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**Re-imagining the Nation in a World of Migration: Legitimacy, Political Claims-making and Membership in Comparative Perspective**

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Working Paper 190
March 2014

# Re-imagining the Nation in a World of Migration:
## Legitimacy, Political Claims-making and Membership in Comparative Perspective

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## Abstract:

Canada and the United States have made significant strides in (re-)defining a national identity that today celebrates ethno-racial diversity, as reflected in political leadership, diversity policies and public opinion. By these metrics, North Americans appear to value ethno-cultural and racial diversity as part of national identity more than Europeans. To explain trans-Atlantic differences, various observers claim that the successful integration of millions of European colonists and migrants into a nation of "Americans" or "Canadians" during the 19th and early 20th centuries sets up a national narrative that provides fertile ground for an inclusive national identity. In this paper, I challenge such a simple and deterministic reading of history. From the vantage point of the late 1940s, laws and practice kept most non-white immigrants from North America, restricted their naturalization, and denied people of color full rights, even if they held citizenship.

Instead, I argue that national re-imagining has gone further in North America than Europe due to three key causal processes. First, national identity change in Canada and the United States was initiated by native-born minorities before the onset of large-scale non-white migration. The timing and legitimacy of this mobilization set the stage for more inclusive national identity discourses upon which immigrants could build. Second, relatively generous citizenship policy—through birth or naturalization—and a political system open to, but which could contain, "ethnic" politics mattered. The changes started by native-born minorities were reinforced by the political engagement of immigrants, immigrant-origin minorities, and their supporters. Finally, civil rights and diversity gains were institutionalized through law, bureaucracy, policy, and educational systems, with real effects on national culture.

Across these three causal processes, it is important to underscore that the broadening of national identities arose out of political battles, in a context were immigrants and their descendants could be part of the debate. One implication is that contemporary calls for "social cohesion" in Europe and elsewhere mis-read the history of national identity change. The desire to shut down conflict, which in the current period is often articulated as the need for immigrants to modify their behaviors and attitudes to better fit into the majority, becomes a project of double silencing. Not only must immigrants suppress their diversity, but they cannot complain about it either.

Canada and the United States appear to have made significant strides in (re-)defining a national identity that today celebrates ethno-racial diversity. A century ago, both countries aggressively kept out Asian migrants and projected a white, Christian notion of an "imagined community." But in 2009, almost two-thirds of American and Canadian survey respondents agreed that immigration enriches their country's culture with new customs and ideas (German Marshall Fund 2009: 19). In Canada, when a 2010 opinion survey asked residents what was "very important" to Canadian national identity, 56 percent of respondents underscored the centrality of multiculturalism, more than the 47 percent who supported hockey. Immigrants, while cognizant of discrimination, perceive significant acceptance of cultural pluralism (Bloemraad 2006; Jiménez 2010). Indeed, with the election of Barack Obama to the U.S. Presidency, some even talk about a "post-ethnic" or "post-racial" social order (Hollinger 2011). In the last two decades, two Governors General—the Queen's representative in Canada and the nominal head of state—have been women of immigrant and racial minority background, Adrienne Clarkson, born in Hong Kong, and Michäelle Jean, born in Haiti. Thus, whether in the United States or Canada, the figurative 'face of the nation' has become the polar opposite of the national image from the mid-twentieth century.

We do not know whether Europeans would rate multiculturalism as more important to national identity than soccer, but the contemporary political debate makes one skeptical. Across Europe, political leaders and intellectuals have worried about immigration and diversity as undermining national unity. Political leaders of large European countries, from David Cameron in the United Kingdom to Angela Merkel in Germany and Nicolas Sarkozy in

France, have criticized multiculturalism and the celebration of diversity as divisive and undermining national unity. In smaller European countries such as the Netherlands and Sweden—countries well-known for tolerance and progressive social policies—anti-immigrant politicians like Geert Wilders and the Sverigedemokraterna party gained seats in national parliament by defending traditional, homogeneous national identities against the perceived onslaught of newcomers, especially those of Muslim faith. While concerns about immigrant-generated diversity are particularly strong on the right, scholars and politicians on the European left also worry about what some have called the "progressive dilemma": continued immigration will undermine the welfare state because, it is argued, diversity undercuts the social cohesion and sense of common identity needed for policies of redistribution (Goodhart 2004a, 2004b). In this light, North Americans appear to value ethno-cultural and racial diversity as part of national identity more than Europeans.

In trying to explain these trans-Atlantic differences in contemporary national identity and imaginary, various observers point to North America's long history of immigration. The successful integration of millions of European colonists and migrants into a nation of "Americans" or "Canadians" during the 19th and early 20th centuries sets up a national narrative, it is argued, that provides fertile ground for an inclusive national identity. More broadly, because Canada and the United States are "younger" societies than those in Europe, history's reach is shorter; the sense of common peoplehood spanning centuries is not as foundational to North American self-conceptions as in the "older" European nations. The result, according to this historical narrative, is that Canada and the United States are better positioned and better able to frame national identities to include immigrants and their children.

In this paper, I challenge such a simple and deterministic reading of history. From the vantage point of the late 1940s, it was far from evident that Canada or the United States would be contemporary bastions of multiculturalism or that diversity would be celebrated as part of national identity. Laws and practice kept most non-white immigrants from North America, restricted their naturalization, and denied people of color full rights, even if they held citizenship. Members of U.S. Congress refused to change immigration laws in large part over worries about racial mixing, while in 1947 the Prime Minister of Canada vowed to limit "Oriental" migration so as not to alter the 'fundamental character' of the Canadian population.

In Europe, in contrast, the horrors of ethno-racial nationalism were so shocking that it would have been hard to imagine politicians at this time making calls for minorities' assimilation into the "good" values of the dominant native-born groups that had worked toward genocide or were complicit in such projects. Consider further the symbolism and governance demands of the multi-ethnic, -racial, and -religious empires still held by various European nations. An observer traversing the Atlantic Ocean at the close of World War II would have been hard-pressed to predict the direction of national identity transformations across the two continents, nor to predict that the next half century would inexorably and inevitably lead to the more diverse and inclusive discourse found in North America today.

I suggest that national re-imagining has gone further in North America than Europe due to three key causal processes. First, national identity change in Canada and the United States was initiated by native-born minority populations before the onset of large-scale non-white migration. The timing and legitimacy of this mobilization set the stage for more inclusive national identity discourses upon which immigrants could build. Second,

relatively generous citizenship policy—through birth or naturalization—and a political system open to, but which could contain, "ethnic" politics was critical. The changes started by native-born minorities were thus reinforced by the political engagement of immigrants, immigrant-origin minorities, and their supporters. Finally, civil rights and diversity gains were institutionalized through law, bureaucracy, policy, and educational systems, with real effects on national culture.

It is important to underscore that none of this occurred because of consensus around national identity. Various political observers and some academics express alarm about immigration because they fear diversity will undermine social cohesion, which in turn is posited as necessary to support the welfare state, engender social trust, and reduce alienation, including alienation that breeds violence. The positive valuation of social cohesion privileges consensus over conflict and undermines the legitimacy of contestation. But the causal processes that I identify in North America show that the broadening of national identities arose out of political battles, in a context were immigrants and their descendents could be part of the debate. In this sense, contemporary calls for "social cohesion" in Europe and elsewhere mis-read the history of national identity change. The North American experience shows that the (re-)creation of national imagined communities is often conflictual: when groups make claims about legitimacy and standing in a society, such claims are often resisted by others. Working out such conflicts becomes a new thread in the national story.

**Legitimate National Identity Shocks: Actors and Timing**

The process of national identity change is facilitated when the early "shock" against traditional membership norms is grounded in historic majority-minority conflicts. When this occurs, the re-imagining of national identity is, initially, tangential to immigration. This is important because accommodation of native-born minorities' grievances provides legitimacy to new identity frameworks on which immigrants can graft their membership. While burdened with "second class" citizenship, after World War II native-born minority groups in North America could appeal to the ideal of equal citizenship and the reality of their long participation in the economic, social, and cultural life of the nation to militate for inclusion. The actors and timing of identity change was different in Europe. In many European countries, the process of re-imagining national identity was directly tied to migration. This either occurred as Europe's colonial powers confronted the arrival of former colonial peoples to the continent or, for countries such as Germany, discussion of national identity was largely forbidden until permanent migration changed the reality on the ground.

Of course, post-World War II change in U.S. and Canadian national identities was preceded by a history of dramatic, large-scale immigration. Both the United States and Canada were founded on the premise of European settlement in a "new world" of vast land mass and natural resources. Millions of migrants streamed into the continent in the 19th and early 20th century, a process that also involved the containment, and destruction, of Aboriginal populations. In the aftermath of World War II, the United States and Canada were more 'nations of immigrants' than most European countries. In the United States, seven percent of the population was foreign-born in 1950 (Campell & Gibson 1999); in

Canada, the proportion was 15 percent in 1951 (Leacy 1983).[1]  For many, this history

explains contemporary North America's more open national identity.

We must not forget, however, that ethnic and racial hierarchies were central to the

early story of North American immigration. There was no broad-based diversity discourse

at the time.  Indeed, the similarities in the ethnic-racial orders on either side of the 49th

parallel were striking. The most desirable immigrants, in the view of the public and

government, were western and northern Europeans (preferably Protestant), followed by

other white Christians, Jews, and at the bottom, non-European peoples. Starting in 1882,

the United States began the first of a series of Chinese exclusion acts that sought to bar

almost all Chinese immigration; in 1885, Canada instituted a head tax, directed only at

Chinese, with the same purpose (Daniels 2004; Ong Hing 1993; Kelley & Trebilcock 1998).

In the first decade of the 20th century, both countries entered into agreements with Japan

to eliminate Japanese migration. At the subnational level, states such as California and the

province of British Columbia reinforced Asian migrants' legal and social inequality by

passing laws restricting Asians access to land, licenses, juries, and the ballot box.

These attitudes remained largely intact after World War II.  In 1947, Canadian Prime

Minister Mackenzie King famously re-affirmed the government's commitment to a white,

British-centered immigration policy.  Speaking to the House of Commons, he declared, "The

people of Canada do not wish . . . to make a fundamental alteration in the character of our

population….  Any considerable Oriental immigration would give rise to social and

economic problems" (cited in Kelley & Trebilcock 1998: 312).  A similar sentiment and

logic were articulated by conservative Republicans and southern Democrats in the U.S.

Congress. They defended the United States' national origin quotas, which heavily favored

migrants from northern and western Europe, as reflecting the country's ethnic and racial make-up. This arrangement, they argued, would facilitate social and cultural assimilation, an outcome impossible to achieve if new immigrants came from different origins (Tichenor 2002: 179, 192).

As Rogers Smith (1993) argues, "ascriptive" Americanism was not just a historical aberration in a trajectory toward republican and liberal equality. Rather ascriptive exclusion, by which large swaths of U.S. society were denied full citizenship, was a constituent element of American nationhood. The same was true in Canada, which used both law and practice to keep non-Europeans out of the country. As late as 1966, Canada's Department of Manpower and Immigration reported that of 194,743 new migrants admitted, only 10 percent had non-European ethnic backgrounds, including 5,870 "Negros" (largely from the West Indies), 5,178 Chinese, and 4,094 East Asians (Canada 1966: 6). It would be wrong to read current, inclusive national identities in Canada and the United States as a natural progression of each country's immigrant past.

Against this backdrop, the 1960s were a period of enormous change for both countries. In the area of immigration, the Canadian government began to remove race or nationality criteria from entrance requirements starting in 1962, while the U.S. Immigration and Nationality Act, passed in 1965, ended the system of national origin quotas. These changes occurred in tandem with momentous challenges to each nation's self-image. In the U.S. case, the challenge came from the civil rights movement, demanding equality for African Americans and other native-born minorities; in Canada, the country faced national dissolution with the rising threat of Quebec separation.

Importantly, changes in immigration law were largely tangential to the re-imaging of national identity brought about by native-born minorities' activism. In 1970, less than five percent of the U.S. population was foreign-born (Campbell & Gibson 1999); immigration reform was not a central issue for the civil rights movement. Indeed, few anticipated the demographic transformations that the new immigration law would bring. One of the bill's sponsors, Emanuel Celler testified, "Since the peoples of Africa and Asia have very few relatives here, comparatively few could immigrate from those countries." President Johnson concurred with this judgment, calling the new law "not a revolutionary bill. ...It will not reshape the structure of our daily lives."[2] While the domestic fight against racial exclusion animated some progressives' support for changes to U.S. immigration law, as important, and likely more so, were foreign policy considerations and the build-up of incremental policy changes over prior decades (Daniels 2004; Tichenor 2002; Wolgin & Bloemraad 2010; Zolberg 2006).

In Canada, changes to immigration law flowed from economic considerations (Green 1976; Kelley & Trebilcock 1998) and concern about Canada's moral and political standing in the international community (Triadalopoulos 2012). Such changes were largely divorced from the central national identity challenge of the day: growing Québécois nationalism and grievances over French Canadians' status and socio-economic position in the country. Many Francophone separatists saw common cause with the situation of black Americans and those in the Third World, equating the place of Francophones within English Canada to internal colonialism. A key response of the federal government was the establishment, in 1963, of the Royal Commission on Bilingualism and Biculturalism to report on and make recommendations for the development of the Canadian confederation.

Although the Commission's terms included a nod to "the contribution made by other ethnic groups", its primary mandate was to further the equal partnership between "the two founding races," the British and the French.[3] The use of the word "race" to refer to the two groups, which represented the national identity and understanding of the time, is striking.

The political turmoil of the 1960s and early 1970s occurred within an arc of gradually loosening ties to Great Britain—as seen in the adoption of a Canadian passport and citizenship in 1947—and a desire to distinguish the country from the United States. Immigration reform was tangential to these debates and, in any case, the vast majority of immigrants living in Canada were of European origin: in 1966, two-thirds of new immigrants came from just five countries: the United Kingdom, Italy, the United States, Germany or Portugal (Canada 1966). As Elke Winter (2011) argues persuasively, the transformation of Canadian identity included multiple groups and concerns; it was not just a story of a native-born "us" worried about a foreign "other." Conflict over Canadian identity centered on Quebec separatism, the place of Canada in the British Commonwealth, and differentiation from the United States. The lack of attention to immigration would prove vital for later including immigrant diversity in the re-imagined nation.

Decades later, we can see that the 1960s and 1970s represented a watershed in both the United States and Canada, a decisive moment when claims to inclusion (or independence) made by longstanding minorities forced the two nations to articulate a national identity that embraced diversity much more than previously. In the United States, ideas of assimilation or Americanization lost their luster. This was in part because of the continuing cultural pride of later-generation European descendents, but even more because of the civil rights movement. Black power and black pride movements, and

complimentary efforts by Chicano, Asian American, and Native American activists, brought attention to claims for equality, inclusion, and the valorization of cultural heritage.

In Canada, lobbying by European-origin Canadians led to the abandonment of biculturalism—but the retention of bilingualism—following the Commission's report. In 1971, Prime Minister Pierre Elliott Trudeau announced to the House of Commons a new federal government policy of multiculturalism, committing the government to facilitate integration by removing barriers to participation but also supporting groups' efforts to maintain their cultural heritage. Trudeau himself apparently took little interest in the policy after his speech, and some commentators see the embrace of multiculturalism as a federal ploy to undermine Francophones' claims to special status (Labelle, Rocher, and Rocher 1995). It is clear that, at the time, multiculturalism was envisioned narrowly, primarily centered on recognizing European immigrants and mostly about folkloric aspects of diversity (Brotz 1981; Kallen 1982).

Why were civil rights and Francophone nationalism so central to later immigrants' ability to be part of the national community? Two elements stand out: the actors involved and the timing. Because the key actors were native-born minorities with longstanding roots in the two countries, it was much harder for elites and majority citizens to dismiss claims of inequality and calls for inclusion. Whereas foreigners can be seen as "invited" guests who should not ask for too much (or, alternatively, unwanted guests), the claims of African Americans and Francophones were less easily dismissed. The two countries' respective national narratives—including a Civil War fought in the United States to end slavery, and the notion of two founding peoples in Canada—provided legitimacy to calls for equality and inclusion that carried normative weight for elites and many ordinary people.

Furthermore, the relative unimportance of immigration during this period was, I hypothesize, an asset for later expansion of the national community. Immigration in the 1960s and 1970s was, in the Canadian context, still dominated by Europeans, while in the United States, little new migration occurred from the mid-1920s into the 1960s. This provided a period during which institutional changes such as civil rights law, multicultural programs and curricular changes could begin without strong linkages to immigration and the fear of foreign arrivals.

**Claims-Making: The Importance of Political Inclusion and Contestation**

"Home-grown" identity shocks are not, however, a sufficient explanation for post-war changes in American and Canadian national identities. What are the mechanisms by which such shocks become transformed into an identity inclusive of *immigrant* diversity? For this to happen, I underscore a second process: early transformations must be reinforced—even appropriated—by immigrants, their descendents, and advocates for new minorities. Here the political incorporation of immigrants and their children is critical, including open naturalization policy, relatively high citizenship acquisition, birthright citizenship, and active participation in electoral and protest politics. The conditions for political inclusion and contestation have, until quite recently, been more open in Canada and the United States than in Europe. This is important because when assimilationist or anti-immigrant voices speak out, such voices can gain traction absent a vigorous and vocal opposition that carries real political clout. For this reason, the political engagement of immigrants and their descendents is a critical mechanism for broadening membership, not just in a legal sense but also in re-imagining the national community.

Immigrants' acquisition of citizenship has long been a normative expectation in Canada and the United States, though historically, naturalization was only envisioned for those of European origin. U.S. law and courts restricted naturalization to white (and later black) immigrants, leaving all those not deemed "white" as racially ineligible for citizenship; these provisions were only eliminated definitely in 1952. The low barriers to citizenship, established for European migrants, nevertheless remained in place after World War II. As a result, post-war legal permanent immigrants to the United States, and to Canada, face a relatively accessible citizenship process: a short residency period (three to five years), demonstration of majority language ability, and evidence of some civic knowledge, including familiarity with government institutions. In the early 1970s, over three in five immigrants living in Canada and the United States held the citizenship of their adopted nation (Bloemraad 2006: 31).

Both Canada and the United States also accord automatic birthright citizenship to those born on their territory, facilitating the political inclusion of the children of immigrants. Critically, birthright citizenship is given regardless of parents' status, even if parents are temporary labor migrants or international students, or even if they have no legal residency papers at all. In comparison, even those European countries with strong "civic" traditions of nationhood do not offer such unconditional citizenship to the children of migrants (Vink and de Groot 2010).

This open political incorporation is critical to understanding North American national identity changes. The early "ethnic politics" undertaken by European-origin Americans began an expansion of American nationhood, as with the election of the first Catholic President, John F. Kennedy. Early on, the activism of certain European ethnic

groups also helped generate pressure for legislative change to U.S. immigration law

(Tichenor 2002; Wolgin 2011), with inclusive repercussions for post-1965 migrants. Such

gains were cemented as new migrants—including Cuban émigrés in Florida, West Indian

immigrants in New York City and Vietnamese refugees in Southern California—began to

make in-roads into politics. This is not to say that all immigrants and migrant communities

embrace diversity or advocate for expansive immigration—some do not—but their

presence and activism makes it qualitatively harder to adopt a simplistic anti-immigrant

narrative. This can be seen in the American context when socially conservative politicians

and interest groups worried about immigration distinguish between unwanted "illegal"

migrants, on the one hand, and hardworking immigrants who "play by the rules," on the

other. In making these distinctions, they allow, even if only grudgingly, that some

immigrants are part of the national community. Politicians or pundits who adopt a

narrower view of national identity must specify their objections to immigration and

diversity more carefully in the face of politically active immigrant communities and the

continuing activism of native-born minority groups.

The Canadian case is particularly instructive in this regard, in part because the

political incorporation of immigrants occurs more quickly in Canada than in the United

States (Bloemraad 2006). As noted above, the declaration of multiculturalism in 1971 had

as much to do with dampening French Canadian nationalism as celebrating non-British and

non-French minorities. Nevertheless, the recognition of other cultural communities came,

in part, from the political activism of ethnic minorities of European origin. Ukrainian

Canadian Paul Yuzyk, named to the Senate in 1963, challenged an account of the nation as a

partnership between French and English in his maiden speech to the Senate, entitled

"Canada: A Multicultural Nation." By the 1980s, new waves of migration, notably from Asia,

pushed national re-imagining further. In 1985, migration from Asia constituted close to

half of all new arrivals (46%), while immigrants from Europe and the United States made

up less than a third (30%) of total admissions (Canada 1987: 12). The government shifted

multiculturalism policy away from folklore and cultural heritage to greater attention to

racial exclusion. The report *Equality Now!*, published in 1984, heralded this shift, which

expanded into the 1980s and 1990s. In Toronto, the presence of large numbers of foreign-

born Canadian citizens affected the political calculus of the federal Liberal Party, which

hoped that an appeal to multiculturalism would garner votes with ethnic minority voters

(Hawkins 1991; Triadalopoulos 2012).

High immigration combined with high levels of citizenship generate pressure to

articulate inclusive notions of national identity, and they create feedback loops that

consolidate such changes by making it difficult for anti-immigrant politicians to gain a

foothold in politics. The remarkable transformation of the Canadian political right is a case

in point. At its founding in 1987, the Reform Party, a Western populist party, was

antagonistic to multiculturalism and suspicious of immigration; it was the closest cousin to

the anti-foreigner populism found in many European countries. While not as virulent as

European far-right parties, in its 1988 "Blue Book" the Reform Party outlined a platform

that used language akin to Mackenzie King's views from four decades earlier. With the

caveat, "Immigration should not be based on race or creed, as it was in the past," the Blue

Book nevertheless proclaimed that immigration policy should not "be explicitly designed to

radically or suddenly alter the ethnic makeup of Canada, as it increasingly seems to be."[4]

The Reform Party's 1991 Blue Book dropped the language of Canada's "ethnic makeup," but

it committed the party to opposing "the current concept of multiculturalism and hyphenated Canadianism" by abolishing the program and ministry dedicated to multiculturalism.[5]

The populist party succeeding in first displacing, then taking over, the traditional right-of-center party, leading to the creation a new, unified Conservative Party of Canada in 2003.  As party leaders sought to contest national elections coast to coast, the party's tenor towards diversity and its outreach efforts to immigrant-origin voters changed markedly. This was due, in no small part, to the electoral power of immigrant-origin Canadians.  In 2006, an astounding 85 percent of foreign-born individuals who had lived in Canada at least three years (the minimum residency requirement for citizenship) reported Canadian citizenship.[6]  While not all vote, enough do that politicians must be attentive to this electorate.  When the re-fashioned Conservative party won a majority in the 2011 federal elections – headed by former Reform Party member, prime minister Stephen Harper – it succeeded in part because it sought out immigrant-origin voters, including those termed 'visible minorities' in Canada. In contrast to the Reform Party's early platform, the government has not eliminated the country's multiculturalism policy or rescinded the 1988 Multiculturalism Act, and it continues to admit significant numbers of new immigrants from around the world.[7]   A possible implication for Europe is that as immigrants and their descendents making up a growing share of the electorate, they might further open up national identity discourses.

The Canadian – and American – party systems also help to moderate the political expression of anti-diversity and anti-immigrant sentiment.  In many European parliamentary systems, a radical party can gain some seats in the national legislature – and

consequently political voice – by garnering a relatively low proportion of total votes.  In the Swedish case, the Sverigedemokraterna party needed only four percent of the vote to gain parliamentary representation in 2010.  In North America, political parties seeking national office must engage in a "big tent" strategy, trying to reconcile diverse opinions on immigration within the party.  The effects of the electoral and party systems can be seen in the United States when Republican candidates who take "harder" stances on immigration during primary elections to choose the party's nominee subsequently moderate their position and tone in the general election.  In 2012, Presidential candidate Mitt Romney initially took a very hard-line stance on immigration while he tried to secure the Republican nomination, and then encountered significant difficulties with Latino voters in the general election.  As the Latino electorate grows into the future, a moderation of discourse, akin to what happened for the Canadian Reform Party, might occur.

When immigrants and their descendants enjoy a relatively high level of political incorporation, and politicians decide to solicit the support of immigrant-origin voters, those on the right (and left) must temper anti-immigrant or anti-minority rhetoric, and they are more likely to articulate an inclusive national identity, one which includes people of a variety of ethnic, racial and religious backgrounds.

**Institutionalizing Change and Changing Cultures**

National identity shocks and political activism must be partnered with institution-building and cultural change in the general population. Political activism is insufficient without legislative, bureaucratic, and policy changes that institutionalize more inclusive notions of national identity.  Civil rights legislation, the enshrinement of equality guarantees, and anti-

discrimination efforts are critical.  Not only do they offer real protections for minorities, but with time such laws and policies become a taken-for-granted part of society, changing attitudes and political cultural in gradual but consequential ways.  Attitudinal change is further spurred by curricular initiatives and the efforts of teachers to promote multiculturalism among the younger generation.

To borrow from the field of international relations, such institutionalization provides immigrants and their descendents with both "hard" and "soft" power (Nye 1990) in their country of residence.  In foreign relations, "hard power" is harnessed when countries resort to military force and economic clout to cajole or coerce particular results. Applied domestically, minorities can use courts and legal protections as a type of coercion to force changes on people and organizations that would exclude them from the national community.  In an analogous way, public policies such as affirmative action or integration programs provide material resources to further individual and group ends.  Concurrently, diversity instruction in classrooms and the changing discourse on equality that is reflected in and reinforced by legal protections provide 'softer' power, the ability to achieve ends through persuasion and attraction rather than coercion.  Diversity discourses become symbolic resources that immigrant-origin groups can use to make claims and challenge exclusion.  In this way, legislative and bureaucratic changes not only modify hierarchies of power and inequality, but also alter cultural notions of the nation and who fits in.

This process is readily apparent in the American case, which arguably began the post-World War II institutionalization process earlier than Canada. The civil rights movement in the United States brought about a 'minority rights revolution' (Skrentny 2002) that has facilitated immigrants' claims-making and national inclusion. The 1964 Civil

Rights Act outlawed racial segregation in schools, workplaces, and public accommodations. These protections were extended in ensuing years through amendments and further legislation.  Federal and state governments also initiated policies to pro-actively open up schools, small business opportunities, and jobs through 'affirmative action,' such as preferential admissions, contracting, and hiring of minorities.  As Congress and state legislatures developed new legal protections, bureaucracies and implementation policies, the ideals of equity and pluralism were legitimized.  As Kasinitz (2008) argues, as the original goal of righting historical injustices toward native-born African Americans was recast as a means to promote diversity and minority representation in schools and the workforce, racial minorities of immigrant origin have benefited in important ways.

Civil rights legislation also put into motion special policies for linguistic minorities, regardless of national origin, which were particularly relevant to immigrant communities (Bloemraad and de Graauw 2012).  The President and U.S. Congress used Title VI of the 1964 Civil Rights Act to mandate that administrative agencies hire bilingual personnel and translate forms, notices, and applications for limited-English proficient (LEP) individuals in certain contexts.  Similarly, Section 203 of the 1975 amendments to the Voting Rights Act of 1965, another piece of civil rights legislation, mandates language access at the ballot box. As of 2002, 466 local jurisdictions in 31 states were legally required to provide voting information and ballots in non-English languages (U.S. Commission on Civil Rights 2006). Traditional immigrant gateway cities such as San Francisco and New York City have also adopted their own, more expansive, language access policies.

Another product of the 1960s, the federal Bilingual Education Act of 1968 provided—until it expired in 2002—a federal remedy for discrimination against public-

school students who did not speak English and it made federal funding available for programs taught in languages other than English.  During its 34 years, the BEA generated constant controversy, especially over whether it should help maintain minority languages and cultures or only provide remedial or transitional English instruction (Schmid 2001; Spolsky 2004).  But even amid controversy, it brought attention to diversity in the classroom.

Some might argue that at the dawn of the 21st century, the institutionalization process has suffered a series of setbacks.  In the area of educational policy, in 2001 the federal English Language Acquisition Act (ELAA), enacted as Title III of the No Child Left Behind Act, replaced BEA, but contained no reference to bilingual education.  Concurrently, voters in California, Arizona, and Massachusetts passed ballot measures to ban bilingual education in state public schools in 1998, 2000, and 2002, respectively.

Nevertheless, policy and legislative changes begun in the civil rights era have decisively moved the discourse of integration in the United States beyond a singular focus on Americanization.  As Kasinitz contends, "Today, many forms of diversity are not just tolerated, they are celebrated, particularly by institutions of higher education, in ways that would have been hard to imagine in earlier times" (2008: 255).  Even without bilingual education, many U.S. schools regularly incorporate activities such as "Hispanic Heritage" month into the curriculum or spotlight the contribution of specific groups in history, government, and English classes.  This has, in the terms of Alba and Nee (2003), broadened what constitutes the American mainstream.

The federal government has also helped extend the notion of civil rights to include immigrants by using its power to regulate interstate commerce, to guarantee equal

protection under the 14th and 15th amendments, and through appeals to "plenary power" when state or local laws are perceived as usurping federal power over immigration.  These protections have even covered those without legal residence in some cases.  In 1982, for example, the U.S. Supreme Court's *Plyler v. Doe* decision struck down a Texas law targeting undocumented children by declared that children without legal status have a constitutional right to attend primary and secondary school.  This right, and other legislation providing some legal standing for undocumented residents, has set the stage for increased mobilization for "DREAM Act" legislation that would grant residency to those brought illegally at a young age (Abrego 2008; Bloemraad, Voss and Lee 2011).

Of course, processes of institutionalization are not uni-directional. Recent events in the United States spotlight a host of legislative initiatives that target immigrants, in particular state initiatives directed at those without legal status.  Such legislation, like S.B. 1070 in Arizona and what the American Civil Liberties Union has called "copycat" measures in Alabama, Georgia, Indiana, South Carolina, and Utah, contributes to a growing climate of fear for undocumented migrants.  Even legal non-citizens have seen rights and benefits rolled back.  The federal 1996 Personal Responsibility and Work Opportunity Reconciliation Act, also known as the Welfare Reform Act, denied social welfare benefits to many legal permanent residents, for the first time drawing a bright boundary between citizens and immigrants with permanent residency when it comes to access to social benefits. Other legislation passed in 1996 extended the grounds for deportation and greatly restricted judicial discretion, including for legal non-citizen immigrants, beginning a sharp increase in deportations through to 2012.

Nevertheless, civil rights legislation and efforts at institutionalizing anti-discrimination and diversity initiatives have broadened the contours of American national identity. The significance of judicial review, in particular, needs to be underscored. The ability to use judicial review and the legitimacy of law and courts as an avenue to fight for civil rights—now extended to immigrant rights—has not only permitted courts to overturn legislation deemed in conflict with the constitution, but has also helped legitimate the political demands of minorities and attract supporters. Immigrant advocates in the United States use the language of civil rights, anti-discrimination, and inclusion to make claims and to articulate immigrants' future place in the nation in a way that is quite different from Europe. On the European continent, passage of anti-discrimination legislation and the establishment of agencies to oversee discrimination claims are more likely to be seen as an imposition from the European Union, as in the case of the 2000 EU Race Directive, requiring that member states outlaw discrimination on the basis of racial or ethnic origin by July 2003 (Joppke 2007). In the United States, legal and institutional changes, generated through domestic action and contestation, have been critical for improving minorities' life chances and for changing the cultural idiom of American national identity. It is possible that with time, acceptance of EU policymaking and court decisions among the general population will increase, and migrants' use of European courts will also help broaden the contours of the national community.

In this regard, the Canadian case might be instructive. In Canada, one seldom hears the term "civil rights" to encompass the demands for equality by minority groups, though the two countries enshrine many of the same protections. Instead, Canadians speak of equality guarantees, Charter protections, anti-discrimination initiatives, and human rights.

The difference in the language lies in part in the relative newness of a written set of rights guarantees. For most of its existence, Canada did not have a document that corresponds to the U.S. Constitution and Bill of Rights, with the result that Canadian courts had few opportunities to override challenges to Parliamentary legislation. However, in 1982 the Charter of Rights and Freedoms established, for the first time, the fundamental nature of certain rights and freedoms, giving individuals a means to challenge government in court. The Charter gave constitutional strength to the prohibition against discrimination, it affirmed equality guarantees, it protected equity hiring (a Canadian form of affirmative action) and it even instructed judges to keep the multicultural heritage of Canada in mind when rendering decisions.  The enshrinement of the Charter was a major milestone, precipitating the Canadian version of a rights revolution (Cairns 1992).  In the Migrant Integration Policy Index, an international comparative metric of policies affecting migrants, Canada and the United States stand out as the two countries with the strongest anti-discrimination infrastructure of the 33 highly developed countries surveyed.[8]

Canada's Charter of Rights and Freedoms has consequently become a legal resource that minorities can use to combat unequal treatment, and it has become a foundation stone of contemporary notions of Canadian identity.  According to the same 2010 poll mentioned above, 78 percent of Canadian residents consider the Chater "very important" to Canadian identity, less than twenty years after its signing.  The level of support for the Charter was second only to health care and more important than the Canadian flag in defining the Canadian nation (Environics Institute, 2011: 17).[9]  The Charter thus functions as both a resource to facilitate minorities' inclusion and a source of national pride for all Canadians.

Multiculturalism policy in Canada has also served such a dual purpose. For immigrants, multicultural policy, combined with immigrant settlement programs, has promoted incorporation within a context of pluralism (Bloemraad 2006). This process of incorporation works both at an instrumental level—public policies provide financial and technical support to immigrants and community-based organizations—but also at the symbolical level of membership. As a "hard resource," projected spending for Citizenship and Immigration Canada's integration programs, including transfers to provincial counterparts, stood at slightly over $1 billion in the 2010-11 fiscal year (Seidle, 2010: 4). But there are also important symbolic repercussions. Not only does public funding communicate that multiculturalism ideology is important for the national identity, but the way funding is administered also sends a message. A substantial portion of monies for diversity and integration initiatives gets channeled to community-based organizations. By contracting with civil society groups, governments send a message that they want to work in partnership with immigrant communities and that they trust them to use public funds in line with national goals. Such funding also feeds back into political mobilization and voice, since public support helps build an organizational structure and leadership base that immigrants can use to advocate on their own behalf (Bloemraad 2006).

Thus, rather than a zero-sum trade-off, the Canadian argument has long been that multicultural recognition and accommodation of difference facilitates integration and national unity. Comparative survey data show that immigrants in Canada are more likely to report that their ethnicity is important to their sense of identity than in the United States, but they are also more likely to report an attachment to the nation than compatriots

south of the border (Wright & Bloemraad 2012).  Ethnic and Canadian attachments are complementary, not in conflict.

Critically, multiculturalism also serves as an identity touchstone for the majority population.  Only 12 percent of Canadian residents believe that multiculturalism is unimportant to Canadian national identity (Reitz 2011: 15).  A recent analysis finds that, in Canada, those who express the greatest patriotism are also those more likely to support immigration and multiculturalism (Johnston, Citrin & Wright forthcoming). This is a surprising relationship from the vantage point of other countries, where patriotism is often correlated with anti-immigrant or anti-diversity attitudes.

In the Canadian case, the re-imaging of national identity has been articulated such that immigration is understood as a tool for nation-building and rooted in a particular set of policies and institutions. Of course, multiculturalism is not a panacea, and there are definite limits in the public's mind.  There have been controversies about the use of shari'a law during arbitration in the Ontario judicial system, the right of Sikhs to wear turbans in the Royal Canadian Mounted Police, and the accommodation of religious minorities in Quebec.  The success of multiculturalism as an ideology and idiom for national identity in Canada must be understood as part and parcel of a complex web of minority relations: a non-British, non-American Canadian national identity was (and is) negotiated within an underlying threat of Quebec separation and vocal claims-making by Canada's aboriginal population (Bloemraad 2006; Winter 2011).

**Caveats and Concluding Thoughts**

Of course, many other factors come into play in understanding the relationship between immigrant-generated diversity and national identity transformations. Immigration policies likely play a role. The Canadian point system is often held up as facilitating positive integration since economic migrants are purposely selected by Canadian governments based on their education, language skills, occupational training, work experience, and age; a smaller group is chosen for their ability to invest in business and job creation in Canada. In the first decade of the 21st century, 59 percent of new permanent immigrants arriving in Canada were economic migrants, 26 percent entered through family sponsorship, and 11 percent were refugees (CIC 2011). The native-born public might be more generous in re-imaging the country's national identity to include immigrants when those arriving are viewed as making a net positive contribution to the economy.

Similarly, while the American immigration system differs substantially from the Canadian one—two-third to three-quarters of legal new permanent residents gain status because of family connections, with the rest entering as economic migrant or refugees/asylees—the labor market participation and employment rates of immigrants usually stands higher than that of the native-born. Just before the financial crisis of 2009, 65 percent of the US native-born population worked, while 4.9 percent were unemployed, compared to 68 percent and 4.7 percent, respectively, among the foreign-born.[10] Furthermore, while opinion polls regularly document Americans' negative views of illegal immigrants, when asked about work ethic, similar proportions of Americans—nine out of ten—judge that migrants are hard workers regardless of whether respondents are asked about legal or illegal migrants (German Marshall 2009). Given that immigrants' employment, occupation, and income in Europe often lag behind the native-born

population (Kesler 2006), this likely adds fuel to negative portrayal of newcomers in Europe and might help explain somewhat more open national identities in North America.

Americans' relatively high support for cultural pluralism co-exists with deep ambivalence about immigration, but concerns largely center on illegal migration rather than anxiety about ethno-racial or religious diversity, per se (Bloemraad and de Graauw 2012). More than half of Americans (55 percent) think that the majority of immigrants are in the United States illegally (German Marshall Fund 2012:6). The reality, while significant, is only half that: an estimated 10.8 million residents, or 28 percent of all migrants, do not have residency papers (Hoefer, Rytina & Baker 2011). In comparison, figures for Canada, which are highly speculative, place the number of undocumented between of 200,000 to 400,000 individuals; this would constitute 3 to 6 percent of the foreign-born population. As a percentage of the country's total population, the Canadian figures are higher than estimates for the irregular migrant population in Austria, Denmark, France, Germany, Italy, the Netherlands and Sweden, and similar to Belgium, Ireland, and the UK (Clandestino Project 2009). Surprisingly, Europeans nevertheless worry more about clandestine migration: in Europe, 67 percent of respondents expressed worries over illegal migration in 2009, compared to 61 percent in the United States, and 50 percent in Canada (German Marshall Fund 2009). Even if undocumented, North Americans appear to have somewhat more faith in integration outcomes, whereas Europeans' fears of diversity and immigration arguably feed into concern over clandestine migrants.

In this respect, the immigrant past and mythologies of the United States and Canada, particularly North Americans' longstanding belief in *permanent* migration and settlement, might play a role that is somewhat distinct from European experiences. While 58 percent

of American respondents expressed concern about illegal migration in 2011, only 18 percent expressed similar worries about legal migration, proportions that have held steady since 2008 (German Marshall Fund 2012: 8, 7).  Absent a belief in permanent migration, one can well imagine that the native-born population has little incentive to see foreigners as future members of the society, or for migrants to feel a sense of inclusion and investment in that society if migration is viewed as temporary.

This paper started from the premise that studying the intersection of national identity narratives and immigration requires models of how national identities change; national self-conceptions are not static variables, invariant over time. Too often observers imply that European anxieties about integration are greater and the challenges of immigrant incorporation are more arduous and complex than in North America simply because Canada and the United States are 'nations of immigrants.'

Narratives of diversity and migration can be found in the stories, songs, and histories of many European nations.  This can range from romantic images of the colonial period – one can think of the Portuguese self-image as a nation of seafarers – to stories of safe haven, as reflected in the movement and integration of Jews within the Low Countries following expulsion from the Iberian peninsula.  Conversely, nothing in the North American story of migration in the 19th or early 20th century would have given any reason to be optimistic about the contemporary treatment of Asian, black or non-Christians immigrants. A history of migration does not automatically beget a more inclusive national identity.

Instead, I have argued that Canada and the United States benefited from the timing of internal struggles around national identity, struggles that implicated native-born

minorities and which occurred just before new, large-scale migration. These dynamics of national identity change grew to include immigrants because of processes of political incorporation. National identities expanded because of the agency of migrants and their allies, as well as the institutionalization of anti-discrimination laws and diversity policies, which provided resources to contest anti-immigrant discourses and served as a touchstone for cultural change.

I do *not* argue that these struggles for an inclusive national identity are settled or unproblematic; indeed, a central claim is that conflict is part and parcel of re-imagining national identities. None of the changes in the 1960s and 1970s came easily to the United States or Canada. Political and civic battles were fought in legislatures, in the courts, through the ballot box, and on the streets. This occurred when native-born minorities militated for inclusion and when immigrants' mobilized. Expansion of the boundaries of national membership often occurs through contestation.

Yet the role of contestation is often lost in contemporary politicians' or academics' calls for "social cohesion" or worries about how diversity undermines social trust and social capital. The extension of social rights to male workers in Britain, celebrated in T.H. Marshall's famous account of citizenship, occurred because of the militant activism of unions and political actors favorable to labor. Sometimes distrust and conflict are necessary to expand national membership. The desire to shut down conflict, which in the current period is often articulated as the need for immigrants to modify their behaviors and attitudes to better fit into the majority, becomes a project of double silencing. Not only must immigrants suppress their diversity, but they cannot complain about it either.

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**Endnotes:**

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[1] In addition, in 1950, 10 percent of the US population was enumerated as "black," almost all of whom were native-born minorities (Gibson and Jung 2002).

[2] On Celler's statement, see Congressional Record, 89th Cong., 1st sess., 21758. For President Johnson's remarks, see "President Lyndon B. Johnson's Remarks at the Signing of the Immigration Bill, Liberty Island, New York, October 3, 1965," Lyndon B. Johnson Library and Museum, Austin, Texas, at http://www.lbjlib.utexas.edu/Johnson/archives.hom/speeches.hom/651003.asp.

[3] As outlined in Order in Council P.C. 1106, 19 July 1963.

[4] Platform and Statement of Principles of the Reform Party of Canada. 1988, p. 23. Available at: http://contentdm.ucalgary.ca/cdm4/document.php?CISOROOT=/reform&CISOPTR=197&REC=9.

[5] Reform Party of Canada: Principles and Policies. 1991, p. 35. Available at: http://contentdm.ucalgary.ca/cdm4/document.php?CISOROOT=/reform&CISOPTR=2212&REC=6.

[6] Author's calculation of 2006 Canadian Census data. Available at: http://www12.statcan.gc.ca/censusrecensement/2006/rt-td/immcit-eng.cfm.

[7] The government is, however, increasingly making appeals to traditional conservative symbols of Canadian identity, including the military and the monarchy. It is possible that the Conservatives might downplay multiculturalism in the future, but this has not yet happened.

[8] See http://www.mipex.eu/anti-discrimination.

[9] The importance of the health care system to Canadian identity and integration might seem strange to outsiders, but it has to be understood in terms of Canada's relationship to the United States. Since a part of Canadian nation-building is about making distinctions with Americans, Canadians celebrate their universal health care system as compared to the U.S. system which leaves millions of Americans uninsured. This is another point around which a majority of native-born Canadians and new Canadians can rally and thus serves as a source of inclusion.

[10] Author's calculations from the three-year average (2007-09) of the U.S. Census Bureau's American Community Survey.