

CHAPTER 10

Conclusion: Sovereignty, Things, and People

Sovereignty relies on jurisdiction over a population as well as a territory. With the development and spread of liberal nationalism, exclusive sovereignty has been valued and justified because of its importance in maintaining divisions among populations. Citizens value boundaries for their role in maintaining, or creating, a political community with unique traditions and values, a way of life. They are, both literally and figuratively, governments' *raison d'état*. When sovereignty is located in the people, controlling entry into and exit from that voting, resource- and rights-claiming population is crucial to protecting sovereignty. Governments, answerable to citizens and not to foreign governments, international organizations, or visiting aliens, seek to better the conditions of this bounded population, both by pursuing trade and investment and by limiting the growth of the claiming class. Because manipulating a population's fertility and mortality horrifies many publics, immigration policy becomes the only legitimate means to regulate the quantity and characteristics of a citizen population. In this way, immigration policy defines who is inside and who outside a political system.

Populist-nationalist justifications for borders came to dominate thinking about sovereignty in the eighteenth century. The American and French Revolutions relied on the standard of popular consent for legitimacy in challenging a dominant center; the German and Italian unifications a century later drew more openly on cultural traits to unify a population spread among many political units. Nationalism infused theorizing about the rights of states and populations. The nation-state became the ideal to which both states and nations aspired. The nation-state was strong because it was legitimate. This minimized internal conflict and confusion, made communication possible, which eased commerce, and harnessed the energy that the nation voluntarily gave to the state.¹ This ideal supported, as it grew from, the norm of self-determination, which gained a power of its own strong enough to legitimize sovereignty for colonial territories and ethnically distinct populations against the wishes of the imperial center.

At the same time, liberalism guided the industrial nation-states' eco-

conomic policies, including those toward land, minerals, and airspace as well as toward goods and financial flows. Private property was so central a value early on that governments like the United States pledged to support it as their *raison d'être*. Private ownership, however, extended to national ownership only in the communist countries in the twentieth century. Liberalism supported a division of spheres; the economic one was to remain in private hands. Free trade was the private choice. It became such a powerful ideal that even its detractors acknowledged its ability to generate the largest quantities of goods most efficiently. The public sphere was political; the private was economic.

Liberalism separated people as citizens, their public personae, from people as workers and owners, their private personae. This separation made possible the political regulation of persons as citizens and the economic deregulation of persons as laborers or investors. Nationalism and the ideal of the nation-state further justified the regulation of persons as citizens. Together, these produced states who identified with and served citizen populations that acted as nations politically and as individuals economically; these states produced a system defined by strong norms—and government interests—in favor of nation-states' rights to exclude persons and opposed to their rights to exclude goods. Territories, like things and information, are to be bought and sold. The mutual exclusiveness on which "sovereignty" rests obtains with regard to persons, not things. The result is a system of states that are mutually exclusive because each has a set of citizens unique to it.

Asserting the "final and absolute authority" that defines sovereignty over people rather than over things both creates the liberal nationalist system and reflects the dominance of a peculiar blend of liberal and nationalist values throughout the international system. It has become a norm that guides countries' policies and how they are justified, even when the norm's origin is wholly outside a country. It is used by states whose first contact with modern sovereignty was colonization, and by those that seek to colonize others.

In an earlier period, both territories and populations defined a country's boundaries. The European empires extended their reach by claiming lands where their citizens had gone and claiming citizens wherever they took land. Mercantilist empires established exclusiveness of territory and population as they gathered toward their centers everything of value that they came across. Their inclusion of population as a source of power additional to territory reflected changes in production that affected state power. When production began to replace extraction, labor's quality began to matter a great deal. During the previous era, in which absolutist states staked out the first exclusive zones, territory provided the basis for

security and wealth. The industrial era that followed the mercantilist period relied on volumes of wage labor.

When welfare guarantees supplemented the industrial outcome, persons were no longer clearly beneficial. Each came with a fixed cost, including schooling, infrastructure, and the minimal financial and public health measures necessary to support life and prevent disease, yet each did not yield returns to the state commensurate with this cost. Skills that promised high productivity became of more value. Barring those likely to receive public goods without contributing sufficiently to the public purse became more important. Changes in technologies of production and convictions about legitimate authority changed the basis of state power and shifted the foundation of sovereignty from land, to people and land, to people.

That these changes were general, becoming shared by an increasing number of countries in each era, does not indicate that they were unchosen or inevitable. The institutions that people faced acted entirely as constraints only in the shortest of short terms. A lobbyist worried about the next day's votes, or a lawyer who has to meet a court-imposed deadline, or a student who has to choose classes all face choices that are limited by the institutions within which they have to operate. But even extending the time frame a fairly short amount, say a year or even a month, allows the institution to be malleable. The bills that legislatures consider can be changed, and so can rules about what gets reviewed when; additional precedents mean that the law is never the same; universities change their courses, their faculties, their admissions and graduation requirements. Even the most powerful institutions are impermanent. The cold war, for example, organized whole societies as well as defense and research strategies, but the institutions it spawned did not survive its end. These sorts of institutional changes did not "occur" from "broad social forces," they resulted from pressure exerted by the actions that individuals and groups took, whether those actions were intended to have the consequences they did, that is, they were the result of choices people made, or not.

In the same way that change results from a pattern of new actions and new decisions, stability results from repeated choice. States, as well as legislatures and colleges, churches and corporations, last because people choose to support them. Their choices are affected by the institutions' presence—an advocate would not lobby, or lobby in a certain way, without a legislature there to lobby—but are not determined entirely by it. People are not robots, or at least are not always robots. Beliefs about democracy and public accountability, as well as habits and a lack of reflection, support legislatures. If minds change, legislatures falter. In this way, the inertia of institutions is not comparable to the inertia of a body in space. Momentum in social orders requires continued input of energy, which is

scarce and brings costs. Social practices have to be justifiable and useful to continue. That they once were cannot explain their endurance.

When structures act on people, they do so by shaping, though not dictating, people's beliefs about their options. Those beliefs then support or undermine social structures. Decisions lie at the nexus between institutions and outcomes. When necessity is not overwhelming, choice is not an illusion; structures then do not determine outcomes. In these cases, people have real choices to make. If they are not irrational, by definition their reasons dictate their choices. Social decision-making demands an additional step, that of relating one's reasons to the public interest. Positions that qualify as public interest arguments have to promote public values, consider consequences, and apply to all citizens. This requirement filters arguments, benefiting some and leaving others behind. In this way, values and interests merge to set standards by which to judge options.

What constitutes the substance of a public interest varies among countries, but also changes over time as choices change. Which public values are served, which consequences seem good, or even relevant, and who counts as the public in whose interest a government acts can all be different from one time period to the next. The France of the Revolution and the France of Napoleon conceived of the public in different ways, pursued different values in its name, and evaluated results according to different standards. Some American colonies established themselves as homogeneous religious enclaves; states later explicitly eschewed religious categories. Originally the public in whose name the government acted was made up only of white, propertied men; over time it expanded to include the propertyless, women, and nonwhites. It still excludes people by birthplace. That too could conceivably change.

In this way, borders change meaning as well as location. Who is inside a set of boundaries depends on who is outside it. It is possible to say both that if we are hill-dwellers, then they are valley-dwellers, and that if they are valley-dwellers, then we are hill-dwellers. The distinction depends on the source of change, on whether a change in self-perception changes how a group interprets outsiders, or whether changes beyond the borders force a reinterpretation of what is unique about those who remain inside. Even when territorial boundaries stay in the same place, what is seen to be most important about those boundaries changes over time. This changes how those boundaries are valued, and what about them is seen to be worthwhile or valueless.

Throughout the twentieth century, population replaced territory as sovereignty's core terrain. Boundaries among populations gained in importance as the boundaries dividing one land from another lost their centrality to a country's self-definition. At the same time, what was impor-

tant about these boundaries dividing populations from one another changed enormously. Broad changes in social ties and economic processes have simultaneously decreased the practical importance of territory and increased the value people place on social identities historically associated with territories. Territories are important in the advanced industrial states largely for their symbolic value in determining who is a citizen by birth and who is not.

Borders now tend more to impede than to protect people's economic goals and, to probably a lesser extent, their security goals. As functionalists expected, borders have become less relevant to many issues that interest people, and governments have been helping to reduce borders' importance as material barriers. The cultural and economic "networks of interdependence" that have helped to universalize markets in goods and ideas have not, however, so far replaced national symbols and institutions as objects of people's loyalty or the primary bases of their identities. The difference between the economic and political spheres is not objective. It is the result of very different ways of thinking about and justifying boundaries.

In many ways, markets and states are similar, and to an extent even inseparable. Markets and states are each infused with complicated hierarchies and rules allocating power to those who participate in them. To function, each relies on a differentiation of resources, skills, and authority that produces inequality; to function properly, each must operate in a way to ameliorate this inequality. Wealth and power are, moreover, closely tied. If the wealthy choose, wealth can become power; if the powerful choose, power can become wealth.

Yet markets and states are not justified identically. In fact, the liberal market and the nation-state operate very differently and produce very different social relationships. Markets seek to disguise the "nonmarket," or power, relationships that lurk behind what is produced and bought. Products are to be apprehended as if their history made no difference. Only an item's quality and utility for the consumer determine its value. Marxists and those who have followed in the materialist tradition rightly point out that all sorts of nonmarket factors enter into who produced and buys what. Labor is not free; even alienated wage labor is not free to move to the highest wage areas, and much of what is produced, for example, children or the daily maintenance of families, is accomplished without remuneration. Pure markets are, political economists argue, an illusion.

But the illusion works. It is precisely this illusory quality that separates the "economic" from the "political." In the economic realm, people are to operate according to market principles of supply, demand, value, and price. When any other of a product's characteristics, such as its country of origin, matter to its purchaser, the market has failed. Markets oper-

ate when the politics that underlie them are invisible. This means that they operate when political boundaries, as well as the race, religion, or sex of a producer, are irrelevant. Economic boundaries are for command economies, not for liberal ones.

National boundaries are, by contrast, central to the “political” sphere and in fact define it. Any political system, whether a democracy or a kingdom, has to establish boundaries within which central authority extends. As Craig Calhoun argues, “The modern notion of a popular will always assumed the existence of some recognizably bounded and internally integrated population.”² Defining a domestic sphere means, at the same time, defining the area over which authority does not extend and in which claimants have no right to be heard.

Unlike the market, the nation needs boundaries in order to exist. In politics, unlike in markets, who is making a claim (product) matters. Creating an “in” creates an “out”; the rules describing the separation outline the value that the boundary has for those who make it. The nationalist ideal justifies both the creation and the maintenance of boundaries. The idea of popular sovereignty followed the French Revolution; it spread throughout the world, giving rise to claims for “national self-determination.” The availability of the nationalist justification for independence in fact allowed the creation of many states whose conformity to the European model was tenuous.³ When more than one state established distinct economic and political spheres, with boundaries and realms over which sovereign authority would be exerted, they created a distinct international system. The logics by which international systems have operated did not arise spontaneously from economic and political imperatives; rather, they resulted from social choices that could have been made differently.

Borders, as Friedrich Kratochwil notes, are places of contact as well as of separation.⁴ What purpose separation serves depends on who is on the other side of the boundary. All of the characteristics that can distinguish people from one another—ascriptive group characteristics like race, or sex, or birthplace, acquired group characteristics like ideology or religion, ascriptive individual characteristics like beauty or size, and individually acquired characteristics such as education, skills, disease, or merit—all of these can provide a basis for establishing a boundary. Because identification has this oppositional nature, identities cannot be said to develop autonomously, in isolation, but should be seen as dependent on their environments. And environments change.

From this standpoint were drawn three interrelated theses about how American immigration policies were established, then evolved. The first held that immigration policy is about sovereignty in practice as well as in theory. When legislators and other members of a public talk about

whether to establish or change the boundaries that separate their population from others, they believe themselves to be discussing sovereignty. An examination of the public record showed that sovereignty was not only the central justification for the original restriction, but was also raised before the passage of every subsequent piece of immigration legislation.

Throughout all periods, American legislators understood sovereignty to demand control over the exclusive population of American citizens. Recourse to sovereignty as a reason for control changed very little over the past century. In the mid-1920s, Milton Garber declared that “in the exercise of our inherent powers of sovereignty we have the undoubted right to prohibit the entrance of any or all immigrants or prescribe the conditions under which they may enter.”⁵ In 1950, Samuel Hobbs declared that “the exercise of that sovereign power by the United States of America should not be hampered, limited, nor thwarted by any other nation. If it be, by just so much has our Nation lost its sovereignty and independence.”⁶ The turn from isolationism did not change this view as it related to citizens, although it did change that related to markets.

In the 1960s, when American policy was global and expansionist, Strom Thurmond pointed out that “individuals, and groups, including nations, have an absolute and unchallenged right to have preferences for other individuals or groups, and nothing could be more natural than a preference based on a sense of identity.”⁷ Although sameness of culture or political belief was politically acceptable as a basis for defining criteria governing inclusion, Congress’s plenary rights allowed it to define the boundaries separating citizen and noncitizen on any basis it chose, whether that be individual achievement or hair color. To give up the right to be arbitrary with regard to others’ populations was to give up sovereignty.

Throughout the twentieth century, legislators reflected on the centrality of immigration policy to national identity and the sovereignty of the American nation-state. Each era had its eloquent observers. In 1980, George Huddleston observed that “immigration presents us with the most basic of all social and legal problems: Is the concept of the nation-state legitimate?”⁸ Any of the statements involving the relationship between sovereignty and decisions about the legitimacy of exclusion could have been made in any of the eras.

What immigration policy protects actually changes over time. Usually assumed to be given and unproblematic, a national identity, or what a society values about itself, changes over time along with changes in the international environment. Competition and foreign involvement change people’s interests and values, hence what they value or fear in potential citizens. Whereas in quantity countries’ immigration policies are protective, in terms of characteristics they are adaptive. Changes in desired immigrant

characteristics mirror changes in a country's understanding of who it is competing with and why.

Although concern with sovereignty was constant, what legislators pointed to as the greatest threat to sovereignty was not the same in each period. Part of the second thesis concerned the impetus for change in immigration policy. As a foreign policy, it was argued, immigration policy is directed toward, and responds to, what is beyond a country's borders. Certain types of changes in the environment that surrounds a state will prompt it to reconsider those borders. In the 1920s, this was World War I; in the 1940s and 1950s, legislators pointed to World War II. By the 1960s, the cold war defined America's context. As Dwight Eisenhower argued, decolonization later presented American hegemony with a challenge that it had to meet in part through immigration reforms: "Our position of world leadership demands that, in partnership with the other free nations of the world, we be in a position to grant . . . asylum."⁹ In 1984, foreign economic competition produced "a time of economic transition," so new immigration policies were "necessary to keep American industry in the ballgame."¹⁰ Because the impetus was external, it changed as the environment changed.

This meant that who would be excluded changed; or, more accurately, that the basis for deciding whom to accept and whom to exclude would change, even if that did not alter the eligibility of particular individuals to immigrate. The central role of justification in shaping policy is perhaps seen most clearly here. When Congress chose to base immigration on race or "national origin," the consequence was to favor those from northwestern Europe (England, Ireland, Germany), to regulate those from southern and eastern Europe (Italy, Bohemia, Romania), and to bar those from Asia (China, Japan, India). Changing the basis for exclusion from race to ideology was both politically and morally significant. Its effect was still to favor those from northwestern Europe, to regulate those from southern and eastern Europe, and to bar those from Asia. The map of acceptable and unacceptable races was similar to that of friendly and threatening ideologies. The reasons for excluding people changed more than the people who were actually excluded.

That the justification for excluding people is more important than the resulting pattern of which individuals are excluded is revealed most strongly by the 1965 immigration reforms. Up to 1965, national origin and ideology governed immigration. In 1965, racial criteria were eliminated, but so were slots weighted by country of origin. Instead, every country would have an equal chance of sending emigrants to the United States, and those emigrants would not be classified according to race. This renunciation of ascriptive criteria was hugely important as a statement of prin-

ciple. In abandoning racial and national criteria, the United States declared to its and others' citizens that achievement rather than birth gave individuals value.

At the same time, preferences for citizens' relatives were included in immigration policy. This was justified by the government's duty to serve the citizens' needs first, and to serve the public interest by helping to reunite families and to prevent repatriation of wages. Policy treated all citizens equally, as it had treated all foreign states equally. The reasons that the country would use when evaluating immigrants shifted 180 degrees. Yet the consequence was to alter the stream of actual immigrants by perhaps two degrees.¹¹ Relatives were largely going to be of the same race and culture of the citizens who invited them to immigrate. The 1965 reforms allowed the Ghanaian quota to equal the Irish quota, but if no Ghanaians had been allowed to immigrate before 1965, they clearly could not join their relatives. Moreover, even had the law not preferred relatives, the costs of migrating mean that new migrants went to places where they have friends and job prospects, that is, to places where others in their situation have already been.

The result was to alter the stream of actual migration relatively little, while altering enormously the basis for allowing immigrants. Because the resulting changes were relatively small, it would be difficult to argue that the change in justification was merely a smoke screen for effecting a shift in the migrant stream. While changing the justification for choosing immigrants did not necessarily prevent specific individuals from immigrating, or give others an advantage, it did in some important sense change who immigrated. Instead of "white, anticommunist, Irish" Ann who had been socialized into the "Anglo democratic participatory" system, Ann immigrated as the sister of John, a citizen. Changing the justification in a sense changed the immigrants.

Also changing were the arguments about the public interest to be served by immigration restrictions. The final thesis about immigration policy held that arguments shaped outcomes by selecting the options that could be considered and by forcing reasons to be given. These reasons became a resource for all sides. The requirement of consensus-building meant that to reach a majority, a policy had to be justifiable in terms that not only met public interest requirements but received widespread support. Arguments were not additive; the deliberative process was an intellectual one in which arguments were revised and transformed. The democratic process in this way did not just select among arguments, but helped to create new ones, and in this way changed how the public interest in one area was understood.

The policies that resulted from such public debates are unpredictable

knowing only the tangible interests behind the advocates and the opponents. Unemployment, immigrant pressure groups, public opinion shifts, and party politics are all unsatisfactory explanations for the pattern of policy change. The dates of immigration policy reforms coincide not with bad economic times but with prosperous periods; groups cannot be in a legislative district to press for their compatriots unless national policy has already favored their entry; the public is always opposed to increasing the level of immigration; partisanship is significant in only half of the roll calls on immigration and is in almost all cases less significant than regionalism. If immigrant groups with the strongest ties to their home countries—groups of recent immigrants—fueled liberalization of immigration policy, the 1920s, when the percentage of foreign-born was the highest, should have been more liberal than the 1960s, when it was the lowest. If economic disaster provoked either rational attempts to reduce the labor force or economic scapegoating of immigrants, the Depression and the late 1970s should have been peak attempts to revamp policy. Instead, the 1930s saw no proposals to overhaul immigration policy and saw an inflow reduced more by prospective immigrants' reluctance to enter a depressed economy—and their desire to leave it, once in—than by the U.S. government's legal or administrative efforts. The 1970s saw not only no efforts to reduce the numbers of immigrants, but the single largest ad hoc acceptance of immigrants in the country's history, with the welcoming of the Indochinese refugees. Since public opinion about immigration seems to remain constant, it cannot account for any pattern of change.

The requirement to reach a majority, and the requirement that that majority be able to justify its position to its constituency, deflect the policy process from one in which tangible interests are simply traded and compromised (each side moves toward the other's position) toward one in which participants must succeed in redefining their own or others' interests, and must do so in a way that is consistent with "the public interest." Arguments are central to the process of reaching majority under these circumstances. Tracing the arguments that different sides made for and against immigration policy change in the twentieth century explains outcomes in a way that is impossible otherwise. It explains otherwise anomalous outcomes.

In the 1920s, incorporating liberal arguments produced a more restrictive policy than the liberals had advocated. Negotiation and learning partly replaced compromise. Consensus did not involve each side moving toward the other, but some person or group synthesizing the value-based arguments in such a way that one outcome could be broadly justified. In the 1920s, liberals raised the specter of racial discrimination against American citizens, which they argued would follow from a system

that delared, in effect, that immigrants from some regions were more desirable than others. This effect of the quota system, they argued, violated the principle of equality among citizens on which the public culture was based. Those who advocated restriction had to meet this challenge. They did so by changing the basis on which quotas were allocated from the national origin of recent immigrants to the national origin of the entire American population. The consequence was to include large blocks of spaces for the English, Irish, and Germans, who immigrated earlier in the nineteenth century but who were in a minority more recently, and in this way to shrink still further the number of immigrants from southern and eastern Europe available to immigrate. The consequence was the reverse of that hoped for by the liberals, yet many of them were forced to support it because it met their main objections.

In the 1950s, recent experience with Asian allies and with Nazism brought leverage against racial exclusions. Because the victory became, over the course of the war, not just against German aggression but against fascism and racial supremacism, the United States had to cleanse its statutes of provisions that mimicked its adversaries. If the opponent had slid from a generic aggressor to a racial supremacist, the United States, as its opponent, had to identify itself not just as a defender of the peace, but as the defender of a specific type of peace, one that excluded racialism. As Samuel Dickstein argued, the country “should not give such great preference to the Nordic race, the person with the blond hair, the Nazi who was guilty of murder.”¹² Nazism had to be denounced.

At the same time, Japan, not Germany, had brought the United States into the war, and Asians were considered much less assimilable than Europeans; complicating this yet further was the fact that the cold war involved both European and Asian adversaries and both European and Asian allies. The situation that resulted for the United States was an anti-communist immigration policy intended to protect the country in the cold war, overlaying a bizarre compromise regarding race: Nazis would be excluded as ideologues, but neither favored nor excluded as Aryans; southern Europeans would be admitted as refugees from communism rather than excluded as Slavs, and Asians would be eligible for admission—but would still be identified primarily as Asians.

A decade later, U.S. hegemony made American immigration policy appear insular and petty. To fight the cold war and retain credibility, liberals in Congress agreed that the American stance generally should be global, liberal, and favoring equality. Conservatives, who wanted at least to retain numerical restrictions but really to extend them, argued that granting all countries an equal quota, while preserving the exception for the Western Hemisphere, which the liberals advocated, was in fact con-

trary to the principle upon which they claimed to base their decision. If the liberals truly meant what they said about equality, argued the conservatives, they would bring the Western Hemisphere under the numerical umbrella. Not to do so was to practice favoritism, offensive to some domestic districts and to all European, African, and Asian countries. The liberals had to agree to extend restrictions because their case was argued in the liberals' own terms.

In the late 1980s, arguments about immigrants centered on their economic motivations and consequences. Those in favor of increasing immigration used aggregate measures, arguing that immigrants benefited the economy generally. Those who opposed increases relied on sectoral measures, arguing that immigration hurt a particular class or part of the economy. They also argued, however, that the enforcement of sanctions against illegal immigrants, which they advocated, would hurt some groups and not others. Those liberal on the question of immigrant quantity based their arguments on utilitarian claims, such as the improvement of average welfare; those conservative on this issue focused on the rights of particular groups. The "compromise" that the liberals achieved was, again, a synthesis of principled claims rather than a bargain in which each side gave in some. It involved setting the legal ceiling just above where the *de facto* ceiling was, preferring those who would create jobs, and sanctioning employers who did not obtain proper documentation for all workers, regardless of race. By adopting the conservatives' language of civil rights regarding particular groups, the liberals avoided having to allow for their "economic rights" to a piece of the growing pie—though that was the conservatives' original grievance.

In the context of trade flows, information and media transfers, and private travel, immigration policy must be seen as conservative, if not even reactionary. The advanced industrial countries all seek to extend regulatory control over access to citizenship and to limit the numbers of immigrants, while they cheer economic integration.

There are two ways in which it is appropriate to describe American immigration policy as liberal. First, the United States has altered the bases on which it excludes and selects immigrants to correspond much more closely to the liberal ideal. Whereas the exclusion criteria once emphasized race and treated men and women differently, they shifted toward characteristics over which people had some control, such as their political convictions and their skills. Second, the United States has promoted, internationally, a set of liberal norms, such as those of open emigration and non-refoulement, and has tried to set an example for other countries to follow. As James Hollifield has argued, compared to what some international relations theories would expect, liberalism permeates the grounds

for exclusion in Western countries' policies toward immigrants, an outcome understandable only by reference to the liberalism of United States hegemony.¹³ Compared to a go-it-alone system, the current system, enforced by the United States, is liberal.

Compared to other countries' policies, or to its policies in other areas, American immigration policy is profoundly conservative. On a per capita basis, the United States accepts fewer immigrants than many countries to which emigrants attempt to travel, including countries of permanent migration, such as the European countries, as well as countries such as Thailand, Congo, and Sudan, which provide first—and often last—asylum to millions of refugees. Over time, immigration as a proportion of the U.S. population has also declined, and regulatory control has extended over more groups each decade. By 1990 every immigrant had become subject to a numerical limit, which was *de jure* about what it had been *de facto* since limits were first established at the beginning of the century. In the context of its history in this area and its policies in other issue-areas, American immigration policy is quite conservative.

American policy has also been transformed as the country's place in the world has changed. Congress argued for the conservatism embedded in the immigration ceiling at the same time it advocated liberalizing the standards used to determine which sorts of people could immigrate. Eliminating geographical quotas indicated a shift toward the view that America faced, generically, all others; shifting emphasis from simple negative exclusion toward positively defined preference, and from moral to ideological to economic grounds, shows that how and why these "all others" mattered were transformed as Americans identified different threats and purposes.

Originally detailed quotas by race and country were supplemented by a simple two-tier preference system within them. Over time these have reversed. Quotas were extended to both hemispheres from a sole focus on Europe, then consolidated within each, and finally combined into a single worldwide ceiling. At the same time, preference categories doubled and redoubled to sort those who would enter. The trend has been away from a focus on ascriptive, immutable characteristics, such as race or birthplace, toward those which are acquired. Even if in only a limited way, education, marriage, disease, or profession take into account experience.

Calling a policy "protectionist" immediately raises the question of who is being protected from what. American policy protects citizens, or rather access to citizenship. This, not literal access to territory, or even access to American wealth, has been its central concern. Noncitizens wishing to visit are restricted only in ways whose purpose is to minimize the likelihood of their staking a political claim, for example, requiring an exit before granting a new tourist visa or demanding proof of full financial sup-

port before granting a student visa. Noncitizens are in fact encouraged to take advantage of access to U.S. territory not only as tourists but as purchasers of that territory: as real estate, businesses, government bonds. Protection instead operates through restriction of those who, upon entry, receive the right to petition for citizenship.

Protection from what? Whom policy seeks to exclude has changed, or rather the grounds upon which law excludes (perhaps the same) people have changed. Protection implies threat, and this suggests that Americans' understanding of what threatens them has changed. Particular efforts to exclude reveal points of perceived weakness—weakness defined relative to others. Moral fiber, physical health, race, ideology, and economic potential are not even mutually translatable, and they have been combined only partially and inconsistently over time. At different times, the United States has seen each of these as the most important difference between itself and its competitors. As countries evolved jointly, so did Americans' perceptions of the threats and opportunities that other countries' citizens symbolized.

Involvement has led to different lessons in other areas. After World War I, the country shied away from foreign entanglements in trade, alliances, and international organization. Just after World War II and in the mid-1960s, it pursued such entanglements aggressively. By the late 1980s this sequence had reversed, and severe economic problems raised questions about America's chronic support for overseas allies and military interventions.

The United States, the focus of this study, is only one of many states that rely on immigration policy to maintain a sovereign political sphere. The United States is, in fact, one of the gentlest and most liberal of the advanced industrial states. Australia, when it sought settlers, explicitly sought white settlers; like nineteenth-century California, it pursued a "white state" policy while it pursued diversification and integration into the world market. Japan throughout the twentieth century has refused to allocate citizenship to some minorities, notably Koreans, born on Japanese soil. Japanese citizenship is a complicated mixture of race, culture, and commitment that the government does not believe should be granted to just anyone born in, or socialized into, Japanese life.

Most similar to Japan in many respects is Germany. Like Japan and many other states, most prominently Israel, citizenship accompanies descent rather than place of birth. During the period prior to unification, West German policy recognized all ethnic Germans descended from persons living within the pre-World War II borders as presumptive citizens.¹⁴ To claim citizenship, all such persons had to do was apply. Ethnicity itself, rather than language or any other cultural trait, brought the inclusion. The non-Ger-

manic guest workers imported primarily from Turkey and Yugoslavia were ineligible for citizenship unless at the express invitation of the German state, regardless of their years of residency, place of birth, skills, culture, or contribution to German society. Turks, in the German view, were simply not Germans. This view held and developed throughout the period of West Germany's integration into the European and global markets.

France and the United Kingdom have a somewhat more expansive method of determining citizenship, based more on territorial birthplace than on descent.¹⁵ Although those born in the territory to noncitizen parents are not automatically granted citizenship, the requirements for naturalization, such as residence and a knowledge of the language, are easily within reach for those born and raised in these countries. Acceptance of and participation in the public institutions that these states see as their greatest attribute is central to citizenship; ethnicity is relevant insofar as it affects one's ability to integrate. The other West European countries, though they vary a great deal in the criteria they use to allocate citizenship to those born inside as well as outside their borders, all guard their abilities to determine to whom they are accountable.

How important the distinction between economic integration and nationalist autonomy is can be seen, perhaps, most clearly in the policies that the European Union has—and has not—adopted with regard to the mobility of EU citizens.¹⁶ A central part of the reforms associated with the Single European Act allowed workers to migrate freely within the Union territories. Like goods, labor could move to the areas of highest reward, and in this way, it was hoped, the geographical maldistribution of labor and capital throughout the territories would dissolve. What has never been intended and is not on the agenda is free movement of citizens, that is, allowing individuals rather than states to determine who may accede to citizenship status. Workers can move across boundaries and thereby change their economic identities, but when citizens move, they keep their original status. Not only have the EU member countries made no collective efforts to merge economic and political movement, but the countries individually have scaled back access to citizenship. As they pursue economic integration, they seek to protect the separateness and autonomy of the nation.

This study has implications for international relations theory more generally. Both systems theories, such as neorealism, functionalism, and dependency theory, and process theories such as those analyzing the effects of bureaucracies, or psychological models, or interest aggregation, take institutions for granted. Whether sovereignty, a bureaucracy, or ideologies help or hurt one's ability to achieve one's goals, they operate as givens, and primarily as constraints. What is studied then is how the insti-

tutions eliminate choices or are biased toward certain actors and thus channel outcomes. This makes logical sense. If one is to study behavior of a system, collective, or institution, one must be able to take that unit's existence as granted and unproblematic.

This cannot be done when the structures themselves are the independent variable, which they must be when the central question deals with fundamental institutions. To address the question of where states come from, one cannot take states as givens. Structures arise from broad social processes, but these, moreover, result from choice. How this process occurs has barely been approached in international relations theory. Structural theories take sovereignty for granted; process theories take the domestic institutions that shape the policy process for granted. What varies are then groups' strategies for achieving their objectives. Yet structures are fluid over the long run, and when they do operate they affect incentives, not determine outcomes.

If they mandated actions, then history would be predetermined, its endpoint knowable. Choice would be illusory, decisions irrelevant. The point here is empirical as well as theoretical: institutions emerge from what societies choose; therefore, institutional constancy results from repeated choice in the face of change, and institutional change results from new choices. The causal mechanism that underlies institutional change is social decisions. These can be studied for their own sake, regardless of whether they produce outcomes different from those that abstract theories predict. They also can and should be studied when the causal mechanism at the center of a structural theory has to be wrong. It is also encouraging, as well as right, to think of sovereignty as a policy choice.