

【연구논문】

Between Global Norms and Domestic Institutions: Postwar Immigration Policymaking in Canada and the United States

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Although Canada and the United States are self-declared immigration countries, their means of regulating admissions are quite different. Whereas the United States privileges family reunification, Canada's "points system" grants policymakers greater flexibility in tailoring immigration flows to meet changing economic needs. This paper explores the origins of these distinct approaches.

I argue that the two states' policies share similar roots: In the post-World War II era, changing norms pertaining to race, ethnicity, and human rights cast longstanding discriminatory policies in a highly critical light.¹⁾

1) Both states regulated migration so as to exclude non-whites and favour "Nordic races" – i.e. groups from northern and western Europe. The United States' National Origins Quota Acts also ranked European "races" immigrants from southern and eastern Europe were deemed inferior and therefore subject to strict restrictions. While Canada also discriminated against southern and Eastern Europeans, there was no formal system devised for restricting their admission. Rather, policy was adjusted according to economic demands, with "non-preferred" Europeans accepted during economic good times and excluded during downturns. For details see Triadafilos Triadafilopoulos, "Building Walls, Bounding Nations: Migration and Exclusion in Canada and Germany, 1870-1939," *Journal of Historical Sociology* VOL. 17, No. 4 (2004): 385-427; Mae Ngai, "The Architecture of Race in American Immigration Law: A Reexamination of the Immigration Act of 1924," *The Journal of American History* VOL. 86 (June 1999):

Opponents of racial discrimination in immigration policy took advantage of this new normative context to highlight the lack of fit between Canada and the United States' postwar commitments to liberal norms and human rights and their extant policy regimes. This pressure prompted comparable processes of policy "stretching" and "unraveling," which culminated in policy "shifting" in the mid-1960s. Unraveling and shifting were, however, subject to quite different political dynamics. Canada's institutional configuration granted the executive branch and bureaucracy a high degree of autonomy and policy change accorded to models of elite learning.²⁾ Conversely, the greater openness of the American political system and the pivotal role of Congressional committees led to a more politicized process. As a result, the executive branch's efforts to recast immigration policy in economic terms, as in Canada, failed. The result was a patchwork policy that aimed to mollify distinct and conflicting interests.

This difference in policy outcomes would have important consequences. Critics of American immigration policy claim that the 1965 Immigration Act's preference for family reunification has led to a "precipitous decline . . . in the average skills of the immigrant flow reaching the United States," which, in turn, has "helped rekindle the debate over immigration policy."³⁾ Conversely, the Canadian system's relatively successful linking of immigrant admissions and economic needs has helped maintain a remarkable degree of acceptance for mass

67-92.

2) In elite learning policy change is driven by experts in a given field of policy, either working for the state or at the interface between the bureaucracy and the intellectual enclaves of society. See Hugh Hecllo, *Modern Social Politics in Britain and Sweden* (New Haven: Yale University Press, 1974), 305-306.

3) George J. Borjas, *Heaven's Door: Immigration and the American Economy* (Princeton: Princeton University Press, 1999), 8.

immigration in Canada. Indeed, Canada's points system has become something of a model for other countries formulating organized immigration policies.⁴⁾

I begin by outlining my argument regarding the interplay of shifting normative contexts and domestic politics, noting its relation to the extant literature on postwar immigration policymaking. I then apply the argument to better understand postwar immigration policymaking in Canada and the United States. I conclude by reiterating the paper's argument and summarizing the results of the case studies.

Argument and Analytical Framework

The Migration-Membership Dilemma

In a world of nation-states international migration is a subversive process. Whereas migrants may be used to meet labor market requirements, keep production costs low, and serve related economic purposes, the satisfaction of these economic interests can, and often does, provoke negative reactions not only among actors with conflicting material interests, but also among those who view immigration as a threat to communal stability and societal integration. Efforts to address this clash of distinct interests and concerns drive the politics of membership. In this respect, immigration and citizenship policies represent answers to the very basic questions provoked by the migration-membership dilemma: "What are we? What do we wish to become? Which individuals can help us reach that goal? And most fundamentally: Which individuals constitute the 'we' who shall decide

4) Ayelet Shachar, "The Race for Talent: Highly Skilled Migrants and Competitive Immigration Regimes," *New York University Law Review* Vol. 81 (2006): 101-158.

these questions?"⁵⁾

Normative Contexts

How politics respond to these questions depends on a host of factors, including regime type, traditions of nationhood, and economic requirements. Limiting our attention to these domestic variables, however, obscures more encompassing material, political, and ideational structures that influence outcomes across states. As Aristide Zolberg has noted, domestic policymaking "takes place within the context provided by changing conditions in the world at large. Hence . . . analysis must take into account the configuration of international conditions that generates changing opportunities and challenges in relation to . . . immigration."⁶⁾ Alan Cairns' work on the transformation of indigenous peoples' politics in Canada and other settler countries proceeds in a similar direction. In *Citizens Plus*, Cairns argues that the dramatic contrast in historic assumptions governing Aboriginal/non-Aboriginal relations in Canada cannot be understood without recognizing the impact of changing international norms, and in particular the demise of European colonialism.⁷⁾ Cairns develops this insight by making a useful distinction between the global culture of the late nineteenth and early twentieth century and that of the period after World War II. Both periods were marked by globalization and "diversity," but they differed

5) Peter Schuck, "Immigration Law and the Problem of Community," in *Clamor at the Gates: The New American Immigration*, ed. Nathan Glazer (San Francisco: ICS Press, 1985), 285-286.

6) Aristide R. Zolberg, "A Nation by Design: Immigration Policy in the Fashioning of America," (paper presented at the 2002 meeting of the American Political Science Association): 4-5.

7) Alan C. Cairns, *Citizens Plus: Aboriginal Peoples and the Canadian State* (Vancouver: University of British Columbia Press, 2000), 41.

significantly in their prevailing attitudes toward diversity.

My understanding of “normative contexts” builds on these insights. Normative contexts are complex configurations of global structures, processes, and beliefs that serve as background conditions informing domestic policymaking. Shifts in normative contexts throw policies enacted under older conditions into doubt, as the “common sense” of one era may be rendered highly problematic in another as a result of changes in what constitutes appropriate conduct.

I distinguish between two periods with distinct normative contexts. The first spans the turn of the twentieth century until the Second World War. The second emerges as a consequence of the war and related developments, including the Holocaust, decolonization, and the emergence of a global human rights culture. Both contexts had a profound effect on immigration and citizenship policies in Canada and the United States. Solutions to the migration-membership dilemma devised during the early part of the twentieth century were influenced by prevailing attitudes toward racial and ethnic difference, nationalism, and state sovereignty, tending, on the whole, to legitimize discriminatory exclusions. Conversely, the discrediting of scientific racism, integral nationalism and white supremacy, and the simultaneous emergence of human rights after the war problematized efforts to structure policies along familiar lines and granted leverage to reformers. Canada and the United States’ identification as liberal democratic countries that respected human rights made them especially vulnerable to charges of hypocrisy. This is not to say that racial discrimination disappeared after World War II; rather, the discrediting of racism and integral nationalism as legitimizing principles made racialized categories much harder to defend and maintain in the face of criticism.

Stretching, Unraveling, and Shifting

How did this change in normative structure influence immigration policymaking in Canada and the United States? To answer this question I advance an analytical framework that breaks the process down into three stages, which I refer to as “stretching,” “unraveling,” and “shifting.”⁸⁾

The concept of stretching speaks to the durability of entrenched policy paradigms and their propensity to channel policymaking along well worn paths.⁹⁾ Existing policy paradigms

define the broad goals behind policy, the problems to be tackled, and the instruments to be deployed, as well as mapping the respective responsibilities of the state, market and citizens in meeting societal challenges. Once institutionalized, a governance paradigm channels the thoughts and actions of a range of state and societal actors, reflecting shared policy knowledge and habitual decision-making routines. The result is broad continuity in both content and process of public policy.¹⁰⁾

8) My approach draws on insights from historical institutionalism, generally, and Peter Hall's theory of “paradigm shift,” in particular. See Kathleen Thelen and Sven Steinmo, “Historical Institutionalism in Comparative Politics,” in *Structuring Politics: Historical Institutionalism in Comparative Analysis*, ed. Sven Steinmo, Kathleen Thelen, and Frank Longstreth (Cambridge: Cambridge University Press, 1992); Peter A. Hall, “Policy Paradigms, Social Learning and the State: The Case of Economic Policymaking in Britain,” *Comparative Politics* VOL. 25, No. 3 (April 1993): 275-296; Peter Hall, “Policy Paradigms, Experts, and the State: The Case of Macroeconomic Policymaking in Britain,” in *Social Scientists, Policy, and the State*, ed. Stephen Brooks and Alain-G. Gagnon (Westport: Connecticut: Praeger, 1990).

9) David Wilsford, “Path Dependency, or Why History Makes it Difficult but Not Impossible to Reform Health Care Systems in a Big Way,” *Journal of Public Policy* VOL. 14, No. 3 (1994): 251.

10) Neil Bradford, “Public-Private Partnership? Shifting Paradigms of Economic Governance in Ontario,” *Canadian Journal of Political Science* VOL. 36, No. 5 (December 2003): 1006.

Changes in normative contexts did not compel policymakers to immediately begin searching for radically new solutions. Rather, their initial response was to “stretch” established policies to conceal anomalies generated by lack of fit without abandoning the fundamental premises of extant policy frameworks.¹¹⁾ Cosmetic reforms aimed at co-opting criticism while avoiding fundamental transformation.

These initial responses had unintended effects that accelerated the breakdown of established policy frameworks. Attempts to answer critics with “tactical concessions” affirmed the normative validity of their claims, increasing pressure for more substantive reforms.¹²⁾ Policy stretching thus gave rise to unraveling, as an expanding constellation of critics pulled more determinedly at the most vulnerable strands of existing policy regimes. The unraveling of established policy frameworks increased demands for innovative strategies, opening space for the introduction of policies in line with the ascendant normative context.¹³⁾ The formulation and implementation of new approaches marked the transition from unraveling to shifting.

Unraveling and shifting were, however, subject to quite different political dynamics. In Canada, “[o]ne party government in a parliamentary system . . . tended to reinforce the effects of executive policymaking by dramatically curtailing avenues for challenging . . . policies.”¹⁴⁾ Conversely, divided government in the United States

11) Hall, “Policy Paradigms, Experts, and the State,” 61; Hall, “Policy Paradigms, Social Learning and the State,” 277-280.

12) Thomas Risse, “International Norms and Domestic Change: Arguing and Communicative Behavior in the Human Rights Arena,” *Politics and Society* VOL. 27, No. 4 (December 1999): 538.

13) Neil Bradford, *Commissioning Ideas: Canadian National Policy Innovation in Comparative Perspective* (Toronto: Oxford University Press, 1998): 13; Judith Goldstein, “The Impact of Ideas on Trade Policy: The Origins of U.S. Agricultural and Manufacturing Policies,” *International Organization* VOL. 43, No. 1 (Winter 1989): 32.

limited the executive branch's ability to shape policy. Thus, even when American restrictionists found themselves at a disadvantage, in terms of prevailing elite opinion and legislative majorities, they were still able to exact important concessions through their membership in congressional committees and subcommittees. The lack of any comparable source of leverage in Canada muted potential dissenters' voices, granting Canadian policymakers wide latitude in crafting alternatives to established policies.

My argument connects several competing claims about the sources of immigration policymaking in the postwar period and offers a way out of the impasse that has marked recent debates in this field of enquiry. In the following section, I summarize rival approaches and identify their respective strengths and weaknesses in order to highlight the advantages of the integrative approach developed here.

Bridging the Internal-External Divide

In her influential book *Limits of Citizenship*, Yasemin Soysal argues that the proliferation of global human rights instruments in the postwar period has brought forth a "new and more universal concept of citizenship . . . whose legitimizing principles are based on universal personhood rather than national belonging."¹⁵ Postwar changes in the organization and ideologies of the global system "have increasingly shifted the institutional and normative basis of citizenship to a transnational level and . . . extended rights and privileges associated with it beyond national boundaries."¹⁶ This has led to the de-coupling of

14) Ninette Kelley and Michael Trebilcock, *The Making of the Mosaic: A History of Canadian Immigration Policy* (Toronto: University of Toronto Press, 2000), 449.

15) Yasemin Nuhoğlu Soysal, *Limits of Citizenship: Migrants and Postnational Membership in Europe* (Chicago: The University of Chicago Press, 1994), 1.

membership rights and national citizenship.¹⁷⁾

According to Soysal's "postnational model," the key factors animating contemporary membership politics are located outside the state. As transnational forces generated by global culture and economic globalization erode the traditional basis of nation-state membership, "postnational" forms, legitimated by international codes, conventions, and laws on human rights, fill the breach.¹⁸⁾ Soysal and others, including David Jacobson and Saskia Sassen, thus reduce the state's role in this process to one of implementing and enforcing what are, in essence, global norms. In Sassen's words, "the legitimization process of states under the rule of law calls for respect and enforcement of international human rights codes, regardless of the nationality and legal status of the individual (emphasis added)."¹⁹⁾

This "externalist" argument provoked a strong reaction among "internalists," who offer a very different take on the forces underlying membership politics. In a pointed reply to Soysal, Jacobson, and Sassen, Christian Joppke argues that states with robust liberal infrastructures have no need to resort to international norms:

All Western constitutions . . . contain a catalogue of elementary human rights, independent of citizenship, which are to be protected by the state and

16) Yasemin Nuhoğlu Soysal, "Changing Citizenship in Europe: Remarks on Postnational Membership and the National State," in *Citizenship, Nationality and Migration in Europe*, ed. David Cesarini and Mary Fulbrook (London and New York: Routledge, 1996), 21.

17) Soysal, *Limits of Citizenship*, 3.

18) David Jacobson, *Rights Across Borders: Immigration and the Decline of Citizenship* (Baltimore: Johns Hopkins University Press, 1996), 9.

19) Saskia Sassen, "The *de facto* Transnationalizing of Immigration Policy," in *Challenging the Nation-State: Immigration in Western Europe and the United States*, ed. Christian Joppke (New York: Oxford University Press, 1998), 72.

thus limit its discretionary power. Universal human rights are not the invention of the United Nations in 1945, but of liberal nation-states in the late eighteenth century.²⁰⁾

Joppke and other internalists maintain that the expansion of membership regimes in the post-World War II era has marked the unfolding of domestic liberal principles that have tended to ameliorate exclusions even in ethno-cultural nation-states such as Germany.²¹⁾ Courts have tended to drive the emergence of this immigrant-friendly liberalism.²²⁾ Unlike the executive and legislative branches of government, the judiciary is shielded from populist sentiments in civil society. As such, judges have often been the defenders of nationals and (select) non-nationals alike. The “decline of sovereignty” diagnosed by externalists is therefore strictly a domestic affair: sovereignty is “self-limited” through the judiciary’s extension of domestic liberal rights to immigrants.

Both positions have their respective strengths and weaknesses. Soysal, Jacobson, and Sassen help us understand how new normative standards woven into an increasingly “thick” global culture confront exclusions based on tradition and give marginal actors a means of legitimizing their claims. States can no longer treat foreign workers as mere means, but

20) Christian Joppke, “Immigration Challenges the Nation-State,” in *Challenge to the Nation-State: Immigration in Western Europe and the United States*, ed. Christian Joppke (New York: Oxford University Press, 1998), 18

21) James F. Hollifield, *Immigrants, Markets, and States: The Political Economy of Postwar Europe* (Cambridge: Harvard University Press, 1992); Gary Freeman, “Modes of Immigration Politics in Liberal Democratic Societies,” *International Migration Review* VOL. 29, No. 4 (1995): 881-902.

22) Christian Joppke, “The Legal-Domestic Sources of Immigrant Rights: The United States, Germany, and the European Union,” *Comparative Political Studies* VOL. 34, No. 4 (May 2001): 339-336.

are obliged to recognize them also as ends in themselves. The result is a blurring of traditional insider-outsider distinctions and, in some cases, a fairer distribution of rights to nationals and non-nationals alike.

While there is no gainsaying the power of this claim, externalists' neglect of politics also leaves them vulnerable to criticism. The story told by these scholars is one of general consensus: in a world in which human rights norms increasingly dictate policy outcomes, politics loses its importance. Indeed, traditional political actors (e.g. parties) and processes (e.g. elections) barely figure in their accounts. This disregard for politics is not entirely surprising: if the force of world culture posited by externalists were as powerful as they claim, normative contestation should gradually give way to rational consensus.²³⁾ Yet, for better or worse, partisanship, contestation and politics continue to play a key role in determining the status and scope of rights accorded to migrants - perhaps more so now than at any other time since World War II. Failure to incorporate domestic political processes into their arguments leaves externalists unable to account for this or to explain significant variations in the rights accorded to foreigners in different immigrant receiving countries.²⁴⁾

Proponents of the liberal state thesis rightly draw our attention to the fact that human rights claims have been most effective in states that already uphold a commitment to liberal democracy.²⁵⁾ International

23) Martha Finnemore, "Norms, Culture, and World Politics: Insights from Sociology's Institutionalism," *International Organization* VOL. 50, No. 2 (Spring 1996): 343.

24) Amy Gurowitz, "Mobilizing International Norms: Domestic Actors, Immigrants, and the Japanese State," *World Politics* VOL. 51 (April 1999): 414-415; Kai Alderson, "Making Sense of State Socialization," *Review of International Studies* VOL. 27 (2001): 416.

25) Christian Joppke, "Why Liberal States Accept Unwanted Immigration," *World Politics* 50 (January 1998): 268-269; Myron Weiner, *The Global Migration Crisis* (New York: Harper Collins, 1995), 80-83.

human rights offer little comfort for migrants in states outside of the liberal democratic fold.²⁶⁾ However, attributing causal primacy exclusively to domestic liberal structures and traditions neglects important changes in liberal states' conduct over time.²⁷⁾ Even a cursory review of immigration and citizenship politics in liberal states during the first half of the twentieth century demonstrates that "liberal" countries engaged in grossly illiberal practices against immigrants and other minorities.²⁸⁾ Contrary to the internalists, these policies were not simply the product of legislatures and executives pressured by populist forces. As Ian Haney-López and others have convincingly shown, courts in the United States and elsewhere were critical actors in the erection and perpetuation of blatantly illiberal, racially defined exclusions.²⁹⁾ Indeed, the rather sanguine foundation upon which Joppke and others base their understanding of liberalism and liberal states has come under withering attack by a number of historians, social scientists, and political philosophers.³⁰⁾ There is growing agreement among these scholars that

26) Amy Gurowitz, "Mobilizing International Norms: Domestic Actors, Immigrants and the State," (Ph.D. dissertation, University of California, Berkeley, 1999).

27) Sassen, "The *de facto* Transnationalizing of Immigration Policy," 70; Rogers Brubaker, "Comment on 'Modes of Immigration Politics in Liberal Democratic States,'" *International Migration Review* VOL. 29, No. 4 (Winter 1995): 909-913.

28) Aristide R. Zolberg, "Global Movements, Global Walls: Responses to Migration, 1885-1925," in *Global History and Migrations*, ed. Wang Gungwu (Boulder, Colorado: Westview Press, 1997), 279-303.

29) Ian Haney-López, *White by Law: The Legal Construction of Race* (New York: New York University Press, 1996); Angelo N. Ancheta, *Race, Rights, and the Asian American Experience* (New Brunswick, New Jersey: Rutgers University Press, 1998). For Canada see James W. St. G. Walker, "Race," *Rights and the Law in the Supreme Court of Canada: Historical Case Studies* (Waterloo: Wilfrid Laurier University Press, 1997).

30) See for example Rogers Smith, *Civic Ideals: Conflicting Visions of Citizenship in U.S. History* (New Haven: Yale University Press, 1997); and "Beyond Tocqueville, Myrdal, and Hartz: The Multiple Traditions in America," *American Political Science Review* VOL. 87, No 2 (1993): 549-566; Desmond King, *Making Americans: Immigration, Race, and the Origins of Diverse Democracy* (Cambridge: Harvard University Press,

the rise of a more universal, anti-racist liberalism has only come fairly recently, in the second half of the twentieth century. Hence, internalists have little choice but to accept the core proposition underlying externalists' claims: that the post-World War II period marks a fundamental shift in norms that has influenced the development of liberalism and, by extension, liberal states' regulation of membership.³¹⁾

By linking global and domestic levels of analysis, the approach developed in this article bridges the internal-external divide, recognizing the importance of global culture, national traditions, and liberal democratic norms. Policy change is not reduced to the impact of a particular structure – be it global culture or domestic liberalism – but rather as a result of the interplay of these factors in institutionally patterned political processes. In what follows I demonstrate the utility of my approach through an analysis of postwar immigration policymaking in Canada and the United States.

2000); "Making Americans: Immigration Meets Race," in *E Pluribus Unum? Contemporary and Historical Perspectives on Immigrant Political Incorporation*, ed. Gary Gerstle and John Mollenkopf (New York: Russell Sage Foundation, 2001): 143-174; Gary Gerstle, *American Crucible: Race and Nation in the Twentieth Century* (Princeton: Princeton University Press, 2001); Uday Mehta, "Liberal Strategies of Exclusion," *Politics and Society* 18 (1990): 427-454; *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought* (Chicago: University of Chicago Press, 1999); Emmanuel Chukwudi Eze, "The Color of Reason: The Idea of 'Race' in Kant's Anthropology," in *Postcolonial African Philosophy: A Critical Reader*, ed. Emmanuel Chukwudi Eze (Oxford: Blackwell Publishers, 1997).

31) Some have already done so. See Christian Joppke, "Citizenship between De- and Re-Ethnicization," (New York: Russell Sage Foundation, Working Paper No. 204, March 2003).

Dismantling White Canada, 1947-1967

Stretching: 1947-1952

Prime Minister William Lyon Mackenzie King presented the first important statement on Canada's postwar immigration policy in a speech before Parliament on May 1, 1947. According to King:

The policy of the government is to foster the growth of the population of Canada by the encouragement of immigration. The government will seek by legislation, regulation and vigorous administration, to ensure the careful selection and permanent settlement of such numbers of immigrants as can advantageously be absorbed in our national economy I wish to make quite clear that Canada is perfectly within her rights in selecting the persons whom we regard as desirable future citizens. It is not a "fundamental human right" of any alien to enter Canada. It is a privilege. It is a matter of domestic policy There will, I am sure, be general agreement with the view that the people of Canada do not wish, as a result of mass immigration, to make a fundamental alteration in the character of our population.³²⁾

King's statement made clear that Canada was intent on structuring its immigrant admissions policies as it had in the past: "Asiatic" and other non-white immigration would be avoided so as to preserve Canada's white-European "character."

Yet, state officials understood that changed normative conditions made such an approach difficult to maintain in the postwar period. A candid working paper bluntly laid out the dilemma confronting Canadian policymakers: "The problem of Asiatic immigration into Canada is twofold: an international problem of avoiding the charge of racial

32) House of Commons *Debates*, (May 1, 1947), 2644-2546.

discrimination and a domestic sociological and political problem of assimilation.” Canada’s membership in the UN carried with it an “unqualified obligation to eliminate racial discrimination in its legislation.” This effectively meant supporting the UN’s goal of “promoting and encouraging human rights and . . . fundamental freedoms for all without distinction as to race, sex, language or religion.” Further, Canada’s statements in the General Assembly regarding the competency of the UN to intervene in the domestic affairs of member states indicated that Canada favored a “wide interpretation” of the provisions of the Charter. Claims to sovereign jurisdiction in domestic matters would therefore be open to challenge. Given the risks to Canadian international prestige, the brief recommended that Canada revise its immigration legislation “so as to avoid the charge of racial discrimination” while “effectively limiting Asiatic immigration as to prevent aggravation of the Asiatic minority problem.”

This strategy of stretching established policies to co-opt charges of hypocrisy would define Canadian immigration policymaking in the early postwar period. For instance, pressure from the Committee for the Repeal of the Chinese Immigration Act moved the government to strike the Act in 1947.³³) The repeal of discriminatory naturalization regulations soon followed, lifting bars to citizenship for Chinese and other groups that had long faced discrimination in this area.³⁴) Despite these reforms, the goal of limiting the entry and incorporation of immigrants to whites remained a primary aim of state policy. Chinese

33) Kelley and Trebilcock, *Making of the Mosaic*, 321-322.

34) Carol Lee, “The Road to Enfranchisement: Chinese and Japanese in British Columbia,” *B.C. Studies* VOL. 30 (1976): 44-76; F. J. McEvoy, “‘A Symbol of Racial Discrimination’: The Chinese Immigration Act and Canada’s Relation with China, 1942-1947,” *Canadian Ethnic Studies* VOL. 14, No. 3 (1982): 24-42.

immigration thus fell under the terms of P.C. 1930-2115, which restricted the range of admissible “Asiatics” to the wives and children less than eighteen years of age of Canadian citizens. Other immigrant groups could apply to bring their family members to Canada after they secured legal residency.

Similarly, the new 1952 Immigration Act’s provisions regarding immigrant admissions bore a striking resemblance those of the past. The Governor-in-Council was empowered to prohibit or limit the admission of persons by reason of their

1. Nationality, citizenship, [ethnicity], occupation, class, or geographical area of origin
2. Peculiar customs, habits, modes of life, or methods of holding property
3. Unsuitability vis-à-vis climatic, social, industrial, educational, labor, health, or other conditions or requirements existing temporarily or otherwise, in Canada or in the area or country from or through which such persons came to Canada
4. Probable inability to become readily assimilated or to assume the duties and responsibilities of Canadian citizenship, within a reasonable time after admission³⁵⁾

The intent of the list was clear: immigration was to be closely regulated to ensure that Canada’s “national character” remained essentially “white-European.”

Unraveling: 1952-1962

Foreign policy considerations made it difficult for Canadian policymakers to maintain discriminatory immigration policies. Changes

35) Hawkins, *Canada and Immigration*, 102.

in international politics were pushing Canada to take increasingly liberal positions in the UN and the British Commonwealth; decolonization in Africa and Asia had transformed power relations in both organizations and placed racial discrimination at the top of their agendas. By 1961, African, Asian, and Latin American members constituted two-thirds of the UN General Assembly and anti-racist resolutions were becoming sharper and more frequent.³⁶⁾ As Canada's ability to play an independent role in world affairs depended on the preservation and functioning of both organizations, it could not afford to abstain from debates over the international community's handling of matters pertaining to racial justice.

Among the most important challenges confronting the Commonwealth during this period was the debate over South Africa's membership. Non-white members and potential members made it clear that the future of the organization would depend on how the apartheid issue was resolved. In an effort to avoid a split that could imperil the Commonwealth's future, and Canada's role in international affairs, Canada's Prime Minister John Diefenbaker came out strongly against the principle of racial discrimination during the Commonwealth's 1961 Conference in London.³⁷⁾

Diefenbaker's crusading anti-racism was a source of concern among diplomatic personnel. Canadian consular officials understood that their country's public stand against race discrimination could be turned

36) Linda Freeman, *The Ambiguous Champion: Canada and South Africa in the Trudeau and Mulroney Years* (Toronto: University of Toronto Press, 1997), 19.

37) See "Meeting of Prime Ministers of the Commonwealth: Report by Prime Minister John G. Diefenbaker on the Commonwealth Prime Ministers' Conference, House of Commons, May 16, 1960," in *Canadian Foreign Policy 1955-1965: Selected Speeches and Documents*, ed. Arthur E. Blanchette (Toronto: McClelland and Stewart, 1977): 302-306; Freeman, *The Ambiguous Champion*, 25.

against it if and when immigration matters were raised.³⁸⁾ Their opinion was born out, as external critics of Canadian immigration policy continued to draw attention to Canada's reluctance to implement the principles it espoused abroad in its immigration policy.

Domestic critics, such as the Canadian Council of Churches, the Canadian Jewish Congress, the Negro Citizenship Association, and the Canadian Congress of Labor, also raised doubts about the government's continuing use of racial categories. These advocacy groups challenged the government's commitment to anti-discrimination, civil rights, and liberal democratic principles by exposing its maintenance of discriminatory immigration policies and administrative practices. Virtually all of these appeals included arguments pertaining to Canada's obligation to live up to its commitment to international human rights and the elimination of discrimination based on race, color or creed.

The Canadian government reacted to these charges by continuing its policy of adjusting regulations to pre-empt or at least limit the force of criticisms. Thus the Diefenbaker government introduced a number of changes, including doubling India's annual immigration quota from 150 to 300 persons, raising the annual quota of female domestic workers from the British West Indies, and reconsidering previously rejected applications for sponsorship to increase the number of entries from China.³⁹⁾ Far from providing solutions to the government's problems, however, the stretching of the system to accommodate advocacy groups' demands was compounding problems. For example, the government's effort to assuage the concerns of Canada's East Indian community by

38) Telegraph from Canadian Trade Commissioner in Port-of Spain to Department of External Affairs, Ottawa, March 20, 1961.

39) David Corbett, "Canada's Immigration Policy, 1957-1962," *International Journal* VOL. 18, No. 2 (Spring 1963): 173.

doubling India's annual immigration quota prompted Pakistan to demand that its quota also be doubled.⁴⁰⁾ While Canadian officials were well aware that acceding to Pakistan's demand would run the risk of encouraging requests for similar programs from other Commonwealth countries they believed they had little choice but to comply, given that rejecting Pakistan's demand would likely lead to further accusations of discrimination and perhaps even a public airing of Canadian policies in the Commonwealth.⁴¹⁾

In short, Canadian immigration officials' ability to meet the challenges of lack of fit by tinkering at the margins of the prevailing policy regime was running into insurmountable political obstacles. Cosmetic solutions aimed at mollifying international and domestic opinion while preserving the essential features of the prevailing system could not paper over the fact that policies no longer fit changing normative contexts.

Shifting: 1962-1967

Scholars have assumed that the turn to a "skills-based" admissions system was driven by changes in Canada's economic needs and diminishing numbers of potential migrants in Europe.⁴²⁾ While there certainly was growing consensus within the Department of Citizenship and Immigration on the need to revamp the immigration program and focus recruitment on skilled workers, professionals, and entrepreneurs,⁴³⁾

40) Memorandum to Cabinet: Immigration Agreements with Pakistan and Ceylon, October 23, 1958. National Archives of Canada, RG 76, VOL. 948, File SF-C-1-1, pt. 2.

41) Memorandum to Cabinet: Immigration Agreements with Pakistan and Ceylon, October 23, 1958. National Archives of Canada, RG 76, VOL. 948, File SF-C-1-1, pt. 2.

42) Alan Green, *Immigration and the Postwar Canadian Economy* (Toronto: Macmillan-Hunter Press, 1976), 34-35.

43) See Memorandum from Director of Immigration to Deputy Minister of Department of

there is little evidence to suggest that officials believed that this would necessarily entail active recruitment from “non-traditional” sources.⁴⁴⁾ Rather, the shift to universal skills-based selection criteria in 1962 was primarily aimed at mollifying domestic and international critics of racial discrimination.

This is clear when one considers how officials characterized the reforms at the time. In a memorandum to Cabinet outlining the Department’s proposed measures, the Minister of Citizenship and Immigration, Ellen Fairclough, noted that the principle objective of the revised regulations was “the elimination of any valid grounds for arguing that they contain any restrictions or controls based on racial, ethnic or color discrimination.” This would be accomplished through the amendment of Regulation 20, which constituted “the heart of Canada’s immigration policy” and the main target of criticism. The chief effect of the new regulations would be the elimination of “all grounds for charges of discrimination” and placement of “emphasis henceforth on the skills, ability and training of the prospective immigrant himself, and on his ability to establish himself successfully in Canada.”⁴⁵⁾

The amended immigration regulations were tabled in the House of Commons on January 19, 1962. In her address to the House, Fairclough noted that the intended beneficiaries of the reforms were the previously inadmissible classes and their advocates in Canada and

Citizenship and Immigration: Immigration Policy and Programming as Related to economic and employment factors in Canada, December 9, 1960. National Archives of Canada, RG 26, VOL. 75, File 1-1-1, pt. 2.

44) In fact, efforts were stepped up to generate increased immigration from traditional European sources through advertising and other means. It was felt that Canada’s passive approach to immigration was costing it in terms of attracting highly skilled Europeans. See materials in RG 26, VOL. 75, File 1-1-8, pt. 3; RG 76, VOL. 909, File 572-15, pt. 2.

45) Memorandum to Cabinet Re: Immigration Regulations, October 16, 1961. National Archives of Canada, RG 26, VOL. 100, File 3-15-1, pt. 8.

abroad.⁴⁶⁾ Far from being the product of economic forces, the new immigration regulations served a distinctly political end by granting the government a more effective means of countering accusations of racism and discrimination.⁴⁷⁾

The government's decision to limit the sponsorship rights of non-Europeans and the official but unpublicized policy of maintaining a preference for immigrants from Canada's traditional sources also illustrate the political nature of the 1962 reforms. Whereas Canadian citizens hailing from European and Western Hemisphere countries were able to sponsor a full range of family members and relatives, citizens from non-European and non-Western Hemisphere countries were limited to sponsoring immediate family and a narrower range of relatives. The decision to limit the sponsorship rights of citizens from Asia, Africa, and most of the Middle East (with the exception of Egypt, Israel, and Lebanon) was meant to limit the impact of the policy changes on immigration flows. Officials feared that the granting of full sponsorship rights to migrants from Africa and especially Asia would prompt a flood of visible minorities whose presence could catalyze a negative backlash among white Canadians.⁴⁸⁾

Similar anxieties stood behind the decision to interpret the 1962 reforms passively, leaving the door open to spontaneous applications from extremely well qualified migrants from non-traditional sources but only actively recruiting immigrants from the United States and Europe.⁴⁹⁾ Not

46) Canada, *House of Commons Debates*, Fifth Session –Twenty Fourth Parliament, Vol. 1, (1962), 10.

47) See National Archives of Canada, RG 26, VOL. 100, File 3-15-1, "Canadian Immigration Act and Regulations – Amendments To."

48) Freda Hawkins, *Canada and Immigration: Public Policy and Public Concern* (Kingston and Montreal: McGill-Queen's University Press, 1988), 131.

49) Memorandum from Assistant Deputy Minister to Deputy Minister, Department of

surprisingly, then, doubt as to Canada's real intentions persisted among opponents of racial discrimination. The distinctly political response to critics embodied in the 1962 reforms proved to be insufficient and would have to be elaborated in a more precise system that entailed not only a change in general principles but also a more determined effort to transform practices and outcomes.

This was the political background to the 1966 White Paper on Immigration Policy. The government of Prime Minister Lester B. Pearson pledged to make Canadian immigration policy non-discriminatory in practice and not just principle. At the same time, policymakers agreed that the sponsored immigration program was hurting Canada's economic prospects and contributing to the development of potential ethnic problems, through the uncontrolled entry of unskilled relatives. Adjusting immigration policy to meet the needs of the Canadian economy would require greater emphasis on the recruitment of well-educated, highly skilled and employable immigrants and the reduction of sponsored flows.

The White Paper's central policy recommendations reflected these varied preoccupations. First, Canada would accentuate its effort to recruit well-educated and highly skilled immigrants. Second, remaining discrimination in the realm of sponsorship rights would be ended. Rather than discriminating according to national background, the White Paper proposed making sponsorship rights for landed immigrants equal across the board. Thus, for the first time, all landed immigrants would enjoy the right to sponsor the same array of dependents and "eligible

Citizenship and Immigration, January 21, 1966. National Archives of Canada, RG 26, VOL. 145, File 3-33-6; cited in Vic Satzewich, "Racism and Canadian Immigration Policy: The Government's View of Caribbean Migration, 1962-1966." *Canadian Ethnic Studies* VOL. 21, No. 1 (1989): 84.

relatives.” However, after the six-year adjustment period, only Canadian citizens would enjoy the right to sponsor the full range of relatives stipulated under the proposed system. Policymakers hoped that this provision would enhance their grip on the sponsored movement.⁵⁰⁾

The Department of Manpower and Immigration underestimated the irritation the White Paper’s proposed limits on family reunification would provoke among ethnic groups. Opinions expressed by such groups to the Special Joint Committee of the Senate and House of Commons on Immigration – appointed by the government to examine and report on the White Paper – were often quite negative. While there was support for the elimination of remaining discrimination in the Immigration Regulations, many continued to question how criteria relating to education and skills would be applied without a clearly defined set of standards. Without transparency, pronouncements regarding the government’s intention to seek out the best and brightest regardless of their race continued to ring hollow.⁵¹⁾

The lukewarm reception of the White Paper forced the Department of Manpower and Immigration to reconsider its approach. An internal task force was appointed and charged with devising admissions rules that (i) divided the sponsored stream into dependent and non- dependent relatives as per the White Paper; (ii) employed a standard set of selection criteria; and (iii) were based on the principle of universality.⁵²⁾ After spending several months on the project, the task force arrived at a “points system” which employed a standard set of measures for

50) Canada, House of Commons, *Debates*, “Tabling of White Paper on Government Policy,” (October 14, 1966), 8652.

51) Canada, Special Joint Committee of the Senate and House of Commons on Immigration, *Minutes of the Proceedings and Evidence*, No. 9, 407.

52) Hawkins, *Canada and Immigration*, 162.

weighing applicants' qualifications. Prospective immigrants would be assigned a score in the categories of: age; education; training; occupational skill in demand; knowledge of English or French; relatives in Canada; arranged employment; and employment opportunities in area of destination. A score based on a personal assessment made by an immigration officer in an interview would be added to the total. Applicants meeting the threshold set by the government (initially 50 assessment points) would be admitted as independent immigrants and would enjoy the right to sponsor dependents as well as "nominated relatives." Nominated relatives were also subject to the points system but would be evaluated on a narrower set of criteria.

The points system thus granted Canadian officials a means of demonstrating that immigration policy was based on universal, non-discriminatory standards. At the same time, it offered some means of regulating sponsored flows, while also linking immigrant admissions to economic needs.

Immigration Reform in the United States, 1945-1965

Stretching: 1945-1952

As was the case in Canada, the shift in normative contexts prompted by World War II placed the United States' longstanding solution to the migration-membership dilemma under strain. Even before war's end, national security concerns propelled the elimination of the Chinese Exclusion Act, as President Franklin D. Roosevelt's administration scrambled to neutralize Japanese claims the United States' bar on Chinese immigration made its positions on human rights hypocritical. At home, the Citizens'Committee to Repeal Chinese Exclusion also

claimed that the exclusion laws were at odds with America's commitment to defeating fascism. They were repealed in December 1943 and replaced with a symbolic quota authorizing the admission of 105 Chinese immigrants annually. Similar quotas were established for India and the Philippines.⁵³⁾

After the war, critics continued to argue that the outright exclusion of most non-white migrants and tight controls against southern and eastern Europeans stipulated under the National Origins Quotas made a mockery of American leaders' claims that their country was the world's beacon of liberty and freedom. Conscious of the United States' new role in the postwar world, President Harry S. Truman also argued that racial discrimination was hampering America's efforts to counter the growing influence of its ideological rival, the Soviet Union, both in Europe and the newly independent states of the "Third World." Thus, Truman supported the abolition of the quota system and other racially discriminatory policies, arguing that failure to act aggressively would assist "those with competing philosophies [to] prove our democracy an empty fraud and our nation a consistent oppressor of underprivileged people."⁵⁴⁾

National security considerations also lay behind Truman's championing of American relief for the millions of "Displaced Persons" (DPs) crowding continental Europe.⁵⁵⁾ The United States led the way in establishing the International Refugee Organization and its successor, the office of the United Nations' High Commissioner for Refugees. At home, Truman's linking of the refugee issue to Cold War considerations

53) John D. Skrentny, *The Minority Rights Revolution* (Cambridge: Harvard University Press, 2002), 39-44.

54) Cited in Daniel J. Tichenor, *Dividing Lines: The Politics of Immigration Control in America* (Princeton: Princeton University Press, 2002), 179.

55) Skrentny, *The Minority Rights Revolution*, 47.

helped him convince Congress to pass the Displaced Persons Act in May 1948.⁵⁶⁾ In response to continuing pressure from the White House, the terms of the law were expanded in 1950. In all, 409,696 persons were admitted under the Displaced Persons Act, making up over half of the refugees admitted between 1946 and 1965.⁵⁷⁾ Approximately 300,000 more were admitted under other special refugee measures enacted during the same period.⁵⁸⁾

While most American politicians agreed that the onset of the Cold War meant that explicitly racist dimensions of America's immigration and naturalization policies required modification, a significant majority rejected Truman's calls for radical reforms, insisting instead that the goals of established policies were legitimate and should therefore be maintained. This point is clear in a 1950 report of the Senate Judiciary Committee's subcommittee on immigration:

Without giving credence to any theory of Nordic superiority, the subcommittee believes that the adoption of the national origins quota formula was a rational and logical method of numerically restricting immigration in such a manner as to best preserve the sociological and cultural balance in the population of the United States. There is no doubt that it favored the peoples of northern and western Europe over those of southern and eastern Europe, but the subcommittee holds that the peoples who made the greatest contribution to the development of this country were fully justified in determining that the country was no longer a field for further colonization and,

56) Aristide R. Zolberg, "From Invitation to Interdiction: U.S. Foreign Policy and Immigration since 1945," in *Threatened Peoples, Threatened Borders: World Migration and U.S. Policy*, ed. Michael S. Teitelbaum and Myron Weiner (New York: W. W. Norton and Company, 1995), 123.

57) Aristide R. Zolberg, *A Nation by Design: Immigration Policy and the Fashioning of America* (Cambridge: Harvard University Press, 2006).

58) Zolberg, "From Invitation to Interdiction," 125.

henceforth, further immigration would not only be restricted but directed to admit immigrants considered to be more readily assimilable because of the similarity of their cultural background to those of the principal components of our population.⁵⁹⁾

Like Mackenzie King's 1947 statement, the subcommittee's report made it clear that American politicians preferred to respond to the exigencies of lack of fit by stretching established policies. This was the intent of the 1952 Immigration Act, also known as the McCarran-Walter Act, after its sponsors, Senator Pat McCarran (D-NV) and the chair of the House Immigration Subcommittee, Representative Francis E. Walter (D-PA). While the 1952 law formally abolished racist criteria in immigration and naturalization policy, it maintained the fundamental features of the national origins quota system. Thus, while the "Asiatic Barred Zone" was eliminated, only 2000 visas per year were allotted to individuals born within the so-called "Asia-Pacific Triangle" - a region spanning India, China, Japan, and the Pacific Islands. The law also held that individuals "of as much as one-half Asian blood born outside the Triangle be charged against the quota of his country of Asian-Pacific ancestry."⁶⁰⁾ This was meant to block the entry of "Asiatics" hoping to gain admission to the United States under the quotas of countries outside the Asia-Pacific Triangle. Furthermore, the weighing of visa quotas in favor of immigrants from northwestern Europe was maintained, as immigrants from these traditional source countries were considered to be better able to assimilate into American society. This

59) Cited in Marion T. Bennett, "The Immigration and Nationality (McCarran-Walter) Act of 1952, as Amended to 1965," *The Annals of the American Academy of Political and Social Science* (September 1966): 129-130.

60) Bennett, "The Immigration and Nationality (McCarran-Walter) Act of 1952," 131.

point of view was endorsed by the law's supporters, which included veterans' associations, patriotic groups, and organized labor. The bill's sponsors regarded its lifting of barriers to naturalization for immigrants from Asia as a symbolic concession to those concerned about racial inequality. The reform of naturalization policy would pose "no real threat to the nation's ethnic makeup, since the vast majority of non-citizens entering the country came from Europe."⁶¹⁾

Congress passed the McCarran-Walter bill in June 1952. Truman vetoed the bill, arguing that it would "perpetuate injustices of long standing against many other nations of the world, hamper the efforts we are making to rally the men of East and West alike to the cause of freedom, and intensify the repressive and inhumane aspects of our immigration procedures."⁶²⁾ Congress easily overrode his veto, making the McCarran-Walter bill law.⁶³⁾

The passage of the 1952 Immigration and Nationality Act highlighted the influence of immigration restrictionists in Congress and the durability of established policies. While America's relatively new role as a global superpower made the negative repercussions of discriminatory policies clear, policymakers in Congress opted to make cosmetic changes in the hope that this minimal response would diffuse criticism while preserving the United States' prevailing ethnic composition.

Unraveling: 1952-1958

Critics of discriminatory immigration admissions policies correctly

61) Tichenor, *Dividing Lines*, 196.

62) *Congressional Quarterly Almanac*, (1952): 159.

63) Jeffrey Togman, *The Ramparts of Nations: Institutions and Immigration Policies in France and the United States* (Westport, Connecticut: Praeger, 2002), 36.

viewed the McCarran-Walter Act as a symbolic gesture that offered little in the way of substantive reform. This point of view is nicely captured in the following “warning” issued by the National Association for the Advancement of Colored People:

McCarran says his Bill has eliminated racial restrictions. Don’t Let Him Fool You. It Hasn’t. In a very subtle way, this Bill draws the racial line even more tightly for the people from the Asia-Pacific area and the West Indies.⁶⁴⁾

Similarly, Senators Herbert Lehman (D-NY) and Hubert Humphrey (D-MN) argued that the maintenance of an immigration system based on national origins quotas meant that the United States was not honoring its commitment to fundamental liberal-democratic principles. Truman went several steps further while campaigning on behalf of the Democratic Party’s presidential nominee, Adlai Stevenson, arguing that by reaffirming the national origins quota system, conservative Republicans in Congress had perpetuated “a philosophy of racial superiority developed by the Nazis, which we thought we had destroyed when we defeated Nazi Germany and liberated Europe.”⁶⁵⁾ Truman linked support for the McCarran-Walter Act to the Republicans’ presidential nominee, Dwight Eisenhower and his running mate, Richard Nixon.⁶⁶⁾ Regardless of their veracity, these charges compelled Eisenhower to insist that he too rejected the principles underlying the national origins quotas, thus

64) Cited in Desmond King, *Making Americans: Immigration, Race, and the Origins of Diverse Democracy* (Cambridge, Massachusetts: Harvard University Press, 2000), 237.

65) “Truman Assails Eisenhower as Supporting Isolationists,” *The New York Times*, (October 18, 1952).

66) “Eisenhower Accepts ‘Nazi’ Racial Views, Truman Declares,” *Washington Evening Star*, (October 17, 1952).

placing him on the side of the reformers even before his victory in the November election.

Eisenhower was not alone in questioning the political merits of supporting the McCarran Walter Act. The 1950s witnessed a steady shift in elite opinion on the national origins system. The discrediting of scientific racism in the postwar period played an important role in this regard.⁶⁷⁾ This was very much in evidence in the work of the Presidential Commission on Immigration and Naturalization, appointed by Truman in September 1952. The Commission's experts challenged the assumptions regarding race that underlay the quota acts, arguing that the differences between groups that seemed so obvious earlier in the century were based on faulty science. The Commission's report, *Whom We Shall Welcome*, concluded: "the best scientific evidence available today is that there [are] no . . . inborn differences of personality, character, intelligence, or cultural or social traits among races. The basic racist assumption of the national origins system is invalid."⁶⁸⁾ Consequently, restrictionists could no longer claim the authority of science when defending their positions. While they adjusted to this new situation by moderating their language and offering cosmetic reforms, they were increasingly on the defensive, as critics continued to highlight the lack of fit between the United States' immigration policies and its putative commitment to liberal-democratic principles and human rights.

The strength of the reform movement was greatly enhanced when organized labor reversed its position on the national origins quota system in 1955.⁶⁹⁾ Labor's turnaround was driven by ideological

67) Tichenor, *Dividing Lines*, 179-180.

68) Commission on Immigration and Nationalization, *Whom We Shall Welcome* (Washington, D.C.: Government Printing Office, 1953).

69) Tichenor, *Dividing Lines*, 203-204.

changes on the Left, the merger of the AFL with the more progressive CIO, and a mellowing of fears concerning the threat to jobs posed by legal immigrants (based in part on the remarkable growth in the American economy during this period). Labor's shift had a ripple effect, as it also brought the Democratic Party more firmly on the side of the reform movement, a trend that was reinforced by northern Democrats' strong support for the Civil Rights Movement. Changing norms were driving a realignment of domestic forces, as ethnic groups, organized labor, religious organizations, civil liberties groups, and the liberal wing of the Democratic Party formed an increasingly influential coalition dedicated to the pursuit of fundamental reforms in immigration policy. High profile statements, such as Senator John F. Kennedy's *A Nation of Immigrants* and Hubert Humphrey's *The Stranger at Our Gate*, increased the profile of immigration reform nationally and helped to "frame a pro-immigrant narrative . . . that further eroded the early-twentieth-century 'policy paradigm' legitimating quotas."⁷⁰) Slow but steady progress in the area of domestic anti-discrimination legislation also "undermined the legitimacy of the national origins system posted on America's door."⁷¹)

Foreign policy considerations complemented domestic political pressures. President Eisenhower argued that the national origins quotas made it overly difficult for the United States to offer sanctuary to refugees "fleeing Communism." He thus demanded and received special powers to override quota limits, in order to quickly respond to refugee movements.⁷²) Although restrictionists in Congress viewed such concessions as a worthwhile price to pay in order to maintain the national

70) Tichenor, *Dividing Lines*, 205.

71) Zolberg, *A Nation by Design*.

72) King, *Making Americans*, 239; Skrentny, *The Minority Rights Revolution*, 47-48.

origins quota system, each exception highlighted the McCarran-Walter Act's failure to accord with America's foreign policy concerns and commitments to human rights and liberal-democratic principles. A combination of domestic and international pressures was unraveling the national origins quota system, creating space for the emergence of new ideas in line with the prevailing normative context.

Shifting: 1958-1965

Momentum for immigration reform increased after the 1958-midterm elections, as liberal Democrats keen on pursuing change won a majority in the House of Representatives. This trend was reinforced by John F. Kennedy's victory in the 1960 presidential election. The Democratic Party included immigration reform in its electoral platform and made an effort to appeal to ethnic voters in northern cities, often employing language that emphasized civil rights and respect for cultural pluralism. Many felt that Kennedy's commitment to immigration reform and dynamism would quickly spell the end of the McCarran-Walter Act. This hope grew after Kennedy introduced and helped pass a bill that authorized the immigration of 18,000 foreign relatives outside the quota system. The 1961 Act also granted quotas to the newly independent states of the Caribbean and gave non-quota status to many close relatives of American citizens who were on waiting lists in Italy, Greece, Portugal and elsewhere.⁷³⁾

Despite this promising start, hopes for a rapid and fundamental reform of immigration policy were frustrated by institutional factors. Specifically, immigration restrictionists still exercised a great deal of power in Congress; conservative Republicans and southern Democrats often held

73) Bennett, "The Immigration and Nationality (McCarran-Walter) Act of 1952," 135-136.

Congress; conservative Republicans and southern Democrats often held the chairmanships of important congressional committees and subcommittees and could therefore stall initiatives and manipulate the legislative process. Wary of provoking a fight with the “committee barons,” Kennedy waited for nearly two years before submitting an immigration bill to Congress, doing so only after Walter’s death in 1963.

The “Kennedy bill” called for sweeping changes, including the abolition of the national origins quota system over five years, the elimination of the Asia-Pacific Triangle, and the granting of preferences to immigrants with work-related skills.⁷⁴ The bill envisioned the transferring of individual countries’ quotas to a world quota pool, of which 50 per cent would be reserved for persons with special skills and training. The other 50 percent would be reserved for spouses and children under twenty-one and married sons and daughters of US citizens over the age of twenty-one. Furthermore, the proposal rejected any limits to immigration from the Western Hemisphere and made special allowances for the reception of refugees.⁷⁵ Representative Emmanuel Celler (D-NY) and Senator Philip Hart (D-MI) introduced the legislation to Congress.

The Kennedy bill enjoyed the support of the American Immigration and Citizenship committee, a group that included the American Civil liberties Union, religious organizations, trade unions, ethnic associations, refugee support groups, and international organizations. High-ranking administration officials, including Secretary of State Dean

74) David M. Reimers, “Recent Immigration Policy: An Analysis,” in *The Gateway: U.S. Immigration Issues and Policies*, ed. Barry R. Chiswick (Washington, D.C.: American Enterprise Institute for Public Policy Research, 1982): 13-53.

75) Abba P. Schwartz, *The Open Society* (New York: William Morrow and Company, 1968), 114; Skrentny, *The Minority Rights Revolution*, 50-51.

Rusk, also came out strongly in favor of the bill.⁷⁶⁾ Speaking before a subcommittee of the House Judiciary Committee, Rusk noted that the national origins quota system was hindering American foreign policy objectives; eliminating the system would aid in the fight against enemy propaganda.⁷⁷⁾

Despite this broad support, powerful members of congressional committees, including the chair of the Senate Judiciary Committee, James Eastland (D-MS) and the new chair of the House Immigration Subcommittee, Michael Feighan (D-OH), opposed the Kennedy bill, tying it up in committees through 1963 and 1964. Indeed, the opponents of immigration reform ensured that very little progress was made up until Kennedy's assassination.

The push for reform resumed under President Lyndon Johnson. Although Johnson had supported the McCarran-Walter Act in 1952, like Truman and Eisenhower before him, he now believed that the law stood in the way of America's foreign policy interests. The national origins quota system was also incompatible with Johnson's position of civil rights reform.⁷⁸⁾ Johnson used his considerable political skills and the political capital earned through his impressive 1964 electoral victory to surmount the obstructions set up by restrictionists in Congress. Among his most important successes in this regard was convincing Senator Eastland to "temporarily" relinquish his chairmanship of the Senate Judiciary Committee to the more liberal Edward Kennedy of Massachusetts. Johnson also pressured congressional Democrats to increase the size of the House Immigration Subcommittee, thus limiting

76) Skrentny, *The Minority Rights Revolution*, 50.

77) Skrentny, *The Minority Rights Revolution*, 52.

78) James G. Gimpel and James R. Edwards, Jr., *The Congressional Politics of Immigration Reform* (Boston: Allyn and Bacon, 1999), 102.

Feighan's ability to block the legislation's progress.

Restrictionists in the House and Senate responded to Johnson's maneuvers by using their power to amend the legislation. Perhaps most importantly, Feighan rejected what had come to be known as the Hart-Celler bill's preference for immigrants with special skills and training and demanded that preferences be granted to family members instead. Feighan made this demand in response to pressure from organized labor (whose members feared an influx of skilled workers) and traditional supporters of immigration restrictions.⁷⁹⁾ Senate conservatives, such as Sam Ervin of (D-NC) and Everett Dirksen (R-IL), supported Feighan's position. Ervin, Dirksen and other restrictionists believed that it would help perpetuate the effect of the national origins quota system by favoring nationalities already in the United States. In an effort to limit the entry of non-whites from the Caribbean and Central and South America, Congressional restrictionists also called for a ceiling on immigration from the Western Hemisphere - a region that had previously been exempt from numerical limits. Unwilling to wage a battle over either Feighan or Ervin's amendments and eager to pass the legislation while he still enjoyed an advantage over Congress, Johnson opted to strike a deal with his opponents, concluding (correctly) that the switch in preferences to family members and limitations on Western Hemisphere immigration would not come at too great a political cost.⁸⁰⁾

The system established by the amended Act granted 170,000 visas for immigrants originating in the Eastern Hemisphere (with no country receiving more than 20,000 spots) and 120,000 visas for immigrants

79) Cited in Skrentny, *The Minority Rights Revolution*, 55.

80) Edward M. Kennedy, "The Immigration Act of 1965," 147.

from the Western Hemisphere (with no country limits). Spouses, minor children and parents of American citizens were exempted from the numerical limits. As a result of the compromise forged between Johnson and his congressional opponents, 74 per cent of yearly visa allotments were dedicated to family reunification, with preference granted to brothers and sisters of American citizens; only 20 per cent were reserved for immigrants with occupational skills. Refugees received six per cent of the yearly visa allotment.⁸¹⁾

Conclusion

The 1965 Immigration Act's abolition of strict controls on migration from the Asia-Pacific Triangle allowed for an increase of Asian immigration from 1.5 million in 1970 to 13.1 million in 2000.⁸²⁾ Immigration from Central and South America, Africa, and the Middle East also increased sharply, transforming America's cities and making the United States a highly diverse, multicultural society. Similarly, Canada's demographic profile was transformed as a result of increasing migration from so-called "non-traditional sources." Whereas the vast majority of immigrants arriving in Canada up to the late 1960s came from Europe, by 1971 36 percent of total migration originated from the "Third World" by 1980 this figure had reached 81 per cent. By 2002, immigrants from Mainland China—formerly targets of harsh restrictions—represented the largest single group entering Canada, at 15 per cent of a total intake

81) Zolberg, *A Nation by Design*.

82) US Census Bureau, *Facts for Features*, April 19, 2004, available online at: http://www.census.gov/Press-Release/www/releases/archives/facts_for_features_special_editions/001738.html.

of 228,575 and were followed by immigrants from India, Pakistan, and the Philippines at 13, 6, and 5 per cent respectively.⁸³⁾ As a result of these changes in immigration policy, the vision of a predominantly white European Canada defended in Prime Minister Mackenzie King's 1947 speech to Parliament was effectively overturned.

I have argued that the changes in immigration and citizenship policies that allowed for these changes were driven by the shift in normative context catalyzed by World War II. The discrediting of scientific racism, rise of human rights, and transformation of the global system as a consequence of decolonisation and the Cold War cast older, discriminatory policies in a new light, exposing a lack of fit between Canada and the United States' commitment to liberal-democratic principles, on the one hand, and their management of the migration-membership dilemma, on the other. Lack of fit drove the stretching and unraveling of established frameworks and, ultimately, led to the introduction of policies based on new standards in line with prevailing norms. Hence, immigration reform was not driven by purely economic factors, as is sometimes assumed, but by a distinctively normative politics reflective of shifts in liberal-democratic principles.

I have also demonstrated how differences in political context and institutions influenced the course of policy shifting. In Canada, the autonomy of the executive branch granted ministers and civil servants a

83) Citizenship and Immigration Canada, *The Monitor* No. 1/2 (Spring 2003): <<http://www.cic.gc/english/monitor/issue01/02-immigrants.html>>. For discussion see Doreen M. Indra, "Changes in Canadian Immigration Patterns Over the Past Decade with a Special Reference to Asia," in *Visible Minorities and Multiculturalism: Asians in Canada*, ed. K. Victor Ujimoto and Gordon Hirabayashi (Toronto: Butterworths, 1980); Warren Kalbach, "A Demographic Overview of Racial and Ethnic Groups in Canada," and Jean Leonard Elliot and Augie Fleras, "Immigration and the Canadian Ethnic Mosaic," both in *Race and Ethnic Relations in Canada*, ed. Peter S. Li (Toronto: Oxford University Press, 1990).

were important, there was no need to strike compromises with well-positioned rivals. Rather, the challenge for Canadian civil servants lay in devising a solution that balanced the government's core objectives: the elimination of racial discrimination, control over sponsored migration, and encouragement of skilled immigration. The points system satisfied all of these objectives. The power vested to the Prime Minister and Cabinet via Canada's Westminster system ensured that once it was devised it was very quickly implemented. Conversely, the more fragmented American political system and its multiple veto points forced Johnson to broker a compromise with restrictionists in Congress, despite the relative weakness of the latter and strength of the former. Thus, the Johnson administration's hope of granting preference to immigrants with special skills and training gave way to a system that grants disproportionate preference to family members. It is therefore deeply ironic that some contemporary critics of US immigration policy complain that the changes introduced by the 1965 Act threaten the maintenance of "American national identity" by allowing for "immense and continuing immigration from Latin America, especially from Mexico."⁸⁴) It appears that the very tool restrictionists tried to use to limit pluralization in the past has become their central preoccupation today.

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84) The quotation is from Samuel P. Huntington, "The Hispanic Challenge," *Foreign Policy* 136 (March/April 2004). Huntington explores the putative threat unrestrained immigration poses to American national identity at length in *Who Are We? The Challenges to America's National Identity* (New York: Simon & Schuster, 2004). For a trenchant critique of Huntington's argument see Rogers Smith's review of the book in *Political Science Quarterly* VOL. 119 (2004): 421-422.

【Abstract】

Between Global Norms and Domestic Institutions: Postwar Immigration Policymaking in Canada and the United States

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Although both Canada and the United States are self-declared immigration countries, their means of regulating admissions are quite different. Whereas the United States privileges family reunification, Canada's "points system" grants policymakers greater flexibility in tailoring immigration flows to meet changing economic needs. This paper explores the origins of these distinct approaches.

I argue the two states' policies have similar roots: In the post-World War II era, changing norms pertaining to race, ethnicity, and human rights cast longstanding discriminatory policies in Canada and the United States in a highly critical light. Opponents of racial discrimination in immigration policy took advantage of this new normative context to highlight the lack of fit between Canada and the United States' commitment to liberal norms and human rights and their extant policy regimes. This pressure set in motion comparable processes of policy "stretching" and "unraveling," which culminated in policy "shifting" in the mid-1960s. Processes of policy change were, however, subject to quite different political dynamics. Canada's institutional configuration granted the executive branch and bureaucracy a high degree of autonomy; policy change therefore accorded to models of elite learning. Conversely, the greater openness of the American political system and the pivotal role of Congressional committees led to a more politicized process. As a result, the executive branch's efforts to recast immigration policy in economic terms, as in Canada, failed. The result was a patchwork policy that aimed to mollify distinct and conflicting interests. Thus, while Canada and the United States both replaced discriminatory policies with more liberal alternatives, the objectives of their respective policies were quite different.

Key Words

Immigration Policy, Canada, United States, Norms, Institutions