

# NATIONAL REVIEW

## What the Libertarian Argument for State-Based Guest-Worker Programs Gets Wrong

Concerns that a more ‘federalist’ immigration policy could undermine American civic belonging can’t be dismissed so easily.

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My [NRO piece](#) last week raised doubts about “federalist” guest-worker programs such as the one proposed by Wisconsin senator Ron Johnson, which would distribute up to 500,000 guest-worker visas to the states each year. I argued that guest-worker programs divide the body politic, that this tendency would be exacerbated by allowing states to distribute their own guest-worker visas, and that the consequences of a state’s admitting guest workers would not be confined to just that state but would be felt at the national level.

In response to my criticisms of state-based guest-worker programs, David Bier at the Cato Institute offered a [spirited defense](#) of such programs. As he devoted a substantial portion of his defense to criticizing my piece, I thought it worth offering a few comments.

Arguments about guest-worker programs often raise larger questions about the role of citizenship and a united body politic, and Bier’s piece is no exception. Perhaps the core of our differences is revealed in these two paragraphs, which respond to my claim that huge numbers of guest workers undermine civic belonging by splitting the body politic into citizens (who enjoy the full spectrum of political participation) and guest workers (who do not, and have no path to accessing this full spectrum):

The argument that noncitizens undermine “civic belonging” is untestable speculation that is the social science equivalent of counting how many angels can dance on the head of a pin. It makes the left-wing argument about the benefit of diversity seem entirely science-based. The left at least makes claims about how objectively measurable facts relate to specific outcomes unlike vague feeling-based claims of “civic belonging.” Mr. Bauer’s same criticism could be levelled at a resident of one state residing in another and not bothering to update his voter registration.

Using Bauer’s reasoning, one could actually make the case that non-citizen residents have a much greater stake in American society. Migrants often come from poorer countries, know the value of prosperity as a result, and truly recognize how unique America is. At the very minimum, they treasure America *more* than some of our fellow native-born Americans who are apparently content with subsisting off of welfare and

languishing in permanent unemployment for lack of a desire to *migrate* to prosperity in another area.

I would submit that my original argument about civic belonging is not quite so speculative as Bier asserts. After all, guest-worker programs are not new, and we can see their effects in countries across the world. This historical record suggests that the expansion of guest-worker programs has substantial effects on the civic fabric of a nation, often despite the claims of their proponents. In the post–World War II era, Germany and other European nations experimented with large guest-worker programs, which denied citizenship not only to guest workers but sometimes even to their native-born children. Many observers have argued that this heavy emphasis on guest workers fractured European societies and harmed the assimilation of immigrants. Even Angela Merkel, one of the most prominent immigration doves on the world stage, has criticized the mistakes of Germany’s mid-20th-century guest-worker programs. To be sure, all of Europe’s current struggles to assimilate immigrants cannot be laid at the feet of guest-worker programs, but some of them certainly can. While the plural of anecdote is not data, the personal testimony of the children of guest workers in Germany and elsewhere reveals some of the psychological effects of being welcomed as a mere laborer rather than a citizen.

If European policymakers often want to avoid the mistakes of 20th-century guest-worker programs, it seems strange that American policymakers should now be trying to repeat them. The United States’ history of immigration differs from Europe’s, and the fundamental heterogeneity of American society means that guest-worker programs may play out differently here than across the Atlantic. But the American experience with large-scale guest-worker programs has still raised concerns about the way they contribute to the inequitable treatment of immigrants. (For example, civil-rights activists and worker advocates alike have attacked the mid 20th-century “bracero” program, which brought in agricultural guest workers from Mexico.)

I would further argue that Bier’s remarks may understate the role of citizenship. There is a huge difference between a guest worker and someone who moves from one state to another without updating his voter registration. The United States is a sovereign nation, so movement within its borders is categorically different from movement across them. Utopians might chafe at the bounds of the nation-state, but no one doubts that the nation-state still exists, or that it remains the primary means by which the world’s 7.5 billion people organize themselves into societies. There’s another categorical difference between someone who forgets to update his voter registration and a guest worker: The former may at any time register to vote, while the latter is forbidden to do so. A chasm stretches between choosing not to exercise a right and not possessing that right. A similar chasm separates guest workers from green-card holders: While legal permanent residents have a clear path to citizenship, guest workers are barred from this path.

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Bier seems to imply that a guest worker would “treasure” America more than a native-born citizen who receives government assistance. Personally, I don’t look at a poor American or someone on welfare and think that they necessarily treasure the United States any less than a guest worker, a Silicon Valley magnate, or anyone else. There are patriots to be found in trailer

parks and unemployment lines, and the use of an EBT card does not somehow lessen a person's devotion to the United States. Family bonds or financial obstacles could keep a person from moving a long distance to find a better-paying job. The United States is not a joint-stock company, and the worth of a citizen is not determined by the size of his or her bank account. If we are concerned about civic belonging, we should be very wary of portraying poor Americans as unworthy or "lesser" citizens.

Bier's discussion of who really "treasures" America brings to mind a perceptive piece written by Pete Spiliakos (a name familiar to Corner readers) at *First Things*. Spiliakos argued that a kind of thinking about patriotism has become chic on both the left and the right, in which the "criteria for being American are meritocratic ones: having the right principles and meeting certain standards of productivity." This pseudo-meritocratic perspective may find that the native-born poor value the United States less than a foreign-born worker, but sober minds should be wary of reducing patriotism to economic success. A regression analysis is not required to see that making civic belonging a matter of ideological and economic litmus tests both divides the body politic and injects poison into political debates.

A few other points could be made in response to Bier. He criticizes my NRO piece for speculating about some of the consequences of a huge guest-worker program, especially my claim that this program would ignite a political debate about whether to give government benefits to guest workers and their families. Since this plan has not gone into effect yet, my speculation about its effects was, of course, purely hypothetical. But serious policy discussion sometimes requires thinking about the hypothetical consequences of any given measure. Because Senator Johnson's state-based visa proposal does not count family members against its 500,000-visa annual cap, well over 3 million guest workers and their families could enter the United States in just its first three years if it were passed into law. Adding a population the size of Chicago to the national population would almost certainly give new urgency to efforts to expand government programs for guest workers and their families, especially minor children. Last year, California extended the benefits of its Medicaid program to the foreign-born children of illegal immigrants. If the children of those here illegally are gaining government benefits, the idea that the children of guest workers, who have been invited into the country, will forever be barred from the same benefits seems dubious.

I should also point out that, when I spoke of the implications of a "radically federalist" immigration policy, I did not have in mind just Senator Johnson's proposal. Instead, I meant the rigorous application of the principle of federalism to immigration policy, which would allow states to expand and reduce immigration as they saw fit. This rigorous application would almost certainly inhibit the mobility of labor within the United States, and further divide American society.

A transnationalist libertarian, which is of course not the only kind of libertarian, might view the nation-state as a "collectivist scheme," an atavistic entity to be overcome in the pursuit of a free-market nirvana. But there's a case to be made for the nation-state as a means of securing our individual rights and ensuring self-government — that is to say, as a foundation for republican life. And if we wish to maintain a republic, we must take an interest in fostering an expansive civic belonging, which eschews the rhetoric of "takers versus makers" and instead champions the

common access of all citizens to the public square. This model of inclusivity has implications for immigration policy, too. The goal of a civic-reinforcing immigration policy would be to make legal immigrants and their children full-fledged participants in American society — not kinda-sorta-welcome guests. Achieving this goal would require a rigorous enforcement of immigration law and a limiting (if not an outright elimination) of many guest-worker programs. A vigorous republican culture might at times frustrate transnationalists, but it would also advance the cause of freedom and the prospects of human happiness over the long term.