

A Nation by Design

*Immigration Policy in the
Fashioning of America*

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Themes and Perspectives

A nation of immigrants, to be sure, but not just any immigrants. From the moment they managed their own affairs, well before political independence, Americans were determined to select who might join them, and they have remained so ever since. Immigration policy, broadly conceived in this book to encompass not only entry but also related processes that affect the nation's composition, thus emerged from the outset as a major instrument of nation-building, equivalent in the fashioning of the United States to the amalgamation of diverse regions in the making of the United Kingdom, France, or Spain. Although as historical constructs all nations in some sense make themselves, the very nature of the immigration process provided the Americans with unusual latitude in doing so, and hence theirs may properly be termed "a nation by design."¹

In the Old World, the people came with the territory: the construction of "France" is the history of the royal state's territorial expansion from the Paris region and of the concurrent transformation of the successively incorporated populations into *français*; in the same vein, in their aspiration to forge Britons out of the pieces being assembled by way of dynastic manipulations, the rulers of the United Kingdom had little choice but to work with the English, Welsh, Scots, and Irish.² In contrast, from the very outset, by way of its state and federal governments, the self-constituted American nation not only set conditions for political membership, but also decided quite literally who would inhabit its land. Long before what is conventionally regarded as the beginning of national immigration policy, the Americans undertook to violently eliminate most of the original dwellers, imported a mass of African workers whom they excluded from their nation altogether, actively recruited Europeans they

considered suitable for settlement, intervened in the international arena to secure freedom of exit on their behalf, elaborated devices to deter those judged undesirable, and even attempted to engineer the self-removal of liberated slaves, deemed inherently unqualified for membership. Immigration policy not only emerged as a major instrument of American nation-building, but also fostered the notion that the nation could be designed, stimulating the elevation of that belief into an article of national faith.

The American experience of nation-building is exceptional not only in comparison with the Old World prefabs, but also in relation to the other overseas nations of European origin where, throughout their formative years, immigration remained largely governed by the imperial governments or, in the case of the precociously independent South American states, was for a protracted period hardly governed at all.³ As against this, American grievances regarding British immigration and naturalization policy were voiced for several decades before 1776, and their inclusion in the Declaration of Independence, which forms the core of Chapter 2, provides clear evidence of the founders' understanding that immigration was bound to play a key role in the building of the American nation. Duly noted in accounts of the founding, but as a side issue, the Declaration's grievances regarding immigration and naturalization belong in the foreground because these matters were regarded by both British imperial authorities and the American leaders as key processes that shaped basic features of the colonies' existence: the size of their population, its composition, and the rules for membership in the body politic. Rather than isolated skirmishes, the confrontations over these issues were vital episodes in the larger war over sovereignty, and amounted to an epochal struggle over the structure or design of American society. In short, the American colonies amounted to a congeries of disparate population fragments that had come into being largely as intentional and unintentional by-products of migration policies tailored to the pursuit of imperial objectives; to turn these elements into a unified society, and one that would provide the social underpinnings of a republic, was an immensely ambitious task, which required among other things a fundamental modification of ongoing immigration policies and related practices.

My account thus challenges the widely held notion that until the late nineteenth century, the United States maintained a laissez-faire stance in the sphere of immigration. As will be elaborated in Chapter 6, the conventional narrative was largely shaped by the protracted confrontation over immigration that spanned the first two-thirds of the twentieth century. This gave rise to a full-blown *Historikerstreit*, in which contending historians justified their respective

positions by situating the founders on a continuum ranging from “openness” or “generosity” to “restrictionism.” Marcus Lee Hansen’s classic interpretation, elaborated before his death in 1938 and subsequently edited by Arthur M. Schlesinger Sr., prudently but deliberately comes down somewhere in the middle: “So the United States began its career with no encouragement to immigrants except that offered by its opportunities, and with no barriers except those confronting native and foreigner alike.”⁴ Echoed in the influential synthetic overview published in 1960 by Maldwyn Jones, this interpretation of the policy baseline as benevolently neutral, but marred by occasional eruptions of “nativism,” has become canonic, and nativism itself has become a distinct object of study.⁵ With regard to the first century, its adoption was facilitated by the near-absence of federal legislation on the explicit subject of immigration. While historians have accepted this as a given, from a perspective informed by theories of state—and nation—formation, this absence constitutes a puzzle: given the evident concern of the founders with the subject, why was so little legislation enacted?

A reexamination of the record with this in mind reveals that the absence of federal legislation does not reflect a lack of interest in regulating entry, but was attributable to the overriding of immigration policy by what was then the central issue of national politics, the matter of states’ rights in relation to slavery. In effect, immigration policy could only be dealt with at the state level. Indeed, a considerable amount of regulation was enacted by port-of-entry states, amounting in toto to a national immigration policy; however, much of this was in turn invalidated by the courts on the grounds that it exceeded state authority. Although Gerald Neuman has reconstructed the record of state action, he has done so from an exclusively juridical perspective and has not paid much attention to the actors who challenged the states’ actions and their motivations.⁶ Such an inquiry in fact provides considerable insight into the political dynamics underlying immigration policy at a crucial turning point, half a century after independence, when the United States truly became a nation of immigrants.

The American “design” became more explicit as the founders sought to regulate immigration and naturalization so as to foster the transformation of a loose aggregate of political entities, some formed along the “family farm” path, others more properly colonial and stratified along racial lines, into a politically integrated white republic. As elaborated in Chapter 3, emerging as the key theorists in this field, Tench Coxe, Thomas Jefferson, Alexander Hamilton, and James Madison engaged in elaborate explorations of the relationship

between population, land, and labor to determine what immigration policy would best serve broader goals of nation-building and economic development. On the political side, in his famous debate with Edmund Burke, Tom Paine set forth a radically innovative “civic” model of the nation as an alternative to the “ethnic” body politic, and this in turn provided the theoretical foundations for the country’s first naturalization law. My analysis engages a collegial debate with Rogers Smith; although he rightly emphasizes the egregious shortcomings of American citizenship with regard to race, he gets so carried away by his critique that he fails to give proper weight to the innovative character of what was done. From a contemporaneous international perspective, the more striking fact is the law’s *inclusiveness*, indicated by the absence of religious or national origin qualifications.⁷ This constituted an obvious invitation to non-British nationals and, on the religious side, to Roman Catholics and Jews.

The concerns expressed at the moment of political emancipation adumbrate a lasting feature of the fledgling new republic, rooted in its peculiar colonial origins: although regulation of the movement of persons across a state’s borders and access of aliens to citizenship by way of naturalization were recognized by contemporaneous legal and political thinkers as established practices, in the United States they achieved unprecedented practical and theoretical prominence because foreign immigration—as against mere transfers within the empire—made a much greater contribution to its population than had ever occurred in any European nation, or than any political philosopher envisioned might take place in a constituted community. Paradoxically, while the location of the United States on the western side of the Atlantic somewhat insulated its political development from European ideological currents and the effects of international tensions, thereby lending it a peculiarly insular character, the prominence of international migration rendered it unusually cosmopolitan, and promoted its role as an advocate of freedom of exit (Chapter 4).⁸

Nevertheless, observing the United States half a century after independence, Alexis de Tocqueville saw it as a fully formed “Anglo-American” society, and at this time Americans hardly thought themselves “a nation of immigrants.” Despite the prevailing immigrationism, annual arrivals amounted to only one-fourth of 1 percent of the white population and contributed less than one-tenth of its spectacular demographic expansion (nearly 3 percent a year!). Chapter 3 demonstrates that this was not happenstance and that, in effect, the largely ignored federal Passenger Act of 1819, together with state regulations governing ports of entry, created a rudimentary system of “remote

control,” whereby the United States sought to select immigrants by projecting its boundaries into the source countries.⁹

However, in a thoroughly pessimistic footnote inserted on the eve of publication of *Democracy in America* in 1835, Tocqueville observed that the situation he reported on so optimistically had begun to change, and that the country’s two large port-of-entry cities, Philadelphia and New York, were being invaded by a “dangerous” population of poor blacks and poor Europeans who “bring to the United States our greatest vices, and lack any of the interests which might offset their influence.” As demonstrated in Chapter 5, this reflected his Whig friends’ sense that the United States faced an unprecedented “immigration crisis” occasioned by an abrupt and considerable rise of arrivals from Europe, of whom an increasing proportion were perceived as significantly different from the established population, in that they were not “British” but largely Irish and German, as well as Roman Catholic to boot. Induced by the continuing expansion of the “great transformation,” this human wave propelled immigration to the top of the political agenda, lining up the new capitalists eager to maximize their labor supply against defenders of the traditional boundaries of American society, whom historians subsequently labeled “nativists,” and urban wage workers, who perceived immigrants as a threat to their living and an obstacle to the organization of a labor movement. The immigration crisis reached all the way to the U.S. Supreme Court, whose rulings in turn shaped the strategies of both camps and thereby determined the course of policy. The confrontation over immigration eventually interacted with the crisis over slavery to destroy the “second party system” and bring on the Civil War.

Ultimately, the “nativists” lost out to the capitalists, and consequently Tocqueville’s nightmarish footnote moved into the text, transforming the established “Anglo-American” nation into a unique “nation of immigrants.” This outcome inaugurated the protracted hegemony of economically driven policy, further elaborated during and after the Civil War, and expanded to encompass the recently opened West Coast. The vast increase and growing heterogeneity of the immigrants, now including Chinese, once again precipitated a crisis (Chapter 6). In keeping with the general trend of American political development during this period, within a single decade the ambiguous and administratively awkward jurisdictional equilibrium between levels of government in the sphere of immigration decisively shifted toward the national, as measures favored by most states but barred from enactment by the pre-Civil War Supreme Court now became national policy. The availability of a large

and ethnically variegated labor force, with a substantial component of “birds of passage” on both coasts, imparted a distinctively segmented structure to the American industrial labor market and largely provides the answer to Werner Sombart’s notorious question, “Why is there no Socialism in the United States?”

Nativism Reconsidered

Our understanding of the onset of federal regulation after the Civil War is largely shaped by the late John Higham’s *Strangers in the Land*, which has deservedly achieved classic status and remains, after half a century, the most distinguished work on the subject.¹⁰ Focusing on the period 1880–1925, Higham constructed a narrative in which the United States moved from openness to steadily growing restriction, culminating in the imposition of the national origin quotas and wholesale Asian exclusion. However, in his preface to a later edition, Higham himself reflected that “I would . . . if I were writing today, take more account of aspects of the immigration restriction movement that can not be sufficiently explained in terms of nativism.” In his postscript to a revised second edition, he suggested that the “nation-building” framework I had adumbrated in preliminary articles would be particularly helpful.¹¹ His generous encouragement convinced me to undertake the present work, despite my long-term professional involvement in quite different fields.

Tacitly underlying Higham’s conceptualization of nativism is the “frustration-aggression” syndrome derived from psychoanalytic theory by way of Theodore Adorno’s *The Authoritarian Personality* and Gordon W. Allport’s *Prejudice*.¹² Highly influential among American intellectuals in the 1950s, this syndrome also inspired Richard Hofstadter’s analysis *Anti-intellectualism in American Life*, “conceived in response to the political and intellectual conditions of the 1950’s,” notably McCarthyism.¹³ Underlying Higham’s history of immigration policy is the idea that Americans, frustrated by the disruptions that accompanied industrialization and urbanization, projected their anger upon strangers. Translated into pressure on decision makers to restrict immigration, this collective disposition was alleviated only when the international situation provided alternative outlets in the form of external aggression, notably the Spanish-American War and World War I; but these were temporary alleviations, and afterward immigrants became once again the main target.

The basic problem with this approach is that there is no way of indepen-

dently charting the level of frustration of a society except by using aggressive behavior—that which is to be explained—as the indicator, nor can the level of aggressivity be independently established with respect to particular groups and at different times. The result is such inherent covariance between cause and effect as to suggest we are in the presence of a tautology. Whose frustrations, when, and how deep? While suggestive overall, a psychopathology-inspired approach is inadequate because it cannot account for particular policy outcomes at specific times. Why immigrant strangers rather than other objects? If “nativism” and the restrictions to which it gave rise were rooted in a projection of insecurity in the face of change, how come when insecurity reached a new high in the post–World War II period, it produced McCarthyism instead, while immigration policy was in fact liberalized?

Whereas “nativism” is credible as an expression of frustration, what sort of stance would be “normal”? Given the historical baseline preceding the advent of restriction, it tacitly appears to be open immigration. But surely it is unrealistic to expect the United States to maintain its previous stance in light of the global transformations of the period, which vastly enlarged the worldwide pool of potential immigrants. The moment that constitutes Higham’s starting point marked what is being increasingly recognized as the onset of globalization, when a number of factors changed more or less simultaneously to vastly enlarge the migratory flow, drastically altering the situation the United States faced. To begin with, Europe’s demographic transformation spread to the Continent’s least developed regions, the railroad revolutionized inland transportation, while the advent of iron steamships, whose carrying capacity was nearly tenfold that of sailing vessels and which reduced the Atlantic crossing from approximately one month to one week, transfigured overseas travel. Simultaneously, Asia and Africa were incorporated into the global political and economic system, and the recently formulated theory of evolution was combined with ideological rationalizations of imperialism to produce scientific racism. But if the external conditions of the late nineteenth century must figure in the explanation of the emergent American immigration policy, then in retrospect, it stands to reason that the conditions of the preceding period should be taken into account for the earlier phase of policy as well.

Most important, the psychopathological approach minimizes the rationality of the behavior of groups and classes with respect to the consequences of immigration. Higham himself seemed to be aware of the problem, as he pointed out the role of employers in resisting restriction, of labor in fostering it, of business cycles upon the receptivity of legislators to group pressures,

and of the relatively autonomous role of the American executive branch in the entire process of policy making. However, he stopped short of taking into consideration that during the period with which he was concerned, employers not only resisted restrictions, but also were in fact fostering the expansion of immigration, thereby in effect generating the very conditions that stimulated “nativism.” This contradiction, which has recurred in various forms throughout American history, often producing “strange bedfellows” on both sides of the confrontations over immigration, is at the heart of the present account.

Economic grounds for promoting or opposing immigration are easily conceived as “rational.” This is much less the case with regard to the cultural considerations that underlie “nativism.” Yet this might be thought of as the shrill expression, based on prejudicial assessments, of commonplace concerns with maintaining the receiving society’s established identity. Viewed in the perspective of nation-building, a process common to both settled and immigrant societies, nativism can be thought of as representing the conservative position on an “identity” continuum, which allows for other positions ranging through the acceptance of shifting boundaries as a concomitant of historical change—where I would roughly place myself—all the way to the advocacy of radical transformation. Rather than thinking of “Americans” as going “nativist,” one should think of such episodes as confrontations between different actors who position themselves variously on the “identity” dimension, much as economic actors do with regard to economic issues.

Another constraint arises from the unidimensionality of the concept of “restriction.” Accounts of the more recent period generally highlight the persistence of restrictions until the 1950s, a return to greater openness from 1965 to 1990, and a neorestrictionist swerve in the 1990s. However, this again distorts reality in a number of ways. While the prohibition of Asian immigration together with the draconian reduction of European admissions and the notorious nationality quotas imposed in the 1920s certainly amounted to “restriction,” this was only part of the story: concurrently, the United States was deliberately stimulating the expansion of immigration from Mexico and promoting massive internal migrations, notably the movement of African Americans from the South, which together blatantly contradicted the restrictionists’ nation-building objectives. Conversely, the “liberal” legislation of 1965, which abolished the discriminatory European quotas and the remnants of Asian exclusion, and opened the door to their expansion, was coupled with measures explicitly designed to minimize “brown” immigration from Mexico and “black” from the Caribbean. And while there was surely a resurgence of

restrictionism in the 1990s, the most interesting aspect of *that* story is its failure to achieve its most explicit objectives, the control of illegal immigration and a substantial reduction of legal immigration, both driven by shrill concern over the impact of immigration from the “South” on the character of the American nation.

Under the unprecedented conditions emerging in the world at large at the turn of the twentieth century, the imposition of limits on the immigration flow arose as a pressing imperative. Limits in turn implied selection; but on what grounds should this take place? Spanning an entire generation (Chapters 7 and 8), debate over this question was settled only in the aftermath of World War I, when, in one of the most spectacular displays of legislative power on record, with two waves of its magic wand the U.S. Congress sought to restore America’s northwest European identity by making immigration from southern and eastern Europe disappear, much as it sought to do with alcohol. But whereas legislative action managed to reduce alcohol consumption by only one-third, in the sphere of immigration it was miraculously effective, and by 1930 the United States in effect proclaimed to the face of the world, “We are no longer a nation of immigrants.” It maintained this position even after the advent of the New Deal and when some of its European cousins undertook to persecute others, who thereby became desperately in need of havens (Chapter 9).

A largely neglected aspect of the history of this period, even by recent institutionalist scholars of American political development, is that the implementation of restrictionism entailed a vast expansion of the American state’s capacity to regulate movement across its borders, and the deployment of this capacity within the territory of other sovereign states so as to achieve the elusive “remote control” to which regulators had long aspired. However, even at this time American policy was by no means consistently “restrictionist.” Responding to pressures from powerful agriculture interests for an ample supply of cheap labor, as well as from equally powerful oil interests concerned with establishing better relations with postrevolutionary Mexican governments, the legislators resisted closing the country’s “back door,” despite their explicit commitment to preserving the “original American stock” from contamination by Mexicans who, by their own standards, were even more objectionable than the southern and eastern Europeans they were keeping out.

In sharp contrast with the unswerving earlier march from open immigration to restriction, the reformers of the post–World War II decades dispersed along winding trails. One led to a redesigned main gate that fulfilled the aspirations

of Americans (issued from the “new immigration”) for status equality in the cultural sphere and enabled them to bring in their relatives; another to a revolving back door that continued to provide agricultural entrepreneurs with temporary labor; and the third to a side entrance for various groups loosely labeled “refugees,” used by the U.S. government as a Cold War weapon as well as by influential ethnic communities unable to bring in populations of special concern through the main gate. The restrictionist régime was dismantled, giving way to a shifting bundle of disparate policy components (Chapter 10). The new policies reflected the broader transformation of postwar American society: dramatic changes in the size and distribution of the population as a whole; a shift in the boundaries of identity to encompass the “new immigrants,” notably by way of the acceptance of Catholicism and Judaism as “American religions”; the emergence of a postindustrial economy; the beginnings of the civil rights revolution; the restructuring of political alignments; and the rise of the United States to world power.

It is noteworthy that at the very moment of these reforms, the foreign-born fell to their lowest proportion of the American population since Tocqueville’s visit nearly a century and a half earlier, confirming that the restrictionists of the earlier part of the twentieth century had achieved their principal objective: the United States was no longer a nation of immigrants. Despite their protracted confrontations in the postwar years, defenders of the status quo and reformers were in agreement on keeping things that way. In this perspective, it is quite unexpected that in the last third of the twentieth century, the country’s foreign-born population tripled in size and underwent a startling change of composition. Not surprisingly, even as it materialized, the new immigration stimulated an expanding debate over its desirability and consequences, recalling the confrontations of a century earlier, with social scientists and public intellectuals once again playing a prominent role in the production of updated ideologies (Chapters 11 and 12).

Very much in keeping with the established “strange bedfellows” pattern, the resulting alignments cut across the usual conservative-liberal divide; but in sharp contrast with the 1920s, an immigrationist coalition of capitalists and recent ethnics gained the upper hand. With regard to post-World War II policy developments, I had the benefit of a vast secondary literature, which is properly acknowledged at the appropriate points; but on the historical side, I relied especially on the several works of David Reimers, and on the political science side, on Daniel J. Tichenor’s Ph.D. dissertation, completed in May 1996 and published in 2002.¹⁴ On the period 1980–2000, our interpretations

are in broad agreement; however, I focus my explanation more sharply on the surprising outcome—why reasonable expectations of a reenactment of the 1920s restrictions were not fulfilled.

Theorizing Immigration Policy: A Global Perspective

Although this book is concerned exclusively with American immigration policy, I consider the subject in a comparative perspective with a globalist bent, by way of a hybrid theoretical framework tinkered out of insights drawn from sociology, political economy, and cultural anthropology, as well as political science.

The starting point for theorizing about immigration policy is an understanding of the distinctiveness of international migration itself as a social phenomenon. In short, “international migration” entails not merely movement from one place to another, but derives its specificity from the organization of the world into a congeries of mutually exclusive sovereign states, commonly referred to as the “Westphalian system.”¹⁵ It involves the transfer of a person from the jurisdiction of one state to that of another and the eventuality of a change of membership in an inclusive political community. Accordingly, international migration is an inherently political process, and the relevant policies encompass not only the regulation of outward and inward movement across state borders—including of persons who are not, or declare that they are not, migrants—but also rules governing the acquisition, maintenance, loss, or voluntary relinquishment of “membership” in all its aspects—political, social, economic, and cultural.

Migration policies vary enormously, both historically and between states in a given period. As commemorated by the biblical narrative of the flight from Egypt, states traditionally prohibited the exit of economically valuable populations and resorted to draconian means to implement this policy, such as the imposition of galley slavery in seventeenth-century France to prevent Huguenots from departing for Protestant states, or shoot-to-kill border policing by the German Democratic Republic from its inception to its demise. But states have also acted ruthlessly to push out religious, ethnic, or social groups they considered undesirable and incapable of being subjected or transformed. All these stances coexisted in various parts of the world throughout the nineteenth and twentieth centuries, suggesting no overall historical trend toward convergence. A similar range of variation can be found on the entry side. States have raided others to abduct valuable populations; encouraged and facilitated

the importation of slaves; and stimulated immigration by providing subsidized travel, lands, security, and easy citizenship, or by promising jobs; but they have also prohibited settlement and acted ruthlessly to prevent it. Positive or negative stances with regard to both exit and entry are usually defined in relation to specified categories of persons established on the basis of a wide array of criteria, including objective socioeconomic and cultural attributes (degree of skill, education, and wealth; religion, language, nationality, and race), as well as their putative moral or political disposition (judged likely or unlikely to commit crimes, or to support or oppose the régime). As a result, emigration and immigration policies often amount to complex arrays of disparate regulations and practices, with “laissez-faire” seldom a mark of indifference. States also exhibit considerable variation regarding modes of relinquishing and acquiring “membership,” including not only formal citizenship but also political, social, and cultural rights.

How are we to make theoretical sense of this variation? At the most general level, “Whether migration is controlled by those who send, by those who go, or by those who receive, it mirrors the world as it is at the time.”¹⁶ Or, as suggested by a committee of the International Union for the Scientific Study of Population, the world can be conceptualized as a “global population system” in relation to which sending and receiving states, much as the migrants themselves, figure as “utility-maximizing” agents that respond to changing world-historical and local conditions by modifying their comportment—in the case of states, their policies regarding exit and entry.¹⁷

However, two qualifications are called for. As the complexity of contemporary debates on immigration policy in the affluent liberal democracies indicates, “utility” encompasses not only a population’s economic value, but also its putative value in relation to cultural and political objectives. Moreover, “utility-maximizing” cannot be mechanically transposed from individuals to states. As executors of policies, states do not function as autonomous actors (even in the loose sense in which we consider individuals to do so), but rather as instruments manipulated by internal actors who have gained the upper hand in this particular sphere at a given time. Legal and administrative institutions, as well as “political traditions,” which constitute the legacy of earlier policies, also play a significant role in shaping current responses.

In recent times, migration policies have been shaped by the dynamics of world capitalism, on the one hand, and of the international state system, on the other, within the context of epochal population dynamics.¹⁸ Since the global population system and the system of states are both finite, migration

policies are extremely interactive: any emigration always entails immediate immigration somewhere else; conversely, the possibility of immigrating affects decisions to emigrate; and the closing or opening of a particular national gate affects the potential flows into other states.¹⁹ However, in contrast with the sphere of international trade, for example, far from being founded on recognition of this interactivity, state policies regarding emigration and immigration have been notoriously unilateral; as noted by Hannah Arendt, for example, “sovereignty is nowhere more absolute than in matters of emigration, naturalization, nationality, and expulsion.”²⁰ This highlights the theoretical significance of even slight departures from the “sovereignty” baseline observable today, notably with regard to asylum.²¹

For the purpose of analytic clarification, exit and entry policies might be arrayed along an axis demarcated by negative and positive poles. Given the considerable variation in exit policies that can be observed historically, their impact on the formation of migration networks, and their interactivity with immigration policies elsewhere, it is evident that a comprehensive theory pertaining to the role of states in regulating international migration must cover the exit side as well. One basic proposition is that the possibility of preventing “exit” is a requisite for the effective exercise of most types of “predatory rule.”²² In the early modern era, under prevailing conditions of demographic scarcity, for the European mercantilist/bellicist state, the acquisition and retention of human capital for economic production and war comprised a basic source of power; from this perspective, the most important form of control pertained to outward movement. Accordingly, unauthorized emigration was tantamount to treason, and punishable by death or enslavement. The continuing significance of this policy stance is highlighted by its resurgence in the twentieth century as the hallmark of “totalitarian” states with command economies.²³

The leading patterns of forced exit, including deliberate expulsions as well as escape from persecution or violence, stimulated by what is now generically termed “ethnic cleansing,” can also be accounted for by the dynamics of state and nation formation within a bounded international system.²⁴ However, given this book’s exclusive concern with the United States, I shall focus here on the entry side only. Although considerable attention has been devoted to variation among the contemporary immigration policies of capitalist democracies, the most striking fact about them is that, on a hypothetical continuum ranging from “open” to “closed” borders, they are clustered very narrowly around the “closed” pole.²⁵ While post–World War II policies constituted a liberalization in relation to the extremely restrictionist régime established in

the first quarter of the century, the contemporary régime retains a “near-zero baseline” with regard to the supply of entries in relation to the demand for them as well as in relation to the size of the resident population—current annual U.S. immigration, for example, amounts to approximately one-third of 1 percent. As the theorist of international trade Jagdish Bhagwati observed in the early 1980s, the process of international migration is characterized by “disincentives” rather than “incentives,” which led him to hypothesize quite correctly that if the socialist countries were to let people out, “the effective constraint on the numbers migrating would soon become the immigration legislations of the destination countries.”²⁶

The restrictive immigration régime prevails worldwide because it constitutes a *sine qua non* for maintaining the “Westphalian” international state system, as well as the privileged position of the “core” states amidst highly unequal conditions.²⁷ Economic modeling suggests that the hypothetical elimination of borders would stimulate worldwide economic growth, but also result in an equalization of conditions and hence produce a vast redistribution of income to the benefit of the populations of poorer countries. In effect, borders serve to prevent labor from commanding the same price everywhere, and also prevent people from the poorer countries from gaining access to the bundles of “public goods” dispensed by the more affluent states, which now constitute an important part of their populations’ income.²⁸ It is also widely believed that restrictions on access to membership constitute a *sine qua non* for democratic governance, which requires at least some minimal degree of “community.” Although the matters of precisely what level of immigration might be allowed and what priorities might be established are hotly debated, there is broad agreement that under present world conditions, the level would at best fall far short of the demand for access.²⁹

Political Economy and Identity Politics

Consequently, the process of immigration policy decision making in a given state is driven by two very different sets of considerations, each of which relates to a distinct sphere of social interaction. In the perspective of capitalist dynamics, immigrants of any kind—including refugees—are considered primarily as “labor.” Accordingly, immigration policies are shaped by the prevailing “class compromise” and the specific configuration of economic interests in the country in question, in keeping with the imperatives of prevailing technological and economic conditions.³⁰ Immigrants are characteristically

welcomed by employers because they reduce the unit cost of labor (that is, lower wages) and also increase its elasticity; conversely, they are characteristically resented by resident workers as unfair competitors willing to accept lower wages (which constitute an improvement over their income in the country of origin) and below-standard conditions. At worst, they may not only lower wages but also altogether displace natives. However, even the most profit-driven capitalists are unlikely to favor a *huge* and *sudden* increase in labor supply, as that would occasion major social disruptions; hence, in contemporary capitalist democracies, arguments on behalf of “open borders” appear perennially as the playful musings of free-market ideologues, such as Julian Simon in the *Wall Street Journal*, but almost never in actual policy debates.³¹

These considerations, usually cast in a Marxian framework, have given rise to a considerable body of work accounting for the tendency of advanced industrial societies to recruit “guest workers” from less developed countries.³² An alternative explanation was provided by the theory of labor segmentation, whereby under conditions of the welfare state the upper strata of the workforce are assimilated into “fixed” capital, leading to the institutionalization of a distinct “flexible” segment, for which again “guest workers” of one sort or another are very convenient.³³ In the United States, this analysis is applicable not only to the importation of Chinese workers to the West Coast from 1850 on, and of Mexican workers in World War I and World War II, as well as in the 1950s, but also by extension to the long-standing tolerance of “regular irregular” (in other words, undocumented) workers from the same neighbor. However, in recent years matters have been complicated by the reliance of some labor unions on such workers for the survival of their industry.

Still in the economic sphere, immigrants are also consumers of goods and services, both the ordinary kind that one buys and the “public goods” that are automatically available to all residents. Whereas they tend to be welcomed by sellers of individual goods and services—for example, real estate agents in port-of-entry cities—from the perspective of public goods the situation is more complex. Recent U.S. debates regarding the “balance sheet” of immigration in relation to welfare highlight the difficulty of establishing whether immigrants contribute more in taxes than they consume in public services or whether they are “free riders”; and the subject is understandably much hotter in European countries with more extensive welfare states.³⁴ Moreover, because different units of aggregation are used to draw up a balance sheet of the various costs and benefits involved, immigrants may be “good” for the whole

economy, but “bad” for a particular locality or social group—or vice versa (for example, they may reinvigorate declining “rust belt” cities). Incidentally, similar considerations are applicable also to international-level assessments of the economic value of particular human flows by sending and receiving countries as a whole.

However, all types of immigrants—including even temporary workers—also constitute a political and cultural presence, which evokes a distinctive dimension of consideration pertaining to the putative impact of immigration on the host country’s “way of life,” “cohesiveness,” or, in current discourse, “identity.” Although the process in question is well evoked by classical sociology’s concept of “integration,” from Émile Durkheim through Talcott Parsons, I shall use the term “identity axis.” In almost any immigration situation, there are significant groups among the hosts who believe that newcomers in general, or particular groups among them, would jeopardize the established national ways. In the United States alone, just about every cultural attribute imaginable was found objectionable at one time or another, notably “race,” as constructed in the nineteenth and early twentieth centuries, referring to not only “Asiatics” and blacks but also “mixed-breed” Mexicans, different European nationalities, and Jews; religion, notably Roman Catholics from the eighteenth century until quite recently; and language, starting with German speakers at the time of the founding and again in the early twentieth century, and Spanish speakers today. Similar hostile responses have surfaced elsewhere, notably toward Jews from eastern Europe in most of western Europe yesterday, Arabs and Muslims more generally throughout Europe today, or when “Oriental” Sephardic Jews began arriving in Israel in the 1950s and when Ethiopian Jews began arriving later on.

Although reactions such as these are attributable in large part to prejudice and xenophobia that tend to exaggerate the problematic aspects of the situation, it should be recognized that the settlement—or prospective settlement—of any substantial group of people whose culture diverges markedly from the hosts’ is likely to call the established “cultural compromise” pertaining to religious, linguistic, and racial diversity into question, and hence is a legitimate source of concern.³⁵ The key questions are always “How different can we be?” and “How alike must we be?” and, when they are answered, how the answers are to be implemented organizationally and materially.³⁶

As it enters into play with regard to immigration, “identity” centers on nationality.³⁷ Originating largely in the course of efforts to institutionalize “predatory rule” in late medieval European states, modern nations have suc-

ceeded in socializing their populations to perceive one another as fellow members of intimate, family-like bodies, with a common ancestry and a common destiny. Although the formula for identity is usually founded on some objective characteristics of the society, such as the language actually spoken by much of the population and the religion many of them share, the culture of the rulers is usually accorded pride of place. However, political culture and ideological orientation may be invoked also, as in the United States and France following their democratic revolutions, or in the confrontation between “the West” and “the East” in the Cold War decades.³⁸

Much less noted by writers on nationality and nationalism is that the formation of identity always involves a negative aspect as well. As conceptualized by the anthropologist Fredrik Barth, it entails the elaboration of a boundary between “us” and “them”: thus, we are who we are by virtue of who we are *not*.³⁹ In this light, nationality involves the delineation of a boundary, denoting simultaneously inclusion and exclusion. Whatever the objective realities may have been in the early modern era, princes and their serving intellectuals emphasized similarities within the national borders and differences between the nation and its neighbors.⁴⁰ Although the negative “others” are commonly close neighbors with whom perennial wars are fought, from whom “we” must distinguish ourselves by any means possible, they can also be remote aliens, regarding whom little is known and therefore much can be invented. Groups originally recruited as low-skilled “workers” are especially likely to belong to the “non-us” world, a difference that is functional to their subjection within a status hierarchy; but this “wanted but not welcome” syndrome creates problematic situations if and when the workers begin turning into permanent settlers, akin to the dynamics of “liminality” analyzed by Victor Turner.⁴¹

Differing assessments along these lines precipitate confrontations not only between “natives” and “foreigners” but also among the “natives” themselves, between those who perceive the newcomers as a threat in relation to what is deemed a fragile status quo, and others more confident in the society’s ability to weather change, or who welcome the diversity the newcomers would contribute as an enrichment. These alignments are probably related to a more comprehensive cultural cleavage that is emerging as the contemporary equivalent of the older rift between religious and secular camps, and encompasses other “cultural” and “moral” issues such as abortion, feminism, gay rights, or the death penalty. However, the camp of those positively disposed toward immigrants may also include “natives” who are not particularly open to change, but who feel an affinity with particular groups of newcomers, notably

fellow religionists or ethnics. This sometimes involves the national community as a whole, with respect to populations located in other states who are regarded as “external nationals,” on whose behalf the state may devise a “law of return” or some other unusually generous immigration policy.⁴²

Refugee policy has tended to be driven by strategic considerations arising quite directly from the dynamics of the international political system: providing asylum to the victims of one’s enemies was consistent with the imperatives of *realpolitik* in that it demonstrated the antagonist’s evil ways and undermined its legitimacy. Concomitantly, refugees tended to be ranked high on the positive side of the “identity” axis throughout western countries; this was almost by definition, as in earlier times they were welcomed exclusively on the basis of religious or political affinity with the receivers, and therefore were not strangers but brothers and sisters in need. Under these conditions, statecraft and humanitarianism went hand in hand. By the same token, states were not inclined to help victims not “like us”: proletarian Communards had almost no place to go after their defeat in 1871, and Jewish victims of Nazism were denied havens as well.

However, in the post–World War II period the international community began moving toward a more cosmopolitan approach, eventually extending refugee status to all those, anywhere in the world, who are outside their country and without government protection as consequences of “reasonable fear” of persecution. Concurrently, the superpowers expanded the domain of their strategic confrontations to encompass many regions of the Third World, contributing to a vast enlargement of the refugee pool. Although the overwhelming majority remained in their region of origin, some came knocking at the door of the affluent countries, and the fact that an increasing proportion of those who sought asylum were poor people of color—and thereby akin, from the perspective of the receivers, to immigrant workers—triggered alarm bells and prompted a reconsideration of established policies. This revisionism was facilitated by the end of the Cold War, which eliminated at one blow the “realist” foundations of the postwar refugee régime. The United States retained a refugee policy founded almost exclusively on “realist” foreign and security considerations until about 1980; although it then subscribed to the international régime, its actual policy continued to be driven by “realism,” with some intrusion of constituency pressures (particularly with regard to eastern European Jews). The end of the Cold War, which eliminated at one blow the “realistic” foundations of the postwar refugee régime, has led to a sharp narrowing of the scope of the affluent democracies’ refugee policy, including in the United States.

The persistent coexistence of these two very different dimensions of consideration and, concomitantly, of interests, the one pertaining to the putative or actual effects of immigration on material conditions, the other for cultural and political conditions, can be represented by cross-cutting axes, each with positive and negative poles, providing for a continuum of alignments from “for” to “against.” Hence, it is possible to adopt a positive position on immigration with respect to one dimension, and a negative one in relation to another. This accounts for the often remarked upon tendency of immigration politics to straddle the ordinary “liberal/conservative” divide, and concomitantly the emergence of “strange bedfellow” coalitions for or against particular proposals. Successive attempts to resolve these disparate imperatives in the face of changing conditions shape immigration policy into complex and often inconsistent configurations, such as the segmentation of U.S. policy into a “main gate” dealing with general immigration, a side door for refugees, and a “back door” dealing with the procurement of temporary agricultural workers (Chapters 11 and 12).

Overall, in distinction from the prevailing view of American immigration policy as a single historical line weaving between openness and restriction at different points in time, I believe it has involved from the outset a combination of disparate elements designed to facilitate or even stimulate the entry of immigrants deemed valuable while deterring those considered undesirable, and occasionally even going beyond this to rid the nation of populations already in its midst. The result of deliberate efforts by policy makers responding to changing circumstances at home and abroad, these elements have intermittently crystallized into policy settlements anchored in concrete bureaucratic institutions, amounting to an “immigration régime.” Once they have come into being, a protracted process spread over a half-century or so, these régimes acquire inertial power by way of the sheer weight of established institutions and of the interests of certain actors in preserving the status quo, turning attempts to change policy into an uphill struggle and thereby shaping the subsequent course of history, in keeping with the notion of “path dependency.”⁴³

This approach provides the framework for a revised understanding of the history of American immigration policy as beginning with the formation of an immigration régime in the 1750–1820 period, combining elements of colonial legacy with newly wrought bits of state and federal policy. Despite changing circumstances in both the United States and Europe, which triggered numerous policy initiatives, this foundational régime survived pressures to change throughout the antebellum period. Elaboration of a successor régime,

designed to meet the challenges of the industrial age and of globalization, began as early as the 1870s but was not completed until the 1920s; in the intervening period, however, immigration was shaped largely in accordance with the residual older design. Efforts to substantially modify the second régime were launched as early as the 1930s, but largely failed until 1965, when the principal elements of a third edifice were set in place, with complementary pieces added over the next two decades. Once again, even as the régime was still being completed, challengers initiated efforts to replace it altogether. At the turn of the millennium, however, the outcome was by no means evident, as the imperatives of globalization pulled in opposite directions. While the formation of a North American economic zone fostered a consideration of modifications allowing for greater freedom of movement, the events of 9/11 abruptly revived obsolescent concerns over immigration as a threat to national security, and hence fostered a tightening of borders.

Political Process and Political Institutions

However powerful, the effects of social forces, external and internal, are not automatically translated into policy outcomes, but are mediated by political structures.⁴⁴ In the case of the modern United States, relevant considerations include the effects of formal political institutions in facilitating and constraining the elaboration of policy, notably the allocation of decision-making authority and power between levels and branches of government as well as the structures of representation and the electoral system. Proper attention must also be paid to the role of political parties and organized interests in decision making.

Each of the two dimensions represented by the axes also fosters a distinct mode of interaction between elites and the public, with concomitantly distinct outcomes.⁴⁵ Inspired by organization theory, Gary Freeman has suggested that “expansionist and inclusive” policies occur because, while the benefits of immigration are concentrated, notably by providing lower costs for employers in certain economic sectors and gratification for kin and coethnics of incoming groups, its costs tend to be diffuse, notably increased competition for jobs among some groups of the resident population and increased demand for certain services. Such a distribution tends to produce “client” politics, where small and well-organized groups intensively interested in a policy develop close working relationships with officials responsible for it, largely outside of public view and with little outside interference. Consequently, policy makers

are more responsive to their immigration-advocating clients than to the more ambivalent or even opposed general public, whose utility-maximizing ability is handicapped by “serious barriers to the acquisition of information” about immigration and by a “temporal illusion,” whereby the short-term benefits of immigration are easily seen whereas its long-term costs are denied or hidden. As a result, “[O]fficial policies tend to be more liberal than public opinion and annual intakes larger than is politically optimal”—in other words, the policies preferred by the median voter.

The situation with regard to “identity” is the reverse of what prevails in the economic sphere: the costs of immigration are diffuse, in the sense of a malaise pertaining to “threats to nationality,” whereas the benefits are concentrated, in that certain ethnic groups increase their weight and hence “recognition” and potential political power in the nation. This may account for the reluctance of U.S. elites around the turn of the twentieth century to endorse immigration restriction, and for their eventual movement toward “universalism,” notably with regard to the elimination of the national origins quotas directed against southern and eastern Europeans in the 1950s, when these groups became the mainstay of the urban wing of the Democratic Party but also provided new opportunities for the Republicans. Both dimensions make for “client” politics, but involve different sets of clients. The combination of business and ethnic groups as strange bedfellows into a “pro-immigration” camp is a characteristic U.S. outcome, partly a function of the rapid incorporation of immigrants into the body politic. More generally, the “concentrated-diffuse” measure is more heuristic when applied to disaggregated elements, and when a distinction is made between concentration within economic sectors and concentration in space.

While the distribution of costs and benefits of particular policies does shape political dynamics, policy issues do not arise in a vacuum but in a field structured by previous historical experiences, including ongoing policies in the sphere under consideration, which can be accounted for by way of path dependency. Contemporary American policy making takes place within the context of a prevailing worldwide restrictive immigration régime, which has to be explicitly accounted for. Another matter is that although Freeman speaks of “immigration policy” as of a piece, this ignores an important institutional reality, whereby all states today distinguish between “refugees” and “ordinary” immigrants, and in effect also between “settlers” and “workers.” Accordingly, rather than a single overall dynamic, we should expect different processes to prevail in each of these policy areas.

Within the sphere of political economy alone, there is considerable variation in how the principal class actors are organized, and this in turn makes for major differences in the process and substance of policy: strong or weak labor unions, industrial or craft organization, the presence or absence of “peak associations” among workers and employers, and corporatist “social compacts” or unruly pluralism.⁴⁶ These structures account for not only variation in political dynamics, but also some variations in policy—such as the organization of formal guest worker programs in the more corporatist European countries (Germany, the Low Countries, and Sweden) as against employer-driven programs, often involving processes of marginal legality where unions do not participate in the making of industrial policy (France and the United States).

This is applicable to the “identity” dimension as well. For example, the ethnic organizations established by earlier immigrants in the United States achieved a degree of legitimacy as political interlocutors beyond what might be expected on the basis of their electoral weight, forming in the cultural sphere an equivalent of the “corporatism” that is sometimes encountered in Europe within the political economy sector, but is absent in the United States. Newer ethnic groups benefited in the 1970s from the technical and financial assistance of charitable organizations, notably the Ford Foundation, in organizing themselves along established lines, a development that distinctively shaped the subsequent dynamics of immigration politics (as detailed in Chapters 9 and 10). The standing of these ethnic organizations as “clients” is thus not merely a function of the concentration of benefits fostered by immigration policy, as demonstrated by the fact that in Europe, they have not become clients despite a similar concentration of immigration policy benefits.⁴⁷

Some of these problems are addressed in a recent study by Keith Fitzgerald, inspired by the “structuration” approach of Anthony Giddens. Fitzgerald views the policy-making process as “episodic,” with innovation commonly arising from improvised solutions to pressing problems.⁴⁸ The work is founded on a disaggregation of immigration policy into three segments, dealing respectively with permanent residents (“front-gate immigration”), refugees, and unsanctioned migrant laborers (“back-door immigration”), which display distinct policy dynamics that can be accounted for by contending theories of policy formation. Whereas policy regarding the “front gate” is shaped by the relatively free play of competing societal interests (political science’s traditional “pluralism”), refugee policy is shaped by “realism” (in which the state looms as a major agent pursuing interests of its own), and “back-door” policy comes close

to fitting classical “class-conflict” theories. While the disaggregation of “immigration policy” into discrete components does capture an often ignored feature of reality, in fact, all three modes of policy formation occur in each of the components; for example, while refugee policy has been driven to a considerable extent by foreign policy considerations, “pluralist” elements have come into play as well, notably by way of ethnic constituency pressures for and against the award of refugee status to particular groups. Moreover, the weight of “realist” considerations in the policy-making process is not a constant, but fluctuates with the salience of security concerns, notably the emergence of the Cold War, its waning, and the advent of 9/11.⁴⁹

Together, these insights into the possible effects of political institutions and processes impart an indispensable concreteness to the macroanalytic considerations arising from the interaction of the political economy and identity axes within the global perspective set forth earlier. Social theory and history are both vital instruments if we are to understand how, even as it rose to world paramourcy and asserted itself as the leading conservative state, the United States redesigned itself as the first nation to mirror humanity.

Although my work has been cast all along in an historical perspective, this is my first attempt at producing a major study that engages in a direct dialog with historians, and on a key American subject to boot. With regard to primary sources, I would like to acknowledge a special debt to Edith Abbott, whose compilations of original material pertaining to American immigration up to the 1920s which I discovered in the University of Chicago library longer ago than I care to recall, very much inspired me to launch the present venture and pointed to likely sources of information. I have also relied heavily on secondary sources from a wide range of disciplines, including historical monographs and social science analyses. If, in the course of doing so, I often assess these works critically in order to account for the selective use I make of them, it will be understood that this is done in a collegial spirit and in no way reduces my gratitude to fellow scholars.

From Empire to Republic

Intoning the litany composed for them by Thomas Jefferson, the Americans assembled at Philadelphia relentlessly enumerate the wrongdoings of the man beneath the crown: “He has refused his assent to laws. . . . He has forbidden his governors to pass laws. . . . He has refused to pass other laws. . . . He has called together legislative bodies at places unusual. . . . He has dissolved representative houses. . . . He has refused . . . others to be elected.” But the seventh time around, there is a shift in phrasing, as if to enhance the hammering’s effectiveness by relieving its monotony, with the substantive issue now stated up front: “He has endeavoured to prevent the Population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new Appropriations of Lands.”¹ Not content with bringing the unruly colonies to heel now, King George is determined to limit their population so as to minimize their future. Taking up the challenge, the colonists are equally determined to replace the immigration policy fashioned for a European empire with one of their own making, designed to serve an expansive American republic.

Duly noted in accounts of the founding, but as a side issue, grievances regarding immigration and naturalization belong in the foreground because these matters were regarded by both British imperial authorities and the American leaders as key processes that shaped basic features of the colonies’ existence: the size of their population, its composition, and the rules for membership in the body politic. Rather than isolated skirmishes, the confrontations over these issues were vital episodes in the larger war over sovereignty, and amounted to an epochal struggle over the structure or “design” of American

society. The American colonies amounted to a congeries of disparate population fragments that had come into being as the intentional and unintentional by-products of migration policies tailored to the pursuit of imperial objectives; to fuse these elements into a unified society, and one that would provide the social underpinnings of a “republic,” was an immensely ambitious task, which required, among other things, a fundamental modification of ongoing immigration policies and related practices.

With these matters hotly debated for several decades before 1776, it is evident that American immigration and citizenship policy was in the making well before the country’s formal independence. The concerns expressed at the moment of independence adumbrate a lasting feature of the fledgling new republic, rooted in its peculiar colonial origins: although regulation of the movement of persons across a state’s borders and access of aliens to citizenship by way of naturalization were recognized by contemporaneous legal and political thinkers as matters of import, in the United States they achieved unprecedented practical and theoretical prominence because foreign immigration—as against mere transfers within the empire—made a much greater contribution to its population than had ever occurred in any European nation, or than any political philosopher envisioned might take place in a constituted community.

The particulars voiced in the seventh charge pertain to the positive side of immigration policy, that is, the provision of incentives to attract desirable settlers.² Foremost among the instruments devised by the colonies for this purpose was the naturalization of foreigners on much easier terms than in Britain itself. The object of a perennial tug of war between the colonies and the metropole ever since the late seventeenth century, the issue was propelled to the top of the political agenda in 1773 when Britain abruptly forbade its governors to assent to any new colonial naturalization acts. In the increasingly charged political context, the disagreement widened into a confrontation over sovereignty, as well as between the traditional conception of subjecthood and an emerging notion of republican citizenship.

The king’s refusal to pass other laws “to encourage their migration hither” probably refers to the disallowance of a North Carolina act of 1771, which provided a four-year tax exemption for new settlers who came directly from Europe. The third grievance, “raising the conditions of new appropriations of lands,” was prompted by an Order in Council of 1773 and related instructions issued the following year that effectively prohibited westward migration into the territories recently conquered from France, which the Americans eyed as

their own. The policy fell especially hard on land speculators, notably Benjamin Franklin and George Washington. The Americans' anger was further exacerbated by London's ongoing attempts to discourage or even prohibit altogether the transatlantic migration of valuable British subjects, treating the colonies as if they had already turned into foreign lands, and thereby contributing to a self-fulfilling prophecy.

The founders were also inflamed by Britain's obstruction of the negative side of immigration policy, that is, measures enacted by the colonies to deter undesirables, which they resented as denying them the right of any community to self-protection. Prominent among these were perennial enactments to prevent the landing of convicts, inaugurated by the general court of Virginia as early as 1670, as well as regulations designed to keep out paupers. Most recently, the government also disallowed prohibitions of the slave trade imposed by South Carolina (1760), New Jersey (1763), and Virginia (1772); although these actions were largely motivated by fears that an unduly large proportion of blacks to whites would jeopardize colonial security, the British stance made it possible for advocates of American liberty, notably Benjamin Franklin and Thomas Jefferson, to answer charges of hypocrisy by asserting that slavery was imposed upon them by England.³

Empire Building in a New World

In the course of a century and a half of rule, the British Empire's migration policies and practices contributed to the formation of heterogeneous social fragments that, when assembled into a new state, encompassed a vastly broader diversity of racial, linguistic, and religious groups than existed in any kingdom of Western Europe. In the sixteenth century, North America had an aboriginal population of 2 to 5 million, but this declined precipitously after European contact.⁴ For the period as a whole, net immigration from Europe into the original United States is estimated at 501,000, including 155,000 in 1630–1700 and 346,000 in 1700–1780.⁵ A mix of free settlers and bound servants, the migrants were drawn initially mostly from England, but later on largely from the Celtic countries that were being amalgamated into the United Kingdom. There were also sizeable flows from the Continent, notably German speakers from a variety of principalities of the southwestern region of the Holy Roman Empire, as well as Swiss cantons. A population of mostly Dutch origin was incorporated by way of conquest as well. Concurrently, from the mid-

seventeenth century onward, some 400,000 slaves were imported into the area from Africa.

These developments reflected policies designed from 1600 onward when, after successfully containing the Spanish Empire in Europe, the ascending northern powers were in a position to challenge more openly its monopoly in America. As they engaged in their moves and countermoves on the gigantic New World chessboard, France and England faced the same conundrum: in the islands and mainland regions to which they gained access, land was available in unlimited quantity almost for the taking, but labor was extremely scarce. A model developed by economic historians suggests that under circumstances such as these, if aspiring settler-landlords were to obtain income beyond what they could produce with their own hands, the workers they used must be prevented from moving and be forced to work—that is, they must be bound in some fashion.⁶ In the absence of bondage, colonization of free or very cheap land would lead to the emergence of family farms, with some commercial exchange to meet local needs. This alternative outcome was especially likely in French and British settlements because of the paramountcy of the nuclear family in northern European cultures and the low density of native populations.⁷

The objective of overseas ventures was of course not to launch family farms but to develop colonies proper, that is, establishments designed to produce and export commodities that could be neither produced in Europe nor acquired by trade.⁸ The leading colonial crop, from the twelfth century onward, was sugar, whose production required frost-free land and the organization of large plantations, as was done in the Caribbean; on the North American mainland, it was initially tobacco, to which rice and indigo were added later on, and eventually cotton.⁹ To minimize the loss of human capital by way of emigration, at a time when population was reckoned to be scarce and hence highly valuable, ideally production was to be carried out by a non-European labor force under the supervision of a small number of Europeans. However, because Indians could not be enslaved in sufficient numbers to resolve the labor problem, workers had to be imported in large quantities.¹⁰ The process of importation in turn made bondage even more imperative than suggested by the model because the workers must be acquired, transported over long distances, and marketed upon arrival; consequently, control over them must be maintained for a considerable period to recoup the considerable costs involved, be they borne by middlemen or by the eventual employer. Regularization of the system required the provision of a legal apparatus establishing

title to the workers as “property,” as well as the organization of some sort of police to back up the employers’ claims and to enforce the harsh discipline required to exact labor from the workers under such conditions. This entailed active involvement by the state.

Overall, the French and British plantation experiences in the Caribbean and in the southern mainland were remarkably similar, especially with regard to the policies devised to resolve the problem of labor procurement. In the first half of the seventeenth century, as the slave trade was still under firm Iberian control, the northern colonists had little choice but to draw their labor force mostly from their own European population; but as the strategic balance changed to their advantage, they were able to turn to Africa instead.

Mercantilist preferences to the contrary notwithstanding, family farm settlements did emerge within the British and French American Empires as well, and in adjacent regions: New England and Canada—the region of Nouvelle France that is now the Province of Quebec.¹¹ However, although both settlements were launched in the early seventeenth century, by the time Britain conquered Canada in 1763, the huge province’s population numbered only 79,094, as against some 600,000 New Englanders, including 245,698 in Massachusetts alone.¹² Given nearly identical rates of natural increase of about 3 percent a year, the disparity is attributable almost entirely to the much smaller net migration from France to Canada, the more surprising as in the middle of the seventeenth century, France’s population amounted to some 20 million, approximately four times that of England and Wales, and in the early eighteenth century was still more than twice as large as that of all of Great Britain and Ireland.¹³

Conditions in early seventeenth-century England fostered a unique solution to the colonial labor problem, as the country was perceptibly more densely populated than ever before in human memory, and probably in history.¹⁴ Although English policy makers generally subscribed to Jean Bodin’s mercantilist doctrine, “One should never fear that there may be too many subjects or too many citizens, considering that there is neither wealth nor power but of men,” colonial promoters argued that the country was too densely populated and that additional territory was necessary to support the surplus.¹⁵ During this period England also experienced a spurt of industrialization and commercialization that produced greater collective wealth; but because the rate of economic growth did not keep up with the population increase, there was a decline in real wages. The transformation of the economy was accompanied by a wave of enclosures that threw part of the rural population off the land

at the very time it was increasing, propelling a large number of the rural unemployed or underemployed to the cities, much as in the contemporary Third World.¹⁶

Although such an economic configuration provided the makings of a classic emigration “push,” at the time “there is no evidence whatever that as a class the ‘surplus’ inhabitants had any yearnings for a new and perilous existence in the colonies.”¹⁷ Moreover, even those willing to take a chance did not have the means to cover the high transportation and relocation costs, amounting to approximately half the total annual wages of an unskilled laborer or one-third those of a skilled colleague; and because wages were close to subsistence, it was in effect impossible to forgo work for the lengthy period involved. In this context, the development of a system permitting the massive transfer of labor from England to its colonies by turning servants into a commodity emerges as a major economic innovation, on a par with the fateful organization of the African slave trade along these lines two centuries earlier.¹⁸ The importance of this factor is highlighted by a comparison with France, whose attempts to develop a similar system were much less successful.

In its first two decades of activity, the Virginia Company undertook various experiments to adapt existing legal devices binding servants and apprentices to their English masters for the longer periods required to recoup the costs of transportation to the colonies.¹⁹ A successful formula eventually emerged, whereby the workers were bound for a number of years sufficient to repay the investment, and sold outright to the planters for the duration of their contracts; routinized by way of printed forms with blanks for specifying terms of service, the traffic in servants constituted “the backbone of the whole migratory movement” to the English plantations. After the system was launched, Virginia’s white population climbed from 2,500 in 1630 to over 10,000 ten years later.²⁰ Although African slaves became available from Dutch interlopers, their purchase price was higher than for whites, and the supply not assured; since the Netherlands had access to African slaves from the outset, it stands to reason that it was in England that a market in transatlantic white labor became most thoroughly institutionalized.²¹

In the second half of the seventeenth century, the English population’s disposition toward emigration and the relevant policies were reshaped by the epoch’s political upheavals, as well as by the imperial ambitions of successive regimes. The spectacular development of sugar on Barbados, as well as more general foreign policy considerations, promoted the Commonwealth’s “Western Design” that culminated in the conquest of Jamaica from Spain in

1655. Concurrently England also challenged Dutch commercial supremacy, including its control of the slave trade; the Royal Africa Company was founded in 1660, and four years later England expelled the Dutch from the North American mainland. As England's economic transformation proceeded apace, industrial monopolies were severely shaken and wage laborers became more mobile; barriers to internal trade were removed, commercialization extended further. While these changes enlarged the pool of potential emigrants, they also stimulated demand for labor at home. The real wage began to climb, and by the early eighteenth century surpassed its previous peak.²²

Although economic and strategic considerations called for the sustained development of colonies, their unquenchable thirst for English labor now competed with home needs. An ingenious alternative would be to supply the colonies instead "with the undesirables, vagrants, convicts or people like the Quakers who were thought to be making a nuisance of themselves at home. That they could and should do with such was a comfortable notion that made great headway."²³ However, transportation, which was prohibited as a penalty in its own right under English common law, came into widespread use as a form of commutation for capital punishment, and eventually as an intermediate penalty between capital punishment and lesser sanctions such as whipping and branding.²⁴ The pool of candidates for transportation expanded rapidly, as conditions fostered a growing number of displaced poor, whose efforts to survive by poaching and the like prompted enactment of a torrent of draconian "black laws" to protect the country's steadily privatized patrimony.²⁵ Urbanization also fostered the professionalization of crime. Penal transportation was generalized in England around 1655 and soon extended to Ireland as well. To the felons were added Royalist prisoners from the Civil War, many of whom were Scots, as well as Irish Catholics forcibly removed from northern and eastern Ireland, where they were replaced by politically reliable Scottish Presbyterians.

The suggestion of a concerted imperial scheme to redeploy populations in accordance with specific objectives is by no means gratuitous, as the notion that by transporting Irish rebels the English government might simultaneously destroy Catholicism in Ireland and satisfy labor hunger in the colonies was duly recorded at the time by England's Venetian secretary as a policy under active consideration.²⁶ After the Commonwealth gave way to the Restoration, a similar fate was meted out to Quakers, Scottish Covenanters, and other rebels.

Overall, net emigration from England and Wales in the seventeenth century

may have reached 700,000, including a considerable flow to Ireland; the estimate to the New World (including some Scots) is 378,000 for 1630–1700.²⁷ In keeping with the government's desire, nearly 90 percent of them went to the plantation colonies, between one-half and two-thirds of them as bound labor; however, because of high mortality rates from the passage and "seasoning," and also because of the high proportion of males and some return migration at the end of service, as of 1700 there were only 35,500 whites in the Caribbean and another 86,400 in the South, less than one-third the number who went.²⁸ Only one-tenth of transatlantic migrants, some 39,000 altogether, ended up in the northern settlements. Promoters of the Plymouth Company, reconstituted in 1620 as the New England Council, failed to attract investors to an unpromising region; however, that same year, a settlement was launched within the company's chartered zone by a group that included religious separatists who had immigrated to Holland in 1608. Unable to overcome Dutch guild restrictions and fearing a resumption of war with Spain, the refugees obtained royal approval to lease land within the company's borders and then bought out the other investors. In the intervening years, another group of dissenters secured a patent for the adjacent territory to the north.

Within the framework of mercantilism, these settlements constituted "anticolonies" that developed along the alternative path resulting in the family farm outcome. "Considerably less than half" of the initial immigrants were indentured servants, and unlike in the plantation colonies, they did not function as specialized agro-industrial field hands but rather performed a multitude of tasks as members of the household economy, much as farm servants in Britain itself.²⁹ The distinctiveness of these settlements emerged very early on, and in turn shaped subsequent immigration by effecting a selection within the growing pool in England. Although the emigrants included few prosperous yeomen, there were almost no laborers; some 20 percent were "husbandmen," and many others craftsmen or small tradesmen, warranting overall description as members of the "middling classes" of English society.³⁰ In the 1630s, the Stuart regime's High Church policies together with economic maladjustment in the eastern counties fostered an emigration "epidemic" of over 15,000 people. Consequently, as early as 1640, New England's population of nearly 14,000 exceeded the 11,000 of the Chesapeake region.³¹

In contrast with the outflow to the plantation colonies, the British authorities viewed this emigration as a problem rather than as a solution.³² The departure of moderately prosperous craftsmen, artisans, and farmers was contrary to economic sense because it simultaneously created a shortage of valu-

able human capital at home and provided the makings of a competitive economy abroad. There was also a danger in allowing the emergence of a “factious centre” with affinities to the Netherlands, which, albeit a fellow Protestant state, was England’s commercial and colonial rival. Accordingly, a new law was enacted in 1637 to impose an oath of religious orthodoxy on all those planning to leave for America. Nevertheless, over the remainder of the century, some 25,000 additional emigrants moved to New England, including many religious dissenters. Although this was a small number in relation to emigration generally, their visibility was magnified by their relatively high social standing. The most likely explanation for the drain is that the state lacked the capacity or the will to extinguish the flow altogether: “In practice, the regulations were softened by the human frailty of the men entrusted with enforcement and by the ingenuity of those bent on invasion.”³³ But it is also possible that the authorities remained somewhat ambivalent: after all, it was better for dissenters to go to New England than to make trouble at home or move to the Netherlands.³⁴ Thanks to a much healthier climate, there was little or no loss from seasoning; the sex ratio was more even; and because the availability of land and subsistence fostered early marriages, fertility was much higher than in Europe. Consequently, by 1700, the white population of Britain’s northern mainland colonies (including Newfoundland) had grown to 135,100.

Religious dissenters were generally kept out of the colonies because of their putatively doubtful loyalty in relation to foreign powers that shared their religious orientation; this is why France prohibited the settlement of Huguenots in northern America and why England was equally determined to keep out its own Catholics from strategically vulnerable regions.³⁵ However, from the same strategic perspective, the Puritans were an asset rather than a liability because the religious radicalism that rendered them unbearable at home insured they would constitute a reliable outpost against the Catholic French. This rationale was applicable also to Quakers and to Scottish Presbyterians, who were even then being resettled in Ulster to bring the native Irish to heel.

As the century wore on, England’s steadily growing naval supremacy opened the way to a more rational approach to colonization, which largely resolved perennial concerns over emigration. The turning point was the organization of the Royal African Company, which with the backing of the Royal Navy put an end to Dutch hegemony over the slave trade, and secured for Britain direct access to the African source. The availability of slaves quickly altered the balance of costs between African and European labor; by the same

token, the metropole henceforth competed more effectively with the plantations for servants and apprentices.³⁶ In the southern mainland colonies, for example, the relative price of servants in relation to slaves went up by 57 percent between 1675 and 1690; the flow of white servants peaked in the 1660s and declined in the last two decades of the century, while the proportion of blacks rose rapidly from 5 percent of the population in 1660 to 21 percent in 1700. On this basis, one of the “new” economic historians has argued that the issue of labor supply largely resolved itself through the operations of the labor market.³⁷ To be sure; but it was a market whose “commodities” came into being thanks to forceful state intervention at the international level, and its collusion in the monstrous transformation of the common law into an instrument for securing total ownership of one human being by another.³⁸ And as the Caribbean colonies turned into increasingly efficient agro-industrial producers, the Puritan family farmers turned into Yankee commercial entrepreneurs, whose success was founded on the production of provisions for feeding the slaves and their supervisors.

Eager for additional settlers to open up the new inland territories at their disposal, British colonial promoters followed the Dutch and Swedish lead in exploring the possibility of enlisting German Protestants. Faced with general devastation at the end of the Thirty Years War (1648), some of the German-speaking mini-states—including Swiss cantons and principalities of the Holy Roman Empire—had sought to establish colonies of their own; however, because opportunities for doing so in North America were rapidly foreclosed by Anglo-French dominance, their rulers accepted Dutch and Swedish offers of settlement.³⁹ After a bloodless conquest, in 1674 Britain gained permanent control over New Netherlands, whose population, including Dutch, French-speaking Walloon Huguenots and other North Sea Europeans from as far afield as Norway, was quickly anglicized.⁴⁰ Following in the wake of these developments, William Penn’s visit to Germany in 1677 stimulated the creation of an officially approved Frankfurt Emigration Society, which organized the departure of fifty emigrant ships in 1682–1684.⁴¹ Anglo-Dutch entrepreneurs based in Rotterdam, and familiar with the British market for servants, quickly took up the opportunity to convey Germans to their overseas destinations and eagerly promoted additional business.⁴²

The recruitment of non-British subjects as servants was one thing; but foreigners of greater substance would not come and invest without assurance that their property would be secure. This required action to eliminate their alienage, because under the common law, upon the death of an alien his

property escheated to the Crown—or alternatively, in the colonies, to the proprietor or the charter government. The traditional solution in England was naturalization; but this could be accorded only by Parliament, which jealously guarded its authority so as to deter foreign immigration to England, feared as a threat to “the maintenance of its peculiar institutions in church and state and . . . the purity of the English race.”⁴³ At best, the process was lengthy and expensive, and Catholics as well as Jews (until 1753) and other non-Christians were excluded by requirements of Protestant communion and oath to the Crown.⁴⁴ A lesser alternative was “denizenship,” a more limited form of incorporation restricted to economic rights, notably to own land and to trade, which could be granted by royal prerogative; this was occasionally extended to Jewish traders for purposes of colonial development.

Since colonial charters customarily permitted the grantees to transport to America strangers not otherwise prohibited, local authorities subsequently assumed that these clauses empowered them to extend to such strangers the rights of subjects, at least within their own jurisdiction. Usually granted on an individual basis, colonial endenization or naturalization—the precise legal standing of these distinct practices was ambiguous—was sometimes extended to groups as well, and usually on more permissive terms than in England. Colonial legislation generally did not impose any residence requirement; and although they required that the applicants be free, so that the indentured were excluded for the length of their term, costs were within the reach of “those possessed of small means.”⁴⁵ Although for the most part no oath to the Anglican Church was mandated, and rights were occasionally extended to alien Jews, Roman Catholics were almost universally excluded.⁴⁶ Initially, the British government appeared content to let sleeping dogs lie; but toward the end of the century, it was spurred to action by a concern that foreigners were encroaching upon British trade. Accordingly, in 1700 London issued an order-in-council that effectively blocked the granting of rights to groups and strictly limited the domain of the rights granted to individuals to particular colonies.

The Antinomies of Perfected Mercantilism

As the European states continued their rise to world hegemony, Britain fashioned itself into the dominant sea power while France battled its way to paramountcy on the Continent, turning into Leviathan and Behemoth, locked in a struggle to the death. In keeping with the tenets of mercantilism, the plantation colonies now vastly increased their slave imports while reducing their

intake of white labor.⁴⁷ Concurrently, immigration from the colonizing nations proper declined substantially from the levels achieved in the middle part of the previous century.⁴⁸ In their island colonies, Britain achieved a ratio of slave imports to white immigration of nearly 10:1, France of over 30:1.⁴⁹ From a mercantilist perspective, the latter was as close as anyone had yet come to perfection; but hindsight makes us aware that such an extreme ratio invited disaster.

The white population of the future United States exploded from 223,100 in 1700 to 2,205,000 in 1780, with most of this tenfold increase attributable to an amazingly high rate of natural reproduction. The most carefully wrought estimate records a net migration of 336,800, of which over one-third was concentrated in the decade and half preceding the revolution.⁵⁰ Less than one-fourth of the newcomers were English; of the remainder, the leading groups were Scotch-Irish Ulstermen and Germans, followed by Scots proper, imparting to American society a precocious multiculturalism. The traditional explanation for the decline of English immigration is a weakening of the economic push.⁵¹ Although this played a role, matters were not left to market forces alone: officials in effect regulated the English servant trade out of existence, as a consequence of which recruitment shifted to Ireland, Scotland, and foreign lands—so long as they were not Roman Catholics.⁵²

A new labor system was devised for this purpose. In contrast with the mostly single and largely destitute servants, it involved families that borrowed part of the costs of their emigration on the security of a pledge of service. Upon landing, these “redemptioners,” also called “free-willers,” were given an opportunity to obtain the wherewithal to redeem the pledge from relatives or friends before being sold to an employer. Later on, mutual aid societies arose for this purpose as well.⁵³

As noted earlier, eighteenth-century English migrants included a substantial number of convicts. Already a penalty under Scottish law, transportation was legalized in England in 1718 and subsequently emerged as the foremost punishment for Britain as a whole.⁵⁴ Repeatedly promoted as the “most humane and effectual punishment” in the British arsenal, and the only one that afforded the prospect of rehabilitation by way of exposure to a new environment, “It afforded a means of removing threatening offenders from the social mainstream, and without heavy reliance upon either the death penalty or imprisonment, thereby avoiding not only a bloodbath but the creation of a massive corrections system and a coercive force to staff it.”⁵⁵ It was also a highly lucrative business: as numbers grew, government sold the convicts at a cheap

price to entrepreneurs in the servant trade, who marketed them at a hefty profit to overseas employers, often without identifying their provenance. Whereas some American merchants profited, many employers quickly discovered they had gotten a bad bargain. Altogether, transportation added some 50,000 immigrants to the American colonial population in the decades prior to the Revolution, many of them hardened criminals rather than merely offending poor. Hence, it is no wonder that convicts emerged early on as a key issue in American immigration policy.

Although there had been a trickle of immigration to the mainland colonies from Ireland in the second half of the seventeenth century, large-scale movement began only in 1717–1718 with a first great wave from Ulster.⁵⁶ Ulstermen remained at the forefront for the remainder of the prerevolutionary period, accounting for 200,000 of the 280,000 Irish newcomers in 1700–1776; the remainder was divided about equally between Anglicans, many of them of English origin, and Catholics from the island as a whole.⁵⁷ Albeit organized by Presbyterian ministers, the initial exodus from Ulster was induced primarily by economic necessity rather than religious disabilities. Its immediate cause was the expiration of leases that had been granted on easy terms as an inducement to Protestant immigrants from Scotland so as to reduce the province's native Roman Catholic population to a minority. The Ulster Scots, who came to be known in America as "Scotch-Irish," now had to compete with Catholics for leases on the open market; but whereas the latter, confined to Ireland by imperial and colonial policies, had no choice but to settle for higher rents, the Presbyterians had the alternative of exit.⁵⁸ As the pool of potential emigrants grew following successive catastrophic harvests, more sought to leave; and since few could pay their own fares or go as redemptioners, Ulster moved to the fore as a major source of supply for the servant trade. Because Scotch-Irish immigrants were resented by New Englanders on both religious and economic grounds, the movement flowed mostly to Pennsylvania. The outbreak of a depression in the linen industry combined with an acute agrarian crisis induced another and yet larger wave of departures in the early 1770s. Given their vociferous anti-Catholicism and their frontier experience, the unruly Scotch-Irish could be turned into a reliable asset in the perennial confrontation with France.

By and large, Catholics remained excluded from the mainland colonies. Following the accession of William and Mary, the penal laws that deterred Catholics from acquiring real property and kept them out of the liberal professions were enforced with renewed vigor on both sides of the Atlantic; and

the exclusion of Catholicism from the public realm, which meant in effect no churches and no clergy, in turn deterred colonial emigration by Catholics who had a choice in the matter.⁵⁹ On this the colonists saw eye to eye with the metropole, sometimes outdoing London in their enforcement zeal.⁶⁰ Although in the first three-quarters of the century some 10,000 Irish Catholics were transported to the American colonies as convicts, and an equivalent number landed within the flow from Ulster, overall the conjunction of British and colonial exclusionary policies proved remarkably effective. According to a survey undertaken shortly after independence by the American Republic's first Catholic bishop, his flock amounted to some 25,000 souls, about 1 percent of the white population, mostly poor southern Irish, small groups of Palatinate Germans interspersed with Protestants from the same region, and a few hundred French-speaking refugees from Acadia.⁶¹ Although a few individuals achieved prominence, including one as a signer of the Declaration of Independence, as a dispersed and still suspect minority Catholics did not figure as a significant component in the new nation.

Contrary to the British government's expressed preferences, English emigration rose again in the 1760s, when the combination of a new spurt of population growth, the accelerating tempo of enclosures, and a sharp drop of real wages generated a social crisis of unprecedented strength.⁶² This was channeled into emigration because the North American colonies were no longer a wilderness but constituted thriving extensions of European society, with which there were now well-established linkages. The greatest of the colonial era, it adumbrated the emergence of a new pattern of transatlantic movement, "a shift to a more mobile, more skilled pool of people exercising some real choice."⁶³ The crossing to America was often the second stage of a migration that began with a move to London, much as occurs in the contemporary developing world.⁶⁴ With the massive departures of the second half of the seventeenth century long forgotten, the wave was further magnified in British eyes as unprecedented.

By providing the alternative of exit, the American colonies threatened to wreak havoc with the social discipline required by the imperatives arising from the new political economy. In a telling incident, in 1773, when the Scottish authorities undertook to prosecute the leaders of a strike in Paisley for unlawful combination, several thousands of the workers threatened to go off as a body to America.⁶⁵ Hence the emigration wave prompted the British state to devise more effective deterrents, and this in turn provoked the colonies further. The government's counteractions included the disallowance of the

North Carolina tax exemption for new settlers from Europe noted at the beginning of this chapter, which prompted the final portion of the seventh charge, added in Philadelphia. Fiscal concessions of this sort were among the earliest incentives enacted by the colonial legislatures to encourage immigration, along with land grants, cash bounties, and moratoriums on debt.⁶⁶ Beyond this, the government imposed explicit restrictions on emigration toward its own colonies, much as if they were already foreign states, with its concern spelled out disingenuously in the preamble to one proposal: “[T]he great increase of people in the . . . colonies has an immediate tendency to produce independency.”⁶⁷

European responses to Britain’s attempts to recruit foreign immigrants and to the pull of opportunities generated by spreading information about its developing colonies were in keeping with the tenets of mercantilism. Enlisting the support of churches, the authorities in the most affected regions resorted to a combination of moral exhortation and legal barriers.⁶⁸ However, under catastrophic conditions such as prevailed in parts of the Holy Roman Empire, emigration might be envisioned as a solution rather than as a problem.⁶⁹ Altogether, between 1683 and 1783, about half a million German speakers left their homes for Hungary, Russia, and to a lesser extent Spain and France, as well as overseas British and French colonies. Although at the most 115,000 (less than one-fourth of the emigrant mass) landed in British North America, they constituted the colonies’ largest and most distinctive foreign white community. The bulk settled in Pennsylvania, where the population of German-speaking ancestry accounted for 50–60 percent of the total in 1760, and 33 percent still in 1790.⁷⁰ German immigration was significantly more family oriented than its British counterparts, and although roughly half of each stream entered servitude upon arrival, the Germans did so mostly as redemptioners. Somewhat older and more skilled than British immigrants, the Germans were highly literate, as indicated by the fact that for the 1727–1775 period as a whole, 71 percent could sign the loyalty oath required of them upon landing, and by the end approached universal literacy.⁷¹

The incorporation of aliens remained problematic throughout the eighteenth century. Legally the issue was shaped by Parliament’s claim to exclusive jurisdiction, which was confirmed by Edward Coke and William Blackstone; politically, by English hypernationalism, championed by the Tories. In 1709 the Whigs finally won their campaign for a general naturalization law, designed on behalf of Huguenot victims of Louis XIV’s persecutions; but because this amounted to the proclamation of a more permissive immigration policy,

which quickly attracted over 10,000 poor Palatines, the Tories repealed the law after they returned to power in 1710. Although as early as 1700, William Penn advocated a general naturalization law designed specifically for the colonies, Parliament failed to act. Meanwhile the colonies continued to grant local naturalization and “endenization.” By the first third of the eighteenth century, this was used on a considerable scale everywhere except in New England, which struggled successfully to retain its English homogeneity.⁷²

In 1740, Parliament enacted a general naturalization law covering the American colonies. Designed as an incentive to foreign settlement, the measure reflected the government’s immigrationist stance, consistent with mercantilist principles: “[T]he increase of People is a Means of advancing the Wealth and Strength of any Nation or Country: And . . . many Foreigners and Strangers, from the Lenity of our Government, the Purity of our Religion, the Benefit of our Laws, the Advantages of our Trade, and the Security of our Property, might be induced to come and settle in his Majesty’s Colonies, if they were made Partakers of the Advantages and Privileges which the natural born Subjects of this Realm do enjoy.”⁷³ The law provided for naturalization without legislative action after seven years’ residence; it required an oath of allegiance, a profession of Christian belief, and the sacramental test; however, reflecting colonial practice, Quakers and Jews were exempt, as were some other marginal Protestant sects.⁷⁴ The procedure was inexpensive and administratively simple. Parliament not only maintained the law in the face of restrictionist pressures, but in response to the exigencies of war, in 1761 it also extended naturalization to foreigners who were commissioned as officers in colonial regiments.

Nevertheless, in their efforts to entice entrepreneurs, most of the colonies continued to incorporate foreigners more swiftly by way of private measures and evaded the prohibition on group naturalization by playing fast and loose with the trade privileges inherent in British nationality. In 1759, for example, Pennsylvania enacted a statute providing that aliens who had died without going through naturalization processes were not liable to escheat.⁷⁵ Driven by competition among the colonies to attract desirable settlers by offering them favorable terms for acquiring land and trading, “The tendency toward generous naturalization policies . . . resulted in systematic deviations from English patterns that carried significant theoretical implications.”⁷⁶ Although these were not articulated until the 1760s, the practices themselves softened the boundary separating ancestral members of the “English race” from adopted newcomers and thereby also adumbrated changing notions of membership.

American Perspectives

Driven as much by the dynamics of state formation in a conflictual international system as by their determination to prevent the colonists from encroaching on metropolitan interests, in the middle decades of eighteenth century the imperial authorities ventured beyond the traditional limits of parliamentary power to introduce “government in depth.”⁷⁷ Within the established legislative framework, the crown naturally held the upper hand; unable to defend their interests, the colonists challenged the framework itself by invoking more general principles that established the legitimacy of their position. In the sphere of “migration and population,” as in many others, the confusing jumble of contending concerns and interests that hitherto shaped policy preferences on both sides of the Atlantic was drastically simplified. Sharing a common understanding of the relevant social mechanisms, the London government and the colonial leadership elaborated mirror-opposite positions. Reframed in this manner, the debate over immigration inexorably evolved into a climactic dispute over sovereignty.

Both sides had similar notions regarding what sorts of people were desirable and undesirable; but whereas Britain was intent on ridding itself of convicts and paupers while seeking to retain the conforming and productive, the colonists were equally adamant to keep out the first and attract the second. Both sides shared a mercantilist understanding of population as the major source of wealth and power; but whereas this led Britain to try to keep the colonial population within bounds, it prompted the Americans to maximize their numbers by all possible means. Beyond this, from the perspective of Britain, the colonies were essentially economic undertakings, whose social, racial, or national makeup did not matter unless it occasioned problems of economic management or of external security. In keeping with Roman imperial tradition, diversity might even facilitate rule by dividing the colonists. But from the vantage point of the Americans, the colonies were communities in the making, whose heterogeneous composition might be a source of conflict and possibly lead to disintegration, the more so if they were assembled into a single political entity.

Britain's Refuse

The most evident undesirables were convicts. Despite the participation of American shippers and labor brokers in the profitable convict trade, their

growing numbers were widely deplored and perennially evoked restrictive legislation. As early as 1751, Benjamin Franklin seized upon the popular issue of convicts to mobilize support for broader political demands. Recounting reports of horrendous crimes perpetrated by transported felons in various colonies, he sighs in the *Pennsylvania Gazette*, “What will become of our Posterity!”⁷⁸ Starting from the basic charge that the transportation of convicts is a source of growing criminality, he quickly escalates to the highest political plane: “Thou art called our MOTHER COUNTRY; but what good *Mother* ever sent *Thieves* and *Villains* to accompany her *Children*; to corrupt some with their infectious *Vices*, and murder the rest?” Strikingly anticipating Tom Paine’s indictment of the king a quarter of a century later, Franklin levels a radical charge: England’s transgression is tantamount to infanticide, and by killing her child, she disqualifies herself as a mother.⁷⁹ However, he is aware that matters are not one-sided, and adds that the blame must be shared by “those Merchants, who for the sake of a little paltry Gain, will be concern’d in importing and disposing of these abominable Cargoes.”

In the same year, Franklin published a seminal essay on population, discussed shortly, which provided a framework used by other American thinkers of the revolutionary period in dealing with the subject and inspired Thomas Malthus. With demography evidently on the mind, he concludes his diatribe by linking transportation to the broader matter of population growth: “What must we think of that B——d, which had advis’d the Repeal of every Law we have hitherto made to prevent this Deluge of Wickedness overwhelming us; and with this *cruel Sarcasm*, ‘*That these Laws were against the Publick Utility, for they tended to prevent the IMPROVEMENT and WELL-PEOPLING of the Colonies!*’ ”

On this occasion, Franklin crafts two additional tropes that he would recycle over the next four decades along with the “evil mother.” First, “We do not ask Fish, but thou givest us *Serpents*, and worse than *Serpents!*” The felons themselves are not to blame, because like venomous snakes, they behave in keeping with their unchanging nature. Switching registers to a coarse pun, he then asks, “In what can *Britain* show a more Sovereign contempt for us, than by emptying their *Jails* into our Settlements; unless they would likewise empty their *Jakes* on our Tables?” Later that year, he elaborates the serpent trope into a sarcastic suggestion. Feigning to concede that the American habit of killing rattlesnakes, “Felons-convict from the Beginning of the World,” may be too cruel, he proposes “that this general Sentence of *Death* be changed for *Transportation*.”⁸⁰ Pretending also to accept the reformist rationalizations advanced

on behalf of transportation to the colonies—“However mischievous those Creatures are with us, they may possibly change their Natures, if they were to change the Climate”—he concludes logically that the intractable reptiles should be sent to England for redemption.

Referring again to convicts in “A Defense of the Americans,” written in 1759 under the guise of a letter from “A New Englandman” to the Printer of the London *Chronicle*, addressed in Franklin’s colonial bumpkin persona as “Mr. Chronicle,” he again insists on their unchanging nature but goes one step further, linking poverty and crime as two facets of the same defective makeup: “[T]he same indolence of temper and habits of idleness that make people poor and tempt them to steal in *England*, continue with them when they are sent to *America*, and must there have the same effects.”⁸¹ Hence, instances of redemption “are extremely rare, if there *really* is a single instance of it . . . but of their being advanced there to the gallows the instances are plenty. Might they not as well have been hang’d at home?” Then, citing “a writer of that country” (his own words of 1751), comes the evil mother/toilet joke, once again. Seven years later (1766), following a parliamentary vote for extending the transportation system to Scotland—which eventually became law—the now London-based Franklin issues a “mock petition to the House of Commons” urging the repeal of all acts pertaining to transportation, or alternatively “that then the said Extension may be carried farther, and the Plantations be also by an equitable Clause in the same Bill permitted to transport their Felons to Scotland.”⁸²

By this time, from Britain’s perspective, the problem of disposing of its proliferating convicts in the face of colonial opposition was no minor matter. In 1768, Captain James Cook was sent out by the Admiralty to explore the South Seas. Eventually he landed at what he initially thought of calling Stingray Harbor, but baptized Botany Bay instead to honor the achievements of the *Endeavour*’s gifted naturalists. In addition to their remarkable botanical observations, they also reported on social conditions, and their assessment that the aboriginal population would give no trouble proved decisive when the American colonists’ triumph made it imperative to find an alternative dump for the United Kingdom’s human refuse.⁸³

On the scale of undesirability, “paupers” were a close second to felons. The distinction between the two categories was blurred, as British penal legislation was largely directed against the poor, and poverty itself was increasingly attributed to deficient moral character; sharing in their refusal to bow to prevailing social disciplines, paupers and felons simultaneously corrupted society

and occasioned considerable public expense. With a precocious diagnosis of “welfare dependency” based on conveniently selected evidence, Poor Richard launches the first assault in the protracted American war on immigrants deemed unwilling to support themselves, and against the welfare state more generally. In the course of a transatlantic exchange on the subject of support for the poor, Franklin observes that whereas higher wages induce a decrease of industry among English immigrant workers, this does not hold for Germans—a rare instance in which the Germans, whom he usually badmouths, come out on top. As a good experimentalist, he reasons that since the two share a common ancestry and live in the same climate, the difference “must arise from Institution.”⁸⁴ His prime candidates are the English Poor Laws, which he thinks might induce among the poor “a Dependance that very much lessens the care of providing against the wants of old Age.” In further support of this inference, Franklin points out that on the Continent, the poor in Protestant countries are more industrious than those in Catholic countries, which have more numerous relief foundations, and he concludes by welcoming the new English practice of employing the poor in workhouses erected for that purpose.

Members of the lower classes who are lame, impotent, and infirm—a substantial proportion of populations at the time—were deemed undesirable as well because they constituted a burden to society, and in an age of devastating epidemics, the sick were genuinely dangerous. Since under the prevailing rudimentary regulatory regime it was almost impossible to inspect individuals and hold them accountable, colonial legislatures and port-of-entry bodies sought to deter their entry by imposing head taxes and security bonds, to be paid by shippers or prospective employers, and whose proceeds were sometimes used for the support of charitable institutions. However, these securities were systematically disallowed by London with regard to British subjects; and the colonists were often frustrated in their attempts to impose restrictions and conditions on foreigners as well.⁸⁵

Population and Freedom to Leave

In 1716, evidence of a rapid increase in the number of Americans, derived from more reliable colonial censuses, was hailed by the Board of Trade as a vindication of Britain’s colonial policy, and it recommended that this expansion be further encouraged; but after the board reported in 1755 that the mainland colonies had passed the 1 million mark, “Englishmen began to look

at the colonial censuses and wonder if there might not be too many Americans.”⁸⁶ In this light, Franklin’s 1751 essay, *Observations Concerning the Increase of Mankind, Peopling of Countries, etc.*, can be read as a triumphant proclamation of America’s dawning strength, and hence as a validation of its claim to westward expansion as well as to a distinctive place in the sun.⁸⁷ It is also a remarkable pioneering work of demography, viewing human population as subject to natural principles that govern the lives of animals and plants. In the Enlightenment vein, the essay’s scientific demonstration was also harnessed to political contention. It begins with a scientific argument on behalf of statistics and appropriate rules of inference, which is immediately transformed into a political argument by using it to demonstrate American society’s distinctiveness: differing from Europe in its nature, America warrants different laws as well. Because land is plentiful and cheap in America, marriages “are more general, and more generally early than in *Europe*.” Marriages that start earlier are also more fruitful. Given unions at twenty years of age and eight children, of whom half survive, “our People must at least be doubled every 20 years.” This dramatic projection of the North American colonies’ spectacular rate of population growth, unprecedented in European historical experience to date, proved broadly correct.

Franklin then turns to the implications of this growth for relations between the colonies and the Mother Country. Setting forth a precocious version of the “free land” model, he points out that despite this high rate of growth, labor remains scarce and dear because the availability of land provides to workers the alternative of family farms. This makes it impossible for the colonies to compete successfully with the Mother Country’s manufactures. Franklin also denies that slaves make the colonies more competitive because they are expensive, and the rationale for their purchase arises only from the near impossibility of hanging on to white workers, who have the alternative of family farms. He finally comes to immigration proper. Reviewing conditions that depress population growth—in this pre-Malthus age, still dreaded as a catastrophic turn of events—he mentions among other things bad government and insecure property, the introduction of slaves (which induced a reduction in the number of whites in the English Sugar Islands), and then this: “The Importation of Foreigners into a Country that has as many Inhabitants as the present Employments and Provisions for Subsistence will bear; will be in the End no Increase of People; unless the New Comers have more Industry and Frugality than the Natives, and then they will provide more Subsistence, and increase in the Country.” However, in that case there is a danger that the proliferating foreigners “will gradually eat the Natives out.”⁸⁸

As Franklin's readers undoubtedly noted, he specifies as a condition for this proposition that the receiving country "has as many inhabitants as the present Employments and Provisions for Subsistence will bear." Given his statement regarding the abundance of land, it is evident that this is not the case in the American colonies. However, he makes his own preferences quite clear: it is not necessary to bring in foreigners to fill up a temporary "vacancy" of population—such as might be occasioned by war, expulsion, immigration to the colonies, or the export of slaves—for if the laws are good, such vacancy "will soon be filled by natural Generation."⁸⁹ This anti-immigrationist argument would be restated almost literally by Jefferson three decades later.

In his conclusion, Franklin returns to natural laws, asserting that "there is in short, no Bound to the prolific Nature of Plants or Animals, but what is made by their crowding and interfering with each others Means of Subsistence." Much as in the absence of other plants, the earth might be gradually sowed and overspread with one kind only—we are still in the pre-revolutionary age as well—so "were it empty of other Inhabitants, it might in a few Ages be replenish'd from one Nation only; as for Instance, with *Englishmen*." England's population has already more than made up for colonial emigration, and in another century the colonial population will exceed England's, bringing immense new power to the British Empire. Despite the implicit assumption that the growing colonies will remain within the empire, the vision of a Britain overshadowed by its overseas offshoots could hardly be comforting to readers on the other side of the Atlantic.

For this glowing prospect to be realized, the conditions leading to colonial population growth must be met. This brings us back to current political issues: "How important an Affair then to *Britain*, is the present Treaty for settling the Bounds between her Colonies and the *French*, and how careful should she be to secure Room enough, since on the Room depends so much the Increase of her People."⁹⁰ But the Treaty of Aix-la-Chapelle signed in 1748 was inconclusive, and the year after Franklin penned these words the French responded to the westward movement of American traders by attacking their outposts and killing their defenders, prompting the lieutenant-governor of Virginia to dispatch young George Washington to protest their actions.

Commenting on news of an impending measure to impose restrictions on immigration to Britain's own colonies, Franklin asks in November 1773 why this is thought to be necessary now. One possibility is suggested by an item from a Scottish paper, reporting that 1,500 people emigrated from the Shire of Sutherland in the past two years, carrying with them £7,500, "which exceeds a Year's Rent of the whole Country," and urging that the sufferings the

immigrants experience in America not only make this a matter of concern to the landed interest, but also warrant prohibitive action by the government in the name of the public interest.⁹¹ Starting with the sarcastic response that the “humane Writer” might console himself with the knowledge that the misery in question is imaginary, for the emigrants undoubtedly made their decision on the basis of sound knowledge by comparing their situation at home with reliable accounts sent them by relations in America, Franklin goes on to assert, “If the poor Folks are happier at home than they can be abroad, they will not be lightly prevailed with to cross the Ocean.”⁹² This rational conceptualization of migration as arising from the decisions made by individuals in the light of information regarding conditions at the place of origin and at some putative destination constitutes the corner stone of contemporary social scientific theories of migration.⁹³ By the same token, those who shared Franklin’s understanding expected that *laissez-faire* with regard to exit would be of benefit to the Americans.

He then considers in turn the necessity, the practicability, the policy (that is, the advisability), and the justice of the proposed law:

1. The law is unnecessary because population tends toward equilibrium: “If any Country has more People than can be comfortably subsisted in it, some of those who are incommoded, may be induced to emigrate.” Note the strikingly modern assumption that it is possible to emigrate! However, as numbers dwindle—Franklin here contradicts his earlier contention that emigration does not occasion a reduction of population—competition for subsistence decreases; people are likely to stay home, even if they would not be as well off as if they migrate, because “the inbred Attachment to a native Country is sufficient to overbalance a moderate Difference.” Eventually, the flowing of people brings about a leveling of conditions in various countries; “and where that Level is once found, the Removals cease.” These dynamics have operated in all ages, “or we should not now have had so many Nations.” Concomitantly, to call for a law to stop them “is calling for a Law to stop the Thames, lest its Waters, by what leave it daily at Gravesend, should be quite exhausted.”
2. The law is impracticable because the state lacks the capacity to guard the entire coast, as would be required to turn Britain into a prison.
3. The law is inadvisable because, in keeping with Franklin’s theory of population dynamics, immigration brings about an increase of the co-

lonial population, and thereby strengthens the empire as a whole—he still assumes, at least publicly, that the angry Americans will remain within it. Such national advantages more than balance “the Inconveniences suffered by a few Scotch or Irish Landlords.”

When he comes to justice, however, Franklin shifts abruptly from a mercantilist argument regarding population to the very different issue of the right of human beings to leave their country. As is evident from the context, the issue arose from sheer interest, the American desire to maximize the most desirable immigration. However, as is his wont, Franklin seizes the opportunity to move into the realm of high politics:

4. Beginning with a radical assertion of the right of expatriation, founded on the relativity of a subject’s obligation to his sovereign—“I apprehend that every Briton who is made unhappy at home, has a Right to remove from any Part of his King’s Dominions into those of any other Prince where he can be happier”—he immediately backtracks to less challenging ground: “If this should be denied me, at least it will be allowed that he has a Right to remove into any other Part of the same Dominions.” The right of expatriation need not be invoked because moving to America is no different from leaving Scotland for England, a right that no one but the greediest of Scottish lairds would deny.⁹⁴

By demonstrating that it is a *natural* right, Franklin raises the right to leave to the highest order of claims conceivable within the framework of contemporaneous English political discourse. However, the validity of this claim was moot because contradictory doctrines could be brought to bear on the subject.⁹⁵ Although Chapter 42 of Magna Carta specifies the right of “any one to go out from our kingdom, and to return,” it sharply qualifies this right by adding “saving their fidelity to us.” Moreover, Chapter 42 was omitted from all subsequent reissues of the charter, and the steadily growing assertion of state power in modern times fostered the doctrine of “perpetual allegiance,” which removed the crucial element of voluntarism from feudal contractualism. The latter doctrine was confirmed by Blackstone as a ruling principle of English law in his *Commentaries*, published shortly before Franklin formulated his own argument. Liberal thought was a source of ambiguity as well. In his *Second Treatise*, John Locke observes that history provides many examples “of Men withdrawing themselves, and their Obedience, from the Jurisdiction they were born under, and the Family or Community they were bred up in, and

setting up new Governments in other places,” and goes on to assert that emigration is a natural right that everyone can exercise upon reaching adulthood.⁹⁶ However, this is qualified by way of the doctrine that citizenship is an irrevocable contract, so that the right to leave “is not a reserved right against government; it is one of those natural rights which the individual deliberately surrenders upon entering society.”

Locke’s assertion nevertheless opened a breach in the wall of “perpetual allegiance” with which his American followers were undoubtedly familiar. Additional arguments on behalf of the right to leave could also be drawn from international law, despite its generally statist orientation. Emmerich de Vattel, whose *The Law of Nations* was translated into English in 1760, goes farthest in specifying conditions under which a person has the right of expatriation: (1) if it becomes impossible to make a living, (2) if society fails to discharge its obligations to the person in question, and (3) if the majority of the nation were to alter the regime without his consent. The first will be recognized as precisely the argument Franklin formulated in 1773.

Actual practices were an additional source of ambiguity. Throughout the centuries, English monarchs perennially issued prohibitions on the exit of important classes of subjects, but otherwise restrictions were relaxed, “and it came to be understood that anyone could leave unless specifically forbidden, so that travel and emigration were *permitted* to English subjects as a matter of policy”; however, “the legal authority of the government to forbid this was not doubted, nor did the exercise of this privilege obliterate the allegiance which the emigrant continued to owe to the king.”⁹⁷

In this light, it can be seen that within the ideational and political context of the times, proclamation of the natural right to leave constituted an extremely radical step. Moreover, Franklin’s suggestion that immigration to America is comparable to a move from Scotland to England adumbrated an ingenious way of getting around the stumbling block constituted by the “perpetual allegiance” doctrine: like Scotland before the Act of Union of 1701, the American colonies are “extrinsic dominions of the King,” and hence bound to England only by “shared allegiance.” Because allegiance and protection are reciprocal, default by either party releases the other from his obligation; hence, if the king can be shown to have harmed his subjects, then the Americans have the right to proclaim their independence.⁹⁸

Less than a year later, Jefferson invoked the right to leave even more explicitly as a justification for severing ties with the evil mother. In *A Summary View of the Rights of British America* (1774), which outlined instructions for

the Virginia delegates to the Continental Congress and became a prelude to the Declaration of Independence, Jefferson argues in a Lockean vein that by settling the country at their own expense, the first colonists became as free of British authority as the Saxons had become of German rule by migrating to England in ancient times. By the same token, their subsequent acceptance of British rule was a matter of consent, which could be revoked if conditions changed. Although Joseph J. Ellis has pointed out that this theory of expatriation “was utterly groundless as history” and conveniently overlooked considerable conflicting evidence, notably the charters and patents for which the early settlers applied before leaving England, in 1774 it was becoming ever more widely shared by Americans.⁹⁹

Although Jefferson’s explicit use of the “right to leave” to legitimize the rebellion was ultimately rejected by Congress, leaving no trace in the Declaration beyond the sentence “We have reminded them of the circumstances of our emigration and settlement here,” his insistence on preserving the argument for posterity in his later reconstruction of events leaves no doubt of his own belief that the argument carried considerable weight.¹⁰⁰ Hence, as a doctrine that persuaded Jefferson to act and others to support him, it contributed significantly to the formation of the revolutionary outlook. Beyond its relevance to disputes over British emigration, the right to leave constituted a key element in the emerging American doctrine of citizenship by consent.

New Lands and Naturalization

The Treaty of Paris of 1763, which marked the apogee of British imperialism in North America, raised new issues that fed brewing tensions between the Crown and its American subjects. Whereas the Americans envisioned the newly conquered lands as an extension of the established colonies, over which they would exercise control, Britain instead proclaimed the vast trans-Appalachian territory an Indian reservation from which colonial settlers and land speculators were excluded.

In Canada, circumstances were conducive to a political accommodation between conquerors and conquered, despite the population’s Catholicism.¹⁰¹ Hence in sharp contrast with what occurred in postconquest Ireland and Acadia, under the Quebec Act of 1774 imperial governance was founded on a reinforcement of the economic power of Catholic landowners, protected by the retention of French law, and the organizational and spiritual power of the Catholic hierarchy, protected by freedom of religion. But from the perspective

of the American colonists and especially the New Englanders, the Quebec Act was a nightmare come to life, “an insidious attempt by the ministry to introduce through the colonies’ back door the evils of popery, civil law, and eventual absolutism.”¹⁰² Already battered by the 1763 proclamation, American interests were further hurt by the transfer of the huge area between the Ohio and Mississippi to Quebec’s jurisdiction, which also had the effect of “raising the conditions of new Appropriations of Lands.” Altogether, these grievances prompted the drafters of the Declaration of Independence to level yet another charge against the king:

He has combined with others to subject us to a jurisdiction foreign to our constitution, and, unacknowledged by our laws, giving his assent to their acts of pretended legislation . . . for abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies.¹⁰³

As already shown, naturalization was closely related to land. Whereas in the first half of the eighteenth century the imperial authorities paid little heed to the colonies’ local initiatives, in the light of the measures enacted by Parliament in 1740 and 1761 on behalf of America, questions began to be raised in London about the propriety of allowing the colonies to carry on.¹⁰⁴ As part of its hardening stance on legislative authority and population expansion, Britain nullified a 1759 Pennsylvania law designed to secure the property of nonnaturalized aliens by exempting them from escheat, as well as naturalization measures enacted by Pennsylvania and New Jersey; and, as noted earlier, in November 1773 Britain abruptly forbade colonial governors to assent to any more naturalization acts of any sort. This was a heavy economic blow to the larger landholding colonies—Virginia, New York, New Jersey, and Pennsylvania—as well as to individual speculators eager to “make a market” in land.¹⁰⁵ The New York Assembly, for one, defiantly continued to pass and repass private naturalization bills despite the governor’s refusal.¹⁰⁶

The grievance concerning naturalization, not referred to in the first Continental Congress’s petition to the king (1774) or in the instructions prepared by Jefferson as instructions for the Virginia delegates to that body, first appeared in 1776 on a list that Jefferson compiled for the draft preamble to the Virginia Constitution Declaration of Rights, and was then carried over into his draft of the Declaration of Independence.¹⁰⁷ Beyond its relevance to the dispute over land and population, in the tense political atmosphere natural-

ization stood out in sharper relief as a prerogative of sovereignty, asserted by the colonies as a concomitant of self-government, but considered from the other side of the Atlantic as an act of defiance.

Colonial practices in this sphere further implied the emergence of a more inclusive and egalitarian notion of subjecthood.¹⁰⁸ Over time, the colonists' extensive experience of immigration and of the incorporation of aliens from diverse European countries fostered a view that community might be founded on a broader base than shared ancestry. While Benjamin Franklin and others reject the evil mother because she harmed her young, Tom Paine berates the very notion of "*parent or mother country*" as a phrase "jesuitically adopted by the king and his parasites, with a low papistical design of gaining an unfair bias on the credulous weakness of our minds." And he deftly throws out a promising substitute for the conventional imagined community: "Europe and not England, is the parent country of America" because "[t]his new world hath been the asylum for the persecuted lovers of civil and religious liberty from *every part* of Europe. Hither have they fled, not from the tender embraces of the mother, but from the cruelty of the monster."¹⁰⁹ Not being born of the same blood is not a liability, but an asset: Americans will constitute the first political community united by the choice of freedom over tyranny—or at least, whites "from *every part* of Europe" will do so.

The dawning of a more inclusive notion of community prepared the ground for the revolutionary idea of citizenship by consent. But while this development has been widely acknowledged as a signal historical turning point, less attention has been given to the fact that it entailed a concomitant shift from the traditional foundational reciprocity, the subjects' allegiance in exchange for the king's protection, to a new and more problematic relationship: the freely constituted community's commitment to admit newcomers to membership if they qualify. Consequently, as they proceeded to constitute themselves into a political body, the Americans faced an unprecedented question: if membership is not to be determined exclusively by tradition and birth, what criteria would be appropriate?

The Limits of Membership

By the standards of Europe, which educated colonials largely shared, on the eve of independence the American colonies constituted an assemblage of diverse communities that, if brought together into a single state, would constitute a uniquely heterogeneous mosaic. Although the American nation was

represented by Louis Hartz, in a widely influential conceptualization, as issued from the emigration of a distinct “fragment” of English society, in reality by the late eighteenth century as much as half the colonial population traced its origins elsewhere.¹¹⁰ Of the 3.9 million persons enumerated in the first national census of 1790—which excluded Indians—81 percent were white. Although an overwhelming 85.6 percent of them were native British subjects, born either in the British Isles or in North America, only 69.3 percent traced their origins to Britain proper, including 59.7 percent English, 4.3 percent Welsh, and 5.3 percent Scottish.¹¹¹ The remaining 16.3 percent came from Ireland, then still administered by England as a distinct colony with limited self-government, including 10.5 percent Scotch-Irish from Ulster and 5.8 percent from the southern provinces, encompassing both Anglicans (immigrants from England and their descendents) and Catholic “native Irish.” Continental Europeans were also extremely diverse. The largest cluster were Germans, who amounted to 8.9 percent of the white population, slightly less than the Scotch-Irish; but “German” itself encompassed people from many different regions and countries, adhering to a variety of faiths, who shared not much more than a common language, and even that must be qualified in the light of dialectical variation. Other significant European “races” were the Dutch (3.1 percent of whites), French (2.1 percent), and Swedes (0.3 percent). Although nearly all were Protestant, this encompassed vast religious differences that were of considerably import at the time.

Among the white population, the proportion English varied from a high of 87.1 percent in Connecticut to a low of 25.8 percent in Pennsylvania, whereas the Celtic percentage ranged from a high of 42.9 percent in South Carolina to a low of 11.9 percent in Connecticut. Reflecting its “family farm” origins and subsequent efforts to restrict immigration, New England remained the most homogeneous region, both most white and most English. The middle colonies were considerably more diverse. With 38.0 percent Germans and 2.8 percent others, Pennsylvania had the largest population of foreign origin; and its Celtic population outnumbered the English as well. New York had 15.9 percent Dutch, 9.1 percent German, and 4.2 percent French—mostly Huguenots—and nearly one-third of New Jersey’s population was also of foreign European origin. Whereas after the conquest the Dutch were quickly anglicized, German speakers constituted a critical mass; supported by self-conscious leaders and support networks, they established a press in their own language and cultivated an extensive network of trade and religious communications via London and Holland to Germany itself, as well as across

colonial boundaries throughout North America.¹¹² The Roman Catholic minority remained concentrated in the upper South, notably Maryland, but with a scattering of more recent newcomers in Pennsylvania as well.¹¹³

The sense of variety was heightened by the uneven distribution of the various groups among the colonies and their differing relationships, reflecting disparate modes of social organization.¹¹⁴ The initial bifurcation between the “plantation” and “family farm” patterns of colonial development remained essential, providing the ominous combination of a congeries of “plural societies” founded on a racial division of labor coexisting in the same state with European fragments relieved of their feudal legacy.¹¹⁵ However, by the time of the Revolution the “family farm” form had evolved well beyond agriculture to include patches of nascent industrialism and expanding cities with distinct laboring classes.¹¹⁶ The proportion of blacks ranged widely from a high of 60.9 percent in South Carolina—akin to the situation prevailing in the “Sugar Islands”—to merely 2.0 percent in New Hampshire; albeit concentrated in the South, blacks also constituted 14.3 percent of New York’s population and 9.8 percent of Rhode Island’s, reflecting an agricultural sector operated by slaves in both states.

With the colonies beginning to view themselves as self-contained political communities, heterogeneity moved to the fore as a prominent concern. This was not an entirely new development: New England was always reluctant to take in non-English newcomers, New York behaved so harshly toward Palatines in 1709 that they moved to Pennsylvania, and there were occasional xenophobic outbursts in Pennsylvania itself, as well as protests against the permissive group naturalization of newcomers. In the same vein, Huguenots were harassed in Rhode Island and South Carolina, and in 1713 the Connecticut Assembly considered a bill to levy special duties on strangers, and adopted a measure directed against Moravians. As their disputes with the imperial government heated up, the colonists were not above complaining that foreigners, like slaves, were being imposed on them by Britain. Although by and large political leaders were disposed to inclusiveness, both by interest and by virtue of their ideological orientation, there were limits to be drawn. For example, in an afterthought to his 1751 essay on population, Franklin abruptly shifts to the subject of race.¹¹⁷ Observing “That the Number of purely white People in the World is proportionately very small,” he specifies that “white” excludes not only the black and “tawny”—Africans, Asians, and American Indians—but also Europeans of “what we call a swarthy complexion,” not only Spaniards and Italians but also Russians, Swedes, and most Ger-

mans—"the Saxons only excepted, who with the *English* make the principal Body of White People on the Face of the Earth." In short, "white" for Franklin is limited to "Anglo-Saxon." Asserting that "I could wish their Numbers were increased," he goes on to suggest that America should take advantage of the opportunity it has, "by excluding all Blacks and Tawneys, of increasing the lovely white and Red."

Admitting the obvious, that "perhaps I am partial to the Complexion of my country," Franklin offers no justification for his preference than that "such Kind of Partiality is natural to Mankind." Two years later, however, he elaborates his views on the subject of Germans—presumably he has in mind the non-Saxon kind—and slaves. Despite their coarseness, his observations deserve to be taken seriously because the political disposition he attributes to these populations leads him to surmise their likely impact on American institutions, thereby revealing how he envisions admission to membership. Moreover, Franklin's beliefs were by no means idiosyncratic but reflected widely held views, including most notoriously those held by Jefferson three decades later, thereby testifying to their hegemonic status among the founding generation.¹¹⁸

Anticipating the social science literature on socialization, Franklin's attributions are founded on the notion that the political culture of individuals is molded by the distinctive institutions of the country in which they grow up. Writing to Peter Collinson from Philadelphia in 1753, he agrees with his correspondent "that measures of great Temper are necessary" with the Germans, "and [I] am not without Apprehensions. that thro' their indiscretion or Ours, or both, great disorders and inconveniences more generally may one day arise among us." As would be said about each subsequent wave of "new immigrants," Franklin asserts, "Those who come hither are generally of the most ignorant Stupid Sort of their own Nation." These characteristics render the newcomers credulous of knavery, but suspicious of honesty; and as few of the English know German, "and so cannot address them either from the Press or Pulpit, 'tis almost impossible to remove any prejudices they once entertain."¹¹⁹ Although Franklin's imputation of negative selection is contradicted by what we know of the German immigrants' objective characteristics, more recent arrivals did include a larger proportion of single young men and of families of modest condition than their predecessors, lending some credence to the notion of "deterioration."¹²⁰

Franklin then makes an ominous inference regarding the dynamics of political culture: "Not being used to Liberty, they know not how to make a

modest use of it." Hitherto submissive to civil authority and reluctant to participate in American elections, "now they come in droves," and as the first ethnic bloc, "carry all before them, except in one or two counties." This reasoning would be replicated almost literally by Jefferson in *Notes on the State of Virginia* three decades later, as well as by Alexis de Tocqueville in 1835 with reference to the wave of "new immigrants" who were flooding into Philadelphia and New York as he was putting the finishing touches to *Democracy in America*. He also agitates the specter of malintegration and of divisive language maintenance: "Few of their children in the Country learn English; they import many Books from Germany." Market conditions reinforced the spread of German as well, and the language was imposing itself in the public sphere also.¹²¹ Should this continue, "[I]n a few years they will be also necessary in the Assembly, to tell one half of our Legislators what the other half say." In short, "[T]hey will soon out number us, that all the advantages we have will not in My Opinion be able to preserve our language, and even our Government will become precarious."

His concern about political stability made sense in terms of the Enlightenment understanding that languages embody specific cultural values and mold the outlook and comportment of their speakers accordingly: it follows that the presence within the same state of linguistic carriers of incompatible cultures will inevitably give rise to acute political contention.¹²² Adumbrating another modern concern, maintenance of a distinct language constitutes a potential threat to national security, in that solidarities arising from the immigrants' roots may override those binding them to the political community in which they now live. The French, "who watch all advantages," are planning a German settlement in "back of us in the Illinoes [*sic*] Country, and by means of those Germans they may in time come to an understanding with ours." Already in the recent war, the Pennsylvania Germans adopted a neutralist stance "that seems to bode us no good."¹²³

What is to be done? Franklin's correspondent of 1753 provides a categorical answer: the German stream should be diverted to other colonies. But albeit terming this proposal "very judicious," and despite his own expressed misgivings regarding Germans, Franklin concludes otherwise: "Yet I am not for refusing entirely to admit them into our Colonies"; as he explains later, "for they have their Virtues, their industry and frugality is exemplary; They are excellent husbandmen and contribute greatly to the improvement of a Country." It will be remembered also that earlier, he had favorably contrasted the Germans' self-help with the "dependency" of British immigrants. Accord-

ingly, he delineates the objective as maximizing the benefits of immigration while minimizing its disadvantages, and explains to his correspondent that in order to achieve this, "All that seems to be necessary is, to distribute [the Germans] more equally, mix them with the English, establish English Schools where they are now too thick settled, and take some care to prevent the practice lately fallen into by some of the Ship Owners, of sweeping the German Gaols to make up the number of their Passengers."¹²⁴

Loath to pass up an opportunity to expand the colonies' productive and white population, Franklin the real estate promoter and physiocratic American nationalist thus inaugurates a series of fateful choices, when the lure of economic opportunity would outweigh the dictates of cultural conservatism. Albeit introduced by a minimizing "all that seems to be necessary," his proposal delineates a formidably comprehensive program that combines a selective immigration policy, designed to deter the landing of undesirables, with a proactive and well-coordinated immigrant policy, designed to incorporate culturally different newcomers by way of two major instruments, dispersed settlement and targeted education. This far-seeing agenda in fact entailed a higher degree of governmental intervention with regard to settlement and incorporation than the United States has ever engaged in to date, except on a very limited basis on behalf of Indochinese and Cuban refugees in the 1980s.¹²⁵

With regard to the incorporation of those foreign immigrants who did come, in the absence of the unity that might be drawn from a common ancestry, political leaders would have to make do with other resources. As can be inferred from the comments of both Franklin and later on Jefferson, two of these were readily available: the English language, which was hegemonic everywhere except in Pennsylvania, and Protestantism. The revolutionary experience itself fostered the emergence of a third, democratic republicanism.¹²⁶ Together, these formed basic criteria for membership that, as formal or informal requirements, were promised a long career.

Persuaded that the regulation of access to membership begins with control over immigration itself, the revolutionary generation was aware that a fundamental decision had to be made regarding the slave trade. Franklin's opposition to the importation of slaves was founded both on moral objections to slavery and on practical considerations arising from its putative consequences. As noted earlier, he asserts in his essay on population that the introduction of slaves into the Caribbean Islands led to the disappearance of whites, and he objects to the peopling of America by anything but whites. As a London agent in 1770, when Granville Sharp's abolitionist campaign was

beginning to get off the ground and was used to question the American colonists' legitimacy as self-proclaimed advocates of liberty, he undertook to deal more extensively with the subject.

A Conversation between an Englishman, a Scotchman, and an American, on the Subject of Slavery is designed mainly to silence anti-American critics by charging that it was England, after all, that launched the slave trade in North America, and then goes on to argue that slavery is not omnipresent in the colonies, and that many Americans abhor the slave trade as much as Granville Sharp.¹²⁷ However, Franklin minces no words regarding the undesirability of the slaves themselves: far from being mild tempered and tractable, the majority of Negroes "are of a plotting disposition, sullen, malicious, revengeful and cruel in the highest Degree." They are, in fact, very much like the refuse Britain is dumping in America: "[M]any of them, being mischievous Villains in their own Country, are sold off by their Princes in the Way of Punishment by Exile and Slavery, as you here ship off your Convicts." And as with the convicts, England is also to blame for tempting "prudent People" to give in to greed. The only solution is to "prevent this temptation" by prohibiting the trade altogether; "But this you will not allow us to do." In the absence of other forms of transatlantic movement from Africa, abolition of the slave trade meant that in the future immigration would be limited to Europeans only. Although this left open the question of what to do with the population of African origin already in the country, if Negroes were as Franklin said, then even if they were set free, they could not possibly qualify for membership in American society. What, then, was to be done with them?