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# Chapter 2

# Reimagining the Nation in a World of Migration: Legitimacy, Political Claims-Making, and Membership in Comparative Perspective

#### IRENE BLOEMRAAD

ANADA AND the United States have made significant strides in redefining a national identity that today celebrates ethno-racial diversity. A century ago, both countries aggressively kept out Asian migrants and projected a white, Christian notion of an "imagined community." But in 2009, almost two-thirds of American and Canadian survey respondents agreed that immigration enriches their country's culture with new customs and ideas. In Canada, when a 2010 opinion survey asked residents what was "very important" to Canadian national identity, 56 percent underscored the centrality of multiculturalism, more than the 47 percent who supported hockey. Immigrants, though cognizant of discrimination, perceive significant acceptance of cultural pluralism in Canada and the United States.<sup>2</sup> Indeed, with the election of Barack Obama to the U.S. presidency, some even talk about a post-ethnic or postracial social order.3 In Canada, two recent governors general—the Queen's representative in Canada and nominal head of state—have been women with immigrant and racial minority backgrounds: Adrienne Clarkson, born in Hong Kong, and Michäelle Jean, born in Haiti. Whether in the United States or Canada, the political "face of the nation" has become the polar opposite of the national image celebrated a century before.

We do not know whether Europeans would rate multiculturalism as more important to national identity than soccer, but contemporary political debate makes one skeptical. In their introduction to this volume, Nancy Foner and Patrick Simon provide survey data documenting the

much greater European skepticism over national identities grounded in pluralism, and greater feelings of exclusion among those of immigrant descent. Elites echo such concerns. Across Europe, political leaders and intellectuals have worried that immigration and diversity undermine national unity. Political leaders of large European countries, from David Cameron in the United Kingdom to Angela Merkel in Germany and Nicolas Sarkozy in France, have criticized multiculturalism and the celebration of diversity as divisive. In smaller European countries such as the Netherlands and Sweden—countries well known for tolerance and progressive social policies—anti-immigrant politicians such as Geert Wilders and the Sverigedemokraterna Party have gained seats in national parliament by defending traditional, homogeneous national identities against the perceived cultural onslaught of newcomers, especially Muslims. Although concerns about immigrant-generated diversity are particularly strong on the Right, scholars and politicians on the European Left also worry about what some have called the "progressive dilemma," namely, the concern that continued immigration will undermine the welfare state because diversity undercuts the social cohesion and sense of common identity needed for policies of redistribution.<sup>4</sup> Across these various indicators, North Americans appear to value ethno-cultural and racial diversity as part of national identity more than Europeans do.

How do we explain transatlantic differences in contemporary national identity and imagining? Various observers point to North America's long history of immigration. The successful integration of millions of European colonists and migrants into a nation of "Americans" or "Canadians" during the nineteenth and early twentieth centuries sets up a national narrative, it is argued, that provides fertile ground for an inclusive national identity. "In the settler societies of North America and Oceania," James Hampshire observes, "immigration is central to narratives of national identity . . . [so] representing immigrants as a cultural threat is a more difficult discursive project." Moreover, because Canada and the United States are "younger" societies than those in Europe, history's reach is shorter; the sense of common peoplehood spanning centuries is not as foundational to North American self-conceptions as to European ones. The result, according to this historical narrative, is that Canada and the United States are better positioned and better able to frame national identities to include immigrants and their children.

I challenge such a simple and deterministic reading of history. From the vantage point of the late 1940s, it was far from evident that Canada or the United States would be contemporary bastions of multiculturalism or that diversity would be celebrated as part of national identity. Laws and practice kept most nonwhite immigrants from migrating to North America, restricted their naturalization, and denied people of color full rights, even if they held citizenship. Members of U.S. Congress refused to

change immigration laws in large part over worries about racial mixing, while in 1947 the prime minister of Canada vowed to limit "Oriental" migration so as not to alter the "fundamental character" of the Canadian population.

In Europe, in contrast, the horrors of ethno-racial nationalism were so shocking that it would have been hard to imagine politicians at the time making calls for minorities' assimilation into the dominant nativeborn groups that had worked toward genocide or were complicit in such projects. Consider also the symbolism and governance demands of the multiethnic, multiracial, and multireligious empires various European nations still held. An observer traversing the Atlantic Ocean at the close of World War II would have been hard-pressed to predict the direction of national identity transformations across the two continents, or to predict that the next half century would inexorably and inevitably lead to the more diverse and inclusive national identity discourse found in North America today.

I suggest that national reimagining has gone further in North America than Europe due to three key causal processes. My focus is on the post—World War II period, picking up the narrative ably laid out by Gary Gerstle in chapter 1 of this volume. First, I argue, national identity change in Canada and the United States was initiated by native-born minority populations before the onset of large-scale nonwhite migration. The timing and legitimacy of this mobilization set the stage for more inclusive national identity discourses on which immigrants could build. Second, a relatively generous citizenship policy—through birth or naturalization—and a political system open to, but which could contain, ethnic politics were critical. The changes started by native-born minorities were reinforced by the political engagement of immigrants, immigrant-origin minorities, and their supporters. Finally, civil rights and diversity gains were institutionalized through law, bureaucracy, policy, and educational systems and had real effects on national culture.

None of this occurred because of any consensus on national identity. Today, various political observers and some academics express alarm about immigration because they fear diversity will undermine social cohesion, which in turn is posited as necessary to support the welfare state, engender social trust, strengthen patriotism, and reduce alienation, including alienation that breeds violence. The positive value placed on social cohesion, however, privileges consensus over conflict and undermines the legitimacy of contestation. The causal processes I identify in North America show that the broadening of national identities arose out of political battles, in a context where immigrants and their descendants could be part of the debate. In this sense, contemporary calls for social cohesion in Europe and elsewhere misread the history of national identity change. The North American experience shows that the (re-)creation of

national imagined communities is often conflictual: when groups make claims about legitimacy and standing in a society, others often resist such claims. Working out such conflicts becomes a new thread in the national story.

## Legitimate National Identity Shocks: Actors and Timing

The process of national identity change is facilitated when the early shock against traditional membership norms is grounded in historic majorityminority conflicts. When this occurs, the reimagining of national identity is, initially, tangential to immigration. This is important because accommodating native-born minorities' grievances legitimizes new identity frameworks on which immigrants can graft their membership. Although burdened with second-class citizenship, after World War II native-born minority groups in North America could appeal to the ideal of equal citizenship and the reality of their long participation in the economic, social, and cultural life of the nation to militate for inclusion. The actors and timing of identity change was different in Europe. In many European countries, the process of reimagining national identity was directly tied to migration. In some cases, this occurred as Europe's colonial powers confronted the arrival of former colonial peoples to the continent, such as in the early post–World War II period for Great Britain, France, and the Netherlands, then later for Spain and Portugal. For other countries, such as Germany, discussion of national identity was largely forbidden in the immediate postwar period given the atrocities perpetuated in the name of racial purity. But as labor migration became permanent immigration, national identity questions arose in the face of a changing demographic reality. When the initial push to make national identities more inclusive is somewhat divorced from immigration, it is arguably harder to undermine the legitimacy of immigrants' diversity claims later.

Of course, change in U.S. and Canadian national identities following World War II was preceded by substantial experience with large-scale immigration. Both the United States and Canada were founded on the premise of European settlement in a new world of vast land mass and natural resources. Millions of migrants streamed into the continent in the nineteenth and early twentieth centuries, a process that also involved the containment and destruction of Aboriginal populations. In the aftermath of World War II, the United States and Canada were more nations of immigrants than most European countries. In the United States, 7 percent of the population in 1950 was foreign born; in Canada, the proportion in 1951 was 15 percent. For many, this history explains contemporary North America's more open national identity.

We must not forget, however, that religious, ethnic, and racial hierarchies were central to the early story of North American immigration. There was no broad-based diversity discourse at the time. Indeed, the similarities in the ethnic-racial orders on either side of the 49th parallel were striking. The most desirable immigrants, in the view of the public and government, were western and northern Europeans (preferably Protestant), followed by other white Christians, Jews, and at the bottom, non-European peoples. In 1882, the United States began the first of a series of Chinese exclusion acts that sought to bar almost all Chinese immigration; in 1885, Canada instituted a head tax, directed only at Chinese, with the same purpose. 7 In the first decade of the twentieth century, both countries entered into agreements with Japan to eliminate Japanese migration. At the subnational level, states such as California and the province of British Columbia reinforced Asian migrants' legal and social inequality by passing laws restricting Asians' access to land, licenses, juries, and the ballot box.

These attitudes remained largely intact after World War II. In 1947, Canadian prime minister Mackenzie King famously reaffirmed the government's commitment to a white, British-centered immigration policy. Speaking to the House of Commons, he declared, "The people of Canada do not wish... to make a fundamental alteration in the character of our population.... Any considerable Oriental immigration would give rise to social and economic problems." Conservative Republicans and southern Democrats in the U.S. Congress articulated similar sentiment and logic, as Gerstle illustrates in chapter 1 of this volume. They defended the national origin quotas, which heavily favored migrants from north and west Europe. This arrangement, they argued, would facilitate social and cultural assimilation, an outcome impossible to achieve if new immigrants came from different origins.

As Rogers Smith argues, "ascriptive" Americanism was not just a historical aberration in a trajectory toward republican and liberal equality. Rather, ascriptive exclusion, by which large swaths of U.S. society were denied full citizenship, was a constituent element of American nationhood (see also chapter 1, this volume). The same was true in Canada, which used both law and practice to keep non-Europeans out of the country. As late as 1966, Canada's Department of Manpower and Immigration reported that of 194,743 new migrants admitted, only 10 percent had non-European ethnic backgrounds, including 5,870 "Negros" (largely from the West Indies), 5,178 Chinese, and 4,094 East Asians. It would be wrong to read contemporary, inclusive national identities in Canada and the United States as a natural progression of each country's immigrant past.

Against this backdrop, the 1960s saw enormous change. In the area of immigration, the Canadian government began to remove race or nationality criteria from entrance decisions starting in 1962, and in 1965 the U.S.

Immigration and Nationality Act ended the system of national-origin quotas. These changes occurred in tandem with momentous challenges to each nation's self-image. In the United States, the challenge came from the civil rights movement, demanding equality for African Americans and other native-born minorities; in Canada, the country faced national dissolution with the rising threat of Quebec separation.

Importantly, changes in immigration law were largely tangential to the reimagining of national identity brought about by native-born minorities' activism. In 1970, less than 5 percent of the U.S. population was foreign born; immigration reform was not a central issue for the civil rights movement. Indeed, few anticipated the demographic transformations that the new immigration law would bring, given its focus on family reunification as the main pathway into the United States. One of the bill's sponsors, Emanuel Celler, testified, "Since the peoples of Africa and Asia have very few relatives here, comparatively few could immigrate from those countries." President Lyndon Johnson concurred, calling the new law "not a revolutionary bill. . . . It will not reshape the structure of our daily lives." Although the domestic fight against racial exclusion animated some progressives' support for changes to U.S. immigration law, as important and likely more so were foreign policy considerations and the buildup of incremental policy changes over prior decades. In the reinforce of the buildup of incremental policy changes over prior decades.

In Canada, changes to immigration law flowed from economic considerations and concern about Canada's moral and political standing in the international community.<sup>15</sup> Such changes were largely divorced from the central national identity challenge of the day: growing Quebecois nationalism and grievances over French Canadians' status and socioeconomic position in the country. Many Francophone separatists saw common cause with the situation of black Americans and those in the third world, equating the place of Francophones within English Canada to internal colonialism. A key response of the federal government was the establishment, in 1963, of the Royal Commission on Bilingualism and Biculturalism to report on and make recommendations for the development of the Canadian confederation. Although the commission's terms included a nod to "the contribution made by other ethnic groups," its primary mandate was to further the equal partnership between "the two founding races," the British and the French. 16 The use of the word race to refer to the two groups, which represented the understanding of national identity at the time, is striking.

The political turmoil of the 1960s and early 1970s occurred within an arc of gradually loosening ties to Great Britain—as seen in the adoption of a Canadian passport and citizenship in 1947—and a desire to distinguish the country from the United States. Immigration reform was tangential to these debates and, in any case, the vast majority of immigrants living in Canada were of European origin. In 1966, for example, two-thirds of new

immigrants came from just five countries: the United Kingdom, Italy, the United States, Germany, or Portugal.<sup>17</sup> As Elke Winter argues persuasively, the transformation of Canadian identity included multiple groups and concerns; it was not just a story of a native-born *us* worried about a foreign *other*.<sup>18</sup> Conflict over Canadian identity centered on Quebec separatism, the place of Canada in the British Commonwealth, and differentiation from the United States. Later, it would also implicate conflict over Aboriginal self-determination. The lack of attention to immigration at these key moments was, arguably, vital for later including immigrant diversity in the reimagined nation.

From the vantage point of the twenty-first century, we can see that the 1960s and 1970s were a watershed in both the United States and Canada, a decisive moment when claims to inclusion (or independence) made by long-standing minorities forced the two nations to articulate a national identity that embraced diversity far more than previously. In the United States, ideas of assimilation or Americanization lost their luster. This was in part because of the continuing cultural pride of latergeneration European descendants, but even more because of the civil rights movement. Black power and black pride movements, and complimentary efforts by Chicano, Asian American, and Native American activists, brought attention to claims for equality, inclusion, and the valorization of cultural heritage.

In Canada, lobbying by European-origin Canadians led to the abandonment of biculturalism—but the retention of bilingualism—following the commission's report. In 1971, Prime Minister Pierre Elliott Trudeau announced to the House of Commons a new federal government policy of multiculturalism, committing the government to facilitate integration by removing barriers to participation but also supporting groups' efforts to maintain their cultural heritage. Trudeau apparently took little interest in the policy after his speech, and some commentators see the embrace of multiculturalism as a federal ploy to undermine Francophone claims to special status.<sup>19</sup> It is clear that, at the time, multiculturalism was envisioned narrowly, primarily centered on recognizing European immigrants and mostly about folkloric aspects of diversity.<sup>20</sup>

Why were civil rights and Francophone nationalism so central to later immigrants' ability to be part of the national community? Two elements stand out: the actors involved and the timing. Because the key actors were native-born minorities with long-standing roots in the two countries, it was much harder for elites and majority citizens to dismiss claims of inequality and calls for inclusion. Whereas foreigners can be seen as invited guests who should not ask for too much (or, alternatively, unwanted guests), the claims of African Americans and Francophones were less easily dismissed. The two countries' respective national narratives—including a civil war fought in the United States to end slavery, and the

notion of two founding peoples in Canada—provided legitimacy to calls for equality and inclusion that carried normative weight for elites and many ordinary people.

The relative unimportance of immigration during this period was, I hypothesize, also an asset for later expansion of the national community. Immigration in the 1960s and 1970s was, in the Canadian context, still dominated by Europeans, and in the United States, little new migration occurred from the mid-1920s into the 1960s. This provided a period during which institutional changes such as civil rights law, multicultural programs, and curricular changes could begin without strong linkages to fears over mass migration or the arrival of people of very different religious, cultural, and racial backgrounds than before.

## Claims-Making: The Importance of Political Inclusion and Contestation

"Home-grown" identity shocks are not, however, a sufficient explanation for postwar changes in American and Canadian national identities. European countries dealing with postwar reconstruction and, in some cases the dissolution of colonial empires, also had to articulate modified national identities, a process further influenced by the international eclipse of Europe within a Cold War context and the stirrings of what would become the European Union.

We thus need to ask what the mechanisms are by which such shocks become transformed into an identity inclusive of immigrant diversity. For this to happen, early transformations must be reinforced—even appropriated—by immigrants, their descendants, and advocates for new minorities. Here the political incorporation of immigrants and their children is critical, including open naturalization policy, relatively high levels of citizenship acquisition, birthright citizenship, and active participation in electoral and protest politics. The conditions for political inclusion and contestation for immigrants and their children have, until quite recently, been more open in Canada and the United States than in Europe. This is important because when assimilationist or anti-immigrant voices speak out, such voices can gain traction absent a vigorous and vocal opposition that carries political clout. For this reason, the political engagement of immigrants and their descendants is a critical mechanism for broadening membership, not just in a legal sense but also in reimagining the symbolic and cultural national community.

Immigrants' acquisition of citizenship has long been a normative expectation in Canada and the United States even as, historically, naturalization was envisioned only for those of European origin. U.S. law and courts restricted naturalization to white (and later black) immigrants,

leaving all those not deemed white as racially ineligible for citizenship; these provisions were only eliminated definitively in 1952. The low barriers to citizenship, established for European migrants, nevertheless remained in place after World War II. As a result, postwar legal permanent immigrants to the United States and to Canada face a relatively accessible citizenship process: a short residency period of three to five years, demonstration of English (or in Canada, French) language ability, and evidence of some civic knowledge, including familiarity with government institutions. In the early 1970s, more than three in five immigrants living in Canada and the United States were citizens of their adopted nation.<sup>21</sup>

Both Canada and the United States also accord automatic birthright citizenship to those born on their territory, facilitating the political inclusion of the children of immigrants. Birthright citizenship is given regardless of parents' status, whether parents are temporary labor migrants or international students or have no legal residence at all. In comparison, even those European countries with strong civic traditions of nationhood do not offer such unconditional citizenship.<sup>22</sup> The European second generation does not consequently become an automatic part of the national electorate as it does in North America, despite more local voting rights for noncitizens in Europe than in North America.

This open political incorporation is critical to understanding North American national identity changes. The early ethnic politics of Europeanorigin Americans began an expansion of American nationhood, as with the election of the first Catholic president, John F. Kennedy. Early on, the activism of certain European ethnic groups also helped generate pressure for legislative change to U.S. immigration law, which had inclusive repercussions for post-1965 migrants.<sup>23</sup> Such gains were cemented as new migrants—including Cuban émigrés in Florida, West Indian immigrants in New York City, and Vietnamese refugees in southern California—began to make inroads into politics. This is not to say that all immigrants and migrant communities embrace diversity or advocate for expansive immigration—some do not—but their presence and activism makes it qualitatively harder to adopt a simplistic anti-immigrant narrative. This can be seen in the American context when conservative politicians and interest groups worried about immigration distinguish between unwanted illegal migrants, on the one hand, and hardworking immigrants who play by the rules, on the other. In making these distinctions, they allow, even if only grudgingly, that some immigrants are part of the national community. Politicians or pundits who adopt a narrower view of national identity must specify their objections to immigration and diversity more carefully in the face of politically active immigrant communities and the continuing activism of native-born minority groups.

The Canadian case is particularly instructive in this regard, in part because the political incorporation of immigrants occurs more quickly in Canada than in the United States.<sup>24</sup> As noted, the declaration of multiculturalism in 1971 had as much to do with dampening French Canadian nationalism as with celebrating non-British and non-French minorities. Nevertheless, the recognition of other cultural communities came in part from the political activism of ethnic minorities of European origin. Ukrainian Canadian Paul Yuzyk, named to the Senate in 1963, challenged an account of the nation as a partnership between French and English in his maiden speech to the Senate, titled "Canada: A Multicultural Nation." By the 1980s, new waves of migration, notably from Asia, pushed national reimagining further. In 1985, migration from Asia constituted close to one-half of all new arrivals (46 percent), and from Europe and the United States less than one-third (30 percent) of total admissions.<sup>25</sup> The government shifted multiculturalism policy away from folklore and cultural heritage to greater attention to racial exclusion. The report *Equality Now!*, published in 1984, heralded this shift, which further expanded in the 1980s and 1990s. In Toronto, the presence of large numbers of foreign-born Canadian citizens affected the political calculus of the federal Liberal Party, which hoped that an appeal to multiculturalism would garner votes with ethnic minority voters.<sup>26</sup>

High immigration combined with high levels of citizenship generate pressure for political leaders to articulate inclusive notions of national identity. They also create feedback loops that consolidate changes by making it difficult for anti-immigrant politicians to gain a foothold in politics. The remarkable transformation of the Canadian political right is a case in point. At its founding in 1987, the Reform Party, a western populist party, was antagonistic to multiculturalism and suspicious of immigration; it was the closest cousin to the antiforeigner populism found in many European countries. Although not as virulent as European far-right parties, in its 1988 Blue Book, the Reform Party outlined a platform using language akin to Mackenzie King's from four decades earlier. With the caveat, "Immigration should not be based on race or creed, as it was in the past," the Blue Book nevertheless proclaimed that immigration policy should not "be explicitly designed to radically or suddenly alter the ethnic makeup of Canada, as it increasingly seems to be."27 The Reform Party's 1991 Blue Book dropped the language of Canada's ethnic makeup, but committed the party to opposing "the current concept of multiculturalism and hyphenated Canadianism" by abolishing the program and ministry dedicated to multiculturalism.<sup>28</sup>

This populist party succeeded in first displacing, then taking over, the traditional right-of-center party in Canada, leading to the creation of a new, unified Conservative Party in 2003. As party leaders sought

to contest national elections coast to coast within a winner-take-all electoral system, the party's tenor toward diversity and its outreach efforts to immigrant-origin voters changed markedly. This was due in no small part to the electoral power of immigrant-origin Canadians. In 2006, an astounding 85 percent of foreign-born individuals who had lived in Canada at least three years (the minimum residency requirement for citizenship) reported Canadian citizenship.<sup>29</sup> Although not all of them vote, enough do that politicians must be attentive to this electorate.

When the refashioned Conservative Party won a majority in the 2011 federal elections—headed by former Reform Party member Prime Minister Stephen Harper—it succeeded in part because it sought out immigrant-origin voters, including those classified as *visible minorities* in Canada. In contrast to the Reform Party's early platform, the government did not eliminate the country's multiculturalism policy or rescind the 1988 Multiculturalism Act. It also continued to admit significant numbers of new immigrants from around the world.<sup>30</sup> A possible implication for Europe is that as immigrants and their descendants make up a growing share of the electorate, they might open up national identity discourses.

The Canadian and American electoral and party systems also help moderate the political expression of antidiversity and anti-immigrant sentiment. In many European parliamentary systems, a radical party can gain some seats in the national legislature—and consequently political voice—by garnering a relatively low proportion of total votes. In Sweden, the Sverigedemokraterna Party needed only 4 percent of the vote to gain parliamentary representation in 2010. In North America, political parties seeking national office must engage in a big-tent strategy, trying to reconcile diverse opinions on immigration within the party. The effects of the electoral and party systems can be seen in the United States when Republican candidates who take harder stances on immigration during primary elections to select the party's nominee subsequently moderate their position and tone in the general election. In 2012, presidential candidate Mitt Romney initially took a hard-line stance on immigration as he tried to secure the Republican nomination, and then encountered significant difficulties with Latino voters in the general election. As the Latino electorate grows, a moderation of discourse, akin to what happened for the Canadian Reform Party, might occur.

When immigrants and their descendants enjoy a relatively high level of political incorporation, and politicians decide to solicit the support of immigrant-origin voters, those on the right (and left) must temper anti-immigrant or antiminority rhetoric, and they are more likely to articulate an inclusive national identity, one that includes people from a variety of ethnic, racial, and religious backgrounds.

# Institutionalizing Change and Changing Cultures

National identity shocks and political activism must be partnered with institution-building and cultural change among the general population. Political activism is not enough without legislative, bureaucratic, and policy changes that institutionalize more inclusive notions of national identity. Civil rights legislation, the enshrinement of equality guarantees, and antidiscrimination efforts are critical. They not only offer real protections for minorities, but also become taken for granted over time, changing attitudes and political culture in gradual but consequential ways. Attitudinal change is further spurred by curricular initiatives and the efforts of teachers to promote multiculturalism among the younger generation.

To borrow from the field of international relations, such institutionalization provides immigrants and their descendants with both hard and soft power in their country of residence.<sup>31</sup> In foreign relations, hard power is harnessed when countries resort to military force and economic sanctions (or aid) to coerce or cajole particular results. Applied domestically, minorities can use courts and legal protections to force changes on people and organizations that would exclude them from the national community. Public policies such as affirmative action or integration programs provide material resources to further minorities' individual and group ends. Concurrently, diversity instruction in classrooms and the changing discourse on equality that is reflected in and reinforced by legal protections provide softer power, the ability to achieve ends through persuasion and attraction rather than coercion. Diversity discourses become symbolic resources that immigrant-origin groups can use to make claims and challenge exclusion. In this way, legislative and bureaucratic changes not only modify hierarchies of power and inequality, but also alter cultural notions of the nation and who fits in.

This process is readily apparent in the United States, which arguably began the post–World War II institutionalization process earlier than Canada. The civil rights movement in America brought about a minority rights revolution that has facilitated immigrants' claims-making and national inclusion.<sup>32</sup> The 1964 Civil Rights Act outlawed racial segregation in schools, workplaces, and public accommodations. These protections were extended in ensuing years through amendments and further legislation. Federal and state governments also initiated policies to open up schools, small business opportunities, and jobs through affirmative action, such as preferential admissions, contracting, and hiring of minorities. As Congress and state legislatures developed new legal protections, bureaucracies, and implementation policies, the ideals of equity and

pluralism were legitimized. As Philip Kasinitz argues, the original goal of righting historical injustices toward native-born African Americans was recast as a way to promote diversity and minority representation in schools and the workforce, benefiting racial minorities of immigrant origin.<sup>33</sup>

Civil rights legislation also put into motion special policies for linguistic minorities, regardless of national origin, which were particularly relevant to immigrant communities.<sup>34</sup> The president and U.S. Congress used Title VI of the 1964 Civil Rights Act to mandate that administrative agencies hire bilingual personnel and translate forms, notices, and applications for limited-English proficient (LEP) individuals in certain contexts. Similarly, Section 203 of the 1975 amendments to the Voting Rights Act of 1965, another piece of civil rights legislation, mandates language access at the ballot box. As of 2002, 466 local jurisdictions in thirty-one states were legally required to provide voting information and ballots in non-English languages.<sup>35</sup> Traditional immigrant gateway cities such as San Francisco and New York City have also adopted their own, more expansive, language access policies.

Another product of the 1960s, the federal Bilingual Education Act of 1968 (BEA) provided—until it expired in 2002—a federal remedy for discrimination against public-school students who did not speak English, and it made federal funding available for programs taught in languages other than English. During its thirty-four years, the BEA generated constant controversy, especially over whether it should help maintain minority languages and cultures or provide only remedial or transitional English instruction.<sup>36</sup> But even amid controversy, it brought attention to diversity in the classroom.

Some might argue that at the dawn of the twenty-first century, the institutionalization process has suffered a series of setbacks. In the area of U.S. educational policy, in 2001 the federal English Language Acquisition Act (ELAA), enacted as Title III of the No Child Left Behind Act, replaced BEA, but contained no reference to bilingual education. Concurrently, voters in California, Arizona, and Massachusetts passed ballot measures to ban bilingual education in state public schools in 1998, 2000, and 2002, respectively.

Nevertheless, policy and legislative changes begun in the civil rights era decisively moved the discourse of integration in the United States beyond a singular focus on Americanization. As Kasinitz contends, "Today, many forms of diversity are not just tolerated, they are celebrated, particularly by institutions of higher education, in ways that would have been hard to imagine in earlier times." Even without bilingual education, many U.S. schools regularly incorporate activities such as Hispanic Heritage Month into the curriculum or spotlight the contribution of specific groups in history, government, and English classes. This has, in the terms of Richard Alba and Victor Nee, broadened what constitutes the American mainstream.

The federal government has also helped extend the notion of civil rights to include immigrants by using its power to regulate interstate commerce, to guarantee equal protection under the Fourteenth and Fifteenth Amendments, and through appeals to plenary power when state or local laws are perceived as usurping federal power over immigration. These protections have even covered those without legal residence in some cases. In 1982, for example, the U.S. Supreme Court's Plyler v. Doe decision struck down a Texas law targeting undocumented children by declared that children without legal status have a constitutional right to attend primary and secondary school. This right, and other legislation providing some legal standing for undocumented residents, set the stage for increased mobilization for DREAM Act legislation that would grant residency to those brought to the country without authorization at a young age.<sup>39</sup>

Of course, processes of institutionalization are not unidirectional. Recent events in the United States spotlight a host of legislative initiatives that target immigrants, in particular state initiatives directed at those without legal status. Legislation—such as S.B. 1070 in Arizona and what the American Civil Liberties Union has called copycat measures in Alabama, Georgia, Indiana, South Carolina, and Utah—contributes to a growing climate of fear for undocumented migrants. Even legal noncitizens have seen rights and benefits rolled back. The federal 1996 Personal Responsibility and Work Opportunity Reconciliation Act, also known as the Welfare Reform Act, denied social welfare benefits to many legal permanent residents, for the first time drawing a bright boundary between citizens and immigrants with permanent residency with regard to accessing social benefits. Other legislation passed in 1996 extended the grounds for deportation and greatly restricted judicial discretion, including for legal noncitizen immigrants, beginning a sharp increase in deportations through to 2014.

Nevertheless, civil rights legislation and efforts at institutionalizing antidiscrimination and diversity initiatives have broadened the contours of American national identity. The significance of judicial review, in particular, needs to be underscored. The ability to use judicial review and the legitimacy of law and courts as an avenue to fight for civil rights—now extended to immigrant rights—has not only permitted courts to overturn legislation deemed in conflict with the constitution, but also helped legitimate the political demands of minorities and attract supporters. Immigrant advocates in the United States use the language of civil rights, antidiscrimination, and inclusion to make claims and to articulate immigrants' future place in the nation in a way quite different from Europe. On the European continent, passage of antidiscrimination legislation and the establishment of agencies to oversee discrimination claims are more likely to be seen as an imposition from the European Union, as in the case of the 2000 EU Race Directive, requiring that member states outlaw

discrimination on the basis of racial or ethnic origin by July 2003.<sup>40</sup> In the United States, legal and institutional changes, generated through domestic action and contestation, have been critical to changing the cultural idiom of American national identity. It is possible that with time and migrants' use of European courts to advance antidiscrimination claims, acceptance of broader contours of the national community will also increase among the general European population.

In this regard, the Canadian case might be instructive. In Canada, one seldom hears the term *civil rights* to encompass the demands for equality by minority groups, though the two countries enshrine many of the same protections. Instead, Canadians speak of equality guarantees, Charter protections, antidiscrimination initiatives, and human rights. The difference in the language lies partly in the relative newness of a written set of rights guarantees. For most of its existence, Canada did not have a document that corresponds to the U.S. Constitution and Bill of Rights, and Canadian courts therefore had few opportunities to override challenges to parliamentary legislation. However, in 1982 the Charter of Rights and Freedoms established, for the first time, the fundamental nature of certain rights and freedoms, giving individuals a means to challenge government in court. The Charter gave constitutional strength to the prohibition against discrimination, affirmed equality guarantees, protected equity hiring (a Canadian form of affirmative action), and even instructed judges to keep the multicultural heritage of Canada in mind when rendering decisions. The enshrinement of the Charter was a milestone, precipitating the Canadian version of a rights revolution.<sup>41</sup> In the Migrant Integration Policy Index, an international comparative metric of policies affecting migrants, Canada and the United States stand out as having the strongest antidiscrimination infrastructure of the thirty-seven countries surveyed.<sup>42</sup> The United Kingdom is not far behind—perhaps relevant to understanding why Muslims are very likely to report feeling British, even if political and media elite question this (see chapter 6, this volume)—whereas the institutionalization of antidiscrimination measures lags in Switzerland, Austria, Denmark, Germany, and Norway, all countries in the midst of heated identity debates.

Canada's Charter of Rights and Freedoms has consequently become a legal resource that minorities can use to combat unequal treatment, and it has become a foundation stone of contemporary notions of Canadian identity. According to the 2010 poll mentioned earlier, 78 percent of Canadian residents consider the Charter very important to Canadian identity less than twenty years after its signing. The level of support for the Charter was second only to health care and more important than the Canadian flag in defining the Canadian nation.<sup>43</sup> The Charter thus functions as both a resource to facilitate minorities' inclusion and a source of national pride for all Canadians.

Multiculturalism policy in Canada has also served such a dual purpose. For immigrants, multicultural policy, combined with immigrant settlement programs, has promoted political incorporation within a context of pluralism.44 This process of incorporation works both at an instrumental level—public policies provide financial and technical support to immigrants and community-based organizations—and at a symbolical level of membership. As a "hard resource," projected spending for Citizenship and Immigration Canada's integration programs, including transfers to provincial counterparts, stood at slightly over \$1 billion in the 2010–2011 fiscal year. 45 Symbolic repercussions are also important. Not only does public funding communicate that multiculturalism ideology is important for the national identity, but the way funding is administered also sends a message. A substantial portion of monies for diversity and integration initiatives gets channeled to community-based organizations. By contracting with civil society groups, governments send a message that they want to work in partnership with immigrant communities and that they trust them to use public funds in line with national goals. Such funding also feeds back into political mobilization and voice, given that public support helps build an organizational structure and leadership base that immigrants can use to advocate on their behalf.46

Thus, rather than a zero-sum trade-off, the Canadian argument has been that multicultural recognition and accommodation of difference facilitates integration and national unity. Comparative survey data show that immigrants in Canada are more likely to report that their ethnicity is important to their sense of identity than their counterparts in the United States are, but they are also more likely to report an attachment to the nation.<sup>47</sup> Ethnic and Canadian attachments are complementary, not in conflict.

Critically, multiculturalism also serves as an identity touchstone for the majority population. Only 12 percent of Canadian residents believe that multiculturalism is unimportant to Canadian national identity. A recent analysis finds that, in Canada, those who express the greatest patriotism are also those more likely to support immigration and multiculturalism. This is a surprising relationship from the vantage point of other countries, where patriotism is often correlated with anti-immigrant or antidiversity attitudes.

Of course, multiculturalism is not a panacea, and there are definite limits in the public's mind. Controversies have focused on the use of sharia during arbitration in the Ontario judicial system, the right of Sikhs to wear turbans in the Royal Canadian Mounted Police, and the accommodation of religious minorities in Quebec. The success of multiculturalism as an ideology and idiom for national identity must be understood as part and parcel of a complex web of minority relations: a non-British, non-American Canadian national identity was (and is) negotiated within

an underlying threat of Quebec separation and vocal claims-making by Canada's Aboriginal population.<sup>50</sup>

### **Caveats and Concluding Thoughts**

Other factors come into play in understanding the relationship between immigrant-generated diversity and national identity transformations. Immigration policies likely play a role. The Canadian point system is often held up as facilitating positive integration because economic migrants are selected based on their education, language skills, training, work experience, and age; a smaller group is chosen for their ability to invest in business and job creation. In the first decade of the twenty-first century, 59 percent of new permanent immigrants arriving in Canada were economic migrants, 26 percent entered through family sponsorship, and 11 percent were refugees. The native-born public might be more generous in reimagining the country's national identity to include immigrants when those arriving are viewed as making a net positive contribution to the economy.

Similarly, although the American immigration system differs substantially from the Canadian one—two-thirds of legal new permanent residents gain status because of family connections, the rest entering as economic migrants or refugees—the labor market participation and employment rates of immigrants usually stand higher than that of the native born. Just before the financial crisis of 2008, 65 percent of the U.S. native-born population worked and 4.9 percent were unemployed, versus 68 percent and 4.7 percent, respectively, of the foreign born.<sup>52</sup> Furthermore, although opinion polls regularly document Americans' negative views of illegal immigrants, when asked about work ethic, similar proportions of Americans nine out of ten-judge that migrants are hard workers regardless of whether respondents are asked about legal or illegal migrants.<sup>53</sup> Given that immigrants' employment, occupation, and income in Europe often lag behind the native-born population, this likely adds fuel to negative portrayals of newcomers in Europe and might help explain somewhat more open national identities in North America.54

Americans' relatively high support for cultural pluralism coexists with deep ambivalence about immigration, but concerns largely center on illegal migration rather than anxiety about ethno-racial or religious diversity, per se. More than half of Americans (55 percent) think that the majority of immigrants are in the United States illegally.<sup>55</sup> The reality, though significant, is only half that: an estimated 11.7 million residents, or 28 percent of all migrants, do not have residency papers.<sup>56</sup> In comparison, figures for Canada, which are highly speculative, place the number of undocumented between two hundred thousand and four hundred thousand individuals, which would constitute 3 to 6 percent of the

foreign-born population. As a percentage of the country's total population, the Canadian figures are higher than estimates for the irregular migrant population in Austria, Denmark, France, Germany, Italy, the Netherlands, and Sweden, and similar to Belgium, Ireland, and the United Kingdom.<sup>57</sup> Surprisingly, Europeans nevertheless worry more about clandestine migration: in Europe, 67 percent of respondents expressed worries over illegal migration in 2009, versus 61 percent in the United States and 50 percent in Canada.<sup>58</sup> Even if undocumented, North Americans appear to have somewhat more faith in integration outcomes, whereas Europeans' fears of diversity and immigration arguably feed into concern over clandestine migrants.

In this respect, the immigrant past and mythologies of the United States and Canada, particularly North Americans' long-standing belief in permanent migration and settlement, might play a role somewhat distinct from European experiences. Whereas 58 percent of American respondents expressed concern about illegal migration in 2011, only 18 percent expressed similar worries about legal migration, proportions that have held steady since 2008.<sup>59</sup> Absent a belief in permanent migration, one can well imagine that the native-born population has little incentive to see foreigners as future members of the society, or for migrants to feel a sense of inclusion and investment in that society if migration is viewed as temporary.

Understanding national identities matters for understanding immigration politics and likely immigrant integration. As James Hampshire observes, "To the extent that liberal states are nation-states, drawing upon deep reservoirs of feeling and emotion to underpin their authority, identity-based opposition toward immigration poses real challenges to government." These challenges are doubly felt in that national identities not only affect broad public opinion on immigration, but also shape the views and policies of elites.

Too often, however, national identities are viewed as static and invariant over time, resulting in pessimistic prognoses of immigration policies and integration. This chapter instead started from the premise that studying the intersection of national identity narratives and immigration requires models of how national identities change. Observers often imply that European anxieties about integration are greater and the challenges of immigrant incorporation are more arduous and complex than in North America simply because Canada and the United States are nations of immigrants.

Yet narratives of diversity and migration can be found in the stories, songs, and histories of many European nations. This can range from romantic images of the colonial period—think of the Portuguese self-image as a nation of seafarers—to stories of safe haven—think of the movement and integration of Jews within the Low Countries following expulsion from the Iberian peninsula. Conversely, nothing in the North American story

of migration in the nineteenth or early twentieth century would have given any reason to be optimistic about the contemporary treatment of Asian, black, or non-Christian immigrants. A history of migration does not necessarily beget a more inclusive national identity.

Instead, I have argued that Canada and the United States benefited from the timing of internal struggles around national identity, struggles that implicated native-born minorities and occurred just before new, large-scale migration. These dynamics of national identity change grew to include immigrants because of processes of political incorporation. National identities expanded because of the agency of migrants and their allies, as well as the institutionalization of antidiscrimination laws and diversity policies, which provided resources to contest anti-immigrant discourses and served as a touchstone for cultural change.

I do not argue that these struggles for an inclusive national identity are settled or unproblematic; indeed, a central claim is that conflict is part and parcel of reimagining national identities. None of the changes in the 1960s and 1970s came easily to the United States or Canada. Political and civic battles were fought in legislatures, in the courts, through the ballot box, and on the streets. This occurred when native-born minorities militated for inclusion and when immigrants mobilized. Expansion of the boundaries of national membership often occurs through contestation.

Yet the role of contestation is often lost in contemporary political or academic calls for social cohesion or worries about how diversity undermines social trust and social capital. The extension of social rights to male workers in Britain, celebrated in T.H. Marshall's famous account of citizenship, occurred because of the militant activism of unions and political actors favorable to labor. Sometimes distrust and conflict are necessary to expand national membership. The desire to shut down conflict, which in the early twenty-first century is often articulated as the need for immigrants to modify their behaviors and attitudes to better fit into the majority, becomes a project of double silencing. Not only must immigrants suppress their diversity, but they also cannot complain about it.

#### Notes

- German Marshall Fund 2009, 19.
- 2. Bloemraad 2006; Jiménez 2010.
- 3. Hollinger 2011.
- 4. Goodhart 2004a, 2004b.
- 5. Hampshire 2013, 34.
- On the United States, Gibson and Jung 2006; on Canada, Leacy 1983. In addition, in 1950, 10 percent of the U.S. population was enumerated as black, almost all of whom were native-born minorities (Gibson and Jung 2002).
- 7. Daniels 2004; Ong Hing 1993; Kelley and Trebilcock 1998.
- 8. Cited in Kelley and Trebilcock 1998, 312.

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  - 9. Tichenor 2002, 179, 192.
- 10. Smith 1993.
- 11. Canada 1966, 6.
- 12. Gibson and Jung 2006.
- 13. On Celler's statement, see U.S. Congress 1965. For President Johnson's remarks, see Johnson 1965.
- 14. Daniels 2004; Tichenor 2002; Wolgin and Bloemraad 2010; Zolberg 2006.
- 15. On economic considerations, Green 1976; Kelley and Trebilcock 1998; on international standing, Triadalopoulos 2012.
- 16. As outlined in Order in Council P.C. 1106, July 19, 1963.
- 17. Canada 1966.
- 18. Winter 2011.
- 19. Labelle, Rocher, and Rocher 1995.
- 20. Brotz 1981; Kallen 1982.
- 21. Bloemraad 2006, 31.
- 22. Vink and de Groot 2010.
- 23. Tichenor 2002; Wolgin 2011.
- 24. Bloemraad 2006.
- 25. Canada 1987, 12.
- 26. Hawkins 1991; Triadalopoulos 2012.
- 27. Reform Party of Canada 1988, 23.
- 28. Reform Party of Canada 1991, 35.
- 29. Author's calculation of 2006 Canadian census data. Available at: http://www12.statcan.gc.ca/censusrecensement/2006/rt-td/immcit-eng.cfm (accessed April 19, 2015).
- 30. The government is, however, increasingly making appeals to traditional conservative symbols of Canadian identity, including the military and the monarchy. It is possible that the Conservatives might downplay multiculturalism in the future, but this has not yet happened.
- 31. Nye 1990.
- 32. Skrentny 2002.
- 33. Kasinitz 2008.
- 34. Bloemraad and de Graauw 2012.
- 35. U.S. Commission on Civil Rights 2006.
- 36. Schmid 2001; Spolsky 2004.
- 37. Kasinitz 2008, 255.
- 38. Alba and Nee 2003.
- 39. Abrego 2008; Bloemraad, Voss, and Lee 2011.
- 40. Joppke 2007.
- 41. Cairns 1992.
- 42. See Migrant Integration Policy Index. Available at: http://www.mipex.eu (accessed April 16, 2015).
- 43. Environics Institute 2011, 17. The importance of the health-care system to Canadian identity and integration might seem strange to outsiders, but needs

to be understood in terms of Canada's relationship to the United States. Because a part of Canadian nation-building is about making distinctions from Americans, Canadians celebrate their universal health-care system with respect to the U.S. system, which historically left millions of Americans uninsured. This is another point around which a majority of native-born Canadians and new Canadians can rally and thus serves as a source of inclusion.

- 44. Bloemraad 2006.
- 45. Seidle 2010, 4.
- 46. Bloemraad 2006.
- 47. Wright and Bloemraad 2012.
- 48. Reitz 2011, 15.
- 49. Citrin, Johnston, and Wright 2012.
- 50. Bloemraad 2006; Winter 2011.
- 51. Citizenship and Immigration Canada 2011.
- 52. Author's calculations from a three-year average (2007–2009) of the U.S. Census Bureau's American Community Survey (2010).
- 53. German Marshall Fund 2009.
- 54. Kesler 2006.
- 55. German Marshall Fund 2012, 6.
- 56. Passel, Cohn, and Gonzalez-Barrera 2013.
- 57. European Commission 2009.
- 58. German Marshall Fund 2009.
- 59. Ibid. 2012, 8, 7.
- 60. Hampshire 2013, 24.

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