

*Strangeness at the Gates: The Peculiar Politics of American Immigration*¹

Selecting by Origin: Ethnic Migration in the Liberal State. By Christian Joppke. Cambridge: Harvard University Press, 2005

Impossible Subjects: Illegal Aliens and the Making of Modern America. By Mae Ngai. Princeton: Princeton University Press, 2004

Dividing Lines: The Politics of Immigration Control in America. By Daniel Tichenor. Princeton: Princeton University Press, 2002.

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On July 4, 1984, the *Wall Street Journal's* editorial page called for a laissez-faire immigration policy, allowing labor to flow as freely as goods. In a salute to immigrants, the editors asked whether anyone would "want to 'control the borders' at the moral expense of a 2,000-mile Berlin Wall with minefields, dogs and machine-gun towers?" Answering no, the editors instead proposed a constitutional amendment: "There shall be open borders."

So the *Journal* celebrated every July 4, until the events of September 11, 2001, made it difficult to adhere to the old-time, libertarian faith. While American business has continued to believe that more immigrants are better than fewer, most Americans see the matter differently. In late 2005, the Republican majority in the House of Representatives crafted a new response to the *Journal's* question about border control: a bill that would greatly expand the fence along the U.S.-Mexico border and turn illegal entry into a felony.

Today's vociferous debate about immigration to the United States is strange in more than one way – most notably, for the peculiar, left-right coalitions that it has produced, and for the issue's potential to drive a wedge through

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either side of the political spectrum. For students of U.S. immigration policy, strangeness is no surprise: the history has persistently been one of unexpected and unstable coalitions, entanglements between domestic and foreign concerns, and reform proposals that died numerous deaths, only to emerge from Congress in unanticipated ways. Until now, however, the reader seeking guidance to these twists and turns could turn to a variety of sources, but none authoritative. With the appearance of the three outstanding books reviewed in this essay – Daniel Tichenor’s *Dividing Lines: The Politics of Immigration Control in America*, Mae Ngai’s *Impossible Subjects: Illegal Aliens and the Making of Modern America*, and Christian Joppke’s *Selecting by Origin: Ethnic Migration in the Liberal State* – we are delighted to note that the study of immigration policy has clearly entered a new age.

This trio of must-read books testifies to both the strength of the new scholarship as well as the continuing uncertainties that make this so fascinating and rich a field. As might be expected when subject matter unites the authors and discipline divides them, differences in methodology, analytic perspective, and intellectual sensitivity jump to the eye. Moreover, each has a different goal: Ngai to explain restriction’s persistence and unanticipated effects; Joppke to explain the contrary pressures toward greater inclusion; Tichenor to explain the alternation of restriction and exclusion.

From the standpoint of readers, these differences actually turn out to be a help. Since no book is likely to get things just right, each author’s unique angle of vision illuminates an aspect of reality that one of the others seems to miss. As we will show, a comparison among these books offers the ideal tool, both for assessing these authors’ achievements and limitations, but also to identify the challenges facing the next group of scholars seeking to advance our understanding of immigration policy, and its ever curious course.

ACCEPTANCE, EXCLUSION, SELECTION

The last age of mass migration ended shortly after World War I when the rich democracies closed their doors. Though the portals were never entirely shut, the lucky outsiders who then gained entry were almost always selected on the basis of national background – whether similar to nationals or dominants or at least not too distant and therefore of adequate, if not perfect, appeal. At the turn of the 21st century, selecting by ethnic origins is everywhere in retreat, competing with an alternative principle that Joppke calls “source-country universalism.”

As Joppke shows in this book comparing eight different immigration states slotted into three different types – the settler states of Australia and the United States; the “post-colonial constellations” of France, the UK, Spain, and Portugal; and the “diaspora constellations” of Germany and Israel – the contest between selection systems is unequal. Ethnic selection fits poorly with the ideological environment that swept the rich democracies after World War II. Policies discriminating on the basis of ascribed characteristics are now taboo. Not only is neutrality required of the liberal state when it comes to the ethnic or cultural differences among the *existing* people of the state; the same principle applies to *potential* members of the state. Some types of sorting – for example, picking among engineers instead of dishwashers – are still allowable. But selecting on the basis of inborn characteristics – race, national origins, or ethnicity – is a no.

The experience of the quintessential settler states of Australia and the United States shows how the demands of “liberal stateness” reshaped policy. Though not settled in the same way or by the same people, these states reacted similarly to the increasingly global flows of people of the *last* era of mass migration: curbing overall movements across national borders, and providing access to newcomers whose national origins were shared by dominant groups. Walls began tumbling down after mid-century: “Australia *had* to give up its ethnic immigration policy for much the same reasons as the United States did: an epistemic shift after World War II *outlawed* race as a legitimate principle of ordering the social world” (32, italics added). Other considerations intervened – ignoring liberal principles was more difficult because the United States cast itself as leader of the “Free World”; a “white Australia” policy became harder to justify, after Canada and the United States had abandoned ethnic selection. Likewise, differences in history influenced the road to “source-country universalism”: having blocked the arrival of the “undesirables,” Australia had no ethnic “losers” intent on righting prior wrongs; consequently, policy revision was entirely elite-driven. In the United States, the descendants of the swarthy immigrants from eastern and southern Europe were the key players. For them, immigration reform was a matter of symbolic, rather than material, politics, validating the once-rejected ethnics as full Americans equal to everyone else. Needless to say, source-country universalism did not please all in either place, but it prevailed against all subsequent challenges, with turn of the 21st century policies in both settler states seemingly committed to immigration policies that took no heed of ethnic, racial, or national characteristics.

What doctrine prescribes, however, states don’t necessarily follow: reality provides plenty of reason for practice to diverge from policy. In the ex-emigration,

now immigration, states of Spain and Portugal, immigrants with a genealogical tie have a step up over those without ancestral connections. But these cases are the exceptions that prove the rule. The descendants of Spanish or Portuguese migrants in Brazil or Argentina aren't the beneficiaries of a newfound preference. Rather, these policies derive from earlier, less happy times, when Spaniards and Portuguese were still seeking their fortunes in the New World, and their home states were quite legitimately concerned with protecting nationals abroad. Once the tables turned, with the emigrants' descendants looking for ways to return to "motherlands" abandoned, the policies put down earlier kept the door open; they also sparked little critical reaction, in part because the preferences extended to arrivals legitimately projected as part of a state-transcending community.

A different variation applies in Germany and Israel. Here, a significant portion of the "nation" lives beyond the state's boundaries; migration policies prefer putative members of the diaspora ready to quit their country of birth for a "home" country in which they have never lived. While the two cases are clearly not the same, justifications for ethnic selection are similar: the supposed need to protect nationals from persecution in the diaspora. So too are the criticisms that the policies provoke: their violation of liberal principles; their failure to select only the "true" Germans or Jews; their social and economic costs, the price of which is borne by the not always welcoming hosts. Ethnic selection is also embattled in both places. Only in Israel is it not scheduled for demise, assuming that Jews in the diaspora don't behave in such a way as to render it a dead letter, as their current disinterest in return to the "promised land" would suggest.

Unlike Joppke, whose comparisons extend across space, Tichenor focuses on a single place, contrasting over time. *Dividing Lines* accounts for the long sweep in U.S. immigration policy, starting from the beginning of the republic and going up to the present day, seeking to explain both expansionary and restrictive episodes and pressures. Tichenor works with a framework emphasizing four interlocking processes: political institutions and governmental structures; coalitions; the role of expertise; and international developments. The fragmented structure of the American political system impedes innovation, making policies once entrenched – whether expansionary or restrictive – difficult to dislodge. While changes in governance structures – for example, Congressional committee systems – or the relative balance between different branches of government can overcome stasis, a crucial impediment derives from the difficulty of coalition building in this particular policy arena. As earlier emphasized by Aristide Zolberg (2000), the political fissures generated

by immigration have taken a distinctive form, yielding "strange bedfellow" alliances that span common political divisions. Consequently, left and right have often combined, immigrant advocates allying with capitalists on the lookout for tractable labor; big-city workers and their unions, fearful of competition with lower-wage, foreign workers, coalescing with small-town xenophobes. Not only are the combinations unholy, they are often unstable: as Tichenor underscores, disagreements on the twin issues of rights and admissions threaten to drive partners apart or create divisions among parties previously able to coalesce. To take a contemporary example, free market expansionists and cosmopolitans (ethnic or otherwise) can cooperate, for example, when the question involves opening the doors *into* the U.S. But they are likely to squabble when the debate turns to measures that could help or hinder the newcomers *after* arrival *in* the promised land, the free market expansionists happy to go for a guest-worker program, the cosmopolitans willing to concede a transition from undocumented to guest-worker status, but only if a citizenship option is available at the end of the road. How the debate is cast also matters, which is why ideas matter – *pace* Joppke – but also expertise, with the purveyors of specialized knowledge repeatedly intervening over the past one hundred years to frame issues in seemingly non-partisan ways. Last, events from beyond the nation state – *e.g.*, the planes that crashed into the twin towers on September 11, 2001 – ramify into the political process, changing agendas and priorities in unpredictable ways, and also relations between different governmental branches.

Tichenor applies this framework to each of the major policy episodes: the early advent of an open immigration policy; the factors that made it susceptible to a 19th-century attack on the West Coast but tenacious on the East Coast; the mid-1920s developments that closed the front door, but kept open a back door on the U.S.-Mexico border; the long, eventually successful assault on the national origins quota; and the unending contention over undocumented migration. Not surprisingly, the focus on the *longue durée* brings out recurring aspects of the phenomenon that an account with a more compact time frame might not uncover. In particular, Tichenor shows that expansionary policies have been endogenous to the distinctive circumstances under which immigrants have entered the American polity right from the start. Originating conditions born out of the early needs for people and labor – most notably, easy naturalization and birthright citizenship – have repeatedly produced impediments to restriction, in the form of immigrant and ethnic voters committed to keeping the door open. Immigrants themselves were not always opposed to sifting and selecting; witness popular support for the Chinese Exclusion Act.

Nor were the votes of immigrants and ethnics always sufficient to stave off restriction, as indicated by the passage of the National Origins Act. But the children of the unwanted newcomers from southern and eastern Europe eventually got their revenge, in the form of the 1965 Hart-Celler Act that produced Joppke's "source-country universalism." Once reactivated in the later twentieth century, immigration soon enough produced a constituency for expansion – as experienced in the early 1990s by California's Republicans, who sacrificed long-term prospects of an electoral majority on the altar of Proposition 187 – a disaster from which they have yet to recover.

Unlike Tichenor, who focuses on the steady unfolding of policies over a 200-year period, Ngai's book offers a set of case studies, examining a range of mid-twentieth-century episodes that, until her book, would have generally been seen as peripheral to the main sweep of policy change. In this exhaustively researched book, Ngai demonstrates a fundamental, if heretofore inadequately appreciated, point: illegal immigration is immigration restriction's unwanted, but unavoidable child. States can try to control borders, but that effort never fully succeeds: consequently, the move to regulate flows across the national boundaries produces a new category of person – the "illegal" immigrant. Unable to prevent illegal immigration, but unable to accept it, the U.S. (and one has to add, all the other rich democracies) is left grappling with the "impossible subjects," to quote from the title of her book.

As Ngai shows, the creation of the "illegal alien" indelibly affected Mexicans – the main immigrant wave of the 1920s – for whom the stigma associated with work in degrading jobs (*e.g.*, the former "hunky work") was joined with that of illegal status. Moreover, the move to restrict immigration immediately impelled other changes: most notably, the buildup of bureaucratic capacity, in the advent of what Tichenor calls the "exclusionary state." For restriction to work, the once open, territorial borders had to be controlled, producing a new agency specialized in keeping out the undesirables – the border patrol. Notwithstanding efforts at policing, the borders proved leaky: control got displaced to the interior, which is why restriction then required the capacity for deportation. However, the "undesirables" who passed across the border put down roots, developing ties to spouses or children entitled to stay in the United States. For that reason, as America discovered in the 1920s and 1930s, deportation was difficult to effect. Consequently, administrative practice changed, allowing a passage from illegal to legal status. This was a track mainly followed by the remnants of the mass migration from Europe, argues Ngai, and little available to the migrants from Mexico – who, with the cooperation of the Mexican government, were deported *en masse* during the 1930s.

Ngai also returns to the now oft-told tale of the Hart-Celler Act, showing the underside of this effort to undo the harms of the past. That history has been mainly written by sympathizers with the winners, and largely for the reasons signaled by Joppke: ethnic selection is so utterly discredited as to be beyond the pale. Ngai sees something else. While the ethnic winners of the 1965 legislation wrapped themselves up in the mantle of a good cause, theirs was also the politics of self-interest: establishing *their* origins and *their* groups as the equal of all other Americans, regardless of vintage or ancestry. Far more than they realized, the reformers accepted the root assumption of the restrictionists: namely, that America should be a bounded community, with doors open to only a selected few. By imposing new controls on immigration from the Western Hemisphere – until then largely regulated informally and without any country quotas – the 1965 Act yielded an exclusionary effect as important as the inclusionary impact so often lauded.

Ngai goes well beyond the subject matter announced by the book's title, as the book has a second objective: to show how "restrictive immigration produced new categories of racial difference" (7). Ngai argues that, by barring immigration from Asia, and limiting quotas (however unevenly) to European-origin groups alone, the restrictive legislation of the 1920s "did more than divide Europe. It also divided Europe from the non-European world" (27) and thereby "constructed a white American race" (25). Varnishing the "racial" origins of the erstwhile undesirables from southern and eastern Europe, "the national origins quota system created categories of difference that turned on both national origins and race, reclassifying Americans as racialized subjects simultaneously along both axes" (36). Consequently, the people originating from China, Japan, the Philippines, and Mexico were turned into a category that Ngai calls the "alien citizen," possessing formal membership, and yet fundamentally a foreigner. What alien citizenship entailed is described in a set of chapters examining the Bracero program, the internment of the Japanese, the 1950s Chinese confession program, and the Filipino experience of migration to the mainland U.S. during the 1920s and 1930s.

REASSESSING REFORM

All three authors bring the 1965 Hart-Celler Act onto center stage, which is why a focus on this key, though possibly overrated, episode brings the strengths and weaknesses of their accounts into sharp relief. For Joppke (2003), there is only one major policy transformation – namely, the transition from ethnic

selection to source-country universalism: everything else is a footnote. As noted above, ideology provided the motor force of that shift:

The liberal norm of racial nondiscrimination . . . accounts for the turn to universalistic immigration policies in the United States and Australia alike. . . . This was a general turn, not specific to the United States but *commanded by the exigencies of liberal state-ness as such*. (91, italics added)

This is far too deterministic. If “‘race’ was *outlawed* as a legitimate ordering principle of the social world” following World War II (Joppke, 2005:49, italics added), why did the message take so long to get across? As Tichenor demonstrates, U.S. legislators certainly took “race” into account in crafting their response to the postwar refugee crisis; reaffirmed its importance during the 1950s with passage of the McCarran-Walter Act; and generally dragged their feet for two decades after World War II ended, before abolishing the National Origins Act. While changed ideological winds were not irrelevant, many other contingencies – whether having to do with shifts in governance structures or utterly exogenous, unanticipated events, such as Kennedy’s assassination – shaped the path to reform, as Tichenor convincingly shows. Given the contemporaneous resistance to “liberal norms” – a civil rights *revolution* was required, after all – Joppke’s teleological account simply doesn’t give due credit to the mobilized groups who plotted a new selection regime and made it happen.

If telling somewhat different stories, Joppke and Tichenor both give the 1965 reforms a positive gloss. As noted earlier, Ngai has a different take: her emphasis on the logic of restriction sheds light on an aspect that these two authors don’t quite *see*: “liberals objected to many principles espoused by old-line restrictionists, but ‘restriction’ was not one of them” (248). Not only did the reformers bargain over selection principles while leaving overall ceilings low, they accepted a deal that actually extended selection to the Western Hemisphere, to which quotas had previously never been applied. In their commitment to “formal equality” the liberal reformers abstracted from history and geography, expanding the impediments to migration from Mexico, and thus laying the seeds for the “impossible” problem of illegal immigration that has beset the United States ever since. Ironically, Ngai neglects to tell the full story of how this happened, as some of the key events unfolded after 1965, when her narrative more or less stops. Nonetheless, Ngai does show how the pathologies of American immigration policy have been path dependent, thus providing an important corrective to both Tichenor and Joppke.

But Ngai’s explanation of just why the 1965 reforms produced this outcome strikes us as not fully satisfactory, in part because of the stance she takes toward the actors involved. As opposed to the more detached views of the two other authors, Ngai consistently positions herself not just as analyst, but as judge – an unhelpful move, given the moral complexities of the issues at hand and the more general objective of simply (it’s hard enough!) trying to understand. Thus, Ngai combines criticism of the enduringly positive narrative of the 1965 Act with criticism of the very reformers who implemented it. Writing of the Harvard historian Oscar Handlin, who moonlighted as immigration reformer, she rightly notes that historians were not “dispassionate interpreters of the past” (263). However, the same can be said of her. It is possible that the reformers should *not* have “viewed numerical restriction as a normative feature (228),” though it is hard to *see* how they could have done otherwise. True, “the postwar immigration debate was never over whether to restrict, but by how much and according to what criteria” (248). Yet, the fair-minded person would also note that justice is hard to find. A more historically sensitive policy would have given greater scope for legal immigration from Mexico. But when entries are rationed, only pragmatic, not moral, considerations lead one to prefer migrants from a relatively peaceful, and, in global terms, relatively prosperous, country like Mexico. Shouldn’t the persecuted rank higher on the list? And why not prioritize migrants from the world’s poorest countries, let’s say, Somalia, where GDP per capita (\$262 as of 2004) is 4 percent of the Mexican rate?² Moreover, Ngai’s overriding concern with the “thinking that impelled immigration reform” (230), combined with her objection to the reformers’ lack of humanitarianism, makes for an idealist history ignoring the real political constraints that the reformers faced. To the discovery that the reformers engaged in symbolic politics, defined by self-interest, one can only answer: what else is new?³ It is also worth remembering that Western Hemisphere quotas were proposed by the old coalition of southern Democrats and conservative Republicans, *not* the reformers, who, as the reader of Tichenor’s book would know, had good reason to worry that an unwillingness to compromise would leave the

²GDP per capita from United Nations Statistics Division, <<http://unstats.un.org/unsd/default.htm>>.

³In sinning on the altar of narrow self-interest, the liberal reformers were hardly alone: as Tichenor notes in passing, the Japanese American Civic League, broke with the rest of the reform coalition to endorse the McCarran-Walter Act, which provided annual visas for Japanese immigrants and also abolished racial bars to naturalization. Could the JAACL really have opposed this bill?

entire effort stillborn. In the end, Ngai's inability to *see* her subjects as anything other than the products of their time and place ultimately leaves our understanding of this episode incomplete.

Moreover, Ngai's complaints would have more force if the phenomenon at hand were just a matter of the peculiarities of the Americans alone. But as Joppke shows, a trend toward "source-country universalism" extended well beyond American shores. Likewise, a commitment to restriction is not a uniquely American sin: in 2001, the United States was joined by 20 out of 48 developed countries sharing policies designed to reduce immigration, as opposed to two with policies aimed at expansion (United Nations, 2002:18–19).⁴ In restricting immigration, moreover, these governments are doing what their peoples want, as innumerable public opinion surveys show (Mayda, 2004). Perhaps the members of the developed countries *should* share their bounty with the rest of the world, but the honest analyst has to note that they have good reasons for doing otherwise: namely, to protect living standards and public goods, which would take a beating were they shared with many more of the world's poor. Selfishness isn't the only motivation at work, since the idea of the national community, understood as a broad, family-like group of people responsible for taking care of one another, is also an ideal. While the people may be wrong in thinking that they can't open the circle to every one who wants to join, if they are to do more for kin than non-kin, it doesn't really matter. The key point, rather, is that under a regime of restriction, international migration involves a social dilemma, producing a conflict of "right against right" from which no escape can be found.

RESTRICTION'S CHILD

For that reason, Ngai's emphasis on the perversities of restriction is nonetheless her most profound point, and one that causes the most trouble for the two competing accounts. Joppke's transition from ethnic selection to source-country universalism is surely important; but it is also a change about which he is all too enthusiastic, lapsing into talk about "universalistic immigration policies" (51), or a "principle of nondiscriminatory immigration policies" (69), as if the rich democracies were indeed ready to take a neutral stance when confronting the number, not to speak of the range, of persons they are ready

⁴Moreover, developing countries have the same restrictionist preference, and increasingly so over the last quarter century (*see* United Nations, 2002).

to let cross borders and settle down. In a point not adequately underscored by Joppke, selection is a second-order matter; the first-order issue concerns numbers and that question was definitively settled long ago. Moreover, his insistence on ideological imperatives, "commanding" or "calling" for policy change, serves him ill, as there is nothing about the liberal state that *requires* it to open its doors to all comers. While the liberal state *could* follow the motto inscribed on the Statue of Liberty, it is equally free to keep immigrant numbers as close to zero as practicality will allow. Most liberal states no longer aim for zero immigration; however, they all want far fewer immigrants than they currently receive – not to speak of the number who would arrive were there no controls at all. The issue is also not on anyone's agenda. There are plenty of apostles preaching the virtues of free movement of goods; when it comes to the movement of people, however, the idea that rich states should limit, sift, and strain so as to meet *their* own ends has yet to provoke any serious political protest. Given the illiberalism entailed in restriction – building walls, deporting immigrants, and cracking down on asylum seekers – it is hard to think that needs for ideological consistency can take us very far in explaining policy change.

The inability to select on the basis of ethnic background is also a constraint of less importance than Joppke would allow. There are other selection criteria, such as brain vs. brawn, either option being equally legitimate, though possibly not equally intelligent. Getting more foreign brains or cracking down on asylum seekers may raise the red flag of ethnic selection. As demonstrated by Ronald Reagan and his talk about "welfare queens," however, creative political entrepreneurs can frame policies in all sorts of ways. And while there may be a "gag rule" barring elites from questioning the consequences of source-country universalism, there's no such inhibition when it comes to policies that select workers of the low- rather than high-skilled sort. Indeed, that does seem to be the lesson taught by the Australians, who, as Joppke notes, have maintained a "robust and effective 'will to control'" (80). Watching the Australians moving inflows up and down as bureaucrats *see* fit, showing generosity toward refugees but the fist toward asylum seekers, and rigging a policy biased toward migrants with skills, one is hard put to say that they engaged in "immigration universalism." Rather, they just applied exclusion policy universally, paying little attention to the color of an immigrant's skin, and instead concentrated on the real payoff – getting the number and mix of immigrants most likely to advance Australia's competitive position in today's global, interconnected world, and keeping out all the rest.

Likewise, the implications of restriction complicate Tichenor's narrative. The book's long historical sweep makes *Dividing Lines* an invaluable reference; but it may also lead Tichenor to emphasize recurrent patterns at the expense of those that demarcate one period from another. In this respect, the advent of restriction marks a watershed, not adequately noted or appreciated by Tichenor. Restriction transformed not just practices, but mind-sets, "naturalizing nativism," as Aristide Zolberg has pointed out, and making low immigration the cultural norm, from which departure is seen as a deviant, unsettling event. Moreover, the policy tasks and challenges take a novel form, once discouraging, not encouraging, migration becomes the central goal. As the rich democracies have found out to their sorrow, political frontiers do not naturally divide: regional integration is the first and easiest path, which is why controlling movements across the border requires so much effort. While distance and oceans yield natural barriers to migration, the economic disparities between rich and poor places are such that, for countless would-be movers, the benefits of migration outweigh the costs. Last, restrictions collide with the social processes of migration, such that once implanted, the activation of migration networks make the cross-border movements of people hard to stop. For these reasons, the advent of immigration restriction has generated an endless cycle of feedback effects, with migrant efforts at evading control eliciting more stringent exertions aimed at making restriction stick, provoking yet another migrant counterreaction.

That migration proves hard to control does not mean that it is beyond control. On the other hand, doing so earlier, rather than later, reduces the social and political costs. As Tichenor, and to some extent, Ngai show, the U.S. did everything wrong whenever a window of opportunity opened. Ngai is right: a more pragmatic approach toward Mexico would have helped, from the start. Though not adequately discussed by any of the authors, the idea was mooted at various times, with none of the proposals ever coming to fruition. Imposing employer sanctions in the early 1970s, before undocumented numbers began to seriously rise, might have changed employer behavior at a time when the immigrant network had yet to spread widely. As Tichenor shows, the liberal coalition couldn't manage the issue, as concern with immigrant rights persuaded ethnic advocates to take a softer line on control, in opposition to labor and other liberals of a more traditional sort. The 1986 Immigration and Reform Control Act *could* have offered an amnesty to all illegal immigrants then living in the United States – thus ensuring that no constituency remained for some amnesty of the future. And likewise, it *could* have put bite into employer sanctions and found a way to make the program work – thus making

it harder for a new cohort of undocumented workers to get started in the promised land. But as neither option was pursued – and all efforts at worksite enforcement abandoned – undocumented numbers burgeoned.

Consequently, at the turn of the 21st century, reform has to tackle the pathologies deriving from the policy choices made before. As these are all unpalatable, the course of least resistance involves allowing more of the same, at least as regards admissions. In that case, Gary Freeman's (1995) argument about the inescapable tendencies toward expansion would seem to hold, as opposed to Tichenor's emphasis on the alternating swings between expansion and restriction. Looking at the size of the flows, and counting up legal and illegal immigrants as well as the huge number of nonimmigrant, but hardly temporary, admissions, it is hard not to think that the walls have been permanently breached – in which case, it is really a different ball game. Unlike the 19th century, however, when the American state didn't do much for its citizens, today it hands out plenty of entitlements. And while the American state has difficulty controlling borders and deporting those who make it past the frontier, one thing it can do is create differences between the people *of* the state and all other people *in* the state. Hence, expansion on the admissions dimension can go hand in hand with restriction on rights – yet another aspect that distinguishes today's policy environment from that of the past.

While contemporary America may well find illegal aliens to be the "impossible subjects" described by Ngai, it is not quite clear that the same applies to the earlier period covered by her book. The capacity to control proved more than adequate: following the depression, word went out from Washington to consuls abroad, leading migration rates to plunge, within the space of just one year. Moreover, the control mechanisms were fairly blunt: no immigrants – whether national origins desirable or not – were to be led to an open door. For that reason, Ngai's long discussion of the thinking that led to the precise national origins formula enacted in 1929 seems belabored. Yes, the 1924 quotas were strictly provisional; not until 1929 were they replaced with permanent quotas, allocated according to criteria that were pure mumbo-jumbo. But when it came to the main objective – blocking migration from southern and eastern Europe – the 1924 quotas did an excellent job and were actually the more constraining. With immigration instantaneously reduced to a trickle as of 1932, quotas were of theoretical importance alone. Indeed, the main story of the 1930s, told well by Tichenor, is that of Washington's adamant refusal to fill the quotas from Germany in the years after 1933 – a development never treated in Ngai's book. Having so little practical effect, the racial thinking that lay behind the national origins quota seems hardly deserving of the

attention received in this book. One is also hard-pressed to think that ideas not put into action could have had the transformative effect on “the evolution of white Americans” (37), as contended by Ngai.

Likewise, the long chapter on deportation seems much about, if not nothing, then less than Ngai would pretend. It takes a particular eye to think that this was the central immigration episode of the depression decade. Moreover, one has the sense that Ngai is so taken with her argument that she either ignores contrary evidence or doesn't pay attention to context. As an example of the ways in which reforms of the 1930s “fueled racial disparity in deportation practices” (82), she draws the reader's attention to the 1929 Registry Act, a sort of amnesty for pre-1921 immigrants unable to demonstrate a record of entry. In Ngai's account, 80 percent of the 115,000 immigrants who legalized via the Registry Act between 1930 and 1940 were from Europe or Canada; as further evidence of the policy's biased implementation, she tells the reader of contemporaneous field research reporting that few Mexicans “knew about [the Registry Act], understood it, or could afford the fee.” The field researcher Paul Taylor was indeed an authority, but the evidence he provided was far more cursory and circumstantial than Ngai allows; as the particular study in question (of one county in Texas) was conducted in spring of 1929, it could hardly provide definitive proof of barriers to legalization.⁵ A look at the annual immigration reports would have indicated that Taylor's assessment was incorrect: among the 8,008 immigrants approved for registration at the end of fiscal year 1930 were 1,144 Mexicans, accounting for 14 percent of the total – far from an underrepresentation. Country-by-origin reporting of Registry applicants in the sources cited by Ngai also disappears after 1932, which is why we can't confirm her estimate of the total proportion of beneficiaries who came from Europe or Canada.⁶

A book as scholarly as Ngai's deserves plenty of allowance for mistakes. But her treatment of the administrative techniques that supposedly unmade “the illegality of Italian, Polish and other European illegal immigrants” (89)

⁵Taylor (1930) provides a vague, one-paragraph description of perceptions of the Registry Act on pages 326–327, not 322 as indicated by Ngai.

⁶Between 1930 and 1932, annual reports were issued by the Commissioner General of Immigration; detailed tables on the characteristics of Registry applicants were provided in each of these reports. Between 1932 and 1940, reports from the Immigration and Naturalization Service were published as part of the Annual Report of the Secretary of Labor, lacking the extensive statistical tables of the earlier reports. Data on registry applicants for 1930 comes from U.S. Department of Labor (1930), Table 112.

provides reason to suspect a deeper problem. Roughly four pages of the chapter are devoted to “pre-examination,” a procedure that did *not* apply to illegal immigrants, but rather to those who entered *legally* on nonimmigrant visas, and then sought to shift to an immigrant status. In quantitative terms, pre-examination barely yielded a drop in the bucket: 58,000 cases between 1935 and 1959, which, *not* noted by Ngai, amounted to less than two percent of total immigration for the period. The depression-era forces behind pre-examination, also not mentioned by Ngai, are hardly irrelevant. That there were many foreigners then present on visitor's visas is actually testimony to restriction's success: many were German refugees had who taken visitor visas as the option of last resort, when permanent visas were unavailable. Pre-examination was a convenient way for the government to avoid the unpalatable alternative of deportation, without in any way having an impact on net intakes, as the numbers generated via pre-examination were deducted from the (under-subscribed) German quotas.⁷ That fact notwithstanding, pre-examination came under attack from late 1930s restrictionists, who wanted even this loophole closed (Feingold, 1970:17). In the end, it is hard not to conclude that an author who describes pre-examination as a “boon” and its beneficiaries as “Europeans” – a category which neither the bureaucrats or the policymakers of the time ever perceived – has let her ideological commitments turn into ideological blinders.

CONCLUSION

The debate could continue, but in our view, this is the highest praise a reviewer can offer a serious author: these three books don't simply make for rewarding, intellectually satisfying reading, they are good for thinking. Not only do all three books belong on the shelf of any serious student of American immigration, they are recommended reading for the political leaders – or at least, their staff – who seem poised to “reform” U.S. immigration policy once again. One would hope that the American political class would learn enough from this history to avoid repeating the mistakes of the past – but that might be asking too much. On the other hand, the Washington follies will surely produce fodder for the next generation of immigration scholars – whose work will be immeasurably aided by the three books reviewed in this essay and the many keen insights they have left.

⁷For more extended discussions, see Zucker (2001, especially ch. 8); David Wyman (1968:180–181).

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