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# fifty years of "new" immigration

by Shehzad Nadeem, John D. Skrentny, Jennifer Lee, Zulema Valdez, and and Donna R. Gabaccia | June 13, 2015 | Spring 2015 (http://contexts.org/issues/spring-2015/)

# fifty years of "new" in migration

#### (http://contexts.org/files/2015/06/Screen-Shot-2015-06-13-at-1.53.18-PM.png)

My father arrived in New York City in 1970 from Pakistan with only a few things: a suitcase, his green card in an officially-sealed envelope, and a hand-woven rug he could sell if he needed some extra money. He had no immediate job prospects and slept in the alcove of his brother's Queens apartment. What he did have was a master's degree in physics and experience working in a bank, and it wasn't long before he got a \$10,000 salary as a computer programmer for a marine insurance underwriter near Wall Street. Once settled, my mother came to join him. Some years and some jobs later, they had two kids, raising us in Virginia.

My parents arrived after the passage of the federal Immigration and Nationality Act of 1965, also known as the Hart-Cellar Act. The Act replaced national origin quotas, intended in large part to ensure a Euro-American majority, and aimed to attract skilled labor and reunite families. It opened the doors to immigrants from Asia, Africa, and Latin America and drastically altered the country's demographic complexion. In the case at hand, only 2,500 Pakistani immigrants entered the United States between 1947 and 1965. By 1990, the there were about 100,000 Pakistani Americans. By 2005, their population had grown to 210,000.

The census did not have a category for Pakistanis. They were considered East Indians but counted as White. Pakistanis' particular ethnic threads had yet to be woven into the American fabric, and people struggled to make sense of us. In the South, my parents were greeted with surprise over their "good English" and education. After a history class on segregation in grade school, a blond, blue-eyed classmate mentioned that, if Jim Crow laws were still in place, I'd have to use a "colored bathroom." In junior high in the 1990s, a close friend's mother told me over supper that I was "mostly White" (her husband objected half-heartedly, noting that we had different foods and traditions). Dubious though her words may sound, the message acknowledged a demographic reality: the neighborhood, town, and county were mostly White. Apparently, so was I. In high school, I'd find even a guy who had become a Neo-Nazi still thought we could be friends (as did the White, hip-hop loving bully who fended off the Neo-Nazi in exchange for me doing his art homework).

Since that time, successive immigration waves have further enhanced Northern Virginia's ethnic and racial diversity. Where the presence of families like my own once seemed anomalous, now it is rather commonplace. Students from up to 200 countries now attend local schools. And more broadly, in three decades, non-Hispanic Whites are expected to be a minority in Virginia, and in the country as a whole. These shifts speak to the broader changes in American life that the 1965 Act inaugurated.

The following articles discuss the legacy of the 1965 Act. John Skrentny looks back at the passage of the Act, and suggests that supporters must have had some inkling of the demographic revolution it would engender. In a very quiet way, it marked a shift toward democratic values in immigration policy.

Jennifer Lee punctures the myth of model minorities. She finds that Asian immigrants tend to be very well educated compared to those from other regions. This relative advantage not unique cultural traits—she argues, are responsible for their relative prosperity.

Jody Vallejo writes about the impact of the Act on Mexican migrants who now faced a restrictive hemispheric cap. This led to emergence of unauthorized Mexican migration due to the U.S.'s increasing unmet demand for low-wage labor. It left migrants in a legal limbo. Likewise, Zulema Valdez writes that, while the Act improved on the overtly racist policies of the past, it still carried nativist and illiberal traces evidenced in the increased surveillance, detentions, deportations, and maltreatment of guest workers.

Finally, Donna Gabaccia considers the moral panic that ensued upon discovery that more women than men were entering the U.S. Fears of immigrant dependency circulated, suggesting that women would take more than they contributed (not least by having children).

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## did congress vote for whites to become a minority?

#### by John D. Skrentny

Many of the arguments we'll hear this year about the 50th anniversary of the Immigration Act of 1965 are likely to focus on demographics. Since the Act ended national origin and race quotas Congress had established in the 1920s to favor Northern and Western Europeans, America's demographic shifts have been nothing short of remarkable: non-Latino Whites are already a minority in America's most populous state (California) and are headed for that status nationwide.

This leads to an obvious question: did Congress intend for this result when it eliminated the quotas? The answer is "maybe." Members of Congress and President Lyndon Johnson expected change, though they hardly discussed the expected pace and magnitude. This lack of debate on the question of demographic transformation is fascinating—and puzzling—when considered from 2015.

In 1965, Latinos comprised around 5% of the U.S. population, Asian Americans less than 1%, and African Americans 11%. Whites (I refer to non-Latino Whites whenever I say "Whites") made up the rest: 83% of the people in the U.S. By 2010, Latinos had overtaken African Americans as the largest minority group, at about 16% of the population. African Americans had increased their share to 13%, and Asian Americans had become the fastest growing group at nearly 6%. Among young people, these percentages are considerably higher, and, of course, there is a rapidly growing percentage of Americans of mixed backgrounds. Whites' percentage of the population has fallen about 20% since the Immigration Act passed.

Is this what Congress and President Lyndon Johnson intended in 1965? Regarding Asian immigration, the conventional wisdom is that no one foresaw the rapid rise. However, archival and interview research by legal scholar Gabriel Chin has shown conclusively that the increase was no surprise to many supporters of the bill. In public statements and later reflections, they stated that more visas meant that more Asians would come to the U.S. They knew that they were legislating a greater Asian presence in the American cultural mosaic.

The reason these statements are not more prominent in the historical memory is that supporters appeared to strategically downplay any effects on Asian immigration so as not to inflame the passions of immigration opponents. For example, Mike Masaoka of the Japanese Americans Citizens League noted that the law reserved the great majority of visas for relatives of current U.S. citizens. This was important because there were so few Asian Americans, so "the very arithmetic of past immigration now precludes any substantial gain in actual immigration opportunities for the Japanese, Chinese and other Asians." Yet Masaoka knew the end of racist quotas would still be a boon to Asian immigration, and he strongly supported the bill. The story is different regarding Latino immigration. The 1965 law introduced a new limit on immigration from Latin America. Supporters traded a western hemispheric quota of 120,000 to eliminate the discrimination against Asian and Eastern and Southern European migrants. An internal memo told Johnson that Michael Feighan (D-OH), chair of the House Immigration Subcommittee, "appears to be looking for a way to justify a vote to abolish the national origins system. The justification has to make sense to the traditional supporters of the national origins system (veterans groups, patriotic societies, conservative nationality groups, etc.), whom Mr. Feighan regards as his constituency. He wants to be able to say that in return for scrapping the national origins system—which never really worked anyway—he has gotten a system that for the first time in our history puts a limit on all immigration, not just immigration from 'quota' areas." Supporters of the bill, including Johnson, went along.

Latino immigration increased after 1965 for a variety of reasons, many noted by Frank Bean and his colleagues. These include sinking White birth rates and economic restructuring that created great demand for both low- and high-skilled immigrant workers, including undocumented workers. Meanwhile, European immigration flows receded as European economies grew while European immigrant birth rates declined. These dynamics were unanticipated, yet the lack of debate around the demographic implications of the law at the time is striking from the perspective of the 21st century.

For example, in my research in the Johnson Library, I found no serious White House discussion of the law's impacts. The Johnson administration discussed it in terms of foreign policy or logrolling strategy in Congress. In Johnson's discussion of the historic law in his memoirs—well, there isn't one. He says nothing about it at all. There isn't even an index entry for "immigration."

Gabriel Chin concludes that 1965 was truly a moment of egalitarian principles in politics. He writes, "Knowing that non-whites would be likely to take advantage of the equalized opportunities, Congress passed the law anyway." Whether -egalitarian principles will guide congressional majorities today remains to be seen as immigration continues to dominate debate.

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## how hyper-selectivity drives asian americans' educational outcomes by Jennifer Lee

The passage of the Immigration and Nationality Act in 1965 was a watershed moment for Asian immigration. By replacing national origins with a system that privileged family reunification and high-skilled applicants, the change ushered in a new stream of Asian immigrants with a markedly different profile. A century ago, Asians in the U.S. were poorly educated, low-skilled, low-wage laborers described as "undesirable immigrants" full of "filth and disease." Confined to crowded ethnic enclaves, they were denied the right to citizenship and even intermarriage with citizens. Today, Asian Americans are the most highly educated, least residentially segregated, and the group most likely to intermarry in the country. Driving the transformation was the change in selectivity of Asian immigration. Contemporary Asian immigrants who arrived after 1965 are, on average, highly selected, meaning that they are more highly educated than their ethnic counterparts who did not immigrate.

Not only did the 1965 Act alter the selectivity of Asian immigrants, but it also fueled the rise in the Asian American population. In 1970, Asians comprised only 0.7% of the U.S. population, but today they account for nearly 6%. Asians are the fastest growing group in the country, and demographers project that, by 2050, Asians will make up close to 10% of the population.

Nationwide percentages pale in comparison to the percentage of Asian Americans in the country's most competitive magnet high schools and elite universities. Among the students offered admissions to New York City's famed Stuyvesant High School in the fall of 2014, more than 70% were Asian, 20% White, and less than 10% Other. Asian Americans typically comprise about one-fifth of the entering classes at Ivy League universities and, at the University of California's flagship campus, Berkeley, they make up more than 40%.

Vexed by Asian Americans' exceptional educational outcomes, some pundits have pointed to Asian culture: because Asian Americans possess the "right" cultural traits and value education, they outperform their non-Asian peers, including native-born Whites. However, it is worth remembering that Asian culture was not always hailed as exceptional; less than a century ago, Asians were described as "marginal members of the human race" and "unassimilable." Moreover, reducing educational outcomes to cultural traits and values is nothing more than re-framing the "culture of poverty" thesis into a "culture of success" antithesis. Missing from the cultural values argument are two key elements: "hyperselectivity" and "starting points."

If we examine the three largest East Asian immigrant groups in the United States—Chinese, Vietnamese, and Koreans—we find that each is highly selected from its country of origin. More than half (56%) of Korean immigrants have a Bachelor's Degree or higher, compared to only 36% of adults in Korea. The degree of selectivity is even greater among Vietnamese immigrants; more than one quarter (26%) have at least a Bachelor's Degree, while the comparable figure among adults in Vietnam is 5%. Chinese immigrants are the most highly selected: 51% have graduated from college, compared to only 4% of adults in China. U.S. Chinese immigrants are more than twelve times as likely to have graduated from college than Chinese adults who did not emigrate.

Furthermore, Chinese and Korean immigrants are more highly educated than the general U.S. population, 28% of whom have graduated from college. This dual positive immigrant selectivity is what Min Zhou and I refer to as "hyper-selectivity." The hyper-selectivity of Chinese and Korean immigrants in the U.S. means that their 1.5- and second-generation children begin their quest to get ahead from more favorable "starting points" than the children of other immigrant groups, like Mexicans, as well as native-born groups, including Whites.

Hyper-selectivity benefits all members of an immigrant group, because these groups are more likely to generate "ethnic capital," which manifests into ethnic institutions like afterschool academies and SAT prep courses that support academic achievement. The courses range in price tags (some are freely available through ethnic churches), so they are often accessible to the children of working-class Chinese and Korean immigrant parents. Hence, the hyper-selectivity of an immigrant group can assuage a child's poor socioeconomic status (SES) and reduce class differences within an ethnic group. In turn, this produces stronger educational outcomes than would have been predicted based on parental SES alone.

While some pundits argue that there is something intrinsic about Asian cultural traits or values that explain their exceptional educational outcomes, this argument is as flawed and reductive as the culture of poverty argument sociologists debunked decades ago. Instead,

the change in U.S. immigration law half a century ago, coupled with the resulting change in selectivity of Asian immigration explain Asian Americans' educational outcomes.

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## silva letters and the mexican-american middle class

#### by Jody Agius Vallejo

Despite its liberalizing reputation, the 1965 Immigration Act was extremely restrictive for Mexicans. They now had to enter within narrow hemispheric quotas that did not adequately satiate our country's demand for low-wage labor, ushering in an era of large-scale, unauthorized Mexican migration. But there was one avenue by which unauthorized Mexican migrants could regularize their status: those with U.S.-born children could file for legal permanent residency under the family reunification clause.

This route emerged time and time again in my research on the Mexican American middle class. A number of my respondents who had been raised in middle-class households insisted that their parents successfully attained legal residency, and eventually citizenship, after having children on U.S. soil. I eventually found Terry Feiertag, a Chicago immigration lawyer who, in the 1960s and 1970s, processed these "baby" cases. Feiertag relayed: "What happened is you gave birth, you sent the birth certificate to the U.S. Consulate, and that gave you your ticket in line to get an immigrant visa. Tons of undocumented people were living here, giving birth, registering."

This path to authorization helped hasten Mexican-American mobility into the middle class, allowing parents to obtain stable jobs or open businesses. Many purchased homes in middle-class neighborhoods; some found their higher economic status allowed them to send their children to private schools.

The "baby" provision was not unprecedented, as federal statutes provided similar avenues for legalization under the Alien Registration Act of 1940, but it was revoked in December 1976, when the 1965 Act was revised. The Western Hemispheric quotas decreased from 120,000 a year to 20,000 per country per year. Those who had been on the list to legalize under their native-born children were immediately served deportation orders. Concurrently, Feiertag discovered that the State Department had wrongfully issued nearly 150,000 visas to Cuban refugees under the original Western Hemispheric quotas. Feiertag and his co-counsel filed a class-action lawsuit, Silva v. Levi, on behalf of those who had been in line for a visa prior to December 1976. They successfully argued for an injunction against the deportations.

As Feiertag recalls: "Part of the injunction was that anyone who had this ticket in line could go into a district office, present their letter of registration, and get a notice—what came to be known as the Silva Letters—saying you have the right to be here and to work... My guess is that 500,000 people all over the country who had been chased by deportation officers were now given permission to remain. These letters allowed for mortgages and jobs and many, many once undocumented immigrants, who now had this in-between status, were able to lead regular, middle-class lives."

This forgotten moment in our immigration history is particularly important considering Obama's recent executive order, Deferred Action for Parental Accountability (DAPA), which would provide deportation relief and work permits to certain unauthorized parents of U.S. citizens and legal permanent residents. Like those before them, DAPA eligible-immigrant families will likely increase their economic status. But what will happen once their temporary protected status runs out after three years?

Protection under the Silva Letters lasted until December 1981. As Feiertag told me, "You had this built-in qualifying cohort... What were you going to do with them when the injunction ran out? You said it was ok to set up your life... and now you were going to say, ok, go?" The Letters thus provided pressure for a pathway to legalization, eventually granted under the 1986 Immigration Reform and Control Act (IRCA). Under IRCA, unauthorized migrants who had been living in the U.S. since before January 1, 1982 (nearly the same date that the Silva injunction ran out) were able to legalize their status.

IRCA allowed more than two million immigrants to legalize their status, and the benefits of this legalization are significant. For example, research shows that the children of parents who remain unauthorized obtain lower levels of education than those whose are able to legalize. It is ironic how history repeats itself. Like the Silva Letters, DAPA provides an in-between status that relieves the fear associated with deportation and will likely allow parents to obtain better jobs. DAPA does not go far enough, though. Parents will continue to lack the benefits associated with citizenship that might prompt a more direct path into the middle class. We stand at the precipice of another opportunity to create more American citizens who can make important social and economic contributions to our society. As we approach the fiftieth anniversary of the 1965 Immigration and Nationality Act, it is imperative that policymakers reflect on this history. To grow the middle class, we need a comprehensive policy that will turn DAPA-eligible parents—and those who remain unconnected to native-born children—into American citizens.

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## less than liberal

#### by Zulema Valdez

Coupled with civil rights legislation, the Immigration and Naturalization Act of 1965 has been characterized as representing a historical shift in America's race relations toward a more liberal racial democracy. The Act abolished the 1924 Immigration Act's national origins quota system, a policy that was widely seen as racist. In particular, Jewish and Catholic migrants to the U.S. from Southern and Central Europe claimed that the 1924 system discriminated against them, favoring migration from Northern Europe. At the same time, larger geopolitical forces at the end of World War II had also motivated policymakers to change the overtly discriminatory system that came to be seen as an embarrassment on a global scale.

Nevertheless, in the months leading up to the passage of the bill, most policymakers and politicians tended to overlook the possibility for dramatic increases in migrants from non-White sending countries. During the signing of the bill, President Johnson remarked, "The bill is not a revolutionary bill. It does not affect the lives of millions. It will not reshape the structure of our daily lives or add importantly to either our wealth or our power." At the same time, Johnson underscored the urgent need for the bill, which would abolish an "un-American" system that "will never again shadow the gate to the American Nation with the twin barriers of prejudice and privilege."

The 1965 Act, which, for the most part, remains how U.S. immigration policy is conducted today, was based largely on a race-neutral system that sought to reunite American citizens and permanent legal residents with their families, grant refugees asylum, and prioritize the entry of highly skilled labor. Contrary to Johnson's claims, though, the shift markedly altered the ethnic and racial composition of the country. Following its passage over 18 million legal immigrants entered the U.S., triple the number that preceded the Act, mostly from Latin America, Asia, Africa, and the Caribbean. However, the Act failed to abolish racism and nativism from immigration policy.

Clearly, immigration policies that were overtly "racially restrictive," such as the Chinese Exclusion Act of 1882 or the National Origins Act of 1924, have given way to laws that are, in theory, race neutral. Yet, a restrictionist character remains. In particular, historian Erika Lee reminds us that "various gatekeeping systems of categorizing, processing, surveilling, detaining, and deporting immigrants that were first established during 1882 to 1924 continue to function–and have even been expanded–in the contemporary era."

One readily observed example underscoring the persistence of restrictionist policies in the post-1965 period is that of undocumented Mexican immigrants. As migration scholars Doug Massey and Karen Pren have shown, unauthorized immigration from Mexico was "near zero" before the passage of the 1965 Act, due in part to the Bracero Program, which provided temporary migrants with guestworker visas. This program, which allowed for a temporary and circular pattern of Mexican migration, was dismantled when the 1965 Act's hemispheric cap took effect. Although unintended, the consequences of these immigration policy changes meant the displacement of approximately 500,000 guestworkers who could no longer receive visas. It left the door open to just 20,000 annual resident visa holders. Consequently, unauthorized immigration from Latin America, mostly from Mexico, increased to nearly 10 million by 2010.

The unprecedented rise in unauthorized immigration has been met with fierce societal and state resistance. We have seen increases in hate crimes; racial scapegoating; border enforcement and militarization; arrests, detentions, and deportations; and the creation of new policies, such as the Patriot Act and Arizona's Support Our Law Enforcement and Safe Neighborhoods Act (Arizona SB 1070). Together, these effectively place the entire Mexicanorigin population in the U.S. under suspicion. Likewise, the hostile treatment of Middle Eastern immigrants after the 9/11 terrorist attacks, including the long-term detention of noncitizens under the Patriot Act, demonstrates the ways in which contemporary immigration policy continues to fall short of triumphal liberal goals.

All told, the 1965 Act did mark a significant shift away from overtly racist immigration policy. However, such "race-neutral" or "colorblind" immigration policies do not do enough to rectify a disturbing legacy of policies to the contrary or to change the ways in which immigrant minorities and their descendants are incorporated into America's racially stratified economy and society.

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## the feminization of american immigration

#### by Donna R. Gabaccia

In 1984, when statisticians at the U.S. Department of Labor first reported that women outnumbered men among immigrants, their announcement appeared amidst growing fears that the immigration reforms of 1965 had precipitated a decline in the "quality" of America's immigrants. Critics claimed newer immigrants "took" more than they "gave." There was little evidence to support such fears, but the momentum increased and eventually Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, which ended most social services to America's foreign-born, whether or not they possessed green cards.

Scholars, politicians, and American citizens have long imagined immigrants as working-age men who built America through their hard labor. By contrast, immigrant women and children were long assumed to be economic dependents. The 1984 Department of Labor report showed, for example, that most immigrant women in the 1970s entered with visas facilitating family unification. Thus, the New York Times' decision to headline its article on the report "Men Only a Third of U.S. Immigrants" provocatively added fuel to the fire. It fed fears that adult immigrant women were no different from children: they all depended on men's support. The Times claimed the numbers upset "Conventional Wisdom" and suggested that the U.S. was unique in a world where other countries still attracted male workers.

In fact, the labor statisticians' report made none of these claims. On the contrary, it questioned the association of visa status with female dependency and showed that a third of women entering the U.S. to unify families listed an occupation. Other evidence showed that wage-earning rates among immigrant women since 1970 had been only slightly lower than rates among native-born women. What's more, many more adult women of both groups worked for wages both before and after marriage than in the past.

Family unification visas and female majorities also preceded the passage of the 1965 immigrant reforms by several decades. Restrictive immigration laws passed in 1921 and 1924 first provided for the entry of wives and dependent children of naturalized immigrant men. Already in the 1950s, the largest group of migrants entering the U.S. did so with visas for family unification.

Female majorities were equally long-standing. Women and girls had been only 34.9% of immigrants between 1910 and 1919. With immigration restriction, however, that percentage rose to 43.8% in the 1920s, 55.3% in the 1930s, and 61.2% in the 1940s. After the passage of the 1965 reforms—changes that undid many of the earlier restrictions—the percentage of female immigrants actually fell to 53% in the 1970s.

We now also know that the feminization of migration occurred globally; that is, it did not set the U.S. apart as either unique or uniquely disadvantaged in its labor force. Many countries in Europe and Australia also had gender balanced migrant populations before 1960, and it became more common among immigrants in parts of Asia, Africa, and Latin America after 1960. Today, women are 50% of refugees worldwide and migrant men outnumber women only as asylum-seekers and as undocumented or clandestine labor migrants. Although many associate increased female migration with trafficking, scholarly studies all point toward family unification, the recruitment of female care-workers, and the admission of refugees as drivers of gendered dynamics of migration. Most significantly, no study has ever documented negative consequences of gender balanced migrant populations. While the 1965 reforms of U.S. immigration policy certainly had unintended consequences and family unification provisions did encourage the multiplication of once-tiny Asian and Latin American migrations, the feminization of migration was not itself a consequence of immigration reform. Nor did women's use of visas for family unification render them economic dependents or "takers." Gender balance among immigrants—whether in the United States or elsewhere—is thus no cause for alarm and it provides no evidence to support either further restrictions or the stigmatization of recent migrants as undesirable.

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