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Good Neighbors and Good Citizens: Beyond the Legal–Illegal Immigration Debate

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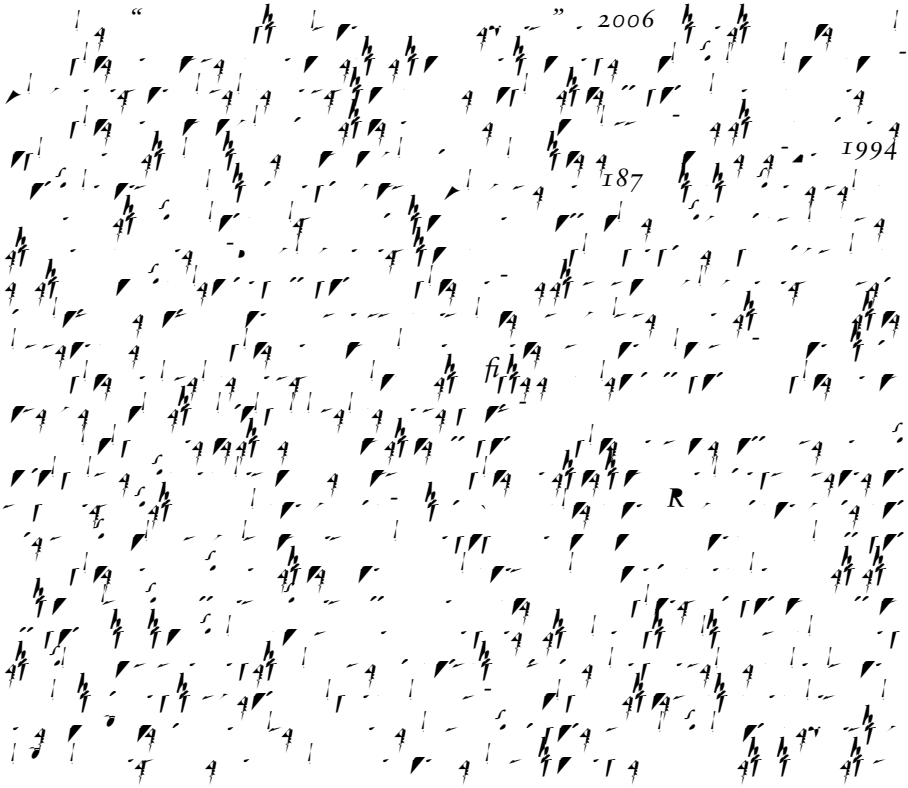
prologue



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Americans that their concerns and complaints about illegal immigrants have for too long been ignored by elites.

We are also critical of our academic colleagues for being insufficiently attentive to the building public outrage over what increasingly looks to be the largest influx of immigrants in our nation's history. More to the point, the American public's anxieties about immigration are not[9]

The high-decibel, popular debate over illegal immigration has proceeded simultaneously with a more muted elite discussion over the meaning of citizenship in contemporary America. Some have expressed concern that immigrants are not naturalizing as quickly or as eagerly as they might. Others are suspicious of the motives of those becoming citizens, in part because of the increased visibility of dual citizenship. Overall, many Americans are convinced that immigrants are "gaming the system" and naturalizing not out of commitment to our values and ideals but for crass, instrumental reasons.

These are different issues, but each reflects widespread anxiety that immigrants are taking advantage of the system, that things are out of control, and that American national identity is being challenged. The parallel debates over illegal immigration and citizenship also both hinge on similar formalistic dichotomies – legal immigrants versus illegal immigrants, citizens versus noncitizens. Now, these categories are hardly incorrect. Indeed, they have intuitive appeal and legal grounding that policymakers ignore at their peril. However, in the contemporary context they get used as legalistic short-hand that obscures the true dilemmas facing us. In our view, rigid adherence to these simple dichotomies has gotten in the way of creative policy responses to the complexities of today's immigration predicament.

In this essay, we will elaborate on the limitations of the legal–illegal and citizen–noncitizen dichotomies; examine why these have nevertheless become so entrenched in the current debate; and offer an alternative way of thinking about these issues that supplements the prevailing preoccupation with the formal, vertical ties between individuals and state institutions with a focus on informal, horizontal relationships. While the current debate asks whether immigrants can be good citizens, we argue that to many Americans the more immediately pressing question is whether immigrants can be good neighbors. To be sure, many communitarians do emphasize this horizontal dimension of civic membership, but they typically neglect the vertical dimension. We argue that both dimensions are critical and that only by paying attention to both can policymakers hope to make rational and fair public policy in this extremely contentious area.

illegal immigration: numbers and categories

The public's anxiety over illegal immigration is hardly unfounded. The Pew Hispanic Center reports that of the 12 million "unauthorized migrants" estimated to be in the U.S. today, 40 percent arrived since 2000. During the first half of the 1990s, about 450,000 illegals arrived here every year. Since 2000, that annual figure has jumped to 850,000.[9]

Over the same period, illegal immigrants have dispersed across the land. In 1990 California had the largest share of the nation's illegals: 45 percent. By 2004

like North Carolina, Georgia, Tennessee, and other non-traditional destinations more than tripled. As a result, a regional concern has become a national one.[10]

Long before the current furor, it was evident to those who would look that Americans were particularly vexed by illegal immigration. In the early 1990s a [illegible] poll found that Americans greatly exaggerated the proportion of all immigrants who were in fact illegal.[11] In 1994, California's Proposition 187, which would have banned most public services to illegal immigrants, was passed with support from almost three-fifths of the state's voters, including about one-fifth of Hispanic voters and even greater proportions of Asians.[12]

In 1998, Alan Wolfe reported in [illegible] that ordinary Americans otherwise uncomfortable with strong moral judgments were not at all reluctant to express moral outrage toward illegal immigrants. Indeed, based on his in-depth interviews across the U.S., Wolfe concluded that the divide between legal and illegal immigrants "is one of the most tenaciously held distinctions in middle-class America; the people with whom we spoke overwhelmingly support legal immigration and express disgust with the illegal variety."[13]

But the watershed event here was Proposition 187. The federal courts eventually gutted this draconian measure. Nevertheless, this was a political earthquake that continues to define the terrain – such that legal immigration is generally regarded as benign, while illegal immigration is seen as the source of most problems.

Before Proposition 9.9626295.48261484.7813m()E

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citizens, the danger nevertheless looms that the public will equate being Latino with being illegal[21]

Despite such troubling indicators, the dominant image of illegal immigrants as a distinctive and isolated group "living in the shadows" is overdrawn. After all, hundreds of thousands have – at least until recent restrictive legislation – applied for and obtained driver's licenses. And how vulnerable could illegal workers be if, as is the case, they have been joining unions in significant numbers? As UCLA sociologist Ruth Milkman observes, undocumented Latinos "have been at the core of the L.A. labor movement's revival."[22]

Similarly suggestive is the number of illegal immigrants who are

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Then there are the 1–1.5 million among those 12 million illegals whom University of Virginia law professor David Martin estimates to be in "twilight status." Of these, more than

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drug dealers or even petty thieves, and opining that "if I was in that guy's situation, I'd be pushing cocaine, too!"

This ambiguity lies at the heart of our immigration policy dilemmas. How, for example, can one ask Border Patrol agents to risk their lives apprehending illegal immigrants if in an elemental, gut-level sense they and their superiors do not consider the violation in question to be a crime? The answer of course is that one cannot – which is why the Border Patrol long ago abandoned its policy of engaging immigrant smugglers in high-speed pursuits on U.S. highways. Too many serious accidents and fatalities clarified the calculus that the costs far outweighed the perceived benefits from successful pursuits and apprehensions. As a Border Patrol supervisor at a highway checkpoint north of San Diego explained: "The life of one of my agents or of one American citizen is not worth the apprehension of a whole truckload of illegals or of their smuggler."[33]

Border Patrol agents don't need the Catholic bishops or the [illegible] to tell them that illegal immigrants are not typically criminals.[34] Still, they do their job and detain illegals when they find them.[35] Nevertheless, the trade-offs and moral ambiguities of immigration control pervade all that the Border Patrol does. They clearly contribute to high turnover and low morale at the agency.[36] They also help explain why, for example, agents in the field are so readily drawn into pursuing drug smugglers who operate along our borders – about whose status as "[illegible] bad guys" there is little or no ambiguity.[37]

If the line between legal and illegal immigration is much fuzzier than it appears, what is bothering Americans? Is it possible that their concerns are both broader and deeper than anyone has bothered to notice? In this connection, it is certainly noteworthy that in one breath Americans denounce illegal immigrants. In the next, they complain about job competition, overcrowded schools, chaotic hospital emergency rooms, and noisy neighborhoods where nobody speaks English – all problems that have more to do with mass migration per se than with its strictly legal component.

Take, for example, the views of independent congressional candidate Jim Gilchrist. Running in a special run-off election in Orange County in December 2005, Gilchrist won 25 percent of the votes in a protest campaign focused exclusively against illegal immigration. But when asked by the [illegible] to elaborate, Gilchrist immediately cited concerns about Spanish-speaking newcomers not assimilating, multiculturalism, and overpopulation.[38] Pollsters report similar complaints. Two-thirds of respondents in an April 2005 Fox News poll agreed that illegal immigrants "take jobs away from U.S. citizens," while 87 percent claimed that illegals "overburden government programs and services."[39] In a January 2006 [illegible] magazine survey, 63 percent expressed concern that illegals "take jobs away from Americans," and 60 percent agreed that "there are already too many people in the United States."[40]

Whatever their specific merits, none of these or similar problems are unique to illegal immigrants. Indeed, these concerns are explained by readily identifiable

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factors common to both legal and illegal immigrants: low levels of education and skills, low average age, the strains from the transience of migration, and historically high concentrations of Spanish-speaking immigrants. To be sure, some of these may beset illegal more than legal immigrants. But there is simply no reason to believe that legal and illegal immigrants are starkly different with regard to such salient characteristics. In fact, because there are more legal immigrants than illegal immigrants, the former arguably contribute more to such problems than the latter.

Some of these complaints are wide of the mark in other respects. For example, while immigrants themselves may not be learning as much English as Americans would like, the evidence is that their children and grandchildren certainly are.[41] Neither is there much reason to believe that immigrants are competing directly in the labor market with large numbers of American workers. (The obvious exceptions are low-skilled individuals, including more settled immigrants, especially Latinos, and many African Americans.)[42]

It would be easy therefore to dismiss many such complaints as misguided and ill-informed, even as nativist and racist. Our own reading of the evidence certainly leads us to the conclusion that America is [illegible] as threatened by the current influx of immigrants as many clearly believe. We do not believe that our society is unraveling.[43]

Yet to cling to expert opinion here is to miss a larger, more important political reality. Both legal and illegal immigrants have become the human face of two sweeping forces: the fraying of local community ties and the decline of national sovereignty. [illegible], the title of Robert Putnam's controversial book,[44] has become a national metaphor for the perceived decay of social bonds and traditional institutions that have helped to make a diverse democracy function. At the same time, transformations in communication and transportation have resulted in an increasingly interconnected globe that leaves us unsure about who is part of "our community," as more people live both here and there. However ineptly or even at times harshly they express themselves, large numbers of Americans feel that "things are out of control" and that immigrants are straining the social fabric. Such concerns are not completely unfounded.

Consider day-labor hiring sites, one of the most contentious immigration issues in communities across the nation. For many Americans today, the image of immigrants that most readily comes to mind (aside from shadowy figures running across the border) is of male laborers hanging out near a Home Depot, waiting to be hired by contractors or homeowners. To some, such scenes are evidence of ambition and hard work. But to many others, they represent the annoying, even threatening behavior of unkempt men leering at passing women, darting out into traffic to negotiate with potential employers, drinking and urinating in public, perhaps dealing drugs, and sometimes worse.[45]

Here again, not all such complaints should be taken at face value. Nor should we overlook that day laborers are often mistreated by employers, which is

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confirmed by findings from the National Day Labor Study at UCLA.[46] That research also indicates that while most day laborers are illegals, one-fourth are legal immigrants.[47]

Yet the UCLA study also confi

Both concerns also reflect the top-down, administrative rationality that the contemporary bureaucratic state inevitably imposes on dense, informal social relations.[54] Thus, when fi

upset with immigrants' poor horizontal relations. The basic shortcoming of the critics – and of the debate whose terms they have established – is that they ignore the vital distinction between the two dimensions of citizenship, and implicitly collapse all their concerns on to the vertical.

social order in a political community

How do we address these constraints? How do we move beyond the unhelpful and misleading formalism and legalism of the current immigration debate toward a meaningful revaluation of citizenship?

A starting point would be to recognize that this is hardly a new problem. Sociologist Philip Selznick reminds us that the liberal theorists who provide the conceptual foundations of our society are heavily reliant on abstractions, including: the state of nature, natural rights, and atomized individuals detached from society, culture, and history. In this same vein, Selznick emphasizes that we are prone to thinking in terms of walls of separation – between individual and society, law and morality, private and public, church and state.[57]

More to the point, Selznick argues for an alternative way of thinking about contemporary society. Reminiscent of Higham, he points out that pluralism necessarily implies a certain messiness: "All societies are composed of different, often contending groups based on kinship, age, occupation, and inequalities of property and power. Pluralism finds in this natural diversity a benign disorder, a vital source of energy and safety."[58] Selznick consequently points to the advantages of boundaries that are bright and rigid: "A common life is furthered when boundaries are blurred – for example, between parenting and teaching, work and recreation, religion and social work."[59] Overarching such specific points is Selznick's broader argument against abstraction in favor of, as he puts it, "the primacy of the particular."[60] He calls for an alternative "conception of individuals as socially embedded persons, products of history and culture, neither idealized nor abstract."[61]

The relative importance of informal horizontal relations over formal vertical ties emerges in varied contexts. The military is a case in point, as underscored by the research of sociologists Edward Shils and Morris Janowitz. In their classic essay, "Cohesion and Disintegration in the Wehrmacht in World War II," Shils and Janowitz found that the effectiveness and cohesion of the German army was traceable not to ideological zeal or indoctrination from above, but to the strong and satisfying primary group relations, especially among infantry and junior officers, fostered by the social dynamics of the German army. As in most settings, the appropriate conclusion is not that formal, vertical relations do not matter. On the contrary, those relations have a lot to do with how well horizontal relationships function. But the broader point is, as Shils and Janowitz noted, that "most men are members of the larger society by virtue of identifications which are mediated through the human beings with whom they

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are in personal relationships. Many are bound into the larger society only by primary group identifications."[62]

Immigration is the [illegible] of these enduring issues. The formalism and legalism of today's complaints about illegal immigrants and citizenship certainly echo those articulated by Progressives in the period leading up to World War I, when the number of immigrants (as a percentage of the population) reached its highest point in our history. Then as now, Americans were alarmed that newcomers were too preoccupied with their own private concerns and were insufficiently attentive to broader community and national goals. Barriers to naturalization were even lower than today, and the process was prone to abuse and corruption. Not unlike today, there were anxieties that citizenship was being devalued and that immigrants were becoming Americans out of the crassest motives. Looming over all such concerns for most Americans was the specter of powerful urban political machines that drew immigrants into the voting booth by catering to their private needs.

Progressive outrage at such abuses led to reforms inspired by a high-minded, dualistic notion of the private and the public. From this perspective, the goal was to reinforce the boundary between the two realms. Requirements for

Accordingly, Addams got embroiled in “

immigrants –

But endeavors like the Golden State Residency Program would be even more helpful to non-immigrants. If Americans want immigrants to join our political community, then we need to show them how to do that. Yet this is precisely the area where we have the most cause for self-reproach. Contrary to the usual complaints, Americans are not particularly guilty of racial or ethnic prejudice toward immigrants. But we [illegible] guilty of a certain smug complacency. All too often, we unthinkingly assume that because immigrants have gained an opportunity for which there is clearly an oversupply of takers, they should be content just to be here, and that we have fulfilled our end of the bargain. Initiatives like the Golden State Residency Program require us to turn vague assumptions into conscious choices, and to negotiate an explicit, realistic bargain that asks something of both sides.

In this essay, we have been concerned to highlight the importance of informal, horizontal relations in the current debate over illegal immigration. Ultimately, though, the bargain described here speaks to the [illegible] community, whose formal, vertical ties of membership benefit from explicit articulation and choice. It would behoove America's newcomers to express clearly both their desire to become members of the American political community [illegible] their commitment to its terms. But that cannot happen unless those who already belong to that community do a better job of defining just what those terms are.

notes

1. Jeffrey S. Passel, "The Size and Characteristics of the Unauthorized Migrant Population in the U.S.: Estimates Based on the March 2005 Current Population Survey," [illegible] (Washington, DC: Pew Hispanic Center, 7 March 2006), p. 5.
2. [illegible] *2004* (Chicago: Chicago Council on Foreign Relations, 2004), pp. 12–13, 47–48.
3. John Higham, [illegible] *1860–1925* (New York: Atheneum, 1975).
4. John Higham, "Another Look at Nativism," in John Higham, [illegible] (New York: Atheneum, 1975), p. 103.
5. John Higham, "Instead of a Sequel, or, How I Lost My Subject," in [illegible], eds. Charles Hirschman, Philip Kasinitz, and Josh DeWind (New York: Russell Sage Foundation, 1999), pp. 383–389.
6. Higham, "Another Look at Nativism," pp. 106–108; see also Higham, "Ethnic Pluralism in Modern American Thought

8. This point gets elaborated upon in Peter Skerry and Devin Fernandes, "Citizen Pain: Fixing the Immigration Debate," [illegible], May 8, 2006, 14–16.
9. Passel, "The Size and Characteristics of the Unauthorized Migrant Population in the US," pp. 2–3.
10. Jeffrey S. Passel, "Unauthorized [illegible]" (Washington, DC: Pew Hispanic Center, 14 June 2005), pp. 11–13.
11. Seth Mydans, "Poll Finds Tide of Immigration Brings Hostility," [illegible], June 27, 1993, A1, A16.
12. "Demographic Profile of the Electorate: November 8, 1994," [illegible]
13. Alan Wolfe, [illegible] (New York: Viking, 1998), p. 147.
14. Ronald Brownstein, "Bush Needs to Imitate Clinton to Solve Immigration," [illegible], July 23, 2001, A10.
15. Linda Chavez, "Legalizing Immigrants Just Makes Sense," [illegible], July 18, 2001, 47.
16. Cardinal Roger Mahony, "Immigrant Workers Deserve Legal Status and Respect," [illegible], June 8,

30. Massey and Malone, “Pathways to Legal Immigration,” 477–479, 484–486.
31. David A. Martin, “Twilight Statuses: A Closer Examination of the Unauthorized Population,” [illegible] (Washington, DC: Migration Policy Institute, June 2005).
32. Martin, “Twilight Statuses,” p. 6.
33. Peter Skerry, field interview notes with the U.S. Border Patrol; February 13–27, 1998.
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48. Michael Jones-Correa, ed., [illegible]

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79. [illegible] (Sacramento, CA: Little Hoover Commission; June 2002), pp. 34–35, 50–54.
80. [illegible], p. 47.
81. A similar point is made in Renshon, [illegible] 50 [illegible], pp. 179–181.
82. Skerry, “Citizenship Begins at Home,” p. 28.

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