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David FitzGerald's and David Cook-Martín's *Culling the Masses: The Democratic Origins of Racist Immigration Policy in the Americas*

Introduction

In writing *Culling the Masses: The Democratic Origins of Racist Immigration Policy in the Americas*, David FitzGerald and David Cook-Martín sought to explore the complex historical relationship between immigration, democracy and racism. Drawing on a comparative analytical framework, they produced a historically informed account of the origins of racist policies on immigration in a range of countries in the Americas. Their account has attracted the attention of scholars working in a wide range of different national contexts. As editors, we feel that their arguments will be of interest to readers of *Ethnic and Racial Studies Review* and we are pleased that the various scholars we invited to take part in this symposium took up the challenge of discussing key themes in *Culling the Masses*. In the end, we have brought together five critical commentaries on the book and the authors provide a robust response to the key arguments to be found in the commentaries.

What counts as racist immigration policy?

Cybelle Fox

(Received 30 December 2014; accepted 21 January 2015)

Culling the Masses is a rich, methodologically ambitious book, which sheds much needed light on the factors that influence the adoption and repeal of racist immigration policies across the Americas. Contrary to previous accounts that suggest that the end of racial selection in immigration policy began as a domestic issue in the United States and Australia and then spread elsewhere, FitzGerald and Cook-Martín “find that geopolitical factors were the main drivers of the demise of racial selection.” The sustained attention to the international forces that shape domestic immigration policy—and the means through which they do so—is an invaluable contribution of this excellent book. *Culling the Masses* also demonstrates that democracy and racist immigration laws not only co-existed comfortably with each other, they have also been causally connected. Somewhat less convincing, however, is the assertion that liberal democracies essentially abandoned racist immigration laws at the end of the 1960s.

Keywords: Race; ethnicity; immigration policy; comparative sociology; political sociology; historical sociology

There is so much to admire in *Culling the Masses*, the new book by sociologists David Scott FitzGerald and David Cook-Martín. It is a rich, methodologically ambitious book, which sheds much-needed light on the factors that influence the adoption and repeal of racist immigration policies across the Americas.

The authors examine the presence of racial or ethnic selection in immigrant admission and naturalization laws across twenty-two countries in the western hemisphere from 1790 to 2010. They combine this quantitative evidence with six detailed case studies, including the USA, Canada, Cuba, Mexico, Brazil and Argentina, picked for their theoretical and substantive importance. While the quantitative evidence focuses, by necessity, on the law on the books, the six cases studies allow the authors to look at both explicit and implicit discrimination – at law on the books as well as law in action. The detailed histories of the six country cases rely on secondary sources as well as significant original archival research. The scope and breadth of the data collection effort is truly astounding. This alone represents a phenomenal achievement and an enormous contribution to scholarship on immigration policy.

FitzGerald and Cook-Martín bring a fresh perspective to the study of immigration policy. Scholars who study the determinants of immigration policy typically highlight the importance of domestic factors, or what FitzGerald and Cook-Martín call the ‘vertical dimension’, including economic conditions, public opinion, labour, party politics, institutions, and the like. To be sure, international considerations are not completely absent from all conventional accounts, but they tend not to take centre stage. By contrast,

Culling the Masses focuses on what the authors call the ‘horizontal dimension’, or the influence of international institutions, as well as neighbouring and sending states in the adoption or repeal of immigration policy. Contrary to previous accounts that suggest that the end of racial selection in immigration policy began as a domestic issue in the USA and Australia and then spread elsewhere, FitzGerald and Cook-Martín ‘find that geopolitical factors were the main drivers of the demise of racial selection’ (2).

The authors not only convincingly demonstrate *that* countries and international institutions influence immigration policy; they also spend a considerable amount of time explaining *how* they do so. Towards that end, the authors identify three primary ways in which countries can and are more or less likely to influence each other. The first method is *leverage*, which ‘refers to diplomatic, military or economic pressure that one country puts on another to change its policies’ (22). They show that leverage can be achieved through both coercion and diplomacy, and they also show that weaker powers can have leverage, too. In fact, they argue that less powerful countries of emigration have had an underappreciated role in the immigration policymaking of more powerful immigration-receiving countries like the USA. A ‘major driver’ behind the demise of racial selection was ‘the politics of humiliation’, they explain (27). Countries of emigration wanted to avoid the national humiliation of having their citizens banned by other nations, so they pressured receiving countries to drop their restrictions. Their ability to leverage more powerful countries increased after decolonization and the rise of international institutions like the United Nations.

The second method by which countries can influence each other is *cultural emulation*, which ‘refers to countries voluntarily modeling their policies on those of another country or institution’ (23). Geographic proximity in this case did not explain whether countries emulated each other. Rather, ideas about what constituted a ‘best practice’ or policies that signalled ‘modernity’ did. These sorts of ideas were spread in part by ‘communities of experts spanning national borders’ (23). They see significant evidence of cultural emulation where weaker countries follow what stronger countries do. For example, ‘the United States was a model for particular techniques of ethnic selection, including exclusion laws, literacy requirements, and national-origins quotas’ (24).

The third and final method is *strategic adjustment*, which occurs ‘when the policies of other countries change migration patterns in ways that push other states to adapt accordingly’ (25). ‘Strategic adjustment,’ they argue, ‘is the main way that the US has influenced other countries.’ Canada, for example, followed the American lead in banning Chinese and Japanese immigration because they feared that American restrictions on Asian migration would divert the flow of Asian immigrants to their country (141–142). This sustained attention to the international forces that shape domestic immigration policy – and the means through which they do so – is an invaluable contribution of the book.

As the subtitle of their book implies, FitzGerald and Cook-Martín also spend a considerable portion of *Culling the Masses* examining the democratic origins of racist immigration laws. Scholars have been debating the relationship between liberal democracy and racism for decades. Some see liberalism and racism as fundamentally incompatible traditions. From this perspective, popularized by Tocqueville, Myrdal and others, racism is at odds with the ‘American Creed’. As such, it was inevitable that the USA would purge itself of its racist laws. A second approach, popularized by

critical race theorists like Charles Mills, argues that liberalism and racism are inextricably intertwined; the two are causally linked. A third tradition, popularized by political scientist Rogers Smith, is called the ‘multiple traditions’ approach. According to this perspective, racism and liberalism have coexisted comfortably for a long time, but the relationship is neither inherent nor fundamentally incompatible.

FitzGerald and Cook-Martín take a position somewhere between the multiple traditions and critical race perspectives, arguing that democracy – whether in its liberal or populist variations – has had an *elective affinity* with racist immigration policy. Elective affinity, they explain, refers to ‘a relationship that is nondeterministic and probabilistic and that involves choices by those it links’. ‘Liberalism,’ they argue, ‘has had a greater affinity with ethnic selectivity than with universalism but there is no iron law connecting them’ (7).

To make their case for elective affinity, they argue that consistent with a critical race perspective, liberal democracies led the way in the adoption of racist immigration policy and were slower to repeal those racist laws. In other words, people are – or at least were – racist, and countries that allowed the public greater voice in immigration policy were quicker to adopt and slower to repeal racist immigration policies. Within-country analysis also reveals that when countries adopted democratizing reforms, they often succumbed to nativist pressures. Where FitzGerald and Cook-Martín diverge from the critical race perspective is by saying that the relationship is not inherent or determinative: liberal democracies largely abandoned their racist immigration laws in the 1960s, they claim, and for a variety of reasons, including the rise of anti-racist norms, such laws are unlikely to re-emerge.

Culling the Masses does an excellent job of demonstrating that democracy and racist immigration laws not only coexisted comfortably with each other; they have also been causally connected. Somewhat less convincing, however, is their second argument: that liberal democracies essentially abandoned racist immigration laws at the end of the 1960s. FitzGerald and Cook-Martín come to this conclusion, I think, because they define racist immigration laws in rather narrow terms. Their primary concern is with ethnic or racial selection. This includes negative discriminations, like the Chinese Exclusion Act that the USA adopted in 1882, as well as positive preferences, like Argentina’s encouragement of European immigration. A secondary concern is race-based restrictions on naturalization. The USA, for example, limited naturalization to free white persons in 1790, and only repealed all race-based restrictions in 1952. In each domain, they are concerned with both explicitly racist laws – with laws that, on their face engage in negative discriminations and positive preferences – as well as laws that mask those discriminations and preferences in racially neutral language, but which are clearly intended to achieve the same ends.

To continue with the American case – the example I know best – the authors argue that the country largely rid itself of its racist immigration laws with the passage of the Hart-Celler Act in 1965, when it abandoned the national origins quotas. But ethnic or racial selection seems like a rather narrow definition upon which to hang the argument that liberal democracy and racism are not inherently linked but rather share an elective affinity.

This reminds me of a larger debate in American sociology about whether racism has declined in significance since the end of the civil rights movement. Proponents of the declining significance of race perspective justify their view by pointing to significant

changes in laws, institutions and public attitudes: to the passage of federal legislation requiring equal treatment, to the demise of Jim Crow laws and practices in various states that mandated separate accommodations, segregated schools, and prohibited interracial marriages; and to the significant decline of old-fashioned racism – the belief in the biological inferiority of African Americans and the idea that this supposed inferiority justified unequal treatment (e.g. Wilson 1978; Thernstrom and Thernstrom 1997). Opponents – or what we might call the continuing significance of race perspective – counter this argument at least in part by saying that this perspective looks for racism in all the wrong places, blind to the fact that racism can and has changed form. In other words, they miss that beliefs about biological inferiority can morph into beliefs about cultural inferiority (e.g. Bobo 2001), and that some racist institutions, like Jim Crow, can fade while others, like mass incarceration, emerge to take their place (Wacquant 2002; Alexander 2010).

To argue that the relationship between liberalism and racist immigration policy was fundamentally severed in 1965 with the demise of racial or ethnic selection and the profound demographic transformation that occurred in the wake of the Hart-Celler Act, then, similarly downplays the significant ways that race continues to shape the adoption and implementation of immigration and immigrant integration policies today. As the migration stream to the USA came to be dominated by immigrants from Asia and Latin America instead of Europe, the immigration enforcement regime has expanded dramatically. Recently, deportations, especially those of Latin American and Caribbean immigrants, have soared to unprecedented heights (Golash-Boza and Hondagneu-Sotelo 2013). We have witnessed the re-emergence of immigrant incarceration and the rise of immigrant detention centres on an unprecedented scale (Simon 1998; Kalhan 2010). The USA–Mexico border has become militarized, and while this policy has done little to decrease the number of unauthorized immigrants in the country – and in fact, might be counterproductive – it has increased the danger of the journey, thereby tripling the number of migrant deaths (Dunn 1996; Cornelius 2005). The immigration enforcement regime and the carceral regime, moreover, are now formally linked. Through programmes like Secure Communities, US Immigration and Customs Enforcement has a virtual presence in every jail across the country (Dowling and Inda 2013; Kalhan 2013).

There has also arguably been a narrowing of the rights of non-citizens since the civil rights movement. Prior to the 1970s, for example, when most immigrants were of European descent, there were no federal laws that barred non-citizens, even those who entered the country illegally, from federal social insurance and social welfare policies. It was only in the 1970s that the federal government started conditioning federal benefits (Social Security numbers, Unemployment Insurance, Food Stamps, Supplemental Security Income, Medicaid and cash welfare) on immigration status, and loosened restrictions on cooperation between welfare, health and immigration agencies (Fox 2012, 294).

And it is not simply that the rise in deportations, detention centres, interior enforcement, and the limits on immigrant rights was coincident with changes in the demographics of the migration stream. In many cases, scholars have shown, race – including the emergence of a ‘Latino threat narrative’ in the 1970s – also influenced the adoption and implementation of these policies (Simon 1998; Chavez 2001; Nevins 2002; Chavez 2008; Massey 2009; HoSang 2010; Massey and Pren 2012; Golash-Boza and Hondagneu-Sotelo 2013).

True, the USA no longer practises overt ethnic or racial selection, it now allows Asians to naturalize, and the migrant stream to the USA is primarily non-white. This certainly represents a significant change in American immigration policies. But these changes hardly signal the end of or – to my mind – even a dramatic break with the racist immigration policies of yore.

To be sure, some state and local communities have adopted pro-immigrant policies, by expanding immigrant rights and resisting cooperation with immigration enforcement agencies (e.g. Chavez and Provine 2009; Ramakrishnan and Wong 2010). In 1982, the Supreme Court, in *Plyler v. Doe*, recognized that undocumented immigrant children have a federal right to primary and secondary public education. Furthermore, as was also true in the past (e.g. Tichenor 2002; Fox 2012), race or racism is sometimes not the most proximate and almost never the *sole* determinant of anti-immigrant policies: politics, institutions, ideologies, labour relations, economic concerns, international considerations and other factors often play important roles as well. The authors, moreover, acknowledge that immigration laws and immigrant policies continue to be influenced by racism and that there is ‘still some ethnic selection’ in US immigration policy (136), although this admission does not, to their mind, undermine their argument because ‘from a historical reference point, there has been a dramatic decline in policies of ethnic selection’ (135–136).

Yet, without a proper reckoning of all of the evidence – a reckoning fully attentive to the ways that racist policies and practices can change form – it seems premature at best to suggest that the link between liberal democracy and racist immigration policy has essentially been severed. *Culling the Masses* is on more solid ground when it heeds to more modest claims supported by the data that the authors collected more systematically. The book demonstrates persuasively that there is an elective affinity between liberal democracy and *racially selective immigration laws*. It is the intellectual leap that defines racist immigration laws narrowly as racially selective immigration laws that is more questionable. This reservation does not detract, however, from the many virtues of this book. I deeply admire what FitzGerald and Cook-Martín have accomplished. *Culling the Masses* represents an outstanding achievement; it is an important and stimulating book, which will be read and debated for years to come.

Disclosure statement

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Racism and liberalism: the dynamics of inclusion and exclusion

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This essay explores the argument that David Scott FitzGerald and David Cook-Martín make in their book *Culling the Masses* about the relationship between liberalism and racism, in terms of a balance between inclusion and exclusion. I challenge their dismissal of approaches that see an integral connection between the two and of approaches that see liberalism as inherently opposed to racism. I also discuss their characterization of Latin American ‘racist anti-racism’ and finish by questioning the way that they separate racism from economics.

Keywords: racism; liberalism; anti-racism; Latin America; mestizaje; class

In the literature on racism, the broad change, since the Second World War, towards the erasure of explicit discourses about racial difference has been widely noted. The story is that with the crumbling of a scientific consensus about the biological basis of racial difference and inequality, and with a global reaction against the Nazi racism that changed the image of eugenics from that of a progressive and rational movement for social change to that of an odious instrument of biopolitical aggression, it became increasingly difficult to explicitly use a discourse about race in the public sphere. In fact, some countries continue to use an explicit discourse of race – for example, Britain’s Race Relations Act, or the census and other official enumeration categories of race in the USA and Brazil – but these are deployed in the interests of the post-war hegemonic ideology, that is, *anti-racism*. The rationale is that, in order to combat racial inequality, it is necessary to measure it and thus to count by racial category. Sometimes in this process, the word ethnicity is used instead of race, thus blurring the explicit presence of a racial discourse, while clearly referring to categories previously named as racial.

Meanwhile, it is widely argued that racial thinking and racist ideologies and practices continue, despite the widespread public denial of race as an acceptable mode of discourse (Goldberg 2008; Lentin and Titley 2011). This argument often refers to cultural racism – in which reference to biological differences are submerged or replaced by reference to cultural attributes, which serve to differentiate categories of people that look very similar to the categories of older, more explicitly racial discourses; culture may also be essentialized and naturalized (even biologized) in ways that also blur the difference between cultural and biological modes of reference. A key feature here, noted by various commentators (Stolcke 1995; Miles and Brown

2003), is a discourse about how people naturally prefer to 'be with their own kind'. The notion of 'kind' in this discourse is superficially and convincingly defined in terms of culture – people feeling comfortable with others who share their language, practices, values, beliefs, and so on. However, (1) such a proclivity is said to be a natural human tendency (hardwired in by evolution in sociobiological versions of the argument), thus bringing biology into the equation; and (2) if people do want to 'stick with their own', then they will also want to breed with them, which tends to make biology and culture overlap: kinship is a key domain in which ideas about biocultural difference are reproduced (Wade 2002).

Arguments adducing the persistence of racism locate it at different levels. It may be identified in the practices of the state, for example in racial profiling practices – secret and explicitly racial, or open and euphemized as 'cultural' – aimed at monitoring 'security'; or in the idea that British immigration policy after 1950 actively sought to restrict the entry of New Commonwealth (i.e. non-white) immigrants, without mentioning race. Racism may also be identified in the everyday practices of ordinary citizens, most obviously those of a far-right persuasion, but also many who are just 'doing the best for their families', when they avoid certain schools and areas, or when they just prefer to 'stick to their own'. These two levels can come together in the identification of 'institutional racism', when the everyday prejudices of state agents (e.g. police 'canteen culture') drive practices such as racial profiling, independently of official policy.

What we are faced with here is a sea change towards anti-racism and the silencing of race, alongside the persistence of differentiations and discriminations of a racial character (Winant 2004). This deep-seated tension is not unusual. It is a reflection of the tension in liberalism between ideals of equality and, not just the simple existence of inequality, but the way people also actively maintain that inequality, defending what they have or want to have against others seen as competitors, as less deserving, or as a threat. Practices of inclusion always coexist with practices of exclusion in changing ways and with a shifting balance between them: the task of the historian and the social scientist is to identify how these practices operate and interweave.

Liberalism, racism and exclusion

FitzGerald and Cook-Martin's excellent and impressive book traces one aspect of this dynamic tension. They focus on how explicitly racist immigration restrictions enshrined in state policy were gradually dismantled in the Americas, leading in the case of the USA to the admission of very large numbers of Latin American and Asian migrants after 1965, so that by 2012 these categories made up over three-quarters of the 40 million-strong immigrant population (equivalent to 13% of the total population). This, they argue, is not the result of long-term process of self-correction by which liberalism approaches its ideals and irons out the exclusions rooted in its history. Instead, it is the result of many factors, among which stand out the geopolitics of national reputation management on an international stage, on which the voices of less powerful and often non-white nations were becoming increasingly powerful as they complained about racist exclusions and pointed at the hypocrisy of powerful nations that proclaimed liberal ideals while practising racism.

FitzGerald and Cook-Martín argue that the shift in policy shows that racism is not – as argued by some critical race theorists and others in the coloniality school (Mignolo 2011) – an *integral* part of liberalism, even if the two show an ‘elective affinity’ for one another. Yet, that broad argument is facilitated by the narrower focus of the book on explicitly racial state policy. A wider view would have to take account of the persistence of racism more generally in the societies of the Americas (and elsewhere of course): this would lead to a different conclusion about the relationship between liberalism and racism, seeing them as more closely related. Granted, FitzGerald and Cook-Martín do pay some attention to the way that racism persists in the USA and specifically how US state policy continues to target Latinos (17, 133–135), but these important data are tangential to the overall argument that liberalism and racism are not inherently linked. Why, they ask, would a racist state pass laws to legalize so many illegal immigrants in 1986 and 1990? Greater attention to a wider range of racist practices, beyond the specifics of immigration law, might supply an answer to that question. It may be hard to really prove that liberalism and racism are integrally linked – there could always be a counter-example – but if elective affinity is the alternative way of conceiving the relationship, then one has to admit that it is a hell of a love affair.

Liberalism, anti-racism and inclusion

If FitzGerald and Cook-Martín misread the balance between inclusion and exclusion by focusing on explicit state racism in immigration policy, they perhaps misread it in another direction focusing on strategies of foreign policy impression management around anti-racism. Policymakers emerge from the pages of their book as cynical tacticians concerned above all with stage-managing their country’s national image on the global stage and facilitating useful alliances with other countries. Promoting liberal ideals of anti-racism did not matter as much as being seen to promote such ideals. In fact, this argument tends to reinforce the link between liberalism and racism that FitzGerald and Cook-Martín question, because it shows that official anti-racist policy could be a mere façade, while racist practices continued covertly or in the name of colour-blindness, cultural diversity or security. That aside, reading the change in policy as primarily a tactic seems to underplay the real moves towards inclusion that exist alongside the continuing and re-machined exclusions. As before, it is a question of balance and grasping the interweaving of inclusions and exclusions. Anti-racism was not a solo passenger on the back of decolonization, post-war angst and challenges to Western political and epistemological certainties. Feminist and gay rights movements were also pushing anti-sexist and anti-homophobic agendas – and feminism was no latecomer to this feast – to be joined by movements protecting disabled people and non-human species. If FitzGerald and Cook-Martín dismiss the critical race theorists too easily, then – although this may seem paradoxical – I think they also step too lightly over those who say that liberalism has been ironing out its kinks and achieving greater inclusion. There has been greater inclusion and it seems wrong to class this as above all the result of cynical manoeuvring on the part of policymakers. This may be the best way to understand changes in immigration

policy – the focus of the book, of course – but as a broader argument about liberalism and anti-racism, it falls a little short.

Inclusion and exclusion in Latin America

A further misreading of the balance of inclusion and exclusion occurs in the chapters on Latin America. There FitzGerald and Cook-Martín coin the handy term ‘racist anti-racism’ to capture how Latin American states deployed ideologies of racial inclusion and racial democracy, directed at embracing their own indigenous, black and mestizo people in a populist nationalism, while at the same time practising the racist exclusion of immigrant outsiders deemed racially undesirable – eugenically and culturally not properly assimilable – who were generally blacks and Chinese, and also Jews. By associating racism with immigration restrictions and anti-racism with populist nationalism, what FitzGerald and Cook-Martín miss is the balance of inclusion and exclusion – the racist anti-racism – that was going on *within* these Latin American nations (Wade 2009, 2010). The ideologies of racial democracy based on narratives of *mestizaje* (mixture) also effected a double inclusion and exclusion of blacker, more indigenous-looking people who were citizens and/or native-born. In that sense the coexistence of racist immigration policy with national anti-racism is not such a ‘paradox’ (218), because the national ‘anti-racism’ contained within itself the same duality of inclusion and exclusion, both as real social processes rather than as a mere facade of inclusion covering a reality of exclusion (Wade 2005). It is true that the ideology of *indigenismo* carried an anti-racist message about the need to include indigenous people. But the ‘underlying racist logic’ (258) that FitzGerald and Cook-Martín identify in *indigenismo* is not just about connotations of progress through assimilation and biological mixing, but also about the very pronounced racism against those identified as indigenous that still exists in Mexico. Racism of course also affects people perceived as black, and – just as important – it affects those perceived as darker, blacker, browner and with visible signs of African or indigenous ancestry, even if they would not be labelled ‘black’ or ‘indigenous’. This racist anti-racism operates in part by working with a sliding scale of perception, according to which people are judged as darker or lighter, relative to others, according to context and intention (Moreno Figueroa 2010; Sue 2013). Thus, the same person can be both included and excluded.

Racism and economics

If FitzGerald and Cook-Martín underplay the pervasiveness of racism in their broad argument about the links between liberalism and racism, there are also points at which they separate racism and racial ideology from economics and material interests in a way that I think collapses the multiple dimensions of racism. For example, when discussing the exclusion of Chinese people in the late nineteenth-century USA, they note that labour and employers concurred on the need to exclude, indicating that ‘ideology [read, racism] more than class interests, drove exclusion’ (91). Later, they discuss how Mexico admitted Spanish refugees from Franco’s regime in the 1930s, while restricting Jewish refugees also fleeing fascism: this shows the operation of

‘nonmaterial racism’ (239). Again, secret circulars sent to Mexican consulates in the 1920s imposed a ban on black immigrants, supposedly in the name of protecting Mexican workers from competition, but also referring to ‘ethnological reasons that are well known’: this, say FitzGerald and Cook-Martín, shows ‘deeply racist reasons ... hidden behind an economic rationale’ (242).

In all these examples, ‘racism’ and ‘economics’ are separated out as two independent variables that can be deployed to explain certain phenomena. Now, in at least one place, FitzGerald and Cook-Martín clearly indicate that things are not so straightforward. As they discuss the point that racist ideologies and practices cannot be explained solely in terms of – that is, ‘reduced to’ – class, they also argue that ‘racial categories were not proxies for skill levels [of immigrant workers]; they were ideological rationales for *creating* different levels of skill’ (14). This not only shows that race cannot be reduced unilaterally to class; it also indicates that race and class are intimately interwoven and that racial ideologies can have very material effects. Analytically we want to be able to separate out race and class influences, in one moment, so as to demonstrate the operation of forces that cannot be reduced to class alone. In Brazil, the use of statistics to analytically force apart race and class, and show that racial inequalities cannot be explained by class-related variables alone, has been a vital tool in contesting the argument that the racial dimensions of Brazil’s highly unequal society are just a historical accident (Telles 2004). But we also, at another moment, want to show the interweaving of race and economics, so that ‘race’ does not appear as a kind of *deus ex machina* brought in to deal with the parts that class cannot reach.

So, for example, the ‘nonmaterial’ racism that worked against Jewish refugees in 1930s’ Mexico must have been based on widespread ideas, purveyed with particular force in France and Germany from the late nineteenth century, but with longer and more widespread roots, that Jews were an economic threat, usurers who were conspiring to control the nation’s finances, overzealous and coldly rational entrepreneurs who would not let humane considerations stand in the way of their economic plans (Frederickson 2002). Or the ‘ethnological’ reasons cited by Mexican diplomats for excluding black people undoubtedly referred to eugenic notions of fitness and quality of blood, but such notions about the biological vigour of the national population and its possible contaminants were intimately connected to wider judgements about worth and value, including economic worth. The relative values of European and non-European immigrants were frequently discussed in terms of their assimilability to the national culture and population, but also in terms of relative economic contribution to national development. Much racial reasoning around this period is biopolitical in the Foucauldian sense – that is, it invokes the logic of the administration of life force, health, vigour and moral fibre (Stoler 1995). But these things are inseparable from qualities of bodily strength, progressive attitude and mental power that were seen as promoting the economic development of the nation. Not for nothing did eugenics seek to eliminate ‘feeble-mindedness’ and accentuate ‘fitness’.

The problem with deploying racism as a nonmaterial ideology that explains why people do things that are apparently against their ‘objective’ material interests – such as when employers back restrictions on cheap Chinese labour, or workers are hostile to small immigrant groups that represent no real threat to their livelihoods – is that we

lose a sense of the location of racism in a long history of colonial economic exploitation. One of the reasons why racism can make people act apparently against their economic self-interest – as judged by the objective analyst – is that it articulates economic issues. Race and economics are part of a single assemblage, even if they can be separated out as independent variables for specific purposes.

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Liberalism and racism: an ‘elective affinity’?

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This appraisal of David Scott FitzGerald and David Cook-Martin’s *Culling the Masses: The Democratic Origins of Racist Immigration Policy in the Americas* argues that there is no ‘elective affinity’ between liberalism and racism, which is the core argument of the book. The notion of ‘elective affinity’, which the authors borrow from Max Weber, requires a structural homology between the ‘electively’ related elements that just does not exist in this case. The relationship between both is entirely contingent, ‘racism’ being a doctrine of inter-group relations while ‘liberalism’ is a doctrine of intra-group relations, with no consideration of how the boundaries of the group are constituted.

Keywords: liberalism; racism; democracy; ethnic selectivity; immigration policy

David Scott FitzGerald and David Cook-Martin (2014) have written an imposing book on the origins, the different forms and the eventual demise of racist immigration policies in the Americas, covering twenty-two countries – six of them in depth – over a period of more than 200 years. Its message is simple. Ethnic selectivity has ‘democratic origins’, as is flagged in the subtitle of their book. Therefore America’s original democracy, the USA, had it earlier and in harsher form than any other Western hemisphere country. Ethnic selectivity, of which racism is the most virulent because negatively selective form, corresponds to a vital nation-building imperative, the building of homogeneous societies in a democratic age. Ethnic selectivity appears in the very moment that democracy provides an outlet for the popular sentiments that are often (but not exclusively) the drivers of racist exclusion. As democracy (and liberalism – the two are not cleanly distinguished in this work; more on this below) is part of the problem of racism, it cannot be its cure. Accordingly, the authors argue that not ‘liberal ideology or democracy’ but ‘geopolitical factors’ are responsible for the demise of racist immigration policies (2). They point to the interesting fact that most Latin American countries had phased out ethnically selective immigration policies decades before the north-western paragons of ‘liberal democracy’, the USA and Canada, did. On the basis of a growing network of international organizations and surrounding epistemic communities, such as the Pan American Union, the League of Nations, the International Labour Organization and the United Nations Organization, Latin American countries (in alliance with decolonizing countries in Asia and Africa) pursued a ‘politics of humiliation’, in which the denigration of a southern state’s ethnicity or race by the northern exclusionists was attacked. To the degree that the USA clamoured for the hearts and minds of the decolonizing world in the Cold War confrontation with the Soviet Union, and that Canada sought to brand itself as ‘liberal

internationalist', it was in these countries' foreign policy interest to phase out their racist immigration policies. In sum, the demise of ethnic selectivity 'resulted from forces exogenous to liberalism, in particular, the rising aspirations and decolonization of peripheral countries' (334).

The book's particular strength is to lay out in detail the interplay of the 'horizontal' (international) and 'vertical' (domestic) dimensions of policymaking in six selected Western hemisphere countries, from Canada and the USA in the north to Brazil and Argentina in the south. Everywhere, the 'horizontal' vector tilted towards moderation, while the 'vertical' vector, particularly in a democratic constellation, pushed for racial restriction. Indeed, it is compellingly demonstrated that the urge to ethnic selectivity coincided with these countries' democratic moments. In the USA, this was its very founding moment, as already its first nationality law of 1790 infamously stated that only 'free white persons of good character' were entitled to naturalize. In Canada, Asian exclusion moved to high gear as the country 'gained more sovereignty from Britain and became more democratic' (160) – before this juncture, British imperial interests had put a brake on racial exclusion. Latin American countries moved in a rather short time span, roughly the second half of the interwar period (1928–1938), from racial selection (mostly modelled on the American national-origin quota put in place in 1924) to an 'anti-racist consensus' (47). In the process, Latin American countries (with the exception of Argentina) adopted a paradoxical stance of 'racist anti-racism', rhetorically and even formally committing themselves to non-ethnically selective immigration policies (to shame the American hegemon), yet in practice continuing to exclude on the basis of ethnicity and race. Accordingly, while Brazil and Cuba extolled themselves for international consumption as 'racial democracies', in which blacks and whites mixed and blended in free harmony, there was no (or little) place in them for Jews or Chinese or even other blacks (in Brazil there delicately were 'secret directives', in the 1920s, 'to dissuade prospective black immigration from the United States' [260]); in tandem with this negative selection there was a positive preference for Europeans to 'whiten' Brazil and Cuba's predominantly African-slave populations. Similarly, Mexico, beholden to an ideology of *mestizaje* (the mixing of Spanish and indigenous populations) and an ensuing 'cosmic race', excluded from its ambit Asians, Jews, Middle Easterners and blacks. Accordingly, the Latin American 'anti-racism' was 'plainly cynical and motivated by efforts to consolidate state control over national populations' (19), reminiscent of the racially divisive nation-building strategies that Anthony Marx (1998) had identified in Brazil, South Africa and the USA. Only Argentina was spared the racial 'divide and rule' logic, mostly through the sheer luck of having been predominantly populated by Europeans, with no African slave legacy and 'few or no Chinese immigrants' in a decisive mid-nineteenth-century moment (FitzGerald and Cook-Martín 2014, 311).

My notes from this fact-filled and, in many of its Latin American sections, original work are thirty pages long, and I only excerpted the bare minimum. The empirical value of this study, along with its fine comparative brushes that always allow seeing the forest behind the trees, is considerable.

My main quibble is with the core theoretical argument, which is that there is an 'elective affinity' between liberalism and racism. It is incontrovertible that foreign

policy interests (dubbed ‘horizontal dimension’) have been the primary force in the phasing out of racist immigration policies in the Americas. This was, for Latin American countries, the interest of having their inferior status in the race hierarchy of northern countries exorcized (and they consequently moved away from their own version of ethnic selectivity first). For the northern race culprits, it was the interest in winning friends and allies against the Soviet Union and being in good standing on the geopolitical scene. But the juxtaposition by the authors of their ‘geopolitical hypothesis’ and of an alternative ‘liberal democratic’ or ‘Whiggish’ hypothesis (the latter associated, among other works, with a previous book of mine, *Selecting by Origin*), is overdrawn, to put it cautiously.

The first thing to note is that the authors tend to conflate ‘liberal’ and ‘democratic’. At the theoretical level, they mostly refer to both concepts interchangeably. But empirically they also distinguish ‘liberal’ from ‘populist’ when comparing the type of democratic regime and political culture in place in North America and Latin America, respectively (2). I concede that on an ideal plane ‘liberal’ and ‘democratic’ converge, because freedom and equality – the two lodestars of liberalism – can be had only in a democracy (the most concise exposition of this convergence can be found in de Tocqueville [1969, 504]). But in reality they often part ways and may even work against one another. No one saw this more clearly than Carl Schmitt (1923), who associated democracy with ‘homogeneity’, even the ‘extinction of heterogeneity’ for the sake of ‘equality’, and who knew that democracy thus understood was foreign to the ‘thought world of liberalism’ (*Gedankenwelt des Liberalismus*), which was more invested with the notion of parliament as ‘government by discussion’. It is fairly obvious that democracy can easily become a shell for racism, as for any discriminatory project of a majority imposing itself over a minority. The *demos* requires a boundary, which makes it an *ethnos*. This provides the opening for ‘ethnic cleansing’, as the ‘dark side of democracy’, which did not exist in premodern states where ‘class usually trumps ethnicity’ (Mann 2005, 34). Democracy is dangerous for minorities. This is proved today by the sad reality of right-wing populist movements and parties that target immigrants and Muslims across Europe. And when there is *direct* democracy, as in Switzerland, the situation is extra dangerous, as its so-called Minaret Initiative and cascading anti-Muslim, anti-immigrant and expulsion (*Ausschaffung*, in rabid Swiss-German parlance) referenda in recent years demonstrate. And, of course, in *Culling the Masses*, the ‘democratic origins’ of racist immigration policies are eerily demonstrated.

But the heart of this book’s theoretical argument is not with reference to democracy but to liberalism. It consists of the notion of an ‘elective affinity’ between ‘liberalism’ and ‘racism’ (FitzGerald and Cook-Martin 2014, 7). Alas, the nature of this ‘elective affinity’ is never clarified. One *could* try to do this in the mode of Louis Hartz or George Fredrickson, who both argued that racism is possible only in an egalitarian ‘liberal’ but not in a hierarchical ‘feudal’ culture. In Hartz’s (1964) wildly imaginative theory of the ‘founding of new societies’, the ‘bourgeois fragment’ of European history was implanted in the English-speaking settler states, while Europe’s ‘feudal’ fragment was carried to Latin America and French Canada. The bourgeois variant made for a particularly harsh slave system, because under conditions of equality the humanity of the slave had to be denied to make his exclusion compatible with a

liberal order of equality. This problem is unknown to a feudal system with its formal hierarchy of statuses – hence the gentler race and slave systems south of the USA (observed at least since Tannenbaum 1946). In the same mould, Fredrickson (2002) argued that ‘Western racism’ stands out through the fact that it emerged ‘in a context that presumed human equality of some kind’ (11), so that people ‘can be denied the prospect of equal status only if they allegedly possess some extraordinary deficiency that makes them less than fully human’ – this ‘deficiency’ being of a non-white race (12). Theorizing *of this kind* would be required to render plausible the hypothesis of an ‘elective affinity’ between liberalism and racism. The authors do engage in some of it (with Hartz and Fredrickson), but only briefly and under the rubric of an alternative (‘inherently linked’) hypothesis that is *not* endorsed by the authors (see below). Their theoretical abstinence is perhaps wise because more ambition on this front would force them onto treacherous philosophical and speculative ground.

I still find the ‘elective affinity’ hypothesis utterly implausible. Remember that the term ‘elective affinity’ was first used by Max Weber (1979) to deflect the notion that there is a strict causality between the ethics of Protestantism (especially Calvinism) and the ‘spirit of Capitalism’; instead, there was merely a structural homology that consisted of a joint penchant for discipline and deferred gratification in both idea systems or mentalities. But no structural homology (beyond mere complementarity, as argued by Hartz or Fredrickson) connects ‘liberalism’ and ‘racism’. Liberalism, as classically defined by John Stuart Mill (1974 [1859], 68), is the political doctrine that the ‘only purpose for which power can be rightfully exercised over any member of a civilized community, against his will’ is to ‘prevent harm to others’. Liberalism stipulates the equal liberty of all individuals, irrespective of their ascribed birth status (that had determined their standing in a pre-liberal feudal order). It is easy to see that racism is the exact opposite. Racism, as plausibly defined by FitzGerald and Cook-Martin (2014, 15), is the ideology that ‘individuals can be sorted into hierarchically arranged categories based on their perceived ascriptive characteristics and moral capacities’. Under these definitions, no ‘elective affinity’ between liberalism and racism is apparent – on the contrary, they stand as radically opposed to one another as any two idea systems or visions of political order could ever be.

It is correct that Mill ([1859] 1974, 69), just one page after defining the Harm Principle as the essence of liberalism, *also* limited the reach of this ‘doctrine’ to ‘human beings in the maturity of their faculties’, thus excluding children and – more controversially – ‘those backward states of society in which the race itself may be considered as in its nonage’. And he ups the ante: ‘Despotism is a legitimate mode of government in dealing with barbarians, provided the end be their improvement’ (Mill [1859] 1974). Despite the drastic language, this is strictly speaking still no ‘racist’ argument, because racism denies the possibility of assimilation or positive character change of the ‘lower’ race that is implied in the notion of ‘improvement’ (see Fredrickson 2002, 170). Apartheid, segregation, the prohibition of mixing (as in the anti-miscegenation laws on the books in some American states well into the early 1970s), or even cleansing and extermination are the marks of a racist regime. While this may resonate with democracy (as suggested earlier), it certainly does not with liberalism. Still, it is fact that empire and its doctrine of civilizational superiority (‘and occasionally race and blood ties’ [Mehta 1999, 2]) went along smoothly with

liberalism and was even propagated and defended by the leading nineteenth-century British liberals. But nothing in liberalism as such points to its complementation by racism. Both are extrinsic to one another.

Of course, the authors concede as much in delimiting their position from a more radical bunch of ‘critical race’ scholars, who stipulate that liberalism and racism are ‘inherently linked’; instead, their preferred ‘elective affinity’ stance flags a ‘nondeterministic and probabilistic relationship’ (FitzGerald and Cook-Martín 2014, 7). But, following its original usage by Weber, there still would need to be a positive structural homology between the ‘electively’ related phenomena, which is just not visible here – except for a barren reference in racism to equality through the stipulated equality of race members that, however, is immediately knocked down by the notion of a hierarchy of races. Liberal and racist views may have been held by the same person, such as British Prime Minister Winston Churchill, who is quoted as saying: ‘Why be apologetic about Anglo Saxon superiority? We are superior’ (69). But this does not diminish the inherent contradiction between both viewpoints.

Liberalism is not a doctrine to determine the boundaries of the groups within which it may be practised; it is simply mute on the boundary question, and must assume it to be resolved before it can kick into action. Liberalism could be historically allied with racism because both relate to different questions: boundary drawing versus intra-group relations. But the relationship between the two is entirely contingent, in that there are other (non-racist, for instance, nationalist) ways to resolve the boundary question. In the latter respect, Mill (2004 [1861], 197) had famously argued that ‘free institutions are next to impossible in a country made up of different nationalities’. One sees that the boundaries need not be racist. One should also note that if one carried liberalism one step further, from intra- to inter-group relations, it would defy the possibility of *any* boundary, leading to the cosmopolitanism that is the default position of the contemporary liberal intellectual, who is guilt-tripped by living in the comfort zone.

In their typology of approaches to make sense of the ‘conjoined histories of liberalism and racism’, FitzGerald and Cook-Martín (2014) take one approach, as mentioned, to be the claim that liberalism and racism are ‘inherently linked’ (4), and they set it apart from their own ‘elective affinity’ hypothesis. They associate the ‘inherently linked’ position with a broad swathe of authors from J.S. Mill to contemporary comparativists like Desmond King, Anthony Marx, or Michael Mann, and above all radical ‘critical race’ scholars. But it seems to me that no clear line can be drawn between the ‘inherently linked’ and the ‘elective affinity’ position. This is obvious when delimiting the two from a third approach – the ‘multiple traditions’ approach known from the work of Rogers Smith (1997). This approach is faulted for missing the ‘patterns of connection’ among liberalism and racism (FitzGerald and Cook-Martín 2014, 6), that is, for taking the two as separate things. But then there is more that ‘elective affinity’ has in common with ‘inherently linked’ than both have in common with ‘multiple traditions’ – the first is a weaker version of the second (denying the *necessity* of a linkage, which is an absurd proposition to begin with), and both are different from the third in stating a ‘connection’.

The communality between ‘inherently linked’ and ‘elective affinity’ is evinced by the author’s counterfactual that without the Latin-American-cum-Asian shock to the racist system, the Western powers would have remained locked in their racist-cum-liberal

immigration (and larger policy) equilibrium. But this is a most implausible assumption. When arguing that ethnic selectivity was killed by forces ‘exogenous to liberalism’ (FitzGerald and Cook-Martín 2014, 334), this ignores the opening salve in the evolving story, which is the Allied Powers’ promise of ‘a more *equal and just* world order in return for help defeating the Axis’ (FitzGerald and Cook-Martín 2014, 334f, emphasis added). ‘Equal and just’ are unmistakably core liberal values, as are the ‘Four Freedoms’ (‘of’ speech and worship and ‘from’ want and fear) that US President Roosevelt had defined in 1941 as the purpose of the Allied war effort. The essential point is that the West was caught in its own game. Without this fact, the Rest’s ‘anti-racist’ alliance would have had no or little effect; the West would have shrugged shoulders and continued with its old ways.

From this, it follows that the juxtaposition of the author’s ‘geopolitical’ and of the ‘liberal-democratic’ hypotheses is spurious. There is no opposition between the two. In the phasing-out of racist immigration policies in the Americas, the geopolitical logic could only unfold on the premise that the values of liberal democracy are good for all. No one, including the author of *Selecting by Origin*, ever argued that the automatism of liberal democracy had forced out racist immigration policies. When I wrote that the ‘exigencies of liberal stateness’ are responsible for the end of ethnic selection (quoted by FitzGerald and Cook-Martín [2014, 4] to suggest such automatism), this was in reality to refute the view that this was a provincially national, American story not applicable elsewhere. In fact, the story of America’s road to non-discriminatory immigration policies is broadly similar in Joppke (2005) and FitzGerald and Cook-Martín (2014). The difference is largely terminological, in that I had called ‘foreign policy interests’ a ‘domestic mechanism’ (Joppke 2005, 28), whereas FitzGerald and Cook-Martín (2014) register this factor within the ‘horizontal’, interstate order of things. The important matter is that in both accounts foreign policy concerns figure as the primary drivers of racial divestment. As one can read in *Selecting by Origin*:

In the United States, the rise of a universalistic immigration policy is thus also the story of intragovernmental conflict, with the foreign policy-oriented presidency (strengthened by the war and the need to handle its consequences) asserting itself over a parochial Congress that had dominated immigration policy from the 1870s to the early 1940s. (Joppke 2005, 50)

This is not to dispute that the ‘horizontal’ dimension of policy is captured in *Culling the Masses* in a much superior way to *Selecting by Origin*, particularly the input of non-Western countries to the introduction of non-discriminatory immigration policies. This had not figured at all in *Selecting by Origin*. I read both books as complementary and value-adding rather than as divided by argument. One further value added by *Culling the Masses* is to pay more attention to the important gulf separating the law on the books from law in action. This had also remained largely unexamined in *Selecting by Origin*.

The important matter is that the substantive conclusions of both works are largely identical, suggesting that we both got it right. Of course, we might still be both wrong, but the default assumption should be the opposite now. ‘Overt ethnic

discrimination' in immigrant selection remains 'off the table' across liberal democracies (FitzGerald and Cook-Martín 2014, 338), with positive (as against negative) preferences still an option 'on the table' (337). And if there is debate today, it is 'about the differential impact of facially neutral policies on different ethnic groups' (337). To read 'racism' into this requires considerable phantasy, and FitzGerald and Cook-Martín reject any such attempt in strong words. No other than a non-racist immigration policy is conceivable in a state today that considers itself a 'liberal democracy' worthy of the name. By the same token, FitzGerald and Cook-Martín are too pessimistic to assume that the 'independent nation-states throughout the world' are the 'major obstacle to a return to ethnic selection' (345). This downplays the weight of group pressure in a pluralistic society, and misses the constitutional self-limitations that will continue to mark the liberal state in the twenty-first century.

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Looking for immigration law

Hiroshi Motomura

Culling the Masses by Professors David Scott FitzGerald and David Cook-Martín is an impressive work that makes important scholarly contributions. It analyses the trend in the USA, Canada, Cuba, Mexico, Brazil and Argentina away from explicit racial discrimination in immigration laws. One layer of the book's argument examines how 'vertical' (domestic) and 'horizontal' (external) forces led these countries to abandon explicit racism. In another layer, the book argues that this anti-racist turn was not a product of democracy. Instead, racist immigration laws were often the product of democratic influences and institutions. The nuanced examination of external influences on national immigration laws in *Culling the Masses* is an invaluable contribution. However, its inconsistent definition of 'immigration law' across countries leaves incomplete both its assessment of racism in the present-day immigration laws, and in turn, its assessment of the relationship between democracy and racism.

Keywords: immigration; racism; discrimination; democracy; citizenship; ethnicity

The relationship between democracy and racism is a dauntingly capacious topic for any scholar to undertake in a single country's immigration law. But this is precisely the domain – in six countries – that Professors David Scott FitzGerald and David Cook-Martín analyse in their remarkably broad study of immigration law in the Americas. In *Culling the Masses: The Democratic Origins of Racist Immigration Policy in the Americas*, FitzGerald and Cook-Martín explore in depth the evolution of immigration law in the USA, Canada, Cuba, Mexico, Brazil and Argentina, with particular attention to the reasons why these six countries' immigration laws abandoned explicit racial discrimination over the course of the twentieth century.

An assessment of *Culling the Masses* should start with its conceptual structure. The book is multidimensional and textured enough to defy any quick summary of its substance. It may be more helpful to see that it proceeds in three dimensions. One dimension is 'vertical': multiple domestic forces in each country combine to shape immigration law. These forces – although not always arrayed in a hierarchy – include class interests, racist ideology and voices from below, as FitzGerald and Cook-Martín put it. For example, the interests of capital, typically in favour of ethnically expansive policies that will provide a workforce at low cost, are often in tension with the interests of labour, which typically has supported ethnically restrictive policies. At any given historical moment, this tension can resolve in one direction or another. In the second half of the nineteenth century in the USA, for example, populist pressure from California and other Western states led Congress to pass a series of Chinese exclusion laws.

Another dimension is ‘horizontal’: the myriad ways in which immigration law in one country is influenced by other countries, by regional and other supranational or multinational organizations, by ‘transnational scientific elites’, and by the rise and fall of epistemic communities like the eugenics movement. Of even greater significance are broader regional and global trends, such as decolonization in the first half of the twentieth century, national security crises such as the Second World War and the Cold War that occupied most of the twentieth century, and the emergence of institutions dedicated to the recognition of human rights. These cross-border dynamics include policy diffusion across national borders – a broad category that includes leverage, cultural emulation and strategic adjustment – as well as ‘the politics of international humiliation’. Key to understanding this horizontal dimension is recognizing that ‘[m]igration policies are dramaturgical acts aimed at national and world audiences’ (21). For example, Canada’s ties to Great Britain and its role in the United Nations and British Commonwealth organizations made its explicit racial exclusion laws increasingly untenable in the period after the Second World War.

From one perspective, *Culling the Masses* examines when and how vertical and horizontal forces mattered, and how their interaction evolved over the third dimension of time. This complex relationship between the vertical and the horizontal lays the foundation for another layer of argument in the book – as an analysis of the relationship between democracy and racism. The raw material is the trend away from explicit racial discrimination in these six countries’ immigration laws. FitzGerald and Cook-Martin (2014) argue that ‘the anti-racist turn was not a product of liberal ideology or democracy’ (2). Instead, racist immigration laws were often the product of democratic influences and institutions. *Culling the Masses* thus tries to unsettle ‘a nearly universal consensus’ that ‘takes it for granted that democracy and racism cannot coexist’ (2).

Culling the Masses is an impressive work of great value, but it poses some challenges for the reader. To provide a guide, I will begin by identifying the book’s main strength: its highly nuanced analysis of the horizontal dimension of immigration lawmaking in these six countries. FitzGerald and Cook-Martin put the evolution of national laws into illuminating transnational contexts.

This approach represents a laudable counter to a natural tendency in the study of immigration law to focus on a single country, especially when the country is hegemonic. Although comparative studies of immigration law are not uncommon, they typically analyse national laws as if they were closed systems. FitzGerald and Cook-Martin take great care to use a far wider lens. For example, they compare the influences that the US government exerted on Canada and Mexico during the period of Chinese exclusion. The USA had concerns that Chinese immigrants would circumvent admission controls at US seaports by first travelling to Canada or Mexico and then entering the USA by land. For its part, the Canadian government was afraid that Asian immigrants barred from the USA would come to Canada instead, so it adopted laws that paralleled and coordinated with US restrictions. In contrast, Mexico resisted US pressure to adopt laws that would have restricted the entry of migrants headed to the USA. The reasons, as the book explains, reflected the relationships between the US government and the Canadian and Mexican governments, as well as domestic forces within those two countries.

Throughout *Culling the Masses* are examples of how external forces shaped racial discrimination in each country’s immigration law, often reaching outcomes different

from what domestic forces alone would have produced. In the USA, the 1965 amendments to the Immigration and Nationality Act abolished the explicit ethnic selection in the national origins system adopted in 1924.¹ The amendments joined with the 1964 Civil Rights Act and the 1965 Voting Rights Act to define a watershed moment in US politics.² All three laws reflected an emerging consensus that racial discrimination was untenable while the USA was engaged in a broader ideological struggle with the Soviet Union. If this story is familiar, it is less well known that immigration law in Cuba became much more receptive to black immigrants from the West Indies and Africa during this period, as part of a broader strategy of global image cultivation. The Cuban government intended its immigration law to contrast with the perceived racism in US immigration law.

Given its invaluable contribution to understanding the influence of the external forces on national immigration laws, *Culling the Masses* has a curious organization. The first two chapters set out its basic framework, especially the vertical and horizontal dimensions, and articulate its goal of debunking the conventional wisdom that democracy and racism are incompatible. The next six chapters discuss the USA, Canada, Cuba, Mexico, Brazil and Argentina in sequence.

But tracing developments in six countries sequentially is a challenging way for readers to absorb an analysis that fundamentally argues against viewing each country's immigration law in isolation. An alternative organization into chronological periods – letting the temporal dimension bear more conceptual weight – could highlight prominent thematic clusters in each period and more effectively convey the book's analytical core. For example, developments in the wake of the Second World War affected different countries in interwoven ways. I hesitate to say that FitzGerald and Cook-Martin should have organized *Culling the Masses* in this way, for I imagine that they considered this alternative and rejected it for sound reasons. And yet, some readers might get the most out of the chapters on the six countries if they reimagine this alternative organization and absorb the chapters in parallel, connecting the events and trends that each chapter now analyses separately.

Beyond this observation about the tension between the substance and the organization, the scope of the inquiry in *Culling the Masses* merits comment. The topic is discrimination in immigration law, so the natural question is what is 'immigration law'? FitzGerald and Cook-Martin make a valiant effort to take seriously the difference between law on the books and law in action. As they observe, 'the formal law does not matter as much as the law in practice and its effects' (10). They also seem keenly aware that characterizing a law as discriminating on the basis of race is a perilous analytical business.

For an inquiry into racism, a comprehensive definition of 'immigration law' should have at least three dimensions, of which *Culling the Masses* considers some but not all. The first dimension acknowledges that racial discrimination in immigration law can take negative or positive forms. Negative selection means exclusion, such as laws that barred Asian and African immigrants. Positive racial preferences favour some newcomers, for example by subsidizing their passage, or by exempting them from admission bars or waiting periods that apply to other immigrants.

In the second dimension, racism in immigration law exists on a spectrum from explicit discrimination to subtle, implied, or concealed forms. Some laws articulate an explicit and intentional racial exclusion or preference. Even here, it can be difficult to distinguish between racism and laws that disadvantage some intending immigrants for reasons not directly based on race. Accurate distinction typically requires delving deeper than the legislative text. In casting Chinese exclusion laws as racist, some essential evidence comes from legislative history and other mirrors of the political and social context in which legislation arose.

Still in this second dimension, characterizing laws as racist becomes harder with laws that articulate no explicit exclusion or preference, but instead affect different groups differently as an intended or known consequence of the law in application. An example is the phrase in US law, 'alien ineligible to citizenship'. This apparently neutral phrase was intended and understood in the first half of the twentieth century to refer to Asian immigrants, who were ineligible to naturalize until as late as 1952.³ Similarly loaded with potential to discriminate are laws that select with the goal to preserve the existing racial or ethnic mix of the population, or on the basis of assimilability. Racial restrictionists have also relied on facially neutral literacy tests.

A related form of racism involves the interpretation and application of legislation, often as reflected in internal agency memoranda or other government documents. In Canada, the vehicles for discrimination in immigration law were Orders in Council rather than parliamentary statutes. FitzGerald and Cook-Martín write: 'When policy-makers perceived that overt discrimination would carry a high diplomatic price, they created secret polities of restriction or adopted criteria that were ethnically neutral on their face' (17). Brazil, intent on cultivating its international image as a harmonious 'racial democracy', selected by race through less formal means than legislation. Moreover, written evidence may be absent in any country, leaving racial selection to be discerned from patterns of outcomes.

Another possibility is that lax enforcement can offset restrictive laws on the books. For example, recent practice in Argentina has opened immigration to a broader range of newcomers than might follow from the clause in the Argentine Constitution that provides: 'The Federal Government shall foster European immigration.' But on one view among constitutional law scholars, Koreans count as Europeans for this purpose because the term simply refers to qualified immigrants (328).

The third dimension of immigration law is the dimension of time that traces various stages in the migration process. The most obvious moment for racial discrimination is initial immigrant selection, but discrimination can occur later. Laws governing an immigrant's eligibility to naturalize as a US citizen discriminated explicitly by race from 1790 until 1952.⁴ Other laws shape the transition and integration of immigrants to degrees of membership. These laws might or might not be sites of discrimination. Examples include eligibility rules for voting, educational access, health care and welfare benefits, as well as rules that can grant indefinite lawful residence to lawfully admitted temporary workers and to unauthorized migrants. Another factor is government willingness or ability to protect some immigrants from harm.

Still in this third dimension of time, other key aspects of immigration law involve enforcement, which can select immigrants just as effectively as rules that select for initial admission. Enforcement is especially significant wherever the unauthorized population

has grown considerably, as it has in many countries starting in the last quarter of the twentieth century. Related complexities inhere in the devolution of enforcement authority. In the USA, the federal government is said to have exclusive authority over immigration, but in practice that authority is shared with state and local police, and with other state and local employees and with private actors. Allowing a larger group of actors to enforce immigration law has delegated enforcement discretion, which in turn has increased the possibility that enforcers will discriminate by race in ways that are difficult to detect or remedy (Motomura 2014).

Although *Culling the Masses* reflects keen awareness of these dimensions of the gap between immigration law on the books and immigration law in action, the authors' follow-through is uneven. Law in action in the form of administrative practices in the USA gets much less attention than analogous administrative developments in the other five countries. The recruitment of immigrants receives insightful discussion, except in the chapter on the USA. Although several chapters analyse naturalization rules and other aspects of the transition to citizenship (329), the topic receives scant attention in the chapter on the USA despite ample available raw material. Discrimination within discretionary admissions in Mexico receives much fuller treatment (240–246) than similar dynamics in the USA in the first half of the twentieth century, when Western hemisphere immigration was controlled through qualitative bars rather than numerical limits. As for enforcement, FitzGerald and Cook-Martín acknowledge in general terms that 'there is much evidence in some countries that public debate and enforcement disproportionately target particular ethnic groups, such as Latinos in the United States' (17). But they do not examine racism in enforcement.

Although the authors argue persuasively that the diplomatic price of overt ethnic selection is prohibitively high (344–347), this statement leaves room for discrimination in immigration law in forms that are not overt. FitzGerald and Cook-Martín anticipate this objection by emphasizing the decline in explicit discrimination. They accurately observe that '[t]he ubiquitous racist immigration and nationality laws that [Theodore] Roosevelt cherished had all but disappeared' over a period from the late 1930s through the 1970s (2). They further point to 'the transformational shift away from Europe in the sources of immigration to North America' (18, see also 83–84). But they concede, as they must, that 'immigration policies continue to have a differential impact on particular nation-origin groups, and discriminatory practices persist' (2). It remains unclear where this concession leaves the book's assessment of racism in immigration law. Especially in countries with a dramatic growth in unauthorized migration, the locus of immigration law has shifted from initial selection to enforcement – or perhaps legalization – inside national borders (Motomura 2014).

This uneven engagement with immigration law leaves incomplete the book's assessment of the relationship between democracy and racism, and in turn, its argument that racism in immigration law was often the product of democratic influences and that 'the anti-racist turn was not a product of liberal ideology or democracy' (2). To be sure, this argument seems intuitively sound. National borders lead naturally to bounded forms of equality that apply within borders to insiders, but not to outsiders to the national community (Motomura 2014). It is a natural consequence of bounded equality that dealings with outsiders can be a site of racism. For this reason, racial inclusion can reflect racial discrimination. Helpful here is the idea of 'anti-racist racism' that FitzGerald and

Cook-Martín apply to laws that expand the circle of insiders by dismantling some discrimination, in order to practise more effective discrimination against an outsider group that remains racially defined.

Indeed, many examples in *Culling the Masses* show how racist immigration laws emerged from democratic governance. Although it need not follow that democracy leads to racist immigration laws, democracy can allow racism to pervade immigration law. Populism can be xenophobic. Moreover, the spread of democracy and democratic institutions is not always enough to reduce racism in immigration laws without other powerful, often external forces that push developments in that direction. FitzGerald and Cook-Martín marshal ample evidence that ‘geopolitical factors were the main drivers of the demise of racial selection’ (2).

But without a fuller and more consistent account of immigration law, readers are left wondering about two questions that FitzGerald and Cook-Martín deserve credit for prompting, even if they do not tackle them directly. First, even if racist immigration laws in the form of explicit racial exclusion or preferences have disappeared, has racism in immigration law simply gone underground and taken the form of laws that are facially neutral but mask discriminatory enforcement? Second, can horizontal influences diminish subtle or covert discrimination as effectively as they can diminish explicit discrimination?

Culling the Masses is an impressive work that makes important scholarly contributions. But these contributions lie less in the book’s support of a general assessment of the relationship between democracy and racism, and much more in its nuanced examination of the relationship between domestic and transnational influences on the making of immigration law.

In the USA, this inquiry into the relationship between domestic and transnational influences is especially crucial on the fiftieth anniversary of the 1965 amendments to the Immigration and Nationality Act. The amendments replaced the national origins system’s explicit discrimination with an admission system that treats all countries equally. But this formal equality masks more fundamental forms of inequality, reflected in great variations among sending countries in the relationship between the demand for admission to the USA and the supply of lawful admission avenues. The horizontal influences (and sometimes vertical ones) that led to the elimination of explicit racism in immigration law may have led at the same time to other forms of racism that are less obvious but equally effective. Outward signs include longer waiting periods for immigrants from a small number of countries, most prominently Mexico, and disproportionate shares of unauthorized migrants in the USA who come from these countries and are especially vulnerable to discrimination in enforcement (Motomura 2014).

In this setting, the challenge is to give fuller meaning to the ‘discrimination’ and ‘equality’ in immigration law than can be derived from a rights perspective that is confined to a domestic analytical framework. What is required is a broader perspective on equality in immigration law that recognizes the transnational and regional contexts for migration patterns and for any effective responses. Durable solutions must take into account the array of complex interactions among domestic and transnational forces, and that analysis should begin with the insightful and illuminating examination of these interactions in *Culling the Masses*.

Disclosure statement

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Notes

1. See Immigration and Nationality Act of 1965 (Hart–Celler Act), Pub. L. No. 89–236, 79 Stat. 911; Act of May 26, 1924, ch. 190, 43 Stat. 153.
2. See Civil Rights Act of 1964, Pub. L. No. 88–352, 78 Stat. 241; Voting Rights Act of 1965, Pub. L. No. 89–110, 79 Stat. 437.
3. See Act of June 27, 1952, Pub. L. No. 82–414, ch. 477, § 311, 66 Stat. 163, 239.
4. See Act of June 27, 1952, Pub. L. No. 82–414, ch. 477, § 311, 66 Stat. 163, 239.

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Debunking American exceptionalism and rescuing liberalism

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Culling the Masses seeks to explain the shift in American immigration policy from one based on racial and ethnic selection to a more equitable and colorblind approach. The authors argue that international and foreign policy considerations led to a radical shift in policy after World War II. They succeed in debunking American exceptionalism, but in this critique I argue that more attention should be given to the interaction of international and domestic politics, using a ‘two-level game’ framework. Moreover it is important to highlight the contradictions that are inherent in liberalism as a governing philosophy.

Keywords: Immigration; racism; exceptionalism; liberalism; human rights; liberalism; civil rights; cold war

This book is a magisterial piece of scholarship that further debunks the myth of American exceptionalism (see e.g. Schuck and Wilson 2008; Fuchs 1990) by exploring the ‘democratic origins of racist immigration policy’ in the USA and showing how other countries in the Americas and elsewhere were ahead of the USA in repudiating immigration policies based on ethnicity and race. The book is sweeping in its historical and comparative depth, looking at a range of countries in the Americas and beyond, and how they were reacting to the racist immigration policies of the USA and the European powers. Like Rogers Smith (1997) and Desmond King (2000), the authors take issue with the Tocquevillian and Hartzian views of American liberal democracy as somehow unique and predestined to become an open, non-racist and multicultural society. Still, we are left with the challenge of explaining how and why the USA and other ‘settler democracies’, like Canada and Australia, and even South Africa, made the transition from racial societies, based on intolerance, segregation, eugenics, apartheid and a particularistic conception of citizenship, to more tolerant, universalistic and multicultural societies.

The authors also take issue with the view of Christian Joppke (1998a, 1998b) that the demise of ethnic selection was primarily a function of domestic political and legal struggles, crystallized in the civil rights movement in the USA of the 1950s and 1960s. Rather, they contend that the shift to a less racist approach to immigration has its origins at the international level, in the struggles against fascism and colonialism, before, during and after the Second World War. Following David Jacobson (1996) and Yasemin Soysal (1994), they stress the rise of an international human rights regime, as codified in the Universal Declaration of Human Rights (UDHR), which helped to set

the racist societies of the USA, Canada and Australia on a different and more tolerant path. They argue that ‘international relations became race relations’ after the Second World War, and that the USA was compelled by its foreign policy objectives and by international systemic forces to confront its racist heritage – the continuation of Jim Crow laws, apartheid in the American South and segregation in the US military – and its racist immigration policies, specifically Chinese exclusion, which was repealed in 1942. Final repeal of the racist National Origins Quota Act of 1924 would not come until 1965, with the passage of the Hart-Celler Act on the heels of the Civil Rights Act of 1964. I have argued that the fate of immigrants in the USA cannot be separated from political struggles over race and the fate of African Americans (Hollifield 2010). In this respect, the ‘American dilemma’, to use the expression of Gunnar Myrdal (1944), was and is a global dilemma.

Fitzgerald and Cook-Martin’s argument about the demise of racist immigration policies and the transformation of American democracy is a good example of what Robert Putnam (1988) has termed two-level games where:

at the national level, domestic groups pursue their interests by pressuring their governments to adopt favorable policies, and politicians seek power by constructing coalitions among those groups. At the international level, national governments seek to maximize their own ability to satisfy domestic pressures, while minimizing the adverse consequences of foreign developments. (Putnam 1988, 434)

What Fitzgerald and Cook-Martin have done in their book is to show us how negotiations between the USA and other countries in the post-war period, particularly in the Americas, led to ‘win sets’ at the international and domestic levels that allowed the USA (and Canada and Australia) gradually to abandon their racist immigration policies. Thus, it was the interaction of domestic and international politics, with multiple and shifting coalitions at each level, that ultimately transformed American politics – not some innate genius of the American people or the uniqueness of the political culture. In this sense their argument is quite similar to that of Mary Dudziak (2000), who contends that ‘civil rights was Cold War policy’ and that race relations and the ‘image of America democracy’ were transformed by the existential struggle between the USA and the USSR, much as the Holocaust and the experience of Nazism led to a fundamental shift in international politics, the creation of the United Nations, and rise of a new international human rights regime built upon the Universal Declaration of Human Rights.

Like constructivists in international relations, the authors stress the importance of ‘policy diffusion’ and global norms in driving changes in immigration and citizenship policy, especially among the Anglo-democracies. They demonstrate how norms of racism and eugenics spread from the USA across the globe in the late nineteenth and early twentieth centuries, leading Canada and Australia to adopt white-only immigration policies, and South Africa to copy race laws and literacy tests from Mississippi in constructing its apartheid regime (Klotz 2013). Adolf Hitler (1939, 124), writing in *Mein Kampf*, reflected the zeitgeist when he wrote in the mid-1920s that ‘the instinct for the preservation of one’s own species is the primary cause that

leads to the formation of human communities. Hence, the State is a racial organism, and not an economic organization'. He would go on to write:

in North America the Teutonic element, which has kept its racial stock pure and did not mix it with any other racial stock, has come to dominate the American Continent and will remain master of it as long as that element does not fall a victim to the habit of adulterating its blood. (Hitler 1939, 224)

Such was the consensus view of immigration and race in the early decades of the twentieth century.

But lest we fall victim to a historicist interpretation of immigration policy, it is important to remind ourselves of the struggles against racism that were going on even during the darkest moments of the interwar period, domestically and internationally. Hitler rightly feared that 'economic thinking' and 'economic forces' would lead to more individualism that could undermine his vision of an Aryan society. Karl Popper, responding to the scourge of Nazism, argued that 'critical rationalism', constantly probing and testing one's assumptions, and formulating arguments that are falsifiable, is the best defence against racism, tyranny and oppression. In *The Open Society and its Enemies*, he warned that:

unlimited tolerance must lead to the disappearance of tolerance. If we extend unlimited tolerance even to those who are intolerant, if we are not prepared to defend a tolerant society against the onslaught of the intolerant, then the tolerant will be destroyed, and tolerance with them. In this formulation, I do not imply, for instance, that we should always suppress the utterance of intolerant philosophies; as long as we can counter them by rational argument and keep them in check by public opinion, suppression would certainly be most unwise ... We should therefore claim, in the name of tolerance, the right not to tolerate the intolerant. We should claim that any movement preaching intolerance places itself outside the law, and we should consider incitement to intolerance and persecution as criminal, in the same way as we should consider incitement to murder, or to kidnapping, or to the revival of the slave trade, as criminal. (Popper 1971, 265)

This is, in my view, an eloquent and forceful defence of a liberal and open society, but it does not resolve the contradictions that are inherent in liberalism.

I have written that liberalism, both in its classical and contemporary forms, is built upon a paradox (Hollifield 1992a). How can liberal societies be simultaneously open and closed? The Enlightenment idea of natural rights is eloquently outlined by Thomas Jefferson in the Declaration of Independence:

that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.

This statement makes no mention of race, but we know that the framers of the American Constitution, including Jefferson, would go on to codify race and to protect slavery in the US Constitution, in large part to placate the interests of the slaveholding

Southern planters. Hence, the American social contract itself, which was built upon the idea of racial superiority, argues for a degree of political and legal closure based explicitly on race. 'We the people' in late eighteenth-century America, as elsewhere, did not include peoples of other races.

At the same time (and indeed in the same year as the signing of the Declaration of Independence) Adam Smith (1937, 14) wrote in *The Wealth of Nations*: 'It is not from the benevolence of the butcher, the brewer or the baker that we expect our dinner, but from their regard to their own self-interest.' He used the metaphor of the 'invisible hand' to argue for the principle of *laissez-faire*, that if left alone individuals pursuing their own self-interest will promote the welfare of society as a whole. Together with Hume, Ricardo and other liberal political economists, Smith would lay the foundations of modern trade theory, which argues that prosperity and the wealth of nations depend upon free markets and free trade. Hence, from an economic perspective, liberalism and liberal societies, in order to survive and prosper, require openness, not closure. Neither the framers of the US Constitution nor Adam Smith had much to say about immigration, but it is precisely the movement of individuals qua labour, across national boundaries that pose the biggest dilemma for liberals of all stripes, and it is the working out of these dilemmas and contradictions through a process of political struggle at the domestic and the international level (Putnam's two-level games) that drive much of political development in the liberal democracies. Hitler was right that 'economic forces' and what he calls 'hyper-individualism' pose a danger for any society built on ethno-racial lines, because it is the openness of liberal societies and universalism that is inherent in the liberal ideal that make narrow, racist and particularistic views of society difficult to sustain over time. Still, history is contingent and outcomes hinge on political struggles and the clash of interests at the domestic and international levels.

Fitzgerald and Cook-Martin acknowledge the importance of economic interests, which they define primarily in terms of social class – labour versus capital. And like most political sociologists and political scientists, they divide individual attitudes towards immigration into cultural and economic concerns. But I argue that we need to give even more attention to the political economy of immigration, to understand which constellation of domestic interests and which coalitions at any given point in time can lead a society to be open to higher levels of immigration and on what terms (Hollifield 2004). And as they rightly point out, we need to be especially attentive to the way in which institutions channel and shape interests, not only at the domestic but also at the international level. A political economy approach will allow us to make generalizations across time and space about which factors (land, labour and capital) and which interests (trade unions, manufacturers, agriculture, the liberal professions, hi-tech, etc.) stand to gain or lose from the opening (or closing) of society and the economy. I am not saying that political economy simply overrides basic cultural interests and instincts, but that it (the free play of interests in an open and globalized society) poses a distinct challenge to racist or racialized approaches to immigration and citizenship. And of course the role of elites and institutions is critical in determining the outcome of struggles over immigration, citizenship and nationhood – a dynamic that is captured well in works by Tichenor (2002) and Zolberg (2006) on immigration and American political development.

The liberal paradox is especially acute in the interwar period, as societies close and turn increasingly inward before exploding in conflict in the Second World War. But it is after the global war that we begin to see the working out of the paradox, although it is far from solved today. Refugees and illegal immigrants continue to undermine the social contract, the former by virtue of the fact that they can be admitted only for political reasons – economic refugees need not apply – and the latter because they form a black market for labour outside the bounds of law and the social contract with many settled illegal immigrants (estimates are that 12 million people reside illegally in the USA today). Nonetheless, refugees and illegal immigrants have rights by virtue of their very presence on the territories of liberal democratic states, and demand for immigrant labour remains high despite the Great Recession of 2008–2009 (Carens 2013; Hollifield, Martin, and Orrenius 2014). I agree with Fitzgerald and Cook-Martin that it is the global war, coupled with the Cold War struggle to win ‘hearts and minds’ during the long and bloody process of decolonization, that led to the anti-racist turn in immigration policies in the 1950s and 1960s in the USA and across the liberal world. I have argued that it is liberal institutionalism, as reflected in the UN system, that contributed to the convergence of immigration and refugee policies (Hollifield 2000, 2012a). And we should not forget the important role played by the European Union in creating what is arguably the most liberal regional regime for migration in the world today (Hollifield 1992b; Geddes 2014).

The ‘anti-racist turn’ and rise of a more tolerant version of liberalism in world politics would not have been possible and it certainly cannot be sustained without leadership at the domestic and international level. During the 1950s and 1960s in the USA we witnessed the rise of what I have called ‘rights-based politics’, which had a dramatic impact on US immigration policy (Hollifield 2010; Hollifield and Wilson 2011; Hollifield, Martin, and Orrenius 2014). This new kind of politics relied heavily on ‘rights-markets’ coalitions of civil rights (political) liberals on the Democratic left and free market (economic) liberals of the Republican right. One of the things that held these coalitions together for decades was the Cold War. And it was these coalitions that passed the landmark 1965 Immigration Act, the 1980 Refugee Law, the 1986 Immigration Reform and Control Act, as well as the 1990 Immigration Act. All of these laws contributed to a more tolerant and less racist US immigration policy; but once the Cold War ended in 1990–1991 with the collapse of the Soviet Union, the international system shifted and the rights-markets coalitions collapsed, opening the way for the passage of the first restrictionist legislation in decades – the 1996 Illegal Immigration and Immigrant Responsibility Act, itself a response to the passage of Proposition 187 in California. The 1990s also witnessed the rise of xenophobic and extreme-right parties in Western Europe (Norris 2005; Givens 2005).

Hence, the great game of immigration politics continues in the twenty-first century as countries around the globe struggle to resolve the liberal paradox, to maintain open societies and economies in the face of security threats and powerful political forces pushing for closure, and to manage migration for strategic gains. Race and racist views of society will always be with us and nothing guarantees that the more expansive and tolerant vision of liberalism that has (more or less) prevailed in the latter half of the twentieth century – apologies to Francis Fukuyama – will continue to dominate the politics of immigration and citizenship. As I have written elsewhere:

‘Migration is both a cause and a consequence of political and economic change. International migration, like trade, is a fundamental feature of the post-war liberal order. But, as states and societies become more liberal and more open, migration has increased. Will this increase in migration be a virtuous or a vicious cycle? Will it be destabilizing, leading the international system into greater anarchy, disorder and war; or will it lead to greater openness, wealth and human development? Much will depend on how migration is managed by the more powerful liberal states, because they will set the trend for the rest of the globe.’ (Hollifield 2012b, 209).

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Culling the Masses: A Rejoinder

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In a 1964 speech in London, Martin Luther King assessed the struggle against segregation in the USA and apartheid in South Africa. He ended with a quote from a black slave preacher mapping the road travelled in the fight against racial inequality: ‘Lord, we ain’t what we want to be. We ain’t what we ought to be. We ain’t what we gonna be. But, thank God, we ain’t what we was’ (Democracy Now 2015).

Culling the Masses reaches an analogous conclusion in its assessment of how twenty-two countries in the Western hemisphere have selected immigrants by ethnic criteria from the time each country become independent to the present. We now know that every one of these countries openly *discriminated against* particular ethnic groups. Every country openly *preferred* the immigration of other ethnic groups. Twenty-one of the twenty-two countries explicitly gave ethnic preferences in their nationality laws. By 2010, all had stripped explicit ethnic discrimination out of their immigration and nationality laws, and the number of countries with ethnic preferences had sharply declined. How can that change be explained? Do the changes really matter?

We are grateful to our colleagues writing in this symposium for thoughtfully challenging some of our answers to these questions. The seminal works of Fox, Hollifield, Joppke, Motomura and Wade have deeply shaped our understanding of the politics of immigration and ethnicity. Indeed, it was Christian Joppke’s seminar presentation at the University of California, Los Angeles of his research published as *Selecting by Origin: Ethnic Migration in the Liberal State* that initially sparked our interest in testing his arguments by studying policies in the entire Western hemisphere. The dialogue among us in these pages has fruitfully clarified points of agreement and disagreement. Below we address three major areas of ongoing discussion and suggest an agenda for further research.

Trajectory and status of racist policies

As we have presented this project to audiences around the world, we have invariably been asked if the changes we describe in the law have any substance. Cybelle Fox suggests that there has been ‘a significant change in American immigration policies’ but not ‘a dramatic break’. Peter Wade points out that practices of inclusion and exclusion coexist in historically contingent ways. What does it matter if governments declare an end to a racial hierarchy of admission? Do reformed laws simply pour old racist wine into new skins? How does any of this affect the lives of real, breathing human beings who might wish to migrate or who have moved to another country?

We argue that there *has* been a profound and highly consequential shift throughout the Americas. After decades of intensifying racial criteria until around the 1930s, the trajectory has moved away from selecting immigrants on the basis of race or national origin. As outlined above, laws have moved from explicitly racist to race-neutral or even anti-racist criteria. Changes in formal laws matter. Laws shape political opportunity structures, and immigration laws in particular shape who is present in a particular territory to be able to advocate for change. Even when ignored or applied unevenly, laws are symbolic manifestations of what state actors view as the emergent nation. Debates about immigration policy are so emotionally charged because they are public statements about who we are now, who we want to become, and who is morally worthy to join us.

The de-racialization in formal law also matters because in practice these laws have reshaped migration flows, national demographic profiles and immigrants' rights. Reforms in the 1960s in North America led to a massive shift in immigration flows away from Europe and towards Asia. For readers unconvinced that nothing fundamental has changed, imagine your reaction if the mythical Comprehensive Immigration Reform Bill of 2015 banned labour immigration from Asia; assessed a special tax on the few Asians who were allowed to enter; prevented Asians from naturalizing, owning land, or testifying in court; barred anyone of Asian origin from intermarrying with whites; and forced everyone of Asian origin to live in segregated Chinatowns, attend segregated schools, and pay taxes that were not assessed on other racial groups. Plainly, the world is not the same today as it was in 1882 or 1964, and it is worth taking the fact of that change seriously as the starting point of an effort to explain it.

To be clear, the historical fact that immigration policy has become far less racialized over time does *not* mean that any of these countries have reached a post-racial nirvana. The book uncovers features of immigration policy that discriminate by subterfuge in their design, through differential enforcement, and through disparate effects on various ethnic groups. The case studies show how administrative discretion continues to allow Brazil to limit how many Haitians enter the country, and how Argentina has one of the most progressive and liberal migration laws on the books but continues to discriminate in practice at the border and internally against Bolivians and Paraguayans. In the USA, family preference visa country caps deliberately lengthen the line for immigrants from Mexico and the Philippines, and the so-called Diversity Program is the result of a failed effort to bring in more Europeans by cynically deploying the language of race-conscious diversity policies. One of us has co-edited a series of books detailing how US immigration enforcement policy targets Latinos in ways that have led to the death of thousands of people attempting to clandestinely cross the border (see the summary in FitzGerald and Alarcón 2013). The other has examined how the flip side of positive preferences in some European immigration policies is an effort to reduce in-flows of North Africans (Cook-Martin 2013). International and cross-national influences – what we call ‘horizontal’ factors in the book – do not end all subtle, covert, or de facto discrimination. A significant number of contemporary anti-immigrant policies in the USA, especially those targeting Latinos, are on the subnational level precisely because it is touched less by foreign policy concerns and norms.

Liberalism, democracy and racism

The bulk of our evidence is about the long period of exclusions by liberal democracies and populist regimes. To borrow from Wade's comment, there has indeed been a 'hell of a love affair' between racism and liberal democracy. But what exactly do we mean by these terms? These are difficult questions because scholars and practitioners use the terms to mean different and sometimes incompatible things.

Classical liberalism aimed to foster human freedom and economic activity through states with a representative system of government. Liberty implied rights to free movement, exchange and political participation, as well as constraints on the power of government to interfere in these areas. Rights were inherent and equally applicable to all autonomous moral individuals within a political community. Liberalism has taken various guises in the Americas, but there has been enough of a common ideological kernel that it makes sense to speak of it as a doctrine with hemispheric reach. Commentators have assumed that the USA was *the* hemispheric and even global example of liberalism expressed as a democracy, although Canada is also invoked as an exemplar (Parekh 1992). Liberalism was very influential among Latin American elites and shaped national modernists' aspirations even when liberal institutions may not have been as robust in Latin America as in the USA. Anderson (1991, 50–51) takes for granted that liberalism was a widely held philosophy among hemispheric colonial elites at the time of the early-nineteenth-century independence movements. The liberal-republican doctrines of civic virtue and political participation expressed in the US Declaration of Independence (1776) and Constitution (1787), the French Declaration of the Rights of Man (1793) and the Cádiz Constitution (1812) had a broad impact in the region, as evidenced by the adoption of similar principles and wording in constitutions across Latin America (Lambert 1967, 267–268).

Political actors in the Americas have sometimes described different and even contradictory configurations of equality, individual rights and self-government as 'liberalism'. It would be impossible to define liberalism exclusively from participants' perspectives in multiple countries over two centuries and then reach conclusions about the relationship between their political views and decisions about how to select potential residents and citizens. We therefore distinguish between emic uses and the etic typology drawn by Robert Dahl (1971), which classifies regimes on a spectrum according to levels of societal inclusiveness and political contestation. Inclusiveness refers to levels of participation by the public in governance, typically through electoral or corporatist mechanisms. Contestation refers to the openness of government to public resistance. Liberal democracy is one end of the spectrum of political regimes with a comparatively high level of inclusion through universal suffrage and openness to public contestation by means of a representative form of government where interest groups can contest government decisions. The USA, throughout most of its history, and Canada, after becoming an independent dominion, have been examples of liberal democracy thus conceived. Corporatism or populism has a high level of formal inclusion, but few avenues for contestation of central government decisions. Whether the channelling of interests from below was direct, as in the US case, or managed by populists like Cárdenas in Mexico, Perón in Argentina, or Vargas in Brazil, the result was immigrant selection by their ethnic origins. We argue that

liberal democracy and populist regimes defined in the Dahlian way have been fully compatible in practice with ethnic selection in immigration law.

James Hollifield's comment highlights the paradox between a liberal economy that is open to the world and efforts to build a wall around the political community. There are infinite potential grounds for exclusion. Is *racism* inherent to liberal political philosophy and the exclusive face of the democratic polis? We think not, for some of the reasons that Joppke rightly points out. *Culling the Masses* is, however, a work of empirical social science rather than normative philosophy. We examine the relationship between democracy (in its liberal and populist guises) and racist immigration and nationality policies. This relationship has been variously described as an anomalous one that would be worked out over time, as one in which racism and democracy constitute each other, and as a reflection of multiple traditions. Extensive evidence of a sustained historical relationship between liberal democracy and racist policies undermines the first position. The second, mutual constitution perspective rightly points to this historical relationship. It suggests, and our findings corroborate, that racialized ideologies have shaped who was considered a political subject. The social and political desirability of whiteness and being European has been a feature of liberal democracy since its inception, as demonstrated by political actors' responses to indigenous peoples, and imported African and Asian labour. As we note in the book, John Stuart Mill warned that people characterized by 'extreme passiveness, and ready submission to tyranny' were unfit for representative government. Mill wrote to the *New York Tribune* in 1870 to warn that Chinese immigration could permanently harm the 'more civilized and improved portion of mankind'. Similarly, in Australia, the main architects of colonial liberalism excluded Chinese based on the argument that only Anglo-Saxons were fit for self-government. Scientific racism in France, Latin America and the USA offered an authoritative foundation for this exclusionary rationale.

One may object, as Joppke does, that the exclusions outlined above are not based on the purest principles of liberalism. However, policymakers themselves explained the motivation for racist immigration policies as fulfilling the mandates of liberal democracy. When Teddy Roosevelt praised the success of democracies in reserving the best regions of the world for the white race by keeping out Chinese (1), he demonstrated how liberal democracy and racism are entwined. Historian Wolfgang Knöbl (2013, 64) notes that the writings of European liberals 'as different as Weber and Tocqueville reveal that that liberalism had enormous "problems" with ethnic minorities'. We emphasize the historical record of liberal democratic actors rather than the contradictions of abstract principles. Still, there are historical problems with mutual constitution theory, particularly as it has been advanced by the critical race perspective. In our view, such a position underestimates the significant consequences of immigration law reforms such as the opening of migration flows from non-European origins.

One resolution of the vexing relationship between political liberalism and racism has been to explain them as distinct traditions that coexist. Benjamin Ringer (1983, 8) argued that the main exemplar of liberalism in the Americas – the USA – was founded on and perpetuated an ideological dualism between the American creed and the racial creed. Rogers Smith has shown that white racism in the USA – what he calls ascriptive inequality – has been a tradition in its own right with theological and scientific rationales. Smith criticizes accounts of American political ideology that

stress its liberal democratic features at the expense of its 'inegalitarian ascriptive ones'. This implies taking a 'multiple traditions' view 'supported by a theory of the crafting of civic identities that leads us to expect this sort of complexity', rather than of a single egalitarian liberal tradition (Smith 1997, 5–7). From this perspective, the relationship between liberalism and racism has historically been close, but contingent on interest group politics. For two-thirds of US history, the majority of the population was explicitly excluded from citizenship based on ascriptive criteria such as race and sex. Elimination of those criteria has not followed the straight line towards greater openness that the conventional story describes. Immigration law was much more racially restrictive in 1924 than in 1860 (Smith 1997, 15–16). Horton (2005, 4) similarly concludes that 'racially equalitarian and hierarchical' forms of liberalism have played important roles in the political development of the USA such that it is hard to adjudicate 'the fundamental nature of liberal politics with regard to issues of racial justice'. This explanation shows how ostensibly contradictory ideologies have coexisted, but not the patterns of connections among them. It leaves unspecified the conditions under which one particular tradition becomes more salient and influential.

We describe the relationship between liberalism and racism as one of elective affinity. Our analogic rather than literal use is well within the meaning of the term as used by its likely intellectual forbear, Goethe. Weber drew on Goethe, who used elective affinity as a chemical metaphor for romantic relationships.¹ Weber clearly meant to describe a relationship that was non-deterministic, probabilistic, and that involved choices by those it linked. This is the historically contingent quality of the relationship between liberal democracy and racism that we have meant to convey. Democracy, in its liberal and populist variants, has had a greater affinity with ethnic selectivity than with universalism, but no iron law binds them.

The social and political desirability of whiteness and being European has been a feature of liberal democracy since its inception, as demonstrated by countries' responses to indigenous peoples, and imported African and Asian labour. If liberalism has formally been an ideology of participation and access for all citizens, racism has been a means of sorting people into hierarchically arranged categories based on perceived physical characteristics and associated moral capacities, and does so to justify the differential distribution of material and symbolic resources and treatment. On its face, racist ideology would seem to run counter to liberalism's commitment to equality for all individuals within the polity. Historically, however, liberalism and racism have shown an elective affinity in their assumptions about whiteness as a constitutive feature of political personhood. As a consequence, immigration laws have guarded the threshold of the polity by means of ethnic selection. The decline of racist selection in all polities – from liberal democratic Canada to populist Mexico to communist Cuba – suggests that liberalism is not responsible for this decline, but rather, particular forms of nation state building combined with responses to global conflict and decolonization. *Culling the Masses* shows in great detail how the affinity between liberalism and racism was sundered by these geopolitical shifts.

Material and ideal interests

Peter Wade rightly notes that in different parts of the book, we take different analytical approaches to the interaction between race and economy. He points out that the distinction we make between strictly economic versus ideological interests in shaping racism hides how these categories are intertwined. In the same paragraph, Wade provides the rationale for why we analytically parse out racial ideology and economics at one moment, when our goal is to demonstrate how motivations for racist policies cannot be reduced to economic factors. At other moments, we wish to show how ideal and material interests combine in ways that defy their clean decomposition. These heuristic oscillations were deliberate because they reveal dynamics that would otherwise be lost.

For example, to debunk the argument by prominent economic historians that racist immigration policies were created by strictly economic interests, and that race was just epiphenomenal in making these decisions, we show how actors often worked against their own economic interests. The examples of employers' early exclusions of Asians and black immigrants from Brazil and their quick reversal in the 1890s and Mexican workers attempting to keep out Middle Eastern merchants who were selling them goods at cheaper prices than native shop owners in the 1930s illustrate this point. Understanding the weakness of economic arguments advanced by other scholars requires analytically adopting the Weberian distinction between material and ideal interests, even if the distinction is not as neat empirically as it is in theory. Making this distinction is also a necessary first analytical step in taking up Hollifield's call to better understand the conditions under which different coalitions of interest groups, whose interests vary in the extent to which they are shaped by class or culture, open or close the door to immigration.

Like Weber, Wade and many others, we are also interested in the interaction between material and ideal interests. We argue that racial categories were not simply proxies for immigrant skill levels; they also constituted ideological rationales for employers to create different levels of skill in the labour market by hiring along racial lines (14). Understanding employers' decision-making processes, which then influenced labour immigration policy, requires focusing on the intertwining of ideology and economic interests that created the racialized categories of 'good' workers for particular occupations.

Janus

A retrospective on the process of researching and writing this book suggests a number of lessons learned and prospective studies to pursue. Not surprisingly, a broad temporal and comparative scope necessarily limits the details of a particular country case. As some of reviewers have suggested, the US case study does not fully attend to policies affecting immigrants once they arrived, comprehensively describe just how policies were enforced, or examine the many other policy domains influenced by ethnic dynamics. Consequently, although the book's longest chapter is devoted to the US case, readers seeking these details and expanded topics are invited to consult additional sources.

Hiroshi Motomura and Cybelle Fox point out that *Culling the Masses* attends more to the law on the books than the law in action (although Joppke suggests that doing both is one of our main contributions). For pragmatic reasons, we could not explore the details of the law in action across twenty-two countries and two centuries, but the six country case studies document the main dynamics of ethnically discriminatory enforcement. Moreover, the project of exploring the gap between the law on the books and the law in action requires knowing what the law on the books is. Until this volume was published, no one had systematically established what the law said in these twenty-two cases, in part because immigration laws are buried in many different kinds of law in heterogeneous legal systems. Nothing would satisfy the authors more than if this research prompted further scholarly efforts to explore the gaps between the letter of the law and its practice.

On the other hand, the scope of the analysis has several benefits. It alerts us to the dangers of imposing analytic frameworks that take as normative the experience of a particular country or countries in the Global North. A case in point is the assumption that policy influences flow exclusively from powerful to less powerful countries. While this is typically the case, we uncover a mechanism whereby less powerful countries aligned to press for anti-discrimination in immigration policies of world powers. A banding together of less powerful countries through the same multilateral institutions created by world powers to manage them and the geopolitical contexts of the Second World War, decolonization and the Cold War made possible this change against political gravity. Had we only focused our study on the rich powerful countries of the Global North, this finding would have remained buried.

Our comparative and long view also challenges assumptions about empirical species of racism. In the Americas there was a wide spectrum of views on the possibility of assimilation of or change in the putatively 'lesser race'. The varieties of eugenicism illustrate this point. Hereditary determinists at the First Pan American Conference on Eugenics and Homiculture (held in Havana 1927) emphasized the imperviousness of inherited traits to environmental factors, although traits could vary significantly from one generation to the next depending on genetic inputs. Determinists primarily drew on the Mendelian tradition of genetics and demanded exclusion of 'racial inferiors'. On the other end of the spectrum, eugenicists who took an environmentalist view emphasized the impact of contextual factors on the expression of hereditary traits. Genetic inputs mattered a great deal, but environmentalists argued that the effect of heredity could be offset by environmental modifications such as sanitation and education. Environmentalists drew on the Lamarckian tradition of genetics. Latin American eugenicists in this latter vein still thought of discrete, hierarchically arranged 'races', but differed from their Mendelian brethren in allowing for the possibility of movement across groups and taking a less hard line in selecting racially. The scope of the study thus reveals how different forms of racism led to different forms of immigrant selection.

Looking ahead, we hope that other scholars will take up the challenge of expanding the geographic scope of this study as well as examining other policy domains related to immigration and nationality. Geographically, deepening comparisons with European policies yields additional insight. In a recent paper we examined how the category of 'assimilability', or capacity to integrate, is used for contemporary de facto

ethnic selection in seven European countries. Further study including non-Western cases may significantly change the way we think about the relationships between regime types, political economies and ethnic selection.

Examining other policy domains related to immigration and nationality is yet another direction to follow that would complement the research in *Culling the Masses*. Fox has referenced her work on social welfare policies that differentially affected how Southern and Eastern Europeans and Mexicans settled in the USA. Our next projects are about other immigration policy domains – asylum and temporary migration – where ethnic selection plays a role. A growing literature examines laws with differential effects by ethnicity as well as hidden forms of discrimination. This work is overwhelmingly based on European and Anglo-settler cases and could be extended to examine these effects and discriminations in other settings. The premise of this project from the beginning was to expand the scope of research on migration and ethnicity and in doing so, to challenge the received wisdom. We hope that *Culling the Masses* will be poked, prodded, expanded and superseded in the years to come.

Disclosure statement

No potential conflict of interest was reported by the authors.

Note

1. *The Elective Affinities* was Goethe's third novel written in 1809. Goethe used the scientific term to describe the tendency of some chemicals to combine with others in relation to human passions. See Giddens (1971, 211) for a classic definition of elective affinity.

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