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Temporary Workers and Political Representation: The Role of Interests

From a liberal egalitarian perspective, members of a just society should pursue their life plans according to their values and preferences. To achieve this aim, a liberal egalitarian account of justice must acknowledge all individuals as free and equal and their life plans as worthy of pursuit. This perspective entails that individuals be recognised as agents rather than merely as beneficiaries of policies and external interventions. Within this framework, I claim that borders cannot be justified and that freedom of movement ought to be acknowledged.¹ Without this justification and freedom, the life plans of migrants would be misrecognised or considered less worthy of pursuit for a morally arbitrary reason. Fairly open borders are required by a liberal conception of justice but not as compensation (distributive reasons). Even in a perfectly fair world, migrants should be able to move from one country to another if such a move is part of their life plans.

Within this ideal context of fairly open borders, should migrants be included in the decision-making process on equal footing with other members of society? Should migrants have full political rights and be entitled to elect their representatives?

Traditionally, the inclusion of migrants in the political sphere is problematic. Although democratic societies have essentially granted migrants access to the welfare state (with some exceptions in which migrants and natives have received differential treatment under the law) and acknowledged their basic rights, their civil and political rights have been systematically denied. Migrants are considered workers but are not acknowledged as full members of the civil and political community. Is this treatment fair?

Liberal egalitarian accounts of justice respond in the negative for the following reasons:

- 1- By being excluded from the political sphere, migrants are more vulnerable than the other parts of society and therefore unable to exercise control over their own lives.
- 2- The exclusion of migrants from the political sphere conveys the notion of a society whose members have unequal status. This notion is inconsistent with the norm that all members of a liberal democratic society should be acknowledged as having equal value. This perspective would then

¹ Abizadeh 2008, Bader 1995, Cole 2000.

undermine the quality of a democratic system (leading to the corruption of democracy) and the liberal egalitarian justification for relatively open borders.

3- Liberal democratic societies ought to consider the interests of anyone who is affected by a collective decision, and each individual is the best representative of her own interests. Because the interests of migrants are at stake, they ought to be included in the decision-making process and be entitled to elect their representatives.

If migrants ought to be included in the decision-making process on equal footing, should the same rights also be extended to temporary migrants?

Unlike migrants, who seek to remain in the host country, temporary migrants wish to reside there only for a limited time and then return to their native countries. Do these differences affect the rights of these individuals to be included in the political sphere? According to some perspectives, such characteristics do not affect migrant rights, although these characteristics can create difficulties for the implementation of individual rights (temporary migrants often change their places of residence, and it may be more difficult for them to cast votes or ensure their involvement in the decision-making process). However, other perspectives suggest that the inclusion of temporary migrants cannot be justified because although some of their interests are at stake, these migrants do not have a stake in the interests of the polity. Temporary migrants do not pursue the common good because they do not intend to be part of the polity in the future. According to this perspective, the inclusion of temporary migrants in decision-making processes would imply that democratic decisions can be reduced to the aggregation of individual preferences to pursue the interests of actual citizens rather than pursuing the common good of the present and future polity. Therefore, according to a liberal egalitarian account of justice, should temporary migrants be included in decision-making processes?

In this paper, I will address this issue by developing an account of differentiated political inclusion grounded on an affected-interests principle that will justify the inclusion of temporary migrants in the decision-making process, and their right to elect representatives, for specific issues without including them as full members of the polity. The paper will proceed as follows. In the first section, I will provide a definition of temporary migration and explain how this phenomenon raises problematic issues concerning the political inclusion of temporary migrants. I will then focus on some justifications for their inclusion in the political sphere. In the second section, I will reject the neo-republican justification based on the vulnerability of temporary migrants. In the third section, I will focus on a relational justification for the inclusion of temporary migrants, and in the fourth section, I will develop my affected-interests account of differentiated inclusion.

Temporary Migration

In recent years, a series of temporary worker programmes have been suggested or implemented by many host countries and regions (e.g., the US, Canada, Europe, Hong Kong). Despite their differences, all of these programmes are designed to incentivise temporary migration by facilitating visa requests for migrants who agree to remain in the host countries for a limited amount of time and to work in a given field (e.g., elder care, domestic services, agriculture). Such incentives can consist of implementing a more rapid process for obtaining a temporary visa or facilitating the acquisition of a permanent visa or naturalisation once a migrant has been admitted to a host country and has worked there for a specified period. Some of these programmes are particularly burdensome for migrants, who not only need to work in a given field until their visa expires but must also work for a single employer for that entire period of time.

Debate on the legitimacy of these programmes is vibrant; although the majority of scholars appear to agree that some features of these programmes cannot be justified (such as employer limitations) because they encourage the exploitation of temporary workers, there is disagreement regarding the legitimacy of possible changes to these programmes.² Some scholars claim that, if properly improved, they could be an efficient tool to support migrants without asking too much of hosting countries. According to these perspectives, temporary migration programmes, if properly corrected and implemented, could be beneficial for all involved and could represent a fair trade-off between the legitimate claims of migrants and host countries. Others argue, instead, that temporary migration programmes are unfair because they exploit migrants and cannot be justified in a liberal egalitarian framework in which all individuals are considered free and equal.

Although I agree with the latter position, I claim that temporary migration is not necessarily illegitimate if it is part of the deliberately chosen life plans of migrants rather than resulting from unfair programmes implemented by the host country³. In the context of open borders, the temporary migration programmes that have been recently suggested would not be legitimate and could not be supported because this perspective views migrants as being able to freely move from one country to another. It would not make sense to provide incentives to obtain visas for short stays because visas ought to be easily obtainable, and it would be unfair to limit the work opportunities of migrants. Thus, the notion of separate paths for permanent and temporary migrants is not compatible from the open-borders perspective. Nevertheless, following Ottonelli and Torresi, temporary migration could still be an option for many migrants who do not seek to permanently reside in the host countries but rather wish to work there for only a limited amount of time and then return to their countries of

² Carens 2008, Chang 2008, Lenard and Straehle 2011, Ottonelli and Torresi 2012, Ruhs and Martin 2008.

³ As argued by Ottonelli and Torresi 2012, this view would entail a change in the perspective concerning migrants from their being passive recipients to agents.

origin.⁴ The life plans of these migrants include temporary residence in a host country. Unlike the beneficiaries of temporary migration programmes, temporary migrants in an open-borders society desire temporary migration despite having the option of permanent migration available to them. If they become temporary migrants, then this choice must be considered part of their life plans and thus respected. Despite their differences, these migrants have several common characteristics:

- 1- They have short- or medium-term investments.
- 2- They have a high rate of savings.
- 3- They accept harsh working and living conditions that are worse than those of permanent migrants.
- 4- They seek to return to their countries of origin (return is not considered a failure), and they do not develop social relationships in the host country because their life plans are focused on their native countries.

Because temporary migration in such a case is the choice of migrants rather than an option incentivised by a host country, temporary migration is not characterised by the levels of injustice and exploitation that are identified by the critics of temporary migration programmes. No constraints can be imposed on the length of stay, jobs, or employers. Nevertheless, temporary migrants would continue to be the most vulnerable members of society for at least three reasons:

1- Temporary status: temporary migrants accept poorer working and living conditions than other members of society (including permanent migrants) because they intend to remain in the country for only a limited amount of time (harsh conditions are more tolerable in the short term if they are merely viewed as tools to pursue a project and if a person is focused on another context) and because they tend to have short- or medium-term perspectives (they cannot wait for a better job opportunity; “sooner is better”). Because these migrants plan to save the majority of their wages and accept low wages, they have little money to invest in their conditions in the host countries. Furthermore, because employers are aware of these characteristics, temporary migrants have little bargaining power. Moreover, their condition is worsened because employers lack strong incentives to abide by the law in these cases. Employers know that temporary migrants are less likely to report an infraction because they do not have strong connections in the host country and likely lack the time that is needed to await justice.

2- Working context: a substantial number of temporary migrants work in the homes of their employers as housekeepers, caregivers for the elderly, and nannies. These types of professions encourage unprofessional behaviours and abuses because there is no clear distinction between the private and public spheres. Employees are occasionally treated as members of the family, and

⁴ Ottonelli and Torresi discuss temporary migration projects rather than temporary migration programmes to shift the focus from host countries to migrants.

professional duties are combined with personal requests that are appropriate for family members but inappropriate for employees. Moreover, abuses are more difficult to detect in private contexts than public contexts.

3- Institutional partiality: although institutions in a liberal egalitarian context ought to be impartial with respect to individual life plans, temporary migrants are systematically disadvantaged because institutions and public policies are not designed to accommodate temporary life plans. Although considering the life plans of permanent migrants is not particularly challenging because they are not substantially different from those of natives, temporary migrants represent a challenge. Changing perspectives on life plans (both temporally and geographically) also entails changes in policies. Supporting temporary migration through policies that have been established for permanent residents is not appropriate for the needs and interests of temporary migrants.

To address these injustices and develop public policies that are suited to the needs and interests of temporary migrants while simultaneously respecting their agency, one perspective could involve the inclusion of temporary migrants in the decision-making process on equal footing. If temporary migrants could represent their claims in the political arena, they can autonomously define what is good for them. Although this proposal may seem appropriate in a liberal egalitarian framework, it could be challenged because of its unfeasibility or illegitimacy. Political rights are accorded to people who have residence, at least for a reasonable amount of time, whereas temporary migrants do not necessarily fulfil this requirement. Thus, allowing temporary migrants to vote and elect their representatives would be problematic. Such objections may be sound, but if temporary migrants have the right to be included in the decision-making process on equal footing, then it would be necessary to find the proper procedure to grant this right. Such practical difficulties could be related to the fact that institutions (including democratic procedures) are established on the basis of permanent life plans and ought to be changed to additionally include temporary life plans on an equal level.

However, from another perspective, one could challenge the right of temporary migrants to participate in the political process (their right to have political rights). Inclusion in the decision-making process demands that an individual have a stake in the current and future affairs of the polity, whereas temporary migrants simply work in the country but do not have any stake in the public affairs of the polity. Permanent migrants must be considered in the same manner as natives, but temporary migrants cannot be included unless the political process is considered a mere

aggregation of interests pertaining to the current state of affairs rather than an attempt to pursue the common good of current and future members of the polity.⁵

Is this exclusion fair, or should a liberal egalitarian conception of justice ensure that temporary migrants be entitled to political rights?

In the following sections, I will present three arguments that aim to respond to this question by focusing on the vulnerability of temporary migrants, their equal standing and the effects of their exclusion on democratic institutions, and their interests.

Vulnerability and Rights

Temporary migrants are vulnerable and lack complete control over their life plans; this state of vulnerability is the basis for their being entitled to political rights and being included in the decision-making process on equal footing.⁶ This argument, which has recently been advanced by neo-republican scholars, could be reframed in the following manner:

Vulnerability and a lack of control over one's life plans are unjust (normative premise);
vulnerability and a lack of control over one's life plans at least partially depend on the control that individuals have over political authority (causal explanation of vulnerability);
political rights and inclusion in the decision-making process would ensure this control over political authority (instrumental justification for inclusion);
temporary migrants lack this political control and are, in fact, vulnerable (state of affairs);
therefore, temporary migrants must be included in the decision-making process on equal footing.

Although I agree that vulnerability and a lack of control over one's life plans are unjust and that temporary migrants are vulnerable, some clarifications regarding the meaning of vulnerability are necessary to understand whether inclusion in the decision-making process could compensate for (address/overcome) these injustices and to assess whether this justification holds. According to this neo-republican perspective, temporary migrants are vulnerable because political authorities can arbitrarily interfere in their lives.⁷ What constitutes arbitrary interference?

First, I will reject two possible interpretations of arbitrary interference: arbitrary interference that is unconstrained and unpredictable interference.

Because political authority is constrained by shared human rights and other moral and legal constraints (it is worth remembering that in our hypothesis, the context that we consider is a society with open borders in which migrants are fully included in the decision-making process and everyone is considered equally worthy), political authorities cannot do anything they desire, as they

⁵ Bauböck 2007, 2008, 2011.

⁶ Sager 2012.

⁷ Lovett 2010, Pettit 1997 and 1999.

do not have complete control over the polity. From a republican perspective, people may be vulnerable because they are subjected to unpredictable political authority and thus cannot develop proper life plans that are grounded in reasonable expectations. However, this concern would not apply because in addition to shared normative constraints, political authorities must also follow specific procedures. Thus, political authority is predictable, and people can define their life plans in accordance with the outcomes of political decisions. However, these decisions that interfere in the lives of temporary migrants do not depend on their values, preferences, and interests, as temporary migrants are not included in the decision-making process. Neo-republicanism considers this type of arbitrary interference unjust and contends that it justifies the inclusion of temporary migrants in the decision-making process (their right to have rights).

Thus, the following reasoning underlies the neo-republican account: because temporary migrants are excluded from the political sphere, they cannot check political authority through contestation (critical power) or have opportunities to support their claims, and political authorities do not seek to advance the interests of migrants when pursuing policies that significantly affect their life plans. However, if my interpretation is correct, then arbitrary interference and migrants' lack of control over their life plans depend on the influence of individuals on political authority. Allow me to clarify this point.

If temporary migrants lack control over their life plans because political authorities can interfere in their lives without considering their interests, then it is implied that temporary migrants who wish to have more control over their life plans ought to be able to limit interference by political authorities through critical scrutiny or by appealing to the political authorities to consider their claims and interests. To achieve these aims, temporary migrants must be able to influence political authority; otherwise, their critiques will not be heard, and political authorities will not have an incentive to consider their interests and values. Although I agree that temporary migrants need greater influence over political institutions to be less vulnerable, I am sceptical of the notion that political rights and the inclusion of temporary migrants in the decision-making process can ensure this influence. Temporary migrants are unlikely to appeal to any certain political party or representatives because they are few in number, highly dispersed, disconnected from political and social life, and poorly organised as a group. For the same reasons, temporary migrants have little opportunity to exercise effective control over political authorities, even if they were to be granted political rights and included in the decision-making process. Therefore, if vulnerability can be reduced through influence on the decision-making process, then political rights do not appear to be the optimal avenue by which to pursue this aim.

However, it is possible to suggest that injustices do not refer to a temporary migrant's inability to influence political authorities but in their exclusion per se, independent of the likelihood that inclusion in decision-making processes would enhance their opportunities to influence political authorities. Although this argument may be sound, it does not appear to be grounded in the vulnerability of these migrants and their lack of control over their life plans but rather in their equal value and the types of political procedures that ought to convey this value. I will thus consider this argument in the next section.

Equal standing and political rights

Injustice does not depend on individuals being able to effectively influence the political process but rather on the types of values upon which this process is grounded. Exclusion from the decision-making process is unjust not because excluded individuals are not allowed to control decision-making processes that affect their life plans but because it justifies procedures that embody inegalitarian values and produces unequal relations among members of the polity that are inconsistent with the equal value that a liberal egalitarian society ought to accord to every individual. For example, the exclusion of temporary migrants creates a hierarchical society that is incompatible with a liberal egalitarian framework and the values upon which open borders and democratic procedures are based. Therefore, temporary migrants ought to be included in the political decision-making process on an equal footing because a liberal egalitarian polity both ought to acknowledge their equal standing and justify equal relations among members of the polity.⁸

Although the above argument is sound, and I agree that a liberal egalitarian conception of justice requires the public acknowledgement of equal standing and egalitarian relations among the members of the polity, I would like to consider this proposal in greater detail to assess whether equal standing requires the extension of political rights to temporary migrants.

First, consider the case of Erasmus students and visiting professors within the EU. These visitors have the right to move freely within their host countries and must abide by the laws of their host countries, but they are not included in the decision-making processes concerning these laws that govern them. Despite their exclusion from the political sphere, it would be difficult to argue that these individuals are not considered equals by host institutions and by the citizens of the host countries. These students and professors are rarely exploited or dominated, and their relations with co-workers or classmates cannot be considered inegalitarian; however, there may be situations in

⁸ Regarding the inegalitarian values embodied by political exclusion, in his seminal work on "Political Equality", Beitz argued that «if people are excluded from democratic procedures, it has been said that those excluded "are not publicly recognized as persons at all" and might be described as "socially dead" [...] therefore political roles defined by democratic institutions should convey a communal acknowledgement of equal individual worth» (Beitz, 1989, 109-110).

which they are willing to accept poorer conditions than permanent residents, and in this respect, these visitors are similar to temporary workers. Of course, Erasmus students and visiting professors cannot be compared to temporary migrants because the former are privileged, have strong social connections (both with one another and with the residents of the host countries), and institutions suit their life plans. These differences suggest that violating the notion of equal worth and the existence of hierarchical relationships among members of a polity do not necessarily depend only on individuals' political inclusion but may also depend on other factors that are guaranteed for privileged groups but are denied to temporary migrants. Therefore, liberal egalitarian accounts of justice ought to support the extension of these privileges, not political rights, to temporary migrants.

However, one could criticise this argument by claiming that although exclusion from the political sphere does not necessarily violate the principle that individuals are of equal worth or produce a hierarchy among them, the exclusion of temporary migrants does violate this principle. Temporary migrants are active members of social cooperation but do not have a voice in the distribution of social benefits and burdens, and institutions systematically disadvantage their life plans. Thus, the value of temporary migrants is not acknowledged as equal to that of other members of society, and there is a resulting hierarchical relationship between these migrants and the other members of society. Therefore, the egalitarian values and relationships conveyed by the inclusion of temporary migrants in decision-making processes would acknowledge them as full and active members of the polity and ensure that the institutions and residents of the host country do not fail to recognise them.

To assess these points, I will focus on the requirements and implications of political rights and full inclusion in the decision-making process. This inclusion conveys egalitarian and anti-hierarchical values because it acknowledges that every member of the polity is an equally valid decision maker; hence, it ascribes equal political agency to every member of the polity despite their clearly differing capacities to make political decisions⁹. Therefore, individuals are acknowledged as fully equal in a fundamental dimension when included in decision-making processes, namely, when they must make decisions for the polity or select representatives who are making these decisions. Political agency is not simply expressed in voting, but it also entails participating in political debates and political meetings, gathering information about politics and candidates, evaluating elected representatives, and deliberating and negotiating on political proposals.¹⁰

Because political decisions are forward looking, in that they affect the lives of any actual or future member of the polity, they are costly to reverse, and they influence the structure of the polity to a

⁹ See Ottonelli 2010, 2012a, 2012b.

¹⁰ On different dimensions of political agency see Walzer 2004, Ottonelli 2012b, and LaVaque-Manty 2002.

greater extent in the future than in the current period, political actors should take the interests and values of their fellow citizens into account in their political actions. To exercise political agency, people need to have time to invest in political decisions or activities, access to civil and political networks, and the reasonable expectation of having a stake not only in the current state of affairs of society but also in its future. Temporary migrants do have these types of expectations and resources in their countries of origin because they aim to develop their life-plans in those countries. However, they do not have any reason to develop these connections or invest these resources in their host countries.¹¹ It is therefore not surprising or unfair that temporary migrants do not participate in political decisions in their host countries, whereas it may be unfair to require temporary migrants to be included in decision-making processes. Because the required objectives of democratic procedures are in clear contrast to the preferences and life plans of temporary migrants, it would be more demanding for them than for permanent members of the polity to participate in decision-making processes. Furthermore, because exercising political decision-making would require temporary migrants to adopt a forward-looking perspective (i.e., the perspective of permanent residents), their inclusion in such decision-making would be not only be unfair but would also be disrespectful of their life plans. If the extension of political rights to temporary migrants has been granted to acknowledge the equal worth of their life plans and to allow them to properly exercise their rights, it has also forced temporary migrants to adopt a perspective that is in clear contrast with their life plans. As such, the extension of political rights to temporary migrants does not appear to be consistent with the notion that every life plan ought to be of equal worth.

However, one could claim that inclusion in political decision-making grants individuals the opportunity to participate in political decisions on equal footing with each other without insisting that this opportunity be exercised. Although this claim is valid, it does not seem fair or respectful to insist that acknowledging someone as an equal requires giving her an ability that she cannot exercise unless she is prepared to bear greater costs than others and adopt a perspective that is not consistent with her life plans. Equality cannot require ensuring an opportunity that entails such unfair costs and does not acknowledge the equal value of every life plan.

Is it truly unfair to include temporary migrants in decision-making processes, or does this perceived unfairness simply stem from procedures that do not consider the needs of temporary migrants?

The procedures for including people in the decision-making process on an equal footing are designed for permanent residents, and although such procedures could easily be extended to

¹¹ Temporary migrants' current residence in the hosting countries is instrumental for them to realise the life plans that they aim to pursue in their countries of origin. Because, for temporary migrants, migration is just a means to pursue their ends that do not necessarily concern their hosting countries, temporary migrants do not have reasons to develop social and personal relationships in these countries nor do they have any reasonable expectation of future stakes in these countries.

permanent migrants, it would not be easy to include temporary migrants. The difficulty experienced by temporary migrants in exercising political rights could depend on these partial and unnecessary features of decision-making processes rather than on their preferences and temporary life plans. Thus, it would not be unfair to include them in the decision-making process, but it would be unfair to include them in a decision-making process that is structured according to the preferences and values of permanent residents. Indeed, it is unfair that decision-making processes are structured according to the preferences and values of only one segment of society. This systematic preference for permanent life plans is inconsistent with the notion that every life plan is equally valid, and this problem ought to be overcome by changing procedures to make them more inclusive. Although this argument may initially appear to be persuasive, further analysis reveals that it is not particularly convincing.

From one perspective, it could be suggested that political rights should be grounded on *ius domicilii*.¹² Though this approach would ensure the inclusion of temporary migrants, it would have two undesirable downsides.

On the one hand, if political rights depended on domicile, temporary migrants would lose their right to participate in decision-making processes in their countries of origin. Though they are not governed by the laws and policies of their countries of origin while they reside abroad, they may have the reasonable expectation to pursue their life plans in those countries. Even if temporary migrants are affected by the political decisions of hosting countries, they do not have the same stake in future states affairs of their host countries as they do in the future of their countries of origin. Therefore, the opportunity to be included on an equal footing in the political decisions of their hosting countries is not necessarily worth exclusion from their homeland's political sphere.

On the other hand, because decision-making procedures grounded on *ius domicilii* would have constituencies that are focused just on their short term interests, and given that the exercise of political rights should be equally demanding for every member of the polity, temporary migrants included, political agency would be reduced to voting on short-term issues without taking into account the interests and values of those that will be affected by these decisions but do not have right to be included in the decision-making process. This type of decision-making process would convey an impoverished idea of democracy where members do not strive to identify and promote the common good but instead provide opinions on what is good for themselves here and now.

To overcome these problems, dual citizenship could be granted to temporary migrants, instead of grounding their right to be included in decision-making processes in *ius domicilii*. As a consequence, temporary workers would not lose their right to participate in the decisions being made in their countries of origin, and the decision-making process in their host countries will be

¹² Kostakoupoulou 2008.

forward-looking because the number of permanent residents would be higher than the numbers of temporary migrants. This proposal seems to effectively overcome the pitfalls of a decision-making process grounded in *ius domicilii*. However, if democratic procedures are not structurally changed, temporary claims will keep on being systematically disadvantaged despite being included. Temporary workers need time and resources they do not have in order to support their claims, and they will not have the necessary influence to be properly represented. If, on the other hand, the structures of decision-making procedures are changed to overcome this unfairness and ensure full inclusion in decision-making processes to temporary migrants, it is then likely that decision-making procedures will lose their forward looking structure.

In summary, exclusion from decision-making procedures does not necessarily entail the misrecognition of temporary migrants' status or a violation of the notion of equality. The inclusion of temporary migrants is burdensome for them, fails to recognise the equal value of their life plans, and would undermine some of the desirable features of current democratic decision-making procedures. Therefore, public acknowledgement of the equal standing of temporary migrants does not entail their inclusion in decision-making procedures; however, it does require that these migrants have a political voice because they do participate in socio-economic activity. Is this really the case or should we accept that temporary migrants do not have rights to be included in decision-making processes? I will try to answer to this question in the next section.

Affected Migrants

Because democratic institutions ought to consider every life plan of equal worth and every member of the polity as an agent who ought to be in control of his own life plan¹³, the individual whose life plans are deeply influenced by political decisions ought to be included in those decision-making process that deeply affect their life plans. According to this approach, political inclusion requires that individuals have equitable and effective influence on decision-making processes that concern the decisions in which their life plans are at stake to ensure that people are in control of their life plans and that institutions acknowledge their equal worth. To pursue this goal, it is important to identify when decisions affect the equal worth of people's life plans and which types of procedures can ensure that individuals have an effective and fair influence on these decisions.¹⁴ Let us try to clarify these points by considering the cases of permanent residents and temporary migrants.

¹³ The personal perspective is prioritised over an external perspective on both epistemological and moral grounds because the former perspective is based on ascribing equal agency to every participant in the decision-making process. Even if one individual were able to determine the interests of the entire society more effectively than the individuals who constitute that society, everyone ought to be granted a fair opportunity to support their own claims and influence the decision-making process.

¹⁴ As an extension of Barry's concept of interest, I claim that interests are opportunities through which people obtain the means to pursue their life plans. A policy is in the interest of an individual if this policy increases his opportunities to pursue his life plan.

Permanent members of a democratic polity have the reasonable expectation of developing their life plans within the society where they are living and of which they are members. The values upon which life plans are grounded, the socio-economic positions that people aim at pursuing in their life plans, and the social relationships that constitute essential features of individual life plans are developed within a socio-economic context that is deeply affected by political decisions. As argued by Rawls “the institutional form of society affects its members and determines in large part the kind persons they want to be as well as the kind of persons they are” (Rawls 1993, p.263). Because political decisions have such a pervasive and enduring effect on the life plans of the members of a polity, members of the polity should have the opportunity to influence these decisions by being included on an equal footing within decision-making processes. If they are excluded from decision-making procedures, their life plans are not considered of equal worth and they are not treated as agents.

Temporary migrants have the reasonable expectation to develop their life plans in their countries of origins and, in fact, they should be included on an equal footing in the decision-making processes concerning political decisions in their homelands. Nonetheless, the life plans of temporary migrants require them to be governed by laws and policies of other countries for a limited amount of time. The life plans of temporary migrants are not fashioned by the political decisions of hosting countries, but their chances to realise some of the aims that are a part of their life plans are partially affected by some of the decisions made by these countries. Their interests are, thus, at stake in some of the political decisions of their hosting countries even if they are not at stake in every political decision and even if the impact of these decisions on the life plans of temporary migrants is less significant than their influence on the life plans of permanent members of the polity.

Therefore, if members of a democratic polity should be in control of their life plans and democratic institutions aim to acknowledge the life plans of every member of the polity as of equal worth, temporary migrants, unlike tourists who are simply governed by a country’s laws but whose life plans are not affected by these laws, ought to be included in certain decisions. However, according to Rawls, full political equality cannot be justified (because having interests at stake is not a sufficient reason).¹⁵ On the one hand, full political equality is justified when political decisions do not simply affect the opportunity for people to realise some aims that constitute their life plans but when these decisions also fashion and constrain these life plans. On the other hand, as previously shown, political rights are not an effective tool for ensuring that temporary migrants

¹⁵ Although permanent members of society are not equally affected by every political decision, their interests are at stake. Because they aim to pursue their entire life plans in the society in which they reside, every political decision that concerns this society substantially and regularly affects their interests, namely, their opportunities to pursue their life plans.

have the power to influence decision-making processes and the associated control over their life plans. Some notion of multiple and differentiated levels of inclusion is thus required.

Differentiated levels of inclusion would entail flexible decision-making procedures in which different agents with different statuses are included, depending on the issues under discussion and the kind of impact that decisions could have on individuals' life plans. Individuals with full political rights would therefore not be the only participants in decision-making processes. More specifically, when there are decisions that would affect the opportunity to pursue a life plan of people without having deeper impact on their life plans, such as in the cases of temporary migrants, my proposal requires the inclusion of organisations through which the activism and mobilisation of these people can make a difference. In the case of temporary migrants, this kind of inclusion would ensure that they can influence decision-making processes without requiring them to abandon constitutive features of their life plans or requiring the elimination of desirable features of decision-making process.

To pursue this goal, it is important to identify when the interests of temporary migrants are at stake and which organisations can ensure that they have an effective and fair influence on these decisions. Work-related regulations, the retirement system, health care, and housing are issues that persistently and substantially affect the interests of temporary migrants.¹⁶ Trade unions could represent an exemplary, but not unique (neighbourhood committees), type of organisation that is capable of addressing these issues and being effectively influenced by temporary migrants without requiring them to abandon their life plans. Allow me to explain this point.

First, trade unions are involved in decisions concerning issues in which the interests of temporary migrants are at stake. Second, interventions by trade unions are typically focused on specific issues. Third, membership in trade unions has short- and long-term consequences (benefits and burdens). Finally, unions have the ability to be transnational.

Therefore, participating in trade unions may be less demanding for temporary migrants than participating in political parties because they can have an effective influence on trade unions, and exercising this influence could be less burdensome than exercising political influence. First, for temporary migrants who wish to participate, their numbers are sufficiently large to have an influence on trade unions but are not sufficient to influence political parties. Second, their participation in trade unions does not require that they change their life plans, as the actions of trade

¹⁶ It is worth noting that these issues are debated in political decision-making processes that are broadly conceived (parliament, parliamentary committees, meetings between government and representatives of workers, employers, and civil society), and they are also influenced by intermediate decision-making processes (e.g., committees, meetings between trade unions and representatives of employers).

unions are focused on specific issues and have short-term effects (thus, temporary migrants need not adopt a permanent perspective). Effective participation in unions does not require a strong social network but requires connections that can be developed in areas in which temporary migrants have interests at stake (for instance, in the workplace). Moreover, a liberal society can support their involvement in these organisations by incentivising trade unions to include temporary migrants and to become transnational. If trade unions were transnational organisations, then temporary migrants could join a union in the host country and be acknowledged as a member of the same union in their native countries, or vice versa (a transnational structure would also reduce informational and participation costs). This type of participation could become an integrated component of the lives of temporary migrants.

Finally, being included in these organisations, such as trade unions or neighbourhood committees, does not require that temporary migrants adopt cultural or political values that they do not wish to adopt.

In conclusion, by including intermediate organisations, such as trade unions or committees, in decision-making processes pertaining to certain issues and by incentivising the inclusion of temporary migrants in these organisations, a liberal democratic society could ensure that temporary migrants have an effective influence on those issues in which their interests are at stake and could acknowledge the equal value of their interests.

This proposal does not simply embody affected-interests principles but also is consistent with the vulnerability and equal standing argument. If temporary migrants are able to influence the issues that deeply affect their lives and if they are involved in organisations that can defend them, then they are not vulnerable, or at least they are less vulnerable and more in control of their lives than they are at present. If exclusion from decision-making process concerning issues in which their interests are at stake were one of the causes of their vulnerability, then differentiated inclusion could alleviate or eliminate this state of vulnerability. Moreover, because the vulnerability of temporary migrants also results from their lack of networks, their involvement in organisations that are part of civil society can enable their participation in such networks without being overly burdensome.

Although differentiated inclusion is justified, this situation does not imply hierarchy or the violation of equal standing because temporary migrants have full control over their lives, their interests are considered of equal value, and the different layers of membership are justified by the proper respect for their life plans. Because they are not weak or under the control of the citizens, temporary migrants are valued and are not underestimated; as is the case for Erasmus students, visiting

professors, or diplomats, temporary migrants are not included in the political process but are acknowledged as equals (not alike but equal).

One could argue that my proposal, as in all affected-interests accounts, would justify the inclusion (albeit differentiated) of all individuals across the world in the political decisions of any country. My proposal does not require that all individuals be able to influence every decision that affects their interests; although their interests could be marginally affected, their inclusion would not ensure effective influence in this decision, and the effects of this decision may be only marginal rather than deep and enduring. Differentiated inclusion does not require that everyone vote on every issue, but it could require that everyone who is deeply and continuously affected ought to be ensured effective influence through transnational institutions, such as the EU and the WTO.

References

- Abizadeh, A., 2008, Democratic theory and border coercion: no right to unilaterally control your own borders. *Political Theory*, 36, 37–65.
- Attas, D. 2000, The case of guest workers. Exploitation, citizenship and economic rights. *Res Publica*, 6, 73–92.
- Bader, V. 1995, Citizenship and exclusion. *Political Theory*, 23, 211–46.
- Barry, B. 1967, *Political Argument*. London: Routledge.
- Bauböck, R., 2007, Stakeholder citizenship and transnational political participation: a normative evaluation of external voting. *Fordham Law Review*, 75, 2393–2447.
- Bauböck, R., 2008, Stakeholder citizenship: an idea whose time has come? Washington, DC: Migration Policy Institute. Available from: <http://www.migrationpolicy.org/transatlantic/docs/Baubock-FINAL.pdf/>.
- Bauböck, R., 2009a, Global justice, freedom of movement, and democratic citizenship. *European Journal of Sociology/Archives européenne de sociologie*, 50, 1–31.
- Bauböck, R., 2009b, The rights and duties of external citizenship. *Citizenship Studies*, 13, 475–499.
- Bauböck, R., 2011, Temporary migrants, partial citizenship and hypermigration. *Critical Review of International Social and Political Philosophy*, 14, 665–693.
- Beitz, C. 1989, *Political Equality*, Princeton: Princeton University Press.
- Benhabib, S., 2004, *The rights of others*. New York, NY: Cambridge University Press.
- Bohman, J., 2004, Republican cosmopolitanism. *Journal of Political Philosophy*, 12, 336–352.
- Carens, J. 2008, Live-in domestics, seasonal workers, and others hard to locate on the map of democracy. *Journal of Political Philosophy*, 16, 371–496.
- Carens, J., 2005, The integration of immigrants. *Journal of Moral Philosophy*, 2, 29–46.

- Carens, J., 2008, The rights of irregular migrants. *Ethics and International Affairs*, 22, 163–186.
- Chang, H. F. 2008, Guest workers and justice in a second-best world. *University of Dayton Law Review*, 34, 3–14.
- Cole, P. 2000, *Philosophies of Exclusion: Liberal Political Theory and Immigration*. Edinburgh: Edinburgh University Press.
- Goodin, R., 2007, Enfranchising all-affected interests and its alternatives. *Philosophy & Public Affairs*, 35, 40–68.
- Hayduk, R., 2004, Democracy for all: restoring immigrant voting rights in the US. *New Political Science*, 26, 499–523.
- Kostakopoulou, D., 2008, *The future governance of citizenship*. New York, NY: Cambridge University Press.
- LaVaque-Manty, M. 2002, *Arguments and Fists*. London: Routledge.
- Lenard, P. and Straehle, C., 2011, Temporary labour migration, global redistribution, and democratic justice. *Politics, Philosophy and Economics*, 11, 206–230.
- López-Guerra, C., 2005, Should expatriates vote? *Journal of Political Philosophy*, 13, 216–234.
- Lovett, F., 2010, *A general theory of domination and justice*. New York, NY: Oxford University Press.
- Manin, B. 1997, *The Principles of Representative Governments*, Cambridge: Cambridge University Press.
- Mansbridge, J. 1999, Should Blacks Represent Blacks and Women Represent Women? A Continuent “Yes”. *Journal of Politics*, 61, 628-57.
- Mansbridge, J. 2003, Rethinking Representation. *American Political Science Review*, 97, 515-28.
- Ottonelli, V. and Torresi, T., 2012, Inclusivist egalitarian liberalism and temporary migration: a dilemma. *Journal of Political Philosophy*, 20, 202–224.
- Ottonelli, V (2010), L’eguale rispetto come principio procedurale della democrazia, *Ragion Pratica*. 35, 267-294.
- Ottonelli, V. (2012), Equal respect, equal competence and democratic legitimacy, *Critical Review of International Social and Political Philosophy*. 15, pp. 201-218
- Ottonelli, V. (2012), *I principi procedurali della democrazia*. Bologna: Il Mulino
- Pettit, P., 1997, *Republicanism: a theory of freedom and government*. New York, NY: Clarendon.
- Pettit, P., 1999, Republican freedom and contestatory democratization. In: I. Shapiro and C. Hacker Cordon, eds. *Democracy’s value*. Cambridge: Cambridge University Press, 163–190.
- Pitkin, H.F. 1967, *The Concept of Representation*, Berkeley: University of California Press.
- Rawls, J. 1993, *Political Liberalism*. Ny: Columbia University Press.

- Rubio-Marín, R., 2000, *Immigration as a democratic challenge*. New York, NY: Cambridge University Press.
- Ruhs, M. and Martin, P., 2008, Numbers vs. rights: trade-offs and guest worker programs. *International Migration Review*, 42, 249–265.
- Sager, A., 2012, Political Rights, Republican Freedom, and Temporary Workers. *Critical Review of International and Social Philosophy*, iFirst, 1-12.
- Urbinati, N. 2006, *Representative Democracy*. Chicago: University of Chicago Press.
- Walzer, M. 1983, *Spheres of justice*. New York, NY: Basic.
- Walzer, M. 2004, *Politics and Passion*. New Haven: Yale Univesrity Press.
- Whelan, F., 1983, Prologue: Democratic theory and the boundary problem. In: J. Pennock, J. Ronald and J.W. Chapman, eds. *Nomos XXV: Liberal Democracy*, New York and London: New York University Press, 13–47.
- Williams, M. 1998, *Voice, Trust, and Memory: Marginalized Groups and Failings of Liberal Representation*. Princeton: Princeton University Press.