The labour market seems here to exist independently of the state, of workers and of industrial actors.

But the labour market is an analytical and theoretical tool. It is made up of layer upon layer of assumption, regulation, absence of regulation, choice, and agency by individuals and collective actors such as firms and states. The prevalence of economic discourse in immigration policy means that the labour market is pervasively employed to justify regulatory strategy with little recognition that it is construction and not a force of nature. The aspiration to tailor temporary migration programmes more and more closely to the labour market simply cannot be fully achieved because the labour market remains theoretical, while people are not. In addition, labour market analysis within migration policy occurs at the national scale. It thus ignores globalization and the increasingly international function of labour supply and demand, but because the labour market is built on a national premise, this feature becomes understood as an assumption of the model rather than a flaw.

One of the ideological functions of the labour market construct is, therefore, to make this device seem natural and inevitable, masking the ongoing efforts by many actors to ensure its continued existence and function. The labour market also embeds the characteristic of directionality, especially in the case of temporary migrant workers. Because temporary migrant workers depend on employers for their very ‘existence’, they are much more vulnerable within the market than the other actors in the triple ‘win’ equation. The vulnerability of all workers, countered to a degree by the organization of labour, is magnified in the case of migrant workers, and efforts to organize migrant labour are in their infancy (Russo 2012).

Arendt argued that the contemporary world was marked by the ascendancy of labour over both ‘work’ and ‘active life’. One consequence of this reversal of the hierarchy of the ancient world is that the ‘public’ realm has been largely replaced by the ‘social’ and by the concomitant rise of social sciences. These transformations in human life account for the impaired political life of postmodernity as well as the hegemonic rise of technological knowledge. Unpacking this transformation assists in analysing how the idea of the labour market works in discourses about temporary labour migration.

Arendt traces the rise of labour from the time of Locke’s ‘discovery’ that labour is the source of all property (Arendt [1958] 1998, 101). This led in a relatively short time to ‘... the new social realm [that] transformed all modern communities into societies of labourers and jobholders; in other words, they became at once centred around the one activity necessary to sustain life’. This does not mean that all members of society are labourers, or even workers, ‘... but only that all members consider whatever they do primarily as a way to sustain their own lives and those of their families’ (Arendt [1958] 1998, 46). Under these conditions, and supported by the division of labour, labouring activity moves from the private into the new and ever expanding ‘social’ realm – neither completely private nor completely public. Arendt ([1958] 1998, 40) remarks that ‘the striking coincidence of the rise of society with the decline of the family indicates clearly that what actually took place was the absorption of the family unit into corresponding social groups’. Within the social realm, labour grows ‘unnaturally’, leading to a constant acceleration in the productivity of labour (Arendt [1958] 1998, 47).
This constant acceleration in productivity maps precisely onto the economic assumption of infinite growth as the mark of a healthy economy. It is, thus, no surprise that Arendt reserves particular disdain for economics:

Economics – until the modern age a not too important part of ethics and politics and based on the assumption that men act with respect to their economic activities as they act in every other respect – could achieve a scientific character only when men had become social beings and unanimously followed certain patterns of behavior, so that those who did not keep the rules could be considered to be asocial or abnormal. ([1958] 1998, 42)

The reliance of economic analysis on statistics (notably, much of current economics, half a century after Arendt’s work, is completely absorbed in mathematic modelling) drew particular concern from Arendt. Statistics, which she called ‘the mathematical treatment of reality’, denote an era of conformism, behaviourism and automatism in human affairs. The harm of this view of the world is that it transforms our way of knowing and experiencing reality:

statistical uniformity is by no means a harmless scientific ideal; it is the no longer secret political ideal of a society which, entirely submerged in the routine of everyday living, is at peace with the scientific outlook inherent in its very existence. (Arendt [1958] 1998, 43)

This sharp critique could have been aimed directly at the idea of a labour market: a mathematically based economic fiction. All efforts to improve temporary labour migration programmes, by improving our understanding of labour markets, rely on having better statistics. Arendt’s insights help us understand the harms of this formula for improvement: if the labour market is a representation, not a ‘reality’, a clearer understanding of it offers little for improving circumstances of individual human beings. Arendt’s insights, besides simply raising a general scepticism, locate this concern with the shift through which labour has come to predominate over other aspects of the human condition. This returns us to a central problem in recrafting temporary labour migration programmes: they reduce people to labour alone. Arendt’s understanding of the social realm as an impoverished setting for human interaction is also predictive of key pitfalls in migrant labour programmes because a diminishing of family rights and a loss of privacy often parallel the exclusive focus on labour and skill levels.

Arendt’s critique of the social realm also suggests some insights into the dilemma of equality rights as a corrective tool, an issue that falls within both our discussion of the labour market and our following section on rights. The idea of a labour market assumes equal parties striking a mutually beneficial bargain. Law’s only way of formulating equality is to assess it in rights terms. This is the classic win-win, on which win-win-win riffs. Few inroads have been made into correcting inequalities within the labour market, despite the triteness of this observation. One avenue to rethinking this can be drawn from Arendt’s observation that equality in the social realm is based on conformity – much impoverished in comparison with the Greek concept of political equality: ‘... the victory of equality in the modern world is on the political and legal recognition of the fact that society has conquered the public realm, and that distinction and difference have become private matters for the individual’ (Arendt [1958] 1998, 41). Arendt laments the loss of distinction that results from a turn towards social life rather than political life, and the way this shift channels equality into legal discourse. This observation turns us towards the law, which has claimed equality as its own, and in which rights are the key modus operandi.

5. Rights

It is not surprising that in response to the expansion of temporary migrant worker programmes legal scholars are increasingly concerned with the rights of temporary
migrant workers. Temporary labour migration programmes are generally premised on temporary workers having fewer labour, association and mobility rights than permanent migrants or citizens. At the very least, permission to remain in a host country is time limited. In highly structured examples, employment may be restricted to a particular employer or economic sector (such the direct employer requirement of Australian 457 visas), accommodation may be restricted (such as domestic and some agricultural workers in the USA) and family life may be restricted (such as the mandatory separation from family members within Canada’s low-skilled migration scheme). The question is whether rights-based understandings and advocacy can adequately address these problems. Through his thought-provoking consideration of the ethics of temporary labour migration, Reilly (2011) concludes that temporary labour migration schemes may not be able to meet the ethical parameters of liberalism. Yet, liberal states are increasingly and actively recruiting temporary migrant workers or otherwise filling the so-called low-skilled labour market demands through classes of migrant workers, whether overt or obscured.

Advances within a domestic rights framework are certainly possible. As Martin Ruhs and Philip Martin argue, structuring programmes to better protect workers’ rights can assist in avoiding some of the pitfalls of earlier guest-worker programmes (Ruhs and Martin 2008), and the counter-hegemonic potential of rights work at the grass roots has a role (Basok 2009). In general terms, two paths towards significant rights advances can be observed. In Canada, a number of legislative and policy initiatives have emerged aimed at protecting temporary workers’ rights. These include some innovative and creative measures such as foreign worker hotlines and proactive worker protection procedures, such as site visits in Alberta, and foreign worker protection legislation and registration in Manitoba (Fudge and MacPhail 2009). The alternative (though not mutually exclusive) path is for temporary migrant workers to receive protections through the support of labour unions. This strategy has had some high-profile successes in the USA (Bacon 2008).

On the whole, however, rights protections for temporary foreign workers have not been as successful in practice as their rhetoric promises. Although successful in concrete gains in working conditions and thus beneficial for workers, even in the best possible outcomes, rights protections have not challenged the underlying social relations that are entrenched in and supported by migrant worker programmes. Furthermore, all rights entitlements require resources, advocacy and initiative to bring them to fruition. These barriers are exacerbated in the case of temporary migrant workers by virtue of their compromised membership status in the receiving nation, particularly low-wage workers who would most benefit from enhanced legal protections. Both individual complaints and test-case litigation may be deterred by the very fact of temporary status, given the time it takes to see a legal complaint through. In addition, non-citizen workers cannot advocate for their own rights through representative democratic processes. For all these reasons, although rights may exist on paper, their enforcement is less likely to be monitored in the case of temporary non-citizens. Two recent studies in the Canadian context have focused close attention on the rights of temporary migrant workers. Nakache and Kinoshita (2010) have comprehensively described the rights gap for foreign workers in the Canadian province of Alberta. Fudge and MacPhail (2009) have analysed a series of attempts to address rights gaps, and have concluded that none are likely to be successful. In Australia, the Pacific Seasonal Workers programme was carefully structured with the rights of workers in mind. Ironically, the programme appears underused in its first stages, undoubtedly in part because the programme cannot address the identified labour market need with such robust rights protections in place (MacDermott and Opeskin 2010, 288).
On an international level, the saga of the Convention on the Rights of All Migrant Workers and Members of Their Families illustrates the failed promise of rights protections for temporary migrant workers. The Convention certainly contains some significant advances for migrant workers with legal status, such as to right to unionize, and parity with citizens in terms of social security benefits. Nevertheless, the overall story of the Convention is not optimistic. Opened for ratification in 1990, it took 13 years to receive the 20 ratifications required to bring the Convention into force in July 2003. As of April 2013, there were only 46 states party to it, none of which are predominantly migrant receiving countries. In addition, the Convention has the effect of drawing a stark demarcation between documented and undocumented workers, thus re-emphasizing the paucity of rights entitlements for those working outside the parameters of migration law. For all of these reasons, the Convention stands as a beacon of what has not been achieved in the realm of rights (Pecoud and Guchteneire 2006; Dauvergne 2008, 19–28).

The inability to fully specify a constellation of rights that would alleviate the conditions of temporary migrant workers points us to the ideological elements of the rights discussion. Rights solutions can only ever be partially successful because the condition of temporary migrant work is anchored in a fundamental subordination. This subordination is partially expressed in Alexander Reilly’s work, in that he queries whether an ethical outcome is possible in the absence of secure and equitable membership status (Reilly 2011). Casting concern about the condition of temporary migrant workers in the language of rights is valuable because it can lead to improvements in those rights, and to incremental change in conditions of living and working. It is impossible, however, within rights discourse, to erase the underlying subordination of temporary migrant workers. Talking in rights terms, inevitably calls up the ‘right’ of the state to exclude non-members as an aspect of sovereignty. This exclusion power undermines attempts to articulate rights claims for those with any type of temporary status, and reinforces a fundamental inequality between citizens and non-citizens.

Rights talk about temporary migrant workers is, therefore, imbued with what Purvis and Hunt termed the ‘directionality’ of ideology. It advantages some (the state, the nationals, national industry) over others (the temporary, the migrants). It cannot do otherwise without undoing the basic parameters of the conversation. The state right to exclude non-citizens is paramount; indeed, it is the cornerstone of all legal analysis of migration (Canada (M.E.I.) v. Chiarelli [1992] 1 S.C.R. 711). Similarly, the right of citizens to enter and remain in the territory of their nationality is almost the sole exception at international law to the right of states to close their borders. While migrant workers do acquire rights within their state of employment, they must first seek permission to simply ‘be’ there, at the most basic level. The fundamental condition of temporary migrant work is that this permission will expire.

Furthermore, and vitally, rights talk, with its underlying values of equality and legality, presents the subordinate position of the temporary migrant worker as (again in Purvis and Hunt’s language) ‘natural and inevitable’. In other words, it is perilously easy to assert that temporary migrant workers should have fewer rights than permanent workers or than citizens. Indeed, temporary migrant worker programmes begin from this supposition. While the idea that rights have limits is a familiar one within rights discourses, the tendency remains to assume the fairness of rights. This is particularly true with citizenship rights, and is the nub of Arendt’s casting of citizenship as the ‘right to have rights’ (Arendt [1951] 1958) and of Shachar’s (2009) playful casting of citizenship as the prize in the ‘birthright lottery’. The debate about rights protections for temporary migrant workers cannot reach around itself to address its underlying premises. National rights debates
provide an important and worthwhile challenge with which to engage. However, rights victories will be partial and contingent and will bump up against strong states’ rights claims in this arena. Focusing exclusively on rights arguments, therefore, will detract from other work that addresses the question of subordination.

The ideological nature of rights for temporary migrant workers is especially vexed for advocates. Rights arguments are the principal tool within Western legal systems in fashioning arguments for individuals. In the international sphere, human rights have been the hallmark of emancipation. It is important to emphasize, therefore, that we are not asserting that rights arguments are bad for temporary migrant workers. Quite the contrary, they are important tools that we will keep using. Rights are neither false consciousness, nor a twenty-first century opiate for the masses. But even in their most idealized form and with perfect effectiveness, they can only ever offer up partial remedies for temporary migrant workers. Without a fundamental reconceptualization of temporary migrant work, they are the best political tool available. This hegemonic sway of rights discourse means that one of its further ideological functions is to distract from the underlying subordination of temporary migrant work. Because there are essential goals that can be achieved within rights frameworks, and because the argument beyond rights is so difficult, and so politically challenging, most advocacy goes no further than rights. This is already hard enough.

Arendt’s analysis of the human condition offers insights that surpass her axiomatic right to have rights. With characteristic conceptual force, she contrasts citizenship not with non-citizenship, but with slavery. Her conceptualization could have been tailored to the condition of the temporary migrant worker. She states:

> The chief difference between slave labour and modern, free labour is not that the labourer possesses personal freedom – freedom of movement, economic activity, and personal inviolability – but that he is admitted to the political realm and full emancipated as a citizen.

Arendt’s form of expression clearly locates rights – of movement, association and economic – as being of a different order than citizenship, and her reason for this ordering is because of the location of labour, within society, within history and within the human condition. Arendt continues in this same passage to equate free labourers in antiquity with ‘resident aliens’, arguing that ‘... the turning point in the history of labour came with the abolition of property qualifications for the right to vote’ (Arendt [1958] 1998, 217).

Arendt’s analysis of the consequences of the ‘emancipation of the laboring classes’ further develops a view of the ideological function of rights talk. Arendt contends that

> ... the emancipation of the laboring classes from oppression and exploitation certainly meant progress in the direction of non-violence. It is much less certain that it was also progress in the direction of freedom. No man-exerted violence, except the violence used in torture, can match the natural force which necessity itself compels. ([1958] 1998, 129)

Similarly, the rights struggle may serve to lessen specific instances of oppression and exploitation, but insofar as the main proxy for membership is the formulation of the worker as labour in a free market through an employment relationship, categorical inequality for the migrant worker is implied in the basic terms of the relationship. If we consider the likely factors determining a worker’s departure to a foreign nation, we can readily substitute the Arendtian term ‘necessity’ for the term ‘economic benefit’ as a critical approach to unpacking the dominant ideology of temporary labour migration. If we see necessity as what drives the worker’s choice to migrate, using Arendt’s logic, existing social relations are reconstituted and entrenched under the auspices of a ‘natural force’ without recourse to violence or coercion. This is the essence of ideology’s work.
Beyond ideology: lessons from Hannah Arendt

Current debate about how to expand temporary labour migration while avoiding the pitfalls of the guest-worker programmes of the 1970s and 1980s is dominated by the concepts of temporariness, labour markets and workers’ rights. The ideological function of these concepts limits challenge to the paradigm of temporary labour, and decreases the potential for avoiding past mistakes. In looking for a way forward, we can, paradoxically, turn back again to Arendt.

Perhaps the most significant change in the landscape for current temporary migrant labour programmes, in contrast to those of the recent past, is the progress of globalization. This too was foreseeable to Arendt in 1958, and, focusing precisely on what is unresolvable about temporary migrant worker programmes, she identified the failure of citizenship to move into a global realm as the most serious problem of globalization for the human condition:

The decline of the European nation-state system; the economic and geographic shrinkage of the earth, so that prosperity and depression tend to become world-wide phenomena; the transformation of mankind, which until our own time was an abstract notion or a guiding principle for humanists only, into a really existing entity whose members at the most distant points of the globe need less time to meet than the members of a nation needed a generation ago – these mark the beginnings of the last state in this development. Just as the family and its property were replaced by class membership and national territory, so mankind now begins to nationally bound societies and the earth replaces the limited state territory. But whatever the future may bring, the process of world alienation, started by expropriation and characterized by an ever-increasing progress in wealth, can only assume even more radical proportions if it is permitted to follow its own inherent law. For men cannot become citizens of the world as they are citizens of their countries, and social men cannot own collectively as family and household men own their private property. (Arendt [1958] 1998, 257)

The evolution of temporary labour programmes in the half century since Arendt’s analysis confirms her prescience.

The best example of the inability of citizenship to successfully ‘migrate’ to the global stage is seen in the expansion of the EU, and, in our work, in the labour migration consequences for the UK. While there is much talk, and some legal structure, behind the idea of European citizenship, what is in fact provided for in contemporary Europe is labour mobility. Workers and work seekers are free to move, others are not. The effect of this is the complete transformation of ‘citizenship’ into ‘labour citizenship’. This has all the deleterious consequences Arendt foresaw: political participation is severed from citizenship; inequalities that limit labouring (for example, disability, racism, language skills) are removed from the realm of citizenship, impoverishing our understandings of equality; labour ‘skill’ is not only reified, but also becomes the basis of mobility and thus citizenship itself. The predominance of labour that Arendt railed against is perfected in this transformation: one’s existence as citizen is contingent upon one’s value as labourer. This equation hollows the idea of citizenship and deprives it of meaning. In the post-global UK, conditions of inequality and exploitation are expanding rather than contracting as the (comparative) expansion of borders for labour has facilitated the expansion of exploitive labour practices.

One can hardly conclude that globalization must be ‘stopped’ or ‘wound back’ and it is scarcely more realistic to suggest that temporary labour migration programmes be halted. What else might an inveterate optimist offer? Arendt’s optimism is grounded in the human capacity both to permanently alter the world and to make the future different from the past. In temporary labour migration, we can begin this by recognizing that temporariness brings with it a fundamental inequality. Better policy pays attention to this, and seeks to make...
amends for it, rather than seeking simply to make it disappear, which is impossible. Unmasking inequality created through temporariness and through the tight focus on national labour markets is the place to begin remediying. Rights advocacy can continue to blunt the edges of exploitation, but is also vital to remember that this is all it can achieve. An increase in temporary labour migration is an increase in inequality. We should advocate to roll this back: to ensure trajectories to permanence are available to those confined to the least ‘skilled’ categories. It is probably the case that states themselves incur a liability to those who remain in a temporary status for too long; this is an appropriate corollary to the massive power to deport and exclude. Economic modelling of labour ‘costs’ can be made to cost the loss of rights to privacy, family, accommodation and association. That temporary labour migration can be made to look like a ‘win-win-win’ is a consequence of profound global inequalities. Our human capacity to both forgive and amend depends upon acknowledging responsibilities and shouldering them. Arendt saw this capacity as redemptive for the human condition. Her lesson bears repeating.

Note
1. We have made inquiries about the ‘level not stated’ category but have not received a clear answer. It is most likely that these numbers represent work permits issued to people who are entitled to them because a family member, most likely their partner, has a work permit that is specifically classified.

References


USCIS (United States Citizenship and Immigration Service). 2010. “Employer Information.” Accessed August 8, 2010. [http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=ff1d83453d4a3210VgnVCM100000b92ca60aRCRD&vgnextchannel=ff1d83453d4a3210VgnVCM100000b92ca60aRCRD](http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=ff1d83453d4a3210VgnVCM100000b92ca60aRCRD&vgnextchannel=ff1d83453d4a3210VgnVCM100000b92ca60aRCRD)
