The Ironies of Citizenship

Naturalization and Integration in Industrialized Countries

THOMAS JANOSKI

University of Kentucky
Revolution. Nascent French *jus soli* at birth died in 1803 after the revolution despite Napoleon’s wishes and emerged to full-fledged status only after France recolonized, reschooled, and rebuilt its military more than 80 years later. A revulsion to defeat at the hands of the Germans brought attention to institution building in France and finding the human beings to run it, and this was reinforced by further expansion of citizenship laws after World War I. Evidence for the French responding to their military and demographic weaknesses makes these cultural idioms pale in their comparative effect. As the Constitutional Council said in 1993, “*jus soli* is not a fundamental principal of the Republic”; it was enacted in 1899 “to respond to the need for conscription” (Weil 2002, pp. 9–10). Racialization theory may describe the initial empire in the colonies, especially during early phases, but it does not do as well with legislation after World War II (Hansen 2000). Although there is much racism around, state-led racialization of immigration and nationality institutions does not fit. The Foreign Office protecting immigrant rights and citizenship in the United Kingdom nor the response of the French state to anti-immigrant protests. This process was clearly societally led. Neither Marine Le Pen nor Enoko Powell led a state-based racialization policy. Thus, the colonial regime and yearly left party power explain naturalization in these two countries.

4

From Manifest Destiny to Multicultural Diversity in the Settler Countries

Caballero: Buenos días, señor! ... If you remain here on Don Diego’s land, you are welcome for a night, for a week....
Dunston: Tell Don Diego, tell him that all the land north of that river is mine. Tell him to stay off of it.
Caballero: But the land is his!
Dunston: Where did he get it?
Caballero: Many years ago, by grant and patent, enscribed by the King of all this land.
Dunston: You mean he took it away from whoever was here before, Indians maybe?
Caballero: Maybe so.
Dunston: I’m taking it away from him.
Caballero: Others have tried.
Dunston: And you’ve been good enough to stop them? (they draw and Dunston kills the Caballero)

Borden Chase and Charles Schnee, *Red River* (1948)

To drill holes in rock faces or to light dynamite, they hoisted themselves up and down cliffs in wicker baskets, they move from reeds, working pulleys. Blizzards buffeted them, explosives wounded them, snow chilled them and avalanches buried them, but they were little daunted by the hazards of the job or by climatic extremes and lost few days to illness.
An untold number lost their lives: a newspaper in 1870 reported that twenty thousand pounds of bones, the remains of some 1,200 railroad workers, were shipped to China for interment.

Lynn Pan, *Sons of the Yellow Emperor* (1990)

Settler countries took land from whomever got in their way – indigenous people, other colonizers, or neighboring states – like Thomas Dunston, who took thousands of acres from Don Diego in what is now west Texas. The four Anglo-Saxon settler countries in this chapter were colonized by the British,
though the French and Spanish had considerable influence in the Americas. Although each one's path to independence was different, both the American Revolution and its economic growth to empire separate the United States from former dominions. Each developed a tradition of liberal democracy, had legal traditions rooted in English common law, and based their citizenship on open principles of *jus soli* naturalization at birth. Similarities abound; each country needed to populate itself through immigration, each attacked and eventually accepted an indigenous population, and each created a racialized state dead set against Asian immigration. The settler regime shaped the bounds of tolerance in each country, especially toward non-European strangers. In the end, each country made remarkable yet incomplete strides toward diversity, embracing their own indigenous and immigrant populations. In this way, colonization works its second irony in the settler countries through five processes: (1) capturing and settling land using an intensive agricultural production system; (2) increasing immigration by offering citizenship, land, and other social mobility possibilities; (3) establishing a "racialized state" to maintain the dominant European character of the population; (4) allowing indigenous and forced-migration populations to gain rights by fulfilling obligations such as military service; and (5) sometimes reversing the racialization process with small compensations.

Despite these similarities, Canada is the clear leader in naturalization through immigration and *jus soli* births; Australia is a close second. Meanwhile, the United States lags among these countries. In terms of integrating First Peoples, Canada and New Zealand are foremost in developing group rights and maintaining a conception of cultural pluralism, whereas the United States and Australia are hostile to indigenous rights and prefer linguistic and cultural assimilation. When coupled with American conceptions of economic and media globalization, these conceptions of assimilation are reinforced.

After the founding of these regimes and the end of World War II, there were two additional reasons these settler countries had high naturalization rates. First and foremost is the rise of left party politics in immigration discussions after World War II that promoted more equality and openness in setting immigration and nationality policies. The second and background reason involves the rise of an international human rights regime, with U.N. declarations on human rights and the U.N. High Commissioner on Refugees (UNHCR) pressing for acceptance of third world and other refugees. This was accompanied by international voluntary associations and domestic associations in civil society that protected human rights (this resonates with the first point on left party power). There's a major difference in these two reasons because the international human rights regime provides a resource that left parties may or may not use. The next section focuses on naturalization rates in these countries.

**Immigration and Nationality in the Settler Countries**

Settlers populated the land made open by their invasions. The longer settler countries stayed within the empire, the more impact British immigration had on them. Canada favored British immigrants; Australia and New Zealand favored them more and longer. British immigrants were offered easier nationality requirements, the ability to vote, and the standing to hold civil service positions upon landing on the continent (Evans 1988, pp. 244). The United Kingdom enacted the Empire Settlement Agreement in 1922 that formalized procedures for assisted immigration throughout the empire. Some war veterans received a plot of land, especially British nationals who immigrated to Canada, New Zealand, and Australia. Although each dominion became independent at different times between 1867 and 1901, the people were subject to various British nationality acts making them subjects and then citizens of the empire. This faded after World War II and ended in 1981, but for most of the twentieth century, citizens of the three dominions could claim citizenship in the United Kingdom and much of the Commonwealth. Conversely, the United States did not privilege immigration of Anglo-Celtic citizens and had a wider variety of European and forced African immigrants. Although it was not difficult for British and Irish citizens to naturalize in the United States, especially given their common language, they received no special treatment under law.

**Immigration and Naturalization Rates**

Over the past two centuries, immigration has been high for all of these settler countries. The United States had major increases from 1846 to 1855, 1866 to 1875, and 1881 to 1895. It reached an American and world zenith in absolute immigration numbers from 1901 to 1915 when 3 million to 4 million immigrants arrived every 5 years (see Table 4.1).

Canadian immigration followed this same pattern without tapering off during the Civil War, and its immigration as a percentage of the total population was nearly double American rates from 1906 to 1915. Immigration to Australia started with transportation of prisoners in 1788, ending in 1852. Thereafter, immigration from the United Kingdom increased tremendously. New Zealand had an even higher percentage of immigrants in its population with most of them coming from the United Kingdom.
However, all four countries clamped down on Asian immigration in the late 1880s and then reduced overall immigration in the 1920s. After World War II, immigration began in large numbers again. Three of the four countries had a high natural increase through births and a high increase from net migration; however, New Zealand was an exception because it occasionally had net migration losses that slowed population growth. This was partially due to the smaller country of each pair – Canada and New Zealand – losing major portions of its population to emigration to the larger country of the pair – the United States and Australia. For instance, New Zealand’s emigration to Australia is sometimes half its total immigration, and travel to Australia is often viewed as a right of passage for New Zealanders.

All settler countries have some form of *jus soli* citizenship; consequently they have the highest average naturalization rates in all 5-year periods from 1970 to 2005 in Table 2.2 (Chapter 2). But even if *jus soli* births are excluded, settler countries still have the largest naturalization rates. Within the settler country category, the ranking of naturalization rates with *jus soli* are remarkably consistent for each 5-year period (see Table 4.2).

Canada is the highest by far – it is first in six of seven periods. Australia is second – it is first once and second four times. New Zealand is third in four of seven periods and last for the other three, whereas the United States is second in the three most recent periods and last in four others. The United States is often seen as the premier naturalizer, perhaps because of the size of absolute numbers of naturalizations. But relative to its population of foreign persons, Canada is the clear leader, with rates twice as high as the United States. Only from 1995 to 2003 was the naturalization rate very high in the United States.

When compared to Europe, a few countries sometimes exceed individual settler countries. The United Kingdom is frequently higher than New Zealand and the United States in the 1970s and 1980s, as is the Netherlands in the 1990s. Also, Sweden has been higher than the United States in four periods and New Zealand in two periods. In a full comparison, the settler countries of Canada and Australia have been the clear leaders, surpassing all other countries. Thus, taken as a group, the settler countries have the highest naturalization rates.

As a result of immigration and naturalization, each settler country ends up with a large component of foreign population with a mix of foreign-born and long-settled Europeans, Asians, and Africans. Australia has the highest percentage of foreign population with 21.1% in 1996. Canada and New Zealand are close behind with 17.4% and 16.3%. The United States has only 7.9% foreign born. By 2002, the settler countries were all about 2% higher – Australia, 23.2%; Canada, 18.2%; and New Zealand, 19.5%; and the United States, 11.1% (OECD 2001, pp. 281). This puts Australia at twice the American rate. The three former dominions are with Switzerland the highest countries in foreign-born population, whereas the United States is among Austria,
### Table 4.2. Naturalization, Immigration, and Asylum Rates in the Selected Countries

<table>
<thead>
<tr>
<th>Country</th>
<th>Raw Rates</th>
<th>Adjusted Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td>United States</td>
<td>3.640</td>
<td>3.461</td>
</tr>
<tr>
<td>New Zealand</td>
<td>3.672</td>
<td>3.635</td>
</tr>
<tr>
<td>Australia</td>
<td>3.686</td>
<td>3.669</td>
</tr>
</tbody>
</table>

**, Note:**

- For Australian and New Zealand figures, 2005-2006 are only for 2005-2006. See Chapter 2.4.3. for the sources of all three variables.

---

### From Manifest Destiny to Multicultural Diversity

Belgium, France, Germany, and Sweden with middle of the road percentages of foreigners (OECD 2001, pp. 281).  

The percentage of British, Hispanic, and Asian immigrants in foreign-born populations of these countries differs greatly. In New Zealand, British immigrants were 45.4% of the population compared to Australia, 27.4%, Canada, 13.2%, and the United States, 3.2%. New Zealand also has a large percentage of Polynesian immigrants with most of them contract laborers. On the other hand, Hispanic and Caribbean foreigners are 21.7% and 5.4% of the population in the United States; they hardly register in Australia and New Zealand and are a much smaller percentage in Canada. Asian immigrants are 25.2% of foreigners in the United States, 17.7% in Canada, 16.3% in Australia, and 12.3% in New Zealand (OECD 2001, 2004). From these figures it is clear that both Australia and New Zealand are more homogenous with European and British immigrants, whereas the United States and Canada have many more Southern and Eastern Europeans, Asians, and Afro-Caribbeans. None of these countries has as much Muslim or African immigration as France and even other European countries.

### Barriers to Citizenship and Nationality

Although it is often thought that nationality is wide open in these settler countries – and compared to the rest of the world it is – there are still barriers to citizenship. Basic requirements for citizenship through naturalization are similar. Residency periods are 5 years in the United States but 3 years in Canada and New Zealand (down from 5), and 2 years in Australia (down from 3) (see Table 4.3).

Nationality barriers related to the state are a bit stiffer in Australia than in the other countries. If Australian citizens acquire another nationality, they must give up their current Australian citizenship (but not vice versa). This does not apply to the other three countries. The United States asks citizens to state an oath giving up other citizenship but ignores violations of the oath in practice. The former dominions had special lower naturalization requirements for British and Irish citizens; these began to be removed when the United Kingdom made plans to enter the European Union in the 1960s and officially became a member in 1973. Although all four countries refused citizenship for Chinese and other Asian immigrants in the past, they offered *jus soli* citizenship at birth for everyone else born in the country. The only exception is that Australia followed the new British practice in 1983 by restricting *jus soli* at birth to citizens and settled immigrants. All four countries took citizenship away from women who married foreigners (the last ending in New Zealand in 1977) or did not transfer citizenship to the children of mothers married to foreigners (the last ending in Australia in 1966). On the whole, settler countries have the lowest barriers to nationality; only one nonsettler country compares to...
### Table 4.3. Barriers to Nationality in the Settler Countries

<table>
<thead>
<tr>
<th>A. Nationality Barriers due to Immigrant</th>
<th>Australia</th>
<th>Canada</th>
<th>New Zealand</th>
<th>United States</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Residency</td>
<td>2 years, was 3</td>
<td>3 years, was 5</td>
<td>3 years</td>
<td>5 years</td>
</tr>
<tr>
<td>2. Good conduct</td>
<td>0</td>
<td>1.0</td>
<td>2.0</td>
<td>1.5</td>
</tr>
<tr>
<td>3. Integration</td>
<td>1.5</td>
<td>1.5</td>
<td>1.0</td>
<td>1.5, knowledge</td>
</tr>
<tr>
<td>4. Language</td>
<td>Basic English</td>
<td>Basic English</td>
<td>Basic English</td>
<td>Basic English</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B. Nationality Barriers Related to the State</th>
<th>Australia</th>
<th>Canada</th>
<th>New Zealand</th>
<th>United States</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Dual citizenship:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Incoming immigrant</td>
<td>Can keep</td>
<td>Can keep</td>
<td>Can keep</td>
<td>Can informally keep*</td>
</tr>
<tr>
<td>Native-born citizen</td>
<td>Can keep</td>
<td>Can keep</td>
<td>Can keep</td>
<td>Can informally keep*</td>
</tr>
<tr>
<td>2. Sex bias in law:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child does not get mother’s citizenship</td>
<td>34 of last 60 years</td>
<td>No bias in period</td>
<td>No bias in period</td>
<td>27 of last 60 years</td>
</tr>
<tr>
<td>Wife loses citizenship if she marries foreigner</td>
<td>No bias in period</td>
<td>26 of last 60 years</td>
<td>27 of last 60 years</td>
<td>No bias in period</td>
</tr>
<tr>
<td>3. State discretion</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>4. Application complexity</td>
<td>Moderate</td>
<td>Low</td>
<td>Low</td>
<td>Moderate</td>
</tr>
</tbody>
</table>

### Table 4.3. C. Jus Soli

<table>
<thead>
<tr>
<th>Australia</th>
<th>Canada</th>
<th>New Zealand</th>
<th>United States</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. General</td>
<td>One parent citizen or permanent resident (was full jus soli until January 1, 1983)</td>
<td>Full jus soli at birth</td>
<td>Full jus soli at birth</td>
</tr>
</tbody>
</table>

2. Chinese

<table>
<thead>
<tr>
<th>Canada</th>
<th>New Zealand</th>
<th>United States</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Total Standardized Index Score</th>
<th>Australia</th>
<th>Canada</th>
<th>New Zealand</th>
<th>United States</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Range: 0.0 to 1.0)</td>
<td>0.15</td>
<td>0.14</td>
<td>0.17</td>
<td>0.16*</td>
</tr>
<tr>
<td>1970</td>
<td>0.13</td>
<td>0.11</td>
<td>0.11</td>
<td>0.16*</td>
</tr>
</tbody>
</table>

**Notes:**

* There was a strong movement to prevent dual nationality peaking in 1963, and since the new millennium there has been a strong movement to allow dual nationality. The United States has a hypocritical policy on the issue, allowing dual nationality but having a law against it (the U.S. index scores reflect the law). See Hansen and Weil (2002) and subsequent changes in the law for details.

* The total standardized index score for the United States may appear to be constant, but it changes. However, the changes are relatively small and only result in decimal point changes beyond 1/100ths.

**Sources:** National laws of each country.
their ease of naturalization. Of the four, Canada clearly has the lowest barriers to nationality.

Establishing the Causal Processes of the Settler Regime Type

Four factors are important to explain the settler country nationality regime in each country: (1) European land invasions and indigenous decline; (2) inviting immigrants to come and settle the country; (3) establishing a racialized state; and (4) the complexities of empire that affect the United States as a settler country but not the other three.

European Land Invasions and Indigenous Decline

Three of the four settler countries did not treat their indigenous “first peoples” as citizens, but as aliens of a foreign power. Although this may have been useful fiction, it contradicted efforts to conquer and pacify various tribes. In the United States, the Citizenship Act in 1919 allowed Native American veterans of World War I to apply for naturalization. Because few applied, all Native Americans were given voting rights under the Indian Citizenship Act in 1924. Australian aboriginals were not citizens until they were enfranchised by law in 1962; this required a 1967 referendum. Indigenous tribes in Canada received voting rights in the early 1960s, but the Metis rebellions of 1869 and 1885 showed a restraint in armed violence not seen in the United States and Australia (Coates 1999). A significant difference in cultural rather than racialized terms was established with agreements beginning with the Quebec Act of 1774, which created French-Canadian language rights and a constrained autonomy. Indigenous peoples and Asian and African immigrants later built upon this multicultural foundation (Haveman 1999; Armitage 1993; Fleras and Elliot 1992; Catchpole 1981).

However, the major difference between these settler countries was in New Zealand. Maori indigenous rights were more important because land invasions and various purchases were limited by the British Empire’s treaty with the Maori. This was due to land being more densely settled than in Australia, Canada, and most of the United States. The British government signed the Treaty of Waitangi with 500 Maori chieftains, who represented many but not all Maori tribes. The Maori recognized Queen Victoria as their ruler, but the chiefs retained collective ownership of their land. Land invasions by British settlers, who often tried to buy land from individuals where tribes had not signed the treaty, led to war from 1860 to 1872. The Maori were not decisively defeated, but they were on the defensive and signed a truce. The result was continued partial adherence to the Treaty of Waitangi, which had symbolic importance and more recently has been given official credence. The treaty also established a constitution-like claim on group rights, which resulted in three to four guaranteed Maori seats in the national parliament (Sorenson 1999; Ward and Hayward 1999; Martle 1967). As a result, indigenous rights have been greater in New Zealand than in other settler countries with their tradition of broken treaties, and New Zealand is an important counterexample of the treatment of indigenous peoples in settler countries (Fleras and Spoonley 1999; Fleras and Elliot 1992; Spoonley, Pearson, and Macpherson 1996; Pearson 1990; Metge 1967). Although it is important not to exaggerate the treaty’s impact, the day that Iroquois, Cherokee, Sioux, and Apache senators appear on American money and their language on all government stationery will indicate a major change in policies toward Native Americans.

European settlers in these new continents took land from the indigenous populations, usually under the legal principle of terra nullius (i.e., unoccupied land), indirectly through the ravages of disease and directly through internal war against indigenous populations. Terra nullius worked better for settlers in Australia where the Aborigines were nomadic, but forced genocide was used in Tasmania, where the indigenous population put up a stiff resistance. Land invasion was more difficult where indigenous populations had settled land for agricultural purposes. Land was purchased, often illegally, and then the settlers claimed counterinvasion when indigenous populations protested. With the “trail of tears” in the 1830s and forced relocation of the Cherokee and other tribes in the United States, land was taken away from indigenous tribes because they were in the way. By this point the logic of settlement had reached the “by any means possible” stage. Settlement also operated through disease where densely populated indigenous communities would slowly become thinner and weaker through death and miscarriage. These “diseased” lands could then be considered abandoned (Weaver 2003; Bartlett 1999).

Settling the Land

Taking indigenous lands and immigration are strongly connected. Although immigrants were invited to settle a frontier, open land was not always available. As a result, immigrants created pressures for opening up new land. This could happen through Europeans illegally squatting on indigenous lands in gold rushes, homesteading, or by speculators buying and reselling many of those lands with dubious title (Weaver 2003, pp. 76-87). Where the Spanish or Mexicans already held these lands, the process was carried out through American filibusters. Official state policies to expand settlement to the whole continent or island occurred by declaring the illegal to be legal (abrogating British treaties with indigenous tribes or prior Spanish land grants to Hispanic citizens), sending in armed forces to protect settlers or businessmen (e.g., the blue-coated Cavalry or red-coated Mounties), or encouraging settlement by granting property to railroads, giving away property in homestead acts or land auctions, and competitions (e.g., the Sooner land grab in Oklahoma).

The British Empire’s interests were not necessarily served by land invasions. The Treaty of 1763 between the British and American Indians forbade such land transactions, but the American Revolution allowed the United States to ignore these agreements. In Canada, the competitive example of the Americans across the border led to appropriations of indigenous lands despite British influence. In the United States and Canada this amounted to taking massive portions of Native American and Inuit lands in the nineteenth century.
Australian independence led to even more violent land forfeitures and executions of Aborigines. Tasmanian Aboriginals were eliminated through genocide in 1830, and the continental Aboriginals were pushed back from 1790 to 1934 (Broome 2002; Jacobs 1996; Turbull 1948).

Thus, the causal motor of settler country immigration and naturalization has been made easier by the promise of easy citizenship and economic success made possible by European conquest and land availability. The logic of settlement requires an empire with a core country that generates soldiers and immigrants. In the United Kingdom this was England, followed by Scotland, Wales, and especially Ireland. Consequently, the core empire sends settlers to capture and inhabit land already occupied by indigenous peoples and the settlers complete the process. Differences in indigenous decline from the 1800s to the early 1900s are shown in Table 2.6 of Chapter 2.4 The precise percentages of decline are subject to dispute because boundaries were changing (especially the United States and Canada) and official censuses were sporadic and frequently did not include indigenous peoples. Nonetheless, there is one clear conclusion. Under present-day borders, the United States, Canada, and Australia’s indigenous population declines often exceeded 90%, though other estimates put it at about 50%. Whether 90% or 50%, large portions of the indigenous populations were removed through war, forced dislocations, and European diseases. New Zealand is clearly different, with a decline ranging from 25% to 29%.

Although rates of decline may differ, the fact remains that Europeans held large portions of land that were then considered open for settlement by an increasingly larger circle of Europeans. In each country, extensive and permanent settlement began with British immigrants and opened up to Germans, Irish, and later Eastern and Central Europeans in the United States. Dominions were slower to open up, but beginning with Canada all three eventually included the other European countries. Settler countries established many policies and encouraged others in the private sector to bring immigrants to their countries for settlement. Offers of land were made, and as economies developed promises of social mobility were made through industrialization. In efforts to populate lands opened by their invasions, each settler country avoided the protectionist impulses of its originating empire, but drew on the empire’s population. Whatever the country’s approach to indigenous people, the next section shows that all four countries were also hostile to Asians and Africans (Haveman 1999; Armitage 1995; Wilmer 1993).

Establishing a Racialized State

Each settler country established a racialized state to control forced immigration and slavery and to limit immigration from Asia and Africa (Omi and Winant 1994; Winant 2001; Goldberg 2002; Hansen 2000). Being a racialized state means that the principles of racial discrimination and oppression are enacted into law and are part of legislative and enforcement institutions. Thus, despite official proclamations of universal citizenship embedded into some laws and constitutions, each settler country legitimated predatory relations with indigenous peoples and immigration through indentured servitude or force, whether it involved Africans in chattel slavery or Chinese and Indians in coolie labor systems. As a point of comparison, each state enacted Chinese exclusionary immigration systems, forbade Chinese naturalization and political rights, and created a walled-off society of men in Chinatowns.

The United States became thoroughly racialized as Southern states maintained slavery and maneuvered government structures to make Southern support critical to overall government actions. The South’s influence developed from the beginning of the colonies with formal codification of chattel slavery in Virginia in 1661 and Maryland in 1665. At the start of the republic slaves counted as three-fifths of a person and the Fugitive Slave Act of 1793 reinforced the institution (Smith 1999, pp. 133-43). Consequently, state action was subject to Southern veto as early as the country’s first constitution. The United States created a large slave population from the 1600s to 1800s that hardly existed in the dominions. The British Empire and United States both forbade the external slave trade in 1807, but slavery was still practiced within the colonies until 1833 when the empire officially renounced the policy. But the internal slave trade continued in the United States before the Civil War as the U.S. Supreme Court’s 1857 Dred Scott decision confirmed the constitutional denial of citizenship to both slaves and “free” African-Americans. With most slaves institutionalized into the fabric of its society, the United States did not end slavery until the Emancipation Proclamation was issued during the Civil War, the Civil Rights Act passed in 1866, and the Fourteenth Amendment to the Constitution made all those born within U.S. borders citizens by principles of jus soli in 1868. However, many African-Americans effectively lost citizenship after the withdrawal of federal troops and the restoration of racialization in the South through Jim Crow laws. Some say African-American freedom began with the implementation of the Voting Rights Act of 1964 in the 1970s (Therborn 1978).

The California Gold Rush in 1848 brought Chinese immigrants from the southern and middle coastal region of China to the United States (Pan 1990, p. 52). By 1861, Western railroad owners like James Crocker hired Chinese coolies to build the transcontinental railroad over the mountains. He began with 50 men, and because they proved to be “quiet, peaceable, patient, industrious and economical” he hired 12,000 to 14,000 (Pan 1990, p. 55). Chinese immigrants worked for lower wages in many industries, especially mining. This led to conflict with American labor and extensive violence. One violent incident resulted in the shooting or burning of more than 500 Chinese immigrants in Wyoming in the Bitter Creek massacre. Only those few who hid in the basements of their burning houses escaped (Storti 1991). Even Frederick Douglass

4 Many different ethnic/racial groups have inhabited these lands. In Canada, the Dene are five tribes between the prairies and the large number of Indian tribes to the south. Also, the Metis are a group of mixed French and Indians who rebelled in 1869 and 1885 and were defeated in the Battle of Batoche (Catchpole 1981; Fleras and Elliott 1992).
said in 1855 that “the Chinese have taken the places of the colored people, as victims of oppression” (Tichenor 2002, p. 90).

Political action began in the states with laws passed to prevent Chinese immigration, but these laws were declared invalid by federal courts. Democrats led the charge, but Republicans soon converted to it. Dennis Kearney started the Workingmen's Party in California based on anti-Chinese agitation and even gained some state seats. In 1879 Congress passed the Fifteen Passenger Bill, but President Hayes vetoed it because it violated the Burlingame Treaty with China. But the West Coast labor movement mobilized the East Coast on this issue, and after President Hayes renegotiated the treaty with China, the Chinese Exclusion Act became law in 1882. It denied Chinese immigration for 10 years, increased Chinese deportation, barred naturalization of Chinese immigrants, and required special certificates for reentry if a Chinese immigrant left the country. The act was reenacted in 1892 and 1902 and was made permanent in 1904 (McClain and McClain 1994).

Attempts to pass literacy test requirements were frustrated for the next 20 years, most notably by President Woodrow Wilson, but the Immigration Quota Acts of 1921 and 1924 created an “Asiatic Barred Zone” for China, India, and the rest of Asia, which lasted until 1952 and remained under a strong quota until 1965. The only ray of light came from the Wong Ark Kim case where the Supreme Court ruled in 1898 that jus soli rights applied to the children of Chinese immigrants. Again, with the severe restriction on bringing women into the country, there were few children as Asian communities declined in size (Tichenor 2002; Shanks 2001; Hutchinson 1981; Hingham 1965).

In Canada, Chinese immigrants came with the 1850 Gold Rush, and restrictions followed. As the transcontinental railroad began construction in the 1880s, about 15,000 Chinese laborers were brought by Andrew Onderdonk “because there were not enough workers in the West to do the job” (Kelley and Trebilcock 1998, p. 94). With attacks on Chinese workers and labor group protests, British Columbia passed a number of entry and work bans on Chinese immigrants, but the courts or the governor general disallowed many of them. Three years after the United States, Canada passed the Chinese Immigration Act of 1885 that established a poll tax of fifty dollars on every Chinese immigrant (except diplomats) and limited immigration to one Chinese person per fifty tons of cargo. Later in 1885, the Parliament passed the Electoral Franchise Act that excluded naturalized Chinese citizens from voting. In 1908 an Order-in-Council imposed the continuous journey rule requiring direct transportation from the country of origin to Canada; this effectively prevented subcontinent Indian migration because ships had to stop somewhere to refuel. And with the Immigration Act of 1910, the government could prohibit “immigrants of any race deemed unsuited to the climate or requirements of Canada” (Ongley and Pearson 1993, p. 770; Li 1998, 1999; Lai 1995; Hawkins 1987, 1988).

However, Canada did not officially bar Chinese naturalization. Instead, it relied on wide bureaucratic discretion to deny naturalization, especially because Asians needed two established citizens to testify to their good conduct, and white Canadian citizens would often appear in court to testify about the immorality of Asian applicants. Naturalization was made more difficult by an Order-in-Council in 1931 denying certificates of naturalization to Chinese or Japanese applicants if they could not prove they had renounced their former citizenship. But Japanese law did not allow revocations of citizenship so this amounted to a de facto ban on their naturalization (Kelley and Trebilcock 1998, pp. 224–7). The Chinese Immigration Act was repealed in 1947, but bureaucratic discretion and Privy Council Orders remained a barrier (Kelley and Trebilcock 1998, pp. 320–2).

British prisoners were shipped to Australia as forced immigrants, but they and their descendants were mostly white and not condemned to a future of forced labor. Although the Aboriginal peoples of Australia were not forced immigrants, they were denied rights, and many were killed (Davidson 1997; Jupp 1992; MacPhee 1982; Jacobs 1996; Denoon and Mein-Smith 2000). Australia encountered Chinese “diggers” with their gold rush, but the railroads played less of a role. Many provinces passed acts to prevent immigration from 1855 to 1860 through landing or tonnage taxes, and some like the Australian Goldfield Act Amendment in 1876 were refused Royal Assent by the United Kingdom. The intercolonial conference met in 1880 with colonial premiers trying to solve the Chinese immigration problem. At the same time, Australians brought in near-slave Kanakan labor from Melanesia (i.e., New Caledonia and the Solomon Islands). Agreement was reached at another colonial conference in 1888 to exclude Chinese immigration. Before 1889 there were many provincial laws to exclude Chinese immigrants, and in the 1891 case of Musgrave vs. Chung Tzeong Toy the British Privy Council decided that “an alien had no legal rights enforceable by law to enter British territory” (Andrews 1985, p. 16; Davidson 1997).

Following the British Empire’s request for a less racist restriction formula, Australia followed the South African “Natal Solution” in its Immigration Restriction Act of 1901. It did not mention race but required a dictation test that could be flexibly administered to exclude any immigrant. It was very effective in excluding Asians. Australia also passed the Nationality and Citizenship Act of 1903 making citizenship impossible for Aboriginals, Asians, Africans, and Pacific Islanders. The Commonwealth Franchise Act excluded Aboriginals from voting (Davidson 2000, p. 61; Flournoy and Hudson 1929, pp. 90-1). The dictation test was formalized in the Commonwealth Nationality Law of 1920. Further, Prime Minister William Hughes (Nationalist/Labor Party) brought the race issue to international attention when he led opposition to the Japanese clause in the Treaty of Versailles that affirmed racial equality.5

5 Prime Minister Hughes said: “I did not object to a declaration of racial equality in the Covenant, provided that it stated in clear and unambiguous terms that this did not confer any right to enter Australia – or any other country except as to and to the extent that its Government might determine” (Rivett 1975, p. 21). Hughes continues: “The Japanese delegates would not accept this proviso,” but they were given control of Shantung in China to soften the blow (Brawley 1992, pp. 6–55; Rivett 1975; London 1970; Millard 1968; Palfreeman 1967; Yarwood 1964).
The Ironies of Citizenship

And the absurdity of "absolute discretion" in giving the dictation test was demonstrated in 1934 when Czech linguist Egon Kisch was given the test in one of the few languages he did not know—a Scottish-Gaelic dialect (Jupp 1999, p. 75).

After World War II and the return of many refugees to their country of origin, the Nationality and Citizenship Act of 1948 established formal citizenship for an independent Australia. But the act changed little. Prime Minister Robert Menzies' administration extended the exclusion to 1966 and liberalized non-European citizenship by allowing permanent residence after 15 years in the country; after another 5-year waiting period they could apply for naturalization (Parry 1957, p. 569). Davidson concludes that Prime Minister Menzies "epitomized the last-ditch defense of the Anglo-Celtic identity of Australia" (1997, p. 99).

New Zealand was proud it did not have to enact Chinese restriction legislation as the other three settler countries did from 1850 to 1880. But with the abolition of the provincial system in 1876, New Zealand continued to have less power to do anything about immigration under their more centralized form of government. However, 10 years after a parliamentary commission of inquiry in 1871, New Zealand established its own restrictive act in 1881. This act established a tonnage ratio of one Chinese person per 10 tons of cargo and a landing tax of ten pounds. This increased to 100 tons in 1888 and 200 tons in 1896 (McKinnon 1996, p. 26). New Zealand proposed an Asiatic Restriction Bill, but British Colonial Secretary Joseph Chamberlain asked New Zealand to "bear in mind the tradition of the Empire that makes no distinction in favour of, or against, race or colour" (McKinnon 1996, p. 27). New Zealand soon passed the Immigration Restriction Act in 1899 and the Chinese Immigrants Amendment Act in 1907, imposing a difficult English reading test. After a number of Chinese immigrants passed the test, New Zealand prohibited Chinese naturalization in 1908. Many acts were passed with the support of the governor general and prime ministers, including Sir George Grey, Robert Stout, William Reeves, and Richard "King Dick" Sneddon, who stated that there was the same "intellectual difference between a European and Chinaman as there was between a Chinaman and a monkey" (Brooking and Rabel 1999, p. 24; Burdon 1955, pp. 79-80; Fong 1959, pp. 18-20).

The English test and continuous journey clause were more difficult to use against Indians so New Zealand passed a more blatant law. Using "bureaucratic double speak," the Immigration Restriction Act of 1902 stated that "no person other than a person of British birth and parentage [shall] ... enter into New Zealand unless he is in possession of permit to enter" (McKinnon 1996, p. 28). Of course New Zealand had no intention to grant permits to non-Europeans or even non-Britons. This act totally stopped Indian and other Asian immigration and even restricted other Europeans. As a result, New Zealand was on its way to being the most British of all dominions. The British Nationality and New Zealand Citizenship Act of 1948 did not affect Chinese immigration, but some Asian refugees were admitted to the country along with many Europeans. The main change was that Chinese were grudgingly allowed to naturalize in 1952 for the first time (Fong 1959, p. 37).

Although it is sometimes difficult to prove that the state and elites led to enactment of these laws as required by racialization theory (Hansen 2000; Omi and Winant 1994), it is clear that exclusionary protests, often led by labor, received state support. Three settler countries officially enacted exclusionary laws, and Canada's implementation policies and Orders-in-Council had the equivalent effect. The states of the two dominions kept the yellow peril scare going into the 1970s.

Conservative parties were the most instrumental in passing Chinese exclusion acts in the United States under a Republican president (1882), in Canada under a Conservative premier (1885), in New Zealand under the Liberal Party (1899), and in Australia under the Protectionist Party (1901). However, it is also clear that labor unions strongly supported many of these exclusion acts, and many left parties also supported exclusion. Hence, the left is not blameless on Asiatic exclusion before World War II.

The Complexity of American Empire?
The United States has characteristics of empire that challenge its simple status as a settler country. Naturalization rates are high for empires but lower than settler countries because empires do more of their business abroad than at home. The United States has been an empire since the early periods of its history. The new republic acquired territory in four different ways: (1) violent expansions against indigenous peoples, (2) direct purchases of land, (3) settler filibusters against other colonizers and countries south of its borders, and (4) state-led invasions. Although not often termed a historical empire, the United States (like Austria and Russia) expanded its continental land mass and then moved on to islands and peninsulas in the Atlantic and Pacific oceans. The thirteen colonies desired more land according to what later became the principles of manifest destiny.

As early as 1804, the United States claimed control over all of the Americas from north to south under the Monroe Doctrine. It acted like a newly forming empire, and despite being termed a weak state, it came up with large sums of money to purchase land. As Rogers Smith says about the Louisiana Purchase (1997, p. 166):

Jefferson and his successors shelved their anxieties about centralized power and did what seemed necessary in these matters, trying peaceful means but proving willing to resort to force. Even if they had not been so inclined, masses of white traders, land

6 Manifest destiny proclaimed that the destiny of the United States was to spread across the continent; this destiny had become manifest through various and sundry activities. Although other settler countries might find the term puzzling, I use it as a title of the chapter because all the settler countries believed that spreading across their continents or islands was close to being preordained.
speculators, and settlers, including many slaveholders, were pushing west anyway. The national government still had no way to stop this private expansionism, the states still supported it, and most of this vanguard... were Jeffersonian constituents.

As a complete ideology, manifest destiny did not emerge until 1830 to 1850. Just after independence the colonies pushed west to the Mississippi River, and the government facilitated this movement by purchasing and surveying new territories (Weaver 2003; Linklater 2002).

In the 1830s, filibusters or private armies of American citizens—adventurers, settlers, and speculators—invasion territories and then invited the U.S. government to stabilize these territories. An important but overlooked example of the early use of filibusters was the American acquisition of Florida from Spain, which had already been weakened by Napoleon’s invasion in Europe (Haynes 1997; Owsley and Smith 1997; Smith 1997). In the 1800s, many foreign countries, including some across the Pacific, feared filibusters. Also, the immigration of Americans to Mexican Texas and California, subsequent wars for independence, and the settler’s eventual request for statehood followed a similar pattern, though not officially termed a filibuster.

Under manifest destiny in the 1840s, Democratic President James Polk pursued the most aggressive foreign policy in American history to take new lands. He campaigned on the immediate annexation of Texas and extending U.S. territory into Oregon and British Vancouver with the slogan “Fifty-four Forty or Fight” (not actually coined by him). In 1846 he declared war on Mexico and sent Zachary Taylor to invade northern Mexico, Winfield Scott to take Mexico City via Veracruz, and Stephen Kearney to take New Mexico and California. Later, President Polk tried to negotiate the purchase of Cuba. He had two moments of discretion: when he compromised with the British over the Oregon territory, not wanting to fight on both a southern and northern front, and when he did not claim all of Mexico as part of the United States, which might have allowed the extension of slavery (Bergeron 1986; Siegenthaler 2003; McCormack 1995). Polk’s use of force to permanently acquire territory exceeded that of any other U.S. president.

After World War II the United States indirectly occupied large numbers of countries, with military bases remaining after official occupations ended. For example, bases remain in Germany, Japan, South Korea, and Taiwan, and other locations like Guantanamo in Cuba, Saudi Arabia in the Middle East, and Diego Garcia in the Indian Ocean. This growth occurred in the face of communism and the cold war (Johnson 2004; Sandars 1999). But with the fall of communism, America has reentered a period of empire. Economic globalization, led by American multinational corporations, has spread market influence, and Hollywood has cemented American culture and English in the world’s electronic media. This face of empire has been described by Hardt and Negri (2000) as a subtle process by which American and Western values penetrate the world’s cultural and economic transactions. More recently it has been overtaken by an out-front version of empire articulated by American neo-conservatives and President George Bush’s foreign policies of preemption and unilateralism (Mann 2003). Whether semisubtle or blatant, American empire leaves its mark on world migration patterns and citizen integration policies. Assimilation, not cultural pluralism, is the rule.

The result of empire for the United States makes its naturalization rates slightly lower than the rates of the other three settler countries. Empires have less regard for diversity and more interest in assimilation. Like the Roman Empire before it, the United States recognizes some diversity and generously offers citizenship and integration to immigrants from many different nations (Parenti 2003). But this offer is rarely multicultural, and the empire does not offer group rights to immigrants. Diverse peoples of the world can join and assimilate into the American Empire, but they are dissuaded from creating their own separate space of politics and policy. Consequently, group rights rarely exist, and when they do, the recipients largely regret the deal (e.g., Indians on reservations). The end result is a mixture of lack of tolerance for diverse rights and the forcing of large numbers of people into the American system of law, culture, and politics. This explains the partially dampened effect of empire on U.S. nationality policies (Janoski and Gran 1999).

The Political and Institutional Causes of Nationality after WWII

After World War II, the second explanation of nationality policy became known through year-by-year politics of the last four decades. Left party politics emerged in this period with a major impact as the world’s approach to human rights accelerated. After the League of Nations failed, the United Nations emerged as a second chance to prevent genocide and further world wars. In each case, left parties recognized these changes, which tended to resonate more with their ideologies, and pushed the legislature to remove explicit and implicit racism from their statutes. Each country followed its own path in

---

7 Alexander Hamilton was “amused that Jefferson” engaged in a “breathtaking act of executive power that far exceeded anything contemplated in the Constitution. The land purchase dwarfed Hamilton’s central bank and other measures once so hotly denounced by the man who was now president. After considering a constitutional amendment to sanctify the Louisiana Purchase, Jefferson settled for Congressional approval” (Chernow 2004, p. 671). Jefferson then sent Lewis and Clark to survey the purchase (Linkletter 2002, p. 53; Gibson 2006, pp. 72-4; Wallace 1999). Hamilton was one of few Federalists who supported the purchase because of his “nationalistic vision” (Chernow 2004, p. 671).

8 Most empires view assimilation as dominant. This was the case for the U.S., U.K., French, Portuguese, Spanish, and Roman empires. However, there are exceptions. Multicultural empires like the Austro-Hungarian Empire clearly do not demand assimilation (somewhat like Canada, which is hardly an empire). The Ottoman Empire’s millet system embedded Christian and other communities within its realm, but they were closely regulated. The USSR eschewed multiculturalism with its United Soviet Republics. And the Dutch Empire was so separated from the Netherlands for such a long time as the United Provinces declined in political power that it in effect had a great deal of multiculturalism. Although there are previously mentioned exceptions, most empires are highly assimilationist.
ridding itself of its racialized immigration policy, and in most cases left parties
led the way or at least passed the most important aspects, formally creating
more universalistic immigration and nationality policies.

Canada acted first with Cabinet Minister Paul Martin of the MacKenzie King
Liberal regime proposing the Canadian Citizenship Act, which passed June 27,
1946. This law forced the British hand on nationality by establishing Canadian
citizenship independent of the British Empire. It required residency for 5 years
in Canada for naturalization. The first Canadian citizens were sworn in on
January 3, 1947, with Prime Minister William MacKenzie King receiving Certi-
ficate 0001 (Canada CIC 2006, p. 3). The next year the Chinese Immigration
Act of 1885 (amended in 1923) was repealed and Chinese could naturalize,
but immigration was still highly restricted. Six years later under Prime Minister
Louis St. Laurent, the Liberals passed the Immigration Act of 1952 with sub-
section 20(2) specifically allowing immigration officers the discretion to limit
admissions on the basis of race or nationality. Asian immigration was allowed
but it was limited to spouses or unmarried children of Canadian citizens under

The major breakthrough removing racialized immigration policy came during
the last few years of Prime Minister John Diefenbaker’s Progressive-
Conservative regime as Canada became the first settler country to largely elim-
nate racial discrimination. Diefenbaker appointed Ellen Fairclough the first
female cabinet minister, and she proceeded to make drastic changes in immi-
gration and nationality policy that were presented to Parliament on January 19,
1962. First, unsponsored immigrants (i.e., not family members) regardless of
race or ethnicity were to be eligible for immigration provided they had a specific
job or means to support themselves. This meant skill was now a major con-
ideration. Second, all Canadians regardless of race or ethnicity could sponsor
eligible relatives and family members and use the Immigration Appeal Board.
Immigration quotas for Asians were renegotiated with Asian governments, and
Minister Fairclough even said the Canadian government would remove them.
Although not a legislative change, these executive regulations reversed policy
toward the Chinese and Asia before the other settler countries and led to a
major increase in Asian naturalizations.

This occurring under a Progressive-Conservative prime minister is unex-
pected. Two aspects of Diefenbaker’s life help explain this change. First, he was
sensitive to inequality, growing up in a poor family and being called a “Hun”
during World War I (he was half German). As a result, one of his passionate
projects was a Canadian Bill of Rights that would guarantee citizenship rights
regardless of nationality, race, class or gender. He was responsible for passing
the Act for the Recognition and Protection of Human Rights and Fundamental
 Freedoms in 1960 that barred discrimination based on national origin, race,
and color. This created a political culture of equal and universalistic rights
(McWhinney 1961). Second, he was an enthusiastic debater, but he was a loner
and somewhat disorganized as prime minister. As a result, he gave his cabinet
ministers a great deal of leeway (Smith 1995). Although he appointed a strong
woman to be minister of citizenship and immigration, Diefenbaker was not

inherently interested in immigration, and he had little inkling about what she
would do about it.9 Fairclough herself regards the promotion of Canadian
Indian voting rights as the high point of her career, and this accorded with
Diefenbaker’s interest in a bill of rights. She also had Douglas Jung in her
party, the first Chinese-Canadian MP, who pushed for the Illegal Chinese
Immigration Amnesty Bill, which passed in 1962. Thus, Fairclough was in a
rights context but with no particular mandate about migration.10

From the theory perspective, this major first was an exception—it was only
later that more left parties played a role in Canada. But my explanation differs
from two Canadian observers. Freda Hawkins places causal emphasis on the
bureaucrats in the immigration ministry (1972, p. 130), but one must recognize
that Fairclough had to replace her top bureaucrat in the ministry because she
would not open up immigration. The cabinet as a whole may have had “little to
do” with these changes (Hawkins 1972, p. 130), but Diefenbaker provided a
“context of citizenship rights” with equal treatment of ethnic groups. As
a woman sensitive to inequality, Fairclough operated within this context of
evolving rights. Hawkins (1989, p. 39) and Joppe (2003) emphasize the “lib-
eral” pressures from the international civil society, and Taylor (1991, p. 3)
mentions the protests and lobbying of ethnic and immigrant groups. However,
these pressures existed in the 1950s when little was done, and they existed even
more in the 1960s when Australia and New Zealand did nothing. Although
this particular change, unlike others, only fits theory with regard to gender
and not left party power, one must recognize that Diefenbaker and Fairclough
pushed through a rights issue that conservative parties (even progressive ones)
did not often advocate.

In 1963, Liberal Prime Minister Lester Pearson reviewed immigration start-
ing with a white paper in 1966 on immigration policy that pushed skill as a
way to solve labor market problems and unemployment. He created the Depart-
ment of Manpower and Immigration to increase the flow of skilled workers
and provide training for Canadian citizens. The Liberal administration estab-
lished a formal points system that ranked immigrants on the basis of Canadian
priorities, especially skill. This leveled the playing field for Asians, Africans,
and Europeans. The program required 50 points out of 100 to be admitted
and became a model for the former dominions. Also, legislation gave the
Immigration Appeals Board teeth and made it truly independent. Combined
with the repeal of earlier discriminatory laws in 1946 and the increased entry

9 Fairclough had a serious conflict with the Italian community about limiting family reunification. She backed off on these regulatory changes, and this incident might have influenced her later actions. She also increased the number of Citizenship Courts and took a large number of sick refugees during the United Nations’ World Refugee Year (Canada CIC 2001, Chapter 6, pp. 1–2).
10 Fairclough had two problems. First, she found that her deputy minister was inflexible, and she obtained Diefenbaker’s approval to replace him with George Davidson from Health and Welfare. Second, Diefenbaker demanded and got the rescission of her first set of regulations concerning family reunification. Consequently, she could be decisively overruled (Fairclough 1995, pp. 119–21).
of Asians, many more immigrants applied for citizenship under the 5-year residency requirement (Kelley and Trebilcock 1998, pp. 353–63). Pearson also extended the Chinese Adjustment Statement Program, and by 1970 about 12,000 illegal Chinese received amnesty (1998, p. 361). The end result was a racially equalized immigration and naturalization policy that increased immigration and naturalization to record levels (Weinfield and Wilkinson 1999, p. 59). These changes went with Pearson’s strong domestic agenda of social welfare innovations, educational funding, and national health insurance, including the Medical Care Act of 1966 (English 1992). As a result, Canada opened immigration and naturalization under the relatively left Liberals.

But the biggest change was under Prime Minister Pierre Trudeau, who extended Liberal Party rule to 16 years. In 1972, Minister of Manpower and Immigration Robert Andras commissioned a green paper that reported on a range of options in 1974 and led to fifty public hearings in twenty-one cities. It got off on the wrong foot by blaming immigrants for social problems, and ethnic groups criticized it as racist (Kelley and Trebilcock 1998, p. 375). A Joint Senate-House of Commons Committee issued a report in 1975 rejecting the green paper. The resulting Immigration Act of 1976 passed with near unanimity, establishing one of the most generous refugee policies in the world with many overseas offices, increased due process protections for refugees, and established a Refugee Status Advisory Committee. Later regulations created a Private Sponsorship of Refugees Program (Kelley and Trebilcock 1998; Wydrzynski 1983, pp. 65–93; Canadian Council for Refugees 2000). Canada then absorbed the highest number of Vietnamese boat people (Troper 1993, p. 274), and its refugees per capita were two to nearly five times the U.S. level (see C in Table 4.2).

Trudeau passed the Canadian Citizenship Act of 1977 that lowered the residency requirement for naturalization from 5 to 3 years and liberalized procedures for dual citizenship (Dolin and Young 2002; Canada CIC 1999, 2000). Although Asian discrimination had been removed by this time, the law reinforced openness and liberalized the naturalization process. Trudeau also initiated multiculturalism mainly because of the threats of Quebec separatism, but in the process, race, gender, and immigration were swept up into its coat-tails. Thus, Liberal Party power led to three major pieces of legislation under King, Pearson, and Trudeau that opened up immigration and naturalization to nonwhites, whereas the first removal of Chinese exclusion by a settler country came under Diefenbaker and Fairclough, Progressive-Conservatives.²²

²² Canada considered a new Citizenship of Canada Act that asked for a strict physical presence for the 3-year residency requirement, stricter enforcement of fraud and other violations, restrictions on jus sanguinis transmission of citizenship to the first and second generations, a modern citizenship oath, and changing the judicial nature of naturalization into an administrative process (Canada CIC 1999; Ohashi 2002), but the bill died in committee in 2002. However, in April 2009, the Canadian Citizenship Act Amendments went into effect, giving Canadian citizenship to many who had lost it (see www.cic.gc.ca).

The United States took the lead on the world stage after World War II with the United Nations, but it has had a curious relationship with international human rights. Of the eighteen countries in this study, it has ratified and signed the fewest number of international human rights accords (Janoski 1998, pp. 40–1). It has had a large internal market for many years that was insulated from foreign influence. As a result, it has had many isolationists in prominent positions while it strides the world stage (e.g., Robert Taft and Patrick Buchanan).

Although Roosevelt did not do much to accept displaced persons and refugees before World War II, the Chinese Exclusion Act of 1882 was partially repealed in 1943, and it replaced an outright ban with a trickle of Asian immigration. The Immigration and Nationality Act of 1952 (Walter-McCarran Act) allowed Chinese to naturalize but changed their immigration quota from 105 to a general Asian Pacific triangle quota of 2,000 for nineteen Asian countries, which still comes out to about 105 immigrants per country. However, Chinese immigrants could claim the unused portion of this quota if other Asian countries had not used their quota. Democratic President Harry Truman vetoed the act because it “did not sufficiently depart from the restrictive spirit of existing immigration law but rather intensified and reinforced those restrictions” (Gimpel and Edward 1999, p. 96). The veto was overturned.

After Democratic President John Kennedy was assassinated, President Lyndon Johnson won the next election and produced large Democratic majorities in both houses of Congress. Jack Valenti and others tried to convince Johnson that eliminating racist immigration laws should be part of his overall civil rights offensive. Johnson was persuaded, apparently without mentioning foreign policy concerns. The new act replaced quotas with a seven-part preference system – 20% for unmarried adult sons and daughters of U.S. citizens; 20% for spouses and unmarried adult children of permanent resident aliens; 10% for professionals with exceptional skills; 10% for married sons and daughters of U.S. citizens; 24% for brothers and sisters of citizens; 10% for labor shortages regardless of skill; and 6% for refugees from communist and certain Middle Eastern countries. Instead of country quotas, there were hemispheric caps of 170,000 for the Western Hemisphere and 170,000 for the rest of the world, with 20,000 per country. This change vastly increased Asian and Hispanic immigration ever since (Gimpel and Edwards 1999).

Nonetheless, the Immigration and Nationality Act of 1965 was difficult to pass. Despite an overwhelming Democratic Party majority, Johnson still had to court and embarrass Senator James O. Eastland (D-MS), who refused to report the bill to the Senate floor. Southern Democrats were against easing racial discrimination. After a series of intense meetings with Eastland, Johnson convinced him to “temporarily step down” from his chair position and give the gavel to Senator Ted Kennedy (D-MA). Even then, Sam Ervin (D-NC) from the South and Everett Dirksen (R-IL) reduced the Western Hemisphere ceiling of immigrants below Johnson’s wishes. Michael Feigan (D-OH) in the House reprioritized family unification over skills and education (Tichenor 2002,
The Ironies of Citizenship

pp. 211–18). It is remarkable that even with these large majorities and presidential support, the act still had a perilous journey.12

The Immigration Reform and Control Act of 1986 (IRCA) and Immigration Act Amendments of 1990 accommodated the new immigrants flowing into the country. These laws raised caps to 675,000 with numerous revisions of the priority ratings. IRCA established an amnesty resulting in legalization of about 3 million illegal immigrants. Although race has been largely eliminated from the process, the preference system is a crude variant of the more meritocratic Canadian points system.

Under Republican presidencies with or without the Congress, and under Bill Clinton’s Democratic presidency with Republican congressional majorities, immigration law turned toward controlling fraud, illegal immigration, border enforcement, and welfare payments to illegal and legal immigrants. Denial of welfare and education benefits to illegal immigrants with California’s Proposition 187 was declared unconstitutional, but this movement culminated in the Illegal Immigration and Reform and Immigrant Responsibility Act of 1996. This limited welfare payments to illegal aliens, increased border enforcement including a $1.2 million fence along the San Diego border, and introduced employer sanction pilot programs (Gimpel and Edwards 1999, pp. 212–94). Immigration had become a politically polarized issue. In that same year, the welfare reform law limited welfare payments for legal immigrants.

One reason for this politicization was ad hoc laws concerning particular groups of refugees. The Indochinese Refugee Act of 1975 and the Refugee Act of 1980 applied to refugees fleeing communist governments in Southeast Asia and Cuba. Also, the president controlled refugee admissions because they did not fall under immigration quotas. This created a difficult budget situation because welfare benefits for refugees were expensive. Nonetheless, the United States is last among these settler countries (Canada, Australia, and New Zealand) in refugees as a percentage of its population (see B in Table 4.2).

Oddly enough, American nationality policy changed little during this period. Aside from allowing Chinese and other Asians to naturalize, and the fees charged, the 5-year residency requirement and other provisions have changed little. Dual citizenship was once a problem for those naturalizing, but by the end of the period applicants were advised by embassies to say the oath and keep their other nationalities. As communism fell throughout the world, this became less of an issue. A number of bureaucratic changes made the naturalization process easier. After September 11, 2001, the Immigration and Naturalization Service (INS) was transferred to the Department of Homeland Security, but this changed little about naturalization. Thus, American nationality legislation changed less than in the three former dominions where requirements were eased.

Australia changed its laws later than Canada and the United States. The Nationality and Citizenship Act of 1948 established Australian citizenship with a residency requirement going from 2 to 5 years for aliens and 1 year for British subjects. Aboriginal citizenship was recognized but ignored in practice. Prime Minister Menzies pursued a conservative and Anglo-Celtic view of immigration, but the Labor Party was not much better (Davidson 1997, p. 99). When the Nationality and Citizenship Act Amendments of 1955 and the Migration Act of 1958 passed, things did not improve. Important more for restrictions than liberalizations, the 1955 act announced that non-Europeans (e.g., Chinese, Indians, and Kanakas) who had been in the country for 15 years could acquire permanent residency and apply for citizenship. Non-British Europeans had to wait 5 years; British citizens had to wait 1 year (Parry 1957, p. 569; Rivett 1975, pp. 25–6).

As Liberal Party power waned, Prime Minister Henry Holt passed the Nationality and Citizenship Act Amendments of 1966 during the Vietnam War in which Australia was a participant. As Gough Whitlam of the opposition Labor Party made charges of racism, Minister of Immigration Hubert Opperman announced reduced requirements for Asians, Africans, and Pacific Islanders to get permanent residency from 15 to 5 years. Their requirements were now the same as for non-British Europeans (London 1970, p. 28; Rivett 1975, p. 55). It appeared that “despite government disclaimers to the contrary, the timing of the Opperman proposals made them seem like a government rebuttal to Mr. Whitlam’s attack” (London 1970, p. 37). However, Menzies introduced a renunciation of previous citizenships into the “oath of allegiance.” John Borton’s Liberal-Country Party coalition also passed the Australian Citizenship Act of 1969, which made only a few changes. The 5-year waiting period was reduced to three for some immigrants, “Australian citizen” replaced “British subject,” and Commonwealth citizens could become citizens by notification (Rivett 1975, p. 44). Also during this time, Aboriginals were enfranchised with the Commonwealth Electoral Act of 1962, but it was not enforced until after a 1967 national referendum (Zappala and Castles 2000, p. 41).

The most effective changes came with the election of Gough Whitlam as the first Labor Party (ALP) prime minister since World War II. He promoted immigrant, Aboriginal, worker, and women’s issues. As Alastair Davidson states (1997, p. 145):

All Australians were only British subjects. The citizen rights which they enjoyed . . . were all remarkably restricted in Australia until the election of the ALP in 1972. There then began a change in Australian citizenship, which started from the recognition that Australian society was not simply Anglo-Celtic. The battle to emancipate Australia from its British ‘mother’ . . . started to be won.

Whitlam appointed Al Grassby minister of immigration to change the racist Department of Immigration (Warhurst 1996; Davidson 1997, p. 100).13

Joppke refers to Peter Heydon as a “foreign policy-oriented head” of the Department of Immigration in 1961. Although Heydon was a breath of fresh air in the otherwise stale department, his attempts to put “Asian immigrants on par with European immigrants” did not fundamentally alter the nature of the department according to Whitlam’s immigration chief Al Grassby (Joppke 2005, pp. 62–3; Brawley 1995; Davidson 1997, p. 100).
Zappala and Castles say that “(t)his period saw the beginning of the policy of multi-culturalism that would be supported by all major political parties until 1996” (2000, p. 39). The Australian Citizenship Act, passed in 1973, treated British citizens just like other aliens (i.e., the British lost the automatic right to vote and had to take the oath to be naturalized), reduced the residency requirement to 3 years for everyone (i.e., raised it for Britons), and dropped the requirement for a reference letter about the applicant’s character (Davidson 1997, p. 93). The Whitlam administration also did much for women and Aboriginals, especially with the Race Discrimination Act of 1975 and the Human Relations and Equal Opportunity Commission.

Led by Prime Minister Robert Hawke, the next Labor administration followed with amendments to the Australian Citizenship Act in 1984, and residency requirements for all were reduced from 3 to 2 years, language requirements went from “adequate English” to “basic knowledge of English” (i.e., “yes” or “no” on tests), and residency time was accepted when overseas. The renunciation of other citizenships was eliminated (Davidson 1997, p. 89); however, Hawke tightened *jus soli* in 1986 by applying it only to the children of citizens and settled immigrants. Other immigrants could no longer benefit from *jus soli* (Zappala and Castles 2000, pp. 42–3). Under Labor Prime Minister John Paul Keating the oath to the queen was replaced with one to Australia and its people, and the children of New Zealand citizens born in Australia could become Australian citizens (Castles et al. 1998, pp. 111–12; Australia–ACC 2000, p. 40; Davidson 1997, p. 150).

It should be clear why Australia is (1) second to Canada on naturalization rates, which are double to triple U.S. rates in most years, and (2) also second to Canada in refugees granted asylum. Australia has a low score on the barrier index, and this is initially caused by Whitlam’s opposition and by the laws enacted under Labor Prime Ministers Whitlam and Hawke.

New Zealand’s policies toward citizenship followed Australia’s but with a delay. New Zealand is the most ethnically British of all countries (perhaps even more than the United Kingdom, which has had considerable immigration), and immigration and nationality policies are the reason why. Like the two other dominions, it passed legislation to create New Zealand citizenship; unlike the other two, it put “British Nationality” in its title along with New Zealand.

The law went into effect in 1952 and required 5-year residency “for the whole years,” good character, sufficient knowledge of English, knowledge of citizenship, and an intent to live in New Zealand. Further, all persons born in New Zealand are citizens by *jus soli*. Significantly, the British Nationality and New Zealand Citizenship Act of 1948 also restored naturalization rights to Chinese immigrants (McKinnon 1996, p. 41) but did not grant them equal admission into New Zealand (O’Connor 1968).

Passed under Keith Holyoake’s National Party, the Immigration Amendment Act of 1961 required all immigrants, including Britons for the first time, to have a permit before entering. The Immigration Division of the Department of Labour only allowed permits to Chinese and Indian immigrants who had family connections to citizens or residents in New Zealand (McKinnon 1996, p. 41). As a result, only 50% of Chinese and 45% of Indians in New Zealand were foreign-born. In the 1950s and 1960s, New Zealand financed immigration assistance for more than 75,000 British and Irish immigrants who came into the country, and also included 6,261 Dutch, 1,447 Hungarian, and more than 4,500 other European refugees (McKinnon 1996, p. 39). But the assisted immigration programs did not apply to Asians (McKinnon 1996, p. 43).

The Citizenship Act of 1977 was enacted under Robert Muldoon’s National Party government. It reduced the residency requirement from 5 to 3 years in the same year that Canada did so but 4 years after Australia (New Zealand NZPC 1993). *Jus soli* citizenship was supported even for children of parents not planning to live in New Zealand, and dual citizenship was permitted if not encouraged (Spooley 2002, pp. 162–4). However, applicants had to hold a valid residence permit, have good character, understand the responsibilities and rights of citizenship, and pronounce an oath. Restrictions on Asian and African immigration were finally removed in 1978, and naturalization was allowed for these same groups. Brawley indicates that churches were the most consistent force on this issue, but by that time New Zealand found itself outside the racial policies of the other settler countries and a clear laggard (1992, pp. 370–1).

However, liberal citizenship laws did little good if an immigrant could not get into New Zealand with a valid residency permit. This took the intervention of David Lange’s Labor Party, which wanted a “more internationalist, non-discriminatory immigration policy” that would “enrich the multi-cultural social fabric” of New Zealand (McKinnon 1996, p. 45). In passing the Immigration Act of 1987, New Zealand finally followed the 1960s example of Canada to establish its version of a point system with an occupational priority list focused on skills and personal merit rather than national origin. One consequence of the act was that British residents who were not citizens faced a much tougher

---

14 The Department of Immigration, Multi-culturalism and Indigenous Affairs Fact Sheet discounts this change by saying that the impact of Whitlam’s actions were small because the government cut back on overall immigration levels. This may be so, but it does not reduce the importance of the beginnings of multiculturalism policy (DIMIA 2005).

15 The Liberal/National coalition of John Howard established Citizenship Day in 2001, and it funded Discovering Democracy and citizenship affirmation ceremonies as a transition to adulthood. Later legislation focused on approving dual citizenship without giving up Australian citizenship when acquiring another citizenship. Other provisions involve *jus sanguinis*.

16 Pauline Hanson’s One Nation Party has elected some members of Parliament, but its fall from power and Hanson’s imprisonment for vote tampering has left the movement in disarray. Although the courts freed Hanson, she has not regained her influence (Rutherford 2001).

17 Prime Minister Muldoon was also responsible for passing the Citizenship (Western Samoa) Act in 1982, which is a curious law negating Samoan citizenship after the Privy Council ruled that certain Samoans had a right to citizenship in New Zealand. Muldoon promised the Samoan government a quota of about 1,000 immigrants a year in exchange for their loss of New Zealand citizenship.
polarized parties in the settler countries because conservative parties loathed welfare payments to needy refugees whereas relatively left parties lauded them. Joppke describes the causal nexus differently—"Foreign policy concerns were again dominant..." because Whitlam decided to be both foreign and prime minister (2005, p. 64). But Whitlam and the Labor Party had a clear domestic agenda in favor of human rights. In fact, Whitlam wanted but did not get an American-style Bill of Rights attached to the constitution. This is a largely domestic issue concerning Australians themselves (Davidson 1997, p. 100).

New Zealand has been a late convert to open immigration policies based on skill and is the exception proving the rule on left parties. Its Labor Party was weaker; it only held office twice from 1949 to 1984 and then only ruled for 5 of 35 years. Prime Minister Muldoon’s more conservative National Party held power from 1960 to 1972 when U.S. and Canada policies had already changed; that is partly why New Zealand’s nationality reforms were later than other settler countries.

In the United States, the Democratic Party under President Johnson was instrumental in passing civil rights legislation for African-Americans in 1964; Democrats removed the racist immigration and naturalization restrictions 1 year later. This changed the nature of immigration toward Hispanic and Asian immigrants (Gimpel and Edwards 1999). Thus, left party power strongly influenced opening up nationality policy in the United States, Canada, and Australia, but the absence of left party power was more apparent in New Zealand.

Second, internal ethnic and racial groups eventually used the rise of a human rights regime in international civil society as a resource. This came in three steps. The first step was creation and support of the United Nations to prevent war after the failure of the League of Nations, the Nazi genocides against the Jews, Stalin’s purges, and other atrocities against Jews, Gypsies, political dissidents, and others. With ethnic and religious groups from many countries, the United Nations created human rights declarations and began the U.N. High Commissioner for Refugees (UNHCR), which started small but built itself into the world’s arbiter of refugees by pressuring governments to take more asylum seekers and peacekeeping missions (Loescher 2001). Eventually, voluntary associations such as the Red Cross, Amnesty International, and religious organizations began to bolster this growing international civil society (Colás 2002). Within each country, ethnic and veterans groups promoted indigenous and immigrant claims for rights. The second step was for minority groups to serve in World War I, which was more prevalent in the United States with African-Americans and native Americans, in Canada with First Peoples, and in New Zealand with the Maori. Minority service was much less in Australia (see Table 4.4) (Shanks 2001). Japanese-Canadians wanted to fight in World War I, but their enlistments were restricted because the government was aware that fulfilling obligations would bolster a claim for rights (Janoski 1998, pp. 144–8).

The effect was more pronounced in World War II. The United States showed a high military enlistment by African-Americans and Native Americans. Chinese and Japanese enlistments were a total of 7,665 per 100,000 persons. New

---

18 New Zealand is the home of Kiwis against Further Immigration and New Zealand First Party of Winston Peters. Peters’ party obtained 10% of the seats in the legislature in 2002 and held 13.5% in 1996 (Johnson et al. 2005, pp. 94–8; Brooking and Rabel 1995, pp. 45–7). He is a conservative Maori politician, and more Maoris have been elected to seats from the New Zealand First Party than from other parties. His indigenous views would probably parallel those held by indigenous peoples in other settler countries, but they do not get a hearing due to a lack of group rights.

19 Left regimes in the depression era often sought immigration restrictions. Left leaders—Curtin in Australia, Fraser in New Zealand, King in Canada, and Roosevelt in the United States—were interested in putting the country to work, not adding to unemployment through immigration.
### A. World War I

<table>
<thead>
<tr>
<th></th>
<th>Australia</th>
<th>Canada</th>
<th>New Zealand</th>
<th>United States</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indigenous peoples</td>
<td>300-400</td>
<td>7,000 (4,000 killed)</td>
<td>2,200</td>
<td>9,000</td>
</tr>
<tr>
<td>African derivation</td>
<td>n/a</td>
<td>850</td>
<td>n/a</td>
<td>40,000</td>
</tr>
<tr>
<td>Chinese derivation</td>
<td>n/a</td>
<td>197</td>
<td>n/a</td>
<td>(1,133 drafted)</td>
</tr>
<tr>
<td>Japanese derivation</td>
<td>n/a</td>
<td>200 enlisted (54 killed)</td>
<td>n/a</td>
<td>(983 drafted)</td>
</tr>
<tr>
<td><strong>Maximum total per 100,000 citizens</strong></td>
<td>79 per 100,000</td>
<td>1,012 per 100,000</td>
<td>1,833 per 100,000</td>
<td>4,024 per 100,000</td>
</tr>
</tbody>
</table>

### B. World War II

<table>
<thead>
<tr>
<th></th>
<th>Australia</th>
<th>Canada</th>
<th>New Zealand</th>
<th>United States</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indigenous peoples</td>
<td>3,874</td>
<td>7,000-12,000</td>
<td>17,000</td>
<td>24,672</td>
</tr>
<tr>
<td>African derivation</td>
<td>o</td>
<td>(general enlistment)</td>
<td>0</td>
<td>10,000-3,48</td>
</tr>
<tr>
<td>Chinese derivation</td>
<td>400</td>
<td>&gt;400</td>
<td>n/a</td>
<td>13,499</td>
</tr>
<tr>
<td>Japanese derivation</td>
<td>o</td>
<td>267</td>
<td>n/a</td>
<td>16,000 (&gt;800 killed)</td>
</tr>
<tr>
<td><strong>Maximum total per 100,000 citizens</strong></td>
<td>575 per 100,000</td>
<td>1,049 per 100,000 (excludes Afro-Canadians)</td>
<td>9,843 per 100,000</td>
<td>7,665 per 100,000</td>
</tr>
</tbody>
</table>

**Notes:**
- Indigenous groups are as follows: Australia: Aboriginal and Torres Islanders; New Zealand: Maori; Canada: First Peoples and Inuit; and United States: Native Americans and Inuit.
- The sum of the largest figures for each group is divided by the populations in 1918 and 1945 and then multiplied by 100,000 in each country.
- Australia transferred Chinese enlistees to U.S. forces in the area.
- This 16,000 figure appears to be high because citizens of Japanese descent in Hawaii were not interned, which may be part of the reason they initially enlisted at a high rate. Japanese on the U.S. mainland were not allowed to serve at the beginning of the war. Even men of Japanese descent on the mainland who had served in World War I were barred until later in the war (Salyer 2004).

**Sources:**

---

And settler countries are also influenced by international civil society, but the United States less so.
Multiculturalism and Citizenship in the Decades after World War II

The ideologies of immigration are changing from the original logic of taking, possessing, and farming land. The former dominions are moving from the settler logic of "populate or perish" to the global logic of "diversify or decline" (Freeman and Jupp 1992). Core countries like the United States cherish creativity and new ideas (Wallerstein 1974). The competition for innovation in a globalized economy requires creativity. One of the main sources of creativity is the intersection and cross-fertilization of a wide variety of ideas, values, and experiences from the most talented people from many different lands.20

But contrary to these points, settler countries differed according to how much each country had promoted racial deprivation of citizenship rights for those of African and Asian descent. Canada and New Zealand have explicit multicultural policies based on powerful subcultures - the French and the Maori - present at the founding of the nation. However, Canada has pushed this multicultural approach to Asians and Africans through refugees and other immigrants and has at the same time pursued a strong cultural pluralism program toward its First Peoples, with the return of some land and establishment of a self-governing state with Nunavut. New Zealand has maintained a level of respect for Maori lands, but this has not extended far toward immigrants and refugees, especially those from Asia and Africa (Gallienne 1991). Further, New Zealand does not pursue cultural pluralism, even though it does so with its Maori population and biculturalism. This makes Canada exceptional on multiculturalism.

Despite the rhetoric, neither the United States nor Australia makes a strong claim of multiculturalism, and both are seen as disavowing cultural pluralism. Both countries have taken in refugees and Asian and African immigrants, but the United States is well below other settler countries. And although Australia is second in taking in refugees, it has engaged in embarrassing but ultimately unsuccessful efforts to keep vulnerable boat people out of Australian waters.21 Like the United States in the Mariel boat lift, Australia maintains a set of refugee camps in isolated areas where case resolution takes as much as 4 years and refugees stage heated protests with extreme measures such as "lip stitching" (Mares 2002). Concerning indigenous peoples, Australian Aborigines and Torres Strait Islander have made progress claiming lands through the two Mabo decisions (1988, 1992) and Wik case (1998), but these only invalidated

terra nullius rather than actually presenting the deeds of specific lands to be returned (Haveman 1999, pp. 53-61). Nonetheless, the policy of multiculturalism established by Whitlam has made significant if uneven strides.

The United States clearly resists a policy of multiculturalism. Despite rhetoric, the United States has no intention to accept official languages other than English. Supreme Court cases have turned down rulings to establish African-American districts, and group rights are generally rejected, although affirmative action had a short career in public policy. Indigenous peoples have not received large amounts of land from white Americans, and special representation in the national legislature is inconceivable. Some group rights exist on reservations, but the most significant policy has been allowing gambling on reservations, which has greatly increased American Indian income (Frantz 1999; Lyons et al. 1992). The United States resists multiculturalism in terms of rights because it is an empire with no intention of diluting its impact on the world. It wants assimilation of its dominant values in the public sphere, not a multiplicity of values. For instance, the mere mention of Quebec separatism is enough to stop an American cultural pluralism argument in its tracks. If the United States considers land claims of indigenous Indians, then it has to deal with numerous lands appropriated from Hispanics after the annexation of Texas and the Mexican-American War. It could also set a precedent for African-American reparations. To protect the majority of landowners, the United States focuses on the present, not righting injustices of the past. Empires simply have too many injustices.

Conclusion

The century-long regime explanations and post–World War II year-by-year political economy explanations tell the story of the settler countries. The first explanation of century-long effects concerns the settler country regimes exhibiting similar patterns of settlement. Each settler country left the British Empire at a different time and subjugated an indigenous population. Each settler country needed immigration to develop its land and to defend it from internal and external enemies. Each settler country established a racialized state that excluded Asian and African immigrants for most of a century. Further, each settler country had a poor record of accepting Jewish and other refugees before and during World War II.22 Nonetheless, many immigrants came from a wide variety of countries to naturalize and become citizens. The United States began this

---

20 Though less discussed, settler countries and their European stock are entering into the same fertility decline that Europe has gone through. To maintain population and an adequate labor supply, settler countries will need more immigration to fill their labor supply needs.

21 In the Tampa affair, Australia interdicted a Norwegian freighter with 430 refugees going to the Christmas Islands, which belong to Australia. After it could not be turned back, Australia sent the ship to Nauru, which it propped up with payments to handle the refugees, but many refugees still entered Australia and New Zealand. Prime Minister Howard was "showing backbone in standing up to boat people" before an election (Mares 2002, pp. 121-41). Captain Arne Rinnman, his crew, and the Wallenius Wilhelmsen Line received the Nansen Prize for commendable service to refugees (Mares 2002, pp. 9-61).

22 The plight of Jewish refugees was addressed by the American Jewish Council and ACLU as early as 1933. But Breckenridge Long's policy in the State Department toward Jewish refugees was shameful. If Jewish refugees were in Axis countries, they had to apply where American consuls no longer existed; if they were outside these countries where consuls were available, they were "not in acute danger" (Tichenor 2002, pp. 166, 150-67; Wyman 1990, pp. 166-7, 238). After seeing Treasury Secretary Henry Morgenthau's report, "The Acquiescence of This Government to the Murder of the Jews," Roosevelt created the War Refugee Board, and after 1943 many more Jewish refugees were admitted into the United States.
diverse immigration, with Canada soon following. Australia and New Zealand stuck to their Anglo-Saxon roots until after World War II. And Canada was the first to stop Asian exclusion. This increase in naturalization rates in settler societies exceeds the rates in the other countries in this book.

The United States complicates the settler country regime type with its tendency toward empire. As a percentage of its population among settler countries, it often has the lowest rates of immigration, naturalization, asylum intake, and foreign population among settler countries. The American pursuit of military and political empire in addition to being a settler country sets it apart. It should be nearly twice as high a naturalizer than statistics show, but as Kymlicka states, “Canada fares better than the United States on virtually any dimension of integration” (1998, p. 21). Being an empire as opposed to a settler country dilutes naturalization and makes the United States the lowest signer and rater of human rights accords. The United States jealously guards its sovereignty and frequently ignores criticisms of human rights violations (e.g., Guantanamo Bay). America’s long-standing acceptance of the death penalty and recent denial of the Geneva Accords for prisoners of war are further examples that the United States ignores international civil society. Thus, when figures are standardized for overall population size, the United States has the lowest naturalization rates, lowest percentages of foreign population, and lowest acceptance rates of refugees. It clings to an assimilationist view of integration like France instead of a pluralist or multicultural view as in the other settler countries. Yet the United States is a settler country.

The second explanation of year-by-year politics emphasized left party power increasing open immigration and nationality laws. After World War II, left parties found their ideologies resonating with international civil society and human rights regimes. They pressed for greater protections of poor immigrants and refugees, whereas conservative parties were slower to integrate these principles into their increasingly global views of the economy. Conservatives do not like giving welfare benefits to refugees, but they want the inexpensive labor immigration provides. Political party power has a strong effect on enactment of these citizenship policies, and left parties have had an impact on universal nationality policies in all four settler countries. Although a progressive conservative prime minister in Canada had a special interest in a bill of rights and his minister of immigration was responsible for removing exclusionary racial regulations, three other laws that legally removed exclusionary policies (i.e., not just ministry regulations), established multiculturalism, and liberalized nationality policy came under relatively left liberal regimes led by Prime Ministers Pearson and Trudeau. Asiatic exclusion was removed by the American Democrats under Johnson, the Labor Party of Whitlam, the Liberals under Pearson and Trudeau, and operationalized by opening immigration to nonwhites Labor under Lange.

Third, left party power has operated in the context of an international human rights regime that emerged in the last half century to accept refugees, protect immigrants, and enforce rights within these countries. This is not a change dominated by foreign policy concerns as mentioned by Joppke (2005, p. 64) but a combination of internal and external political forces that combine to produce policy changes. Nonetheless, left party power is the trigger because external forces, unless during an invasion or occupation, are mediated by internal politics of ethnic, veteran, and other interest groups. For example, Australian High Commissioners in Delhi may have heard a lot about injustices toward immigrants but they do not vote in Parliament (Brawley 1995, p. 421). The Labor Party in Parliament led by Prime Minister Whitlam changed both domestic inequalities and immigration inequities. Joppke refers to the universal human rights regime as “a liberal norm of racial nondiscrimination” that “could be hidden” by “a domestic legacy of civic nationhood” (2005, p. 91). Instead of being hidden, these international forces are opportunities that must be taken up by left or other parties to be effective.

33 State-centric theory does not explain these cases because bureaucrats in Canada and Australia in the 1950s had discretion but used it to reinforce white-only immigration policies. What made these policy changes happen was the political force of national leaders with specific citizenship agendas - Whitlam in Australia and Diefenbaker in Canada - who eliminated discrimination for a broad range of immigrants (Joppke 2005, pp. 62-4; Canada CIC 2001). Recall that Fairclough and Whitlam replaced their top immigration bureaucrats because they were racist or nearly so. As Brawley states: “The end of White Australia would come from political quarters” (1995, p. 430).

34 Trudeau pressed multicultural politics because “our origins are one-third English, one-third French, and one-third neither” and “Canada is a country without a natural majority” (Foster 2005, pp. 169-70).