

Book Reviews

Andrew F. Cooper (ed.): Tests of Global Governance. Canadian Diplomacy and the United Nations World Conferences

United Nations University Press, 2004, IX + 298 pages, ISBN 92-808-1096-0

This book examines the interesting interface between the “classical” diplomatic method and new forms of global governance which have developed since the early 1990s, in particular within the framework of the UN world conferences.

The Canadian UN scholar, Cooper, Associate Director of the Centre for International Governance Innovation (CIGI), explores, on a case study basis, the new chances and challenges, as well as the obstacles and limits of the “new diplomacy” – as it is called by many scholars – in its multilateral orientation and its interplay of state and non-state actors within the multi-faceted forms of global governance.

Cooper analyzes a number of main UN world conferences – the 1992 Rio UNCED Conference, the 1993 Vienna Conference on Human Rights, the 1994 Cairo Conference on Population and Development, the 1995 Copenhagen World Summit for Social Development, the 1995 Beijing Conference on Women and the 2001 Durban World Conference against Racism – with regard to the role that Canada, its political leaders, diplomats and NGO representatives have played in the preparation of and in the negotiations at the conferences. This concrete basis of reference provides Cooper with ample empiric material, but entails the danger of generalizing Canadian experiences too quickly as common trends of global diplomacy. Thus the reader should take the Canadian experience as a thought-provoking example for new forms of diplomacy, but not as frame of reference for the study of diplomatic interactions in other countries, since they might differ considerably from the Canadian example.

Having noticed this slight reservation, the reviewer would like to turn to the strengths of the book: in the first two chapters it depicts the history and common features of the early world conferences and the gradual change to the world conferences of the 1990s. It presents the disputed political perspectives on the world conferences, being coloured by great hopes and expectations on the side of the multilateralists and the global movements and by profound scepticism and ideological animosity on the side of the neo-liberal and more conservative opponents of the world conferences, who gained the upper hand in 1997, when the United States administration successfully urged UN Secretary-General Kofi Annan to reduce drastically the number and the format of the world conferences.

The following chapters examine the conferences from a particular perspective: partnership (between state actors and civil society actors) in chapter 3, leadership (the role of the prime minister) in chapter 4, discipline (imposition or negotiation of the system of governance) in chapter 5, sovereignty (dealing with the claims of self-determination of minorities etc.) in chapter 6, different concepts of civilisation (dialogue across cultural boundaries) in chapter 7, difference (in the context of the Beijing Conference on Women) in chapter 8 and value orientation (in the context of the Durban Conference on Racism) in chapter 9.

This method of discussing separately the underlying principles of international negotiations has the advantage that the reader is able to get a deeper insight into the practical methods of diplomatic work, its peculiar conflicts and forms of dialogue between the different state and non-state actors, representing often conflicting concepts with respect to the principle under discussion, be it leadership, discipline, sovereignty or civilisation. It provides the reader with the impression that the state actors (political leaders and diplomats) in Canada have expanded their understanding of world politics considerably by inserting new concepts and value orientations.

The diplomats had to learn in the last fifteen years to integrate NGO representatives into their conference delegations, to change their familiar habit of confidentiality and log-rolling and to try open forms of diplomacy, using public opinion as a means of politics. The book conveys the impression that the style of diplomacy in Canada has changed greatly in the direction of "new" multilateral diplomacy.

Whether this can also be said about the political actors in other countries, remains open and should be studied further. As a middle power without colonial legacy and in a modest rivalry with its superpower neighbour United States, Canada has developed a long-standing

tradition of supporting multilateralism in international politics; it is not by accident that a Canadian politician, Lester B. Pearson, conceived the innovation of the UN peacekeeping forces in 1956. Canada sees a comparative benefit in taking the multilateral stance, as it may gain political prestige as well as economic advantages through its mediating role. It would be worthwhile to examine the preconditions for and advantages of an explicit multilateral stance in foreign policy for a country like Germany, which seems at least to have discovered the advantages of this role when it hosted the Afghanistan conference series.

In the case studies, the book also demonstrates that the old forms, goals and concepts of diplomacy have not completely disappeared, but that there is a mixture of both in the diplomacy of most countries, with different degrees of multilateralism in the different countries, since there are strong vested, mostly economic, interests behind the classical diplomatic form of interaction which keeps the bargaining mostly hidden from the public. As effective multilateral forms of diplomacy are essential for keeping world peace and for looking successfully for solutions for the large number of common global problems, the book should be read by all diplomats and NGO representatives preparing for international conferences. It will provide them with a realistic first-hand impression of where the problems and boundaries of their work will probably lie and what they can achieve when they form an effective network with the people at home and have support from their government.

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Mae Ngai (ed.): Impossible Subjects. Illegal Aliens and the Making of Modern America

Princeton University Press, 2004, XX + 377 pages, ISBN 0-691-12429-9

Mae Ngai's rich and thought-provoking book focuses on the largely understudied period of immigration and citizenship history in the United States from the enactment of the nation's first comprehensive law of restriction on immigration, the Johnson-Reed Immigration Act of 1924, to the passage of the more liberal Hart-Celler Act of 1965. Ngai maps the origins of the illegal alien in U.S. law and society and establishes the regime of immigration restriction as instrumental in shaping the concept of illegal alienage. Ngai further reveals the fluidity of the concept, demonstrating that "illegal alienage is not a natural or fixed condition but the product of positive law; it is contingent and at times it

is unstable” (page 6). In case studies discussed below, Ngai deftly traces the histories of Filipino, Mexican, Chinese and Japanese migrants and exposes the blurred lines between illegal alienage, legal alienage and citizenship. In a related theme, Ngai also explores how the new regime of immigration restrictions resulted in new racial formations, solidifying the boundaries of the “white race” and the foreignness of Asians and Mexicans.

In Part I, entitled “The Regime of Quotas and Papers,” Ngai analyzes the regime of restriction that came into being in the 1920s. The Johnson-Reed Immigration Act of 1924 ended the era of open immigration from Europe and placed numerical limitations on immigration. The Act embodied a quota system that ranked the world “in a hierarchy of desirability for admission into the US,” according to nationality and race (page 17). Seeking to restrict the numbers of immigrants entering from southern and eastern Europe, the law employed the highly flawed system of allocating quotas to countries to which the American people traced their origins. The law excluded all nonwhite populations from the count, resulting in high quotas for European countries and small quotas for other countries (16 per cent to southern and eastern Europe and 84 per cent to northern and western Europe). Ngai points out that the national origins quota system was grounded in the conviction that the United States was, and should remain, “a white nation descended from Europe” (page 27). Once enacted into law, the national origins of the American people unquestioningly “assumed the mantle of fact” (page 35).

Ironically, though the national origins quota system instituted a hierarchy among Europeans, Ngai argues that the system ultimately served to deracialize Europeans as white. In contrast, immigrants from outside of Europe were further marginalized as nonwhite and permanently marked as foreign. All persons of eastern and southern Asia were excluded as “racially ineligible for citizenship.” And though Mexicans continued to be exempt from numerical quotas and perceived as white for the purposes of immigration and naturalization, their “legal whiteness” proved to be insecure. Administrative means of border control, including passports and other entry requirements, soon resulted in many Mexicans crossing the border without permission and the construction of Mexicans as illegal aliens began to take root. With the onset of more aggressive border enforcement, prompted by a post-World War I world of nation states emphasis on territorial integrity, crossing the border became the fundamental act of illegal immigration. Mexicans became and to this day remain the quintessential illegal or criminal alien.

Ngai also provides a fascinating examination of the increased racialization of US deportation policy during the 1920s and 1930s and its grave impact on non-European populations. Deportation policy “came of age” in the 1920s as the 1924 law added “entry without inspection” as a ground for deportation and removed the statute of limitations on deportation (page 58). At the same time, aggressive border patrol enforcement was instituted along the southern border (though the northern border remained largely unmonitored). As deportations began to affect not only Mexican communities but also European communities, public protest against “unjust” deportations of “deserving” illegal immigrants swelled (page 76). Administrative law reform efforts to counter public outrage centered on European immigrants and seldom on Mexicans. Many Europeans were permitted to “unmake” their illegal alienage through selective administrative measures, e.g., pre-examination, a procedure whereby Europeans took voluntary departure to Canada, received a visa for permanent residence from the U.S. consulate in Canada and returned to the U.S. as permanent residents. Such privileges rarely extended to Mexicans. Thus, while numerical quotas and other restrictive measures transformed previously lawful immigrants into those subject to deportation, the deracialization of European immigrants and the racialization of non-white aliens served to demarcate the deserving from the undeserving illegal aliens, rendering only the latter subject to deportation.

In Parts II and III, entitled “Migrants at the Margins of Law and Nation” and “War, Nationalism, and Alien Citizenship,” Ngai provides in depth case studies of the experiences of Filipinos, Mexicans, Japanese and Chinese in the context of the legal regime of restriction. In particular, Ngai depicts the malleability of the legal and racial categories imposed on the above groups, exploring the evolution of Filipinos from U.S. nationals to undesirable aliens, the shifting contours of the Mexican *bracero* and undocumented populations, and the disenfranchisement of Japanese and Chinese Americans during and after World War II.

As U.S. nationals, a new legal status confirmed by the Supreme Court articulation of the Philippine Islands, Puerto Rico and Guam as “unincorporated” territories rather than as colonial territories, Filipinos enjoyed freedom of movement in the U.S. and migrated to the U.S. in significant numbers in the 1920s to replace Japanese farm labor. Filipinos soon faced significant racial violence from whites due to unfounded anxiety over job competition and miscegenation. A nativist and exclusionist agenda towards Filipinos combined with a waning hegemonic

need for direct political rule over the territory resulted in the passage of the Philippines Independence Act of 1934. The Act established the Philippine Islands as a commonwealth with a 10-year transition period to independence and an immigration quota of 50 was imposed. Filipino nationals living in the U.S. were now considered aliens and in order to reduce their numbers, pressured to voluntarily repatriate to the commonwealth.

Apart from the fluidity of Filipino legal status, Ngai's discussion of Filipino history in the U.S. also provides a striking example of the fluidity of racial categories. Due to Filipinos' acculturation (they were Christian, spoke English, wore western clothes), the grounds for Asiatic exclusion (often due to alleged insurmountable racial and cultural difference) could not be readily affixed to the Filipino population. In order to ensure the exclusion of this acculturated group however, white Americans identified Filipinos with African Americans, representing them as sexually aggressive and pursuing white women.

Ngai then turns to the *bracero* program and the introduction of foreign contract labor from Mexico. The program constituted a significant departure from the 1885 prohibition on foreign contract labor for being an antithesis to free labor. The *bracero* program intended to eliminate illegal migration and curb the exploitation of laborers; the program instead fueled illegal migration and failed to stem the abuse of workers. While the Migrant Labor Agreement set *bracero* wages at the domestic prevailing rate and guaranteed transportation, housing, food and repatriation to its participants, employers often paid *braceros* less than the amount specified in the contract. Housing and other conditions violations were also common. While some *braceros* filed grievances, enforcement was minimal. Many *braceros* deserted the program, thus becoming illegal aliens. In addition, throughout the *bracero* program, many farmers continued to employ "wetback" labor which was cheaper and not subject to red tape. Alarmed by the continued existence of illegal labor, the Immigration & Naturalization Service (INS) reconfigured the program to motivate employers to hire *braceros* and simultaneously launched Operation Wetback to enforce the deportation of undocumented workers. Until the advent of the civil rights movement and the termination of the *bracero* program in 1964, *bracero* and illegal labor continued to coexist with Mexican nationals transitioning fluidly between the two populations.

In Part III, Ngai explores the histories of Japanese Americans and Chinese Americans from World War II through the 1950s in the context of what Ngai refers to as "alien citizenship." Ngai describes alien citi-

zenship as a permanent racial marking held by those who are born in the United States and legal citizens, but who remain “alien in the eyes of the nation” (page 8). The internment of 120,000 Japanese and Japanese Americans during World War II occurred in stark contrast to the individual investigation of those of German and Italian descent. Japanese Americans were transformed from citizens to an enemy race and effectively nullified of their citizenship. The internment camps were designed as “Americanizing projects” to enhance the assimilation of Japanese Americans and justified as a means of dealing with a population considered to be “racially inclined to disloyalty” (page 175). A number of measures were used to identify the truly disloyal, including the infamous, confusing loyalty questionnaire and voluntary renunciations of citizenship. At Tule Lake, the most notorious segregation center for “disloyal” Japanese Americans, 85 per cent of all citizens renounced their citizenship in the midst of the confusion and resentment surrounding the renunciation of citizenship initiative. In response to lawsuits that the renunciations occurred under conditions of duress, the Justice Department later restored citizenship to the majority of the renunciants.

Similarly, Ngai asserts that the “dominant image of Chinese lurched from despised oriental ‘other’ to wartime ally to dangerous Communist threat” (page 203). The Chinese exclusion laws which barred the vast majority of Chinese from entry and from naturalization were not repealed until 1943 when China emerged as an important U.S. ally in World War II. However, the annual quota of 105 imposed on Chinese migration evinced ongoing hostility towards Chinese for unlike other immigration quotas, it applied to all Chinese nationals regardless of country of residence. The exclusion era had generated illegal immigration from China through false claims of derivative citizenship or “paper sons” – sons only on paper. During the Cold War, in an attempt to halt the flow of paper sons, the INS launched the Confession Program, enabling Chinese to voluntarily disclose their fraudulent status in exchange for legalized status under their real names. While the process ensured legal legitimacy for participating confessors, in the context of Cold War politics where all Chinese were perceived as illegal and dangerous, they were not granted concurrent “social legitimacy” (page 223).

In the book’s final section, entitled “Pluralism and Nationalism in Post-World War II Immigration Reform,” Ngai reinterprets the passage of the Hart-Celler Act of 1965 which repealed the overtly racist national origins quota system. Inspired by the civil rights movement and

often celebrated as watershed reform, the Act introduced a system of formal equality into immigration admission with all countries being subject to identical quotas. While the law provided for increased opportunities for migration from southern and eastern Europe, Asia and Africa, numerical restriction had now emerged as a normative feature of the U.S. immigration system. Moreover, Ngai contends that an internalization of the “naturalized condition of the illegal Mexican immigrant” and a misguided commitment to the abstract concept of formal equality caused liberals to ultimately surrender on the issue of western hemisphere quotas. Ngai argues that formal equality fails to account for disparities in size, need and historic relations between sending countries and the U.S. The emphasis on formal parity has resulted in a surge of suddenly illegal immigration from western hemisphere nations, particularly Mexico, and has served to “recast Mexican migration as ‘illegal.’”

Ngai has provided a valuable contribution to understanding the origins of illegal immigration and its emergence as the central focus of contemporary U.S. immigration policy. The book also serves as a grave reminder of the ongoing short-sightedness of efforts to counter illegal immigration through restrictionist measures. The past two decades have been replete with restrictionist legislation and current debate in Washington centers on the construction of a wall along the southern border. In her epilogue, Ngai reminds us that illegal immigration is the result of the convergence of “push” factors from sending countries and “pull” factors from receiving countries. As potential resolutions, she highlights measures that target these factors, including strengthening the economies of sending countries, lifting the ceiling on legal migration, reintroducing a statute of limitations on deportation and providing amnesty to undocumented immigrants.

Ngai’s book also offers a fascinating reinterpretation and critique of the United States as a mythicized “nation of immigrants.” Ngai demonstrates the critical role that colonialism, foreign policy considerations and racial politics played in shaping U.S. immigration and national identity. Notions of exclusion rather than inclusion framed the U.S. immigration landscape. Ngai’s book is an extraordinary contribution to U.S. immigration history and a stimulating read.

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