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Authors

Cook-Martín, David

FitzGerald, David

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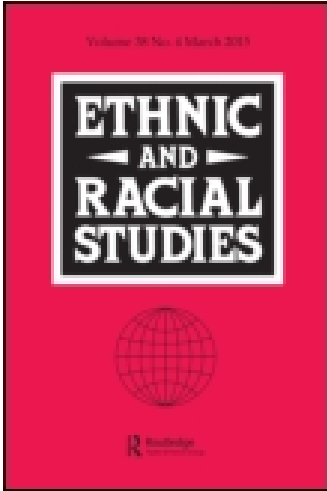
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Culling the Masses: A Rejoinder

David Cook-Martin and David FitzGerald

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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.

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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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DAVID COOK-MARTIN is Professor in the Department of Sociology at Grinnell College.

ADDRESS: Grinnell College, Grinnell, IA 50112, USA.

Email: cookd@grinnell.edu

DAVID FITZGERALD is Professor in the Department of Sociology at University of California, San Diego.

ADDRESS: Department of Sociology, University of California, San Diego, La Jolla, CA 92093-0548, USA.

Email: dfitzgerald@ucsd.edu