

FOREIGN POLICY INTERPRETIVE LENSES AND STATE MIGRATION  
LAW: REALISM, ISOLATIONISM AND LIBERALISM THOUGHT, AND  
U.S. IMMIGRATION POLICY

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ABSTRACT

*This interdisciplinary article argues that Foreign Policy (FP) interpretive lenses (IL's)—heuristics oft used in International Studies disciplines to examine statecraft—are a useful and underappreciated tool for comparative state migration policy and legal analysis. IL's have value as conceptual tools for scholars in examining state migration law and policy, and as accessible analytical frameworks that can be taught to non-professional audiences to assist them with seeing beyond preconceived bias when examining immigration. This article lays ground in the area by painting with broad brushstrokes how three IL's—realism, isolationism, and liberalism—can be used as lines of inquiry into shedding new insight into state migration law, including historical U.S. immigration policy cases from the eighteenth through twentieth centuries.*

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## INTRODUCTION

Scholars within International Studies disciplines have devised and use interpretive lenses (IL's) to examine state foreign policy.<sup>1</sup> Common IL's in fields such as Foreign Policy (FP), International Relations (IR), and

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<sup>1</sup> Five comments on terminology in this article are provided here for clarification for the reader: First, interpretive lenses (IL's) are also referred to in International Studies disciplines (such as the Diplomatic History (DH), Foreign Policy (FP), International Relations (IR) and Security Studies (SS) fields) as analytical or conceptual frameworks, ideal types, images, logics, paradigms, schools of thought, or traditions of thought. These terms/appellations are meant interchangeably in this article. The decision to primarily refer to them as IL's in this article was made by the author with the hope that this label may make the most intuitive sense as to their purpose to readers who are not steeped in International Studies disciplines. On these appellations and their use as foreign policy/world politics heuristics *see, e.g.* RUSSELL BOVA, *HOW THE WORLD WORKS: A BRIEF SURVEY OF INTERNATIONAL RELATIONS* 7-8 (2nd ed. 2012); Patrick CALLAHAN, *LOGICS OF AMERICAN FOREIGN POLICY: THEORIES OF AMERICA'S WORLD ROLE* 4-5 (2004); RALPH G. CARTER, *ESSENTIALS OF U.S. FOREIGN POLICY MAKING* 12 (2015); PAUL R. VIOTTI & MARK V. KAUPPI, *INTERNATIONAL RELATIONS AND WORLD POLITICS* 30-31 (5th ed. 2013). Second, note that this article does not refer to IL's as "theories." The reason for this is that, per Kuhnian characterization (named after Thomas Kuhn—a twentieth century philosopher of science; for his landmark work in the area see THOMAS S. KUHN, *THE STRUCTURE OF SCIENTIFIC REVOLUTIONS* (4th ed., 2012)), paradigms or IL's provide sets of general assumptions about forces underlying foreign or migration policy, but they are insufficient to predict specific state behaviors or outcomes. *See* David A. Lake, *Theory is Dead, Long Live Theory: The End of the Great Debates and the Rise of Eclecticism in International Relations*, 19 *EUR. J. INT'L REL.* 567, 573 (2013). Theories, on the other hand (which can be constructed from the 'hard core' assumptions of paradigms or IL's), make specified predictions about political behaviors and outcomes (Lake, *supra* note 1, at 573). Third, International Relations (IR) scholars may think it odd that this article does not primarily use the "paradigm" moniker because this is the classification label for analytical frameworks oft used in intro textbooks (*e.g.*, BOVA, *supra* note 1, at 7) for constructs such as realism and liberalism. This article primarily uses the IL over paradigm appellation to refer to foreign policy analytical constructs because the latter term (paradigm) is frequently used in IR to refer to perspectives on global systems-level conceptualizations of international relations, whereas this article is on analytical constructs of state foreign policy, and it hopes that by using a distinct appellation (IL) that scholars will not incorrectly assume a use for it that is not intended. Fourth, this article distinguishes the Foreign Policy (FP) field from the foreign policy act by capitalizing the former term, and it follows a common practice in the U.S. of constituting FP as a subfield of the IR discipline. Fifth, this article uses state "migration policy" and "immigration policy" interchangeably. For more on how migration policy is constituted in this article see *infra* notes 8 & 9 and corresponding text.

Diplomatic History (DH) include realism, liberalism, and isolationism.<sup>2</sup> An IL provides, “a conceptual or theoretical perspective or framework” or “a general perspective” for a scholar to use to understand international politics and foreign policy.<sup>3</sup> Interpretive lenses help analysts examine international affairs by providing cognitive maps or, “sets of interrelated ideas that explain some reality” of a country’s foreign policy.<sup>4</sup> Similar to a scientist or a detective using a magnifying lens to more clearly view an object, or an astronomer utilizing a telescope to reveal distant objects, IL’s enable an analyst to zone in on important features of state foreign policy.<sup>5</sup> The foreign policy of a state can be a complex subject to analyze, especially for interpreters without expertise in the area, and IL’s provide assessable maps and vantage points for analysts to identify what is and what is not important in statecraft.<sup>6</sup>

This article argues that IL’s can also assist with providing new insight into state migration law and policy because a country’s immigration decisions, similar to its foreign policy choices, affect relations with global actors and provide normative signals within the international community about its interests and values.<sup>7</sup> A state’s migration policy constitutes its “policies designed to influence international migration[,]” and “those directed at potential or actual migrants: people who cross international borders and live in a foreign country”;<sup>8</sup> it includes a state’s efforts to,

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<sup>2</sup> Note that IL’s or paradigms are commonly presented in introductory or historiographical texts of the DH, FP, and IR fields. See e.g., BOVA, *supra* note 1, at 7-33; Carter, *supra* note 1, at 12-18; Norman A. Graebner, *Realism and Idealism*, in *ENCYCLOPEDIA OF AMERICAN FOREIGN POLICY* 311-28 (Richard Dean Burns, Alexander DeConde, & Fredrik Logevall eds., 2<sup>nd</sup> ed., Vol. 3, 2002); DANIEL S. PAPP, LOCH K. JOHNSON, & JOHN E. ENDICOTT, *AMERICAN FOREIGN POLICY: HISTORY, POLITICS, AND POLICY* 17-20 (2005).

<sup>3</sup> BOVA, *supra* note 1, at 7; VIOTTI & KAUPPI, *supra* note 1, at 31.

<sup>4</sup> Carter, *supra* note 1, at 12.

<sup>5</sup> *Id.* explains that we follow models, “of nutrition and how the body works to tell us what to eat and what not to eat, how and when to exercise, what personal habits are associated with long life, and so on.... [Similarly, IL’s] are no more than these bundles of interrelated ideas that help us interpret” a state’s foreign affairs.

<sup>6</sup> *Id.*

<sup>7</sup> On the foreign and immigration policy nexus see generally *IMMIGRATION AND US FOREIGN POLICY* (Robert W. Tucker, Charles B. Keely, & Linda Wrigley, eds., 1990); *MIGRANTS, REFUGEES, AND FOREIGN POLICY* (Rainer Münz & Myron Weiner, eds., 1997); Kevin D. Stringer, *Visa Diplomacy*, 15 *DIPL. & STATECRAFT* 655 (2004); MARC R. ROSENBLUM, *THE TRANSNATIONAL POLITICS OF U.S. IMMIGRATION POLICY* (2004); Robbie J. Totten, *Statecraft and Migration: A Research Note on American Strategies to Use Immigration in Foreign Policy from the Founding Era through the Early Twenty-First Century*, 28 *DIPL. & STATECRAFT* 344 (2017); *WESTERN HEMISPHERE IMMIGRATION AND UNITED STATES FOREIGN POLICY* (Christopher Mitchell, ed., 1992).

<sup>8</sup> Dita Vogel, *Migration Policy*, in *IMMIGRATION AND ASYLUM: FROM 1900 TO THE PRESENT* 421 (Matthew J. Gibney & Randall Hansen eds., Vol. 2, 2006).

“regulate. . . entry into (and exit from its) national territory and to stipulate conditions of residence of persons seeking permanent settlement, temporary work or political asylum”.<sup>9</sup> A state’s foreign policy is its goals and actions in the international community,<sup>10</sup> including those related to its “security, prestige, and economic well-being.”<sup>11</sup> A state’s migration law and policy can be viewed as a de facto component of its foreign policy because each time it makes a decision about which migrants are allowed to come to its territory, and under what types of conditions that they are permitted to stay, it has made a choice about a matter outside of its borders that affects at least one other state or global entity, and possibly its own national security, reputation, or wealth.<sup>12</sup> For this reason, a state’s foreign policy beliefs and goals can underscore its migration law and policy, and because IL’s capture what is important to leaders in their country’s relations in the global community, they can also help with ascertaining forces underlying state migration decisions.<sup>13</sup>

Despite their potential analytical leverage for interpreting state immigration policy, IL’s are an underutilized resource in migration legal analysis and policy studies.<sup>14</sup> Legal scholars have not used ILs to examine migration policy, as can be expected since legal scholars are unlikely to be trained in concepts and methods in international affairs disciplines.<sup>15</sup> Reviewers of immigration and IR/Political Science literature<sup>16</sup> in

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<sup>9</sup> Gary P. Freeman, *Migration Policy and Politics in the Receiving States*, 26 INT’L MIGRATION REV. 1145 (1992). Stated another way, migration policy in this article, “is defined as a set of concerns and actions about what persons from abroad should enter and/or remain in the United States and about the terms under which they will be permitted to do so.” Christopher Mitchell, *Introduction: Immigration and U.S. Policy toward the Caribbean, Central America, and Mexico*, in WESTERN HEMISPHERE IMMIGRATION AND UNITED STATES FOREIGN POLICY 6-7 (Christopher Mitchell ed., 1992.)

<sup>10</sup> CARTER, *supra* note 1, at 8.

<sup>11</sup> Mitchell, *supra* note 9, at 6.

<sup>12</sup> See generally Totten, *supra* note 7.

<sup>13</sup> *Id.*

<sup>14</sup> The ILs or paradigms used in International Studies disciplines are not discussed in handbooks or historiographical reviews of the legal field and migration policy that this author could find. Note, for example, their absence in the following excellent works: David Abraham, *Law and Migration: Many Constraints, Few Changes*, in MIGRATION THEORY: TALKING ACROSS DISCIPLINES 289-317 (Caroline B. Brettell & James F. Hollifield eds., 3<sup>rd</sup> ed., 2015); Kevin R. Johnson et al., UNDERSTANDING IMMIGRATION LAW, 2nd ed. (2015); and Peter H. Schuck, *Law and the Study of Migration*, in MIGRATION THEORY: TALKING ACROSS DISCIPLINES 187-204 (Caroline B. Brettell & James F. Hollifield eds., 1<sup>st</sup> ed., 2000).

<sup>15</sup> See fn. 14.

<sup>16</sup> James F. Hollifield, *Migration and International Relations*, in THE OXFORD HANDBOOK OF THE POLITICS OF INTERNATIONAL MIGRATION 345-79 (Marc R. Rosenblum & Daniel J. Tichenor eds., 2012); James F. Hollifield and Tom K. Wong, *The Politics of International Migration: How Can We “Bring The State Back In?”*, in MIGRATION THEORY:

distinguished migration handbooks<sup>17</sup> find that research on immigration and IR (a field where one might expect to find work on ILs and immigration because IR scholars frequently use paradigms in their research) is “exceptionally thin”,<sup>18</sup> and that extant IR studies on migration tend not to use common modes of interpretive inquiry in the field, as noted by “the school of thought in IR that has the least to say about international migration is in fact the oldest and most venerable theory: political realism”.<sup>19</sup> Diplomatic historians are also scholars who utilize IL’s such as idealism and realism to examine foreign policy,<sup>20</sup> but a review<sup>21</sup> found that “[s]urprisingly few historians have attempted to link directly the study of international relations, diplomacy, and immigration”.<sup>22</sup> “Historians who focus on international relations often completely ignore migration”.<sup>23</sup>

To be sure, scholars have broadly suggested ways for analysts to use IR paradigms to examine migration.<sup>24</sup> Other scholars have more generally used

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TALKING ACROSS DISCIPLINES 227-88 (Caroline B. Brettell & James F. Hollifield eds., 3<sup>rd</sup> ed., 2015).

<sup>17</sup> MIGRATION THEORY: TALKING ACROSS DISCIPLINES (Caroline B. Brettell & James F. Hollifield eds., 3<sup>rd</sup> ed. 2015); THE OXFORD HANDBOOK OF THE POLITICS OF INTERNATIONAL MIGRATION (Marc R. Rosenblum & Daniel J. Tichenor, eds., 2012).

<sup>18</sup> Hollifield, *supra* note 16, at 349.

<sup>19</sup> *Id.* at 351; *see also* Hollifield & Wong, *supra* note 16, at 246-48. Anecdotally, this author has noticed in conversations with migration and IR scholars that there is a sense that common IR paradigms such as realism and liberalism have been exhaustively used to analyze migration policy and law. However, this is simply not the case (especially in comparison to the prodigious body of work in DH, FP, and IR that uses paradigms to analyze foreign policy), which is likely why James Hollifield—an IR scholar who has been writing on migration for decades—recently characterized in reviews (see the sources in footnotes 18 and 19) the amount of work in the area as “exceptionally thin.” Hollifield, *supra* note 16, at 349. Possible reasons for this are that scholars may assume that paradigms—commonly used to introduce undergrads to international analysis—have already been comprehensively utilized to examine state migration policy.

<sup>20</sup> *See, e.g.*, Graebner, *supra* note 2, at 311-28.

<sup>21</sup> DONNA R. GABACCIA, FOREIGN RELATIONS: AMERICAN IMMIGRATION IN GLOBAL PERSPECTIVE 235-45 (2012).

<sup>22</sup> *Id.* at 238.

<sup>23</sup> *Id.* at x.

<sup>24</sup> *See, e.g.*, JAMES F. HOLLIFIELD, IMMIGRANTS, MARKETS, AND STATES: THE POLITICAL ECONOMY OF POSTWAR EUROPE (1992); James F. Hollifield, *Migration, Trade, and Nation-State: The Myth of Globalization*, 3 UCLA J. OF INT’L LAW & FOREIGN AFFAIRS 595 (1998); Hollifield, *supra* note 16; Eytan Meyers, *Theories of International Immigration Policy—A Comparative Analysis*, 34 INT’L MIGRATION REV. 1245 (2000); EYTAN MEYERS, INTERNATIONAL IMMIGRATION POLICY: A THEORETICAL AND COMPARATIVE ANALYSIS (2004); CHRISTOPHER RUDOLPH, NATIONAL SECURITY AND IMMIGRATION: POLICY DEVELOPMENT IN THE UNITED STATES AND WESTERN EUROPE SINCE 1945 29-36 (2006). On diasporas and IR paradigms, see Yossi Shain & Aharon Barth, *Diasporas and International Relations Theory*, 57 INTERNATIONAL ORGANIZATION 449 (2003).

tools and concepts from IR to analyze immigration, such as in studies that utilize security dilemma,<sup>25</sup> International Political Economy (IPE),<sup>26</sup> constructivism and norms,<sup>27</sup> strategic coercion,<sup>28</sup> and human security models<sup>29</sup> to examine migration.<sup>30</sup> But other than an essay written over fifty

<sup>25</sup> See, e.g., MIKHAIL A. ALEXSEEV, *IMMIGRATION PHOBIA AND THE SECURITY DILEMMA: RUSSIA, EUROPE, AND THE UNITED STATES* (2006), which uses security dilemma logic to explain anti-immigrant sentiment in states. A simple definition of “the ‘security dilemma,’ which is one of the most well-known concepts in the international relations literature, ... is that the measures a state takes to increase its own security decrease the security of other states. Thus, it is difficult for a state to increase its own chances of survival without threatening the survival of other states.” JOHN J. MEARSHEIMER, *THE TRAGEDY OF GREAT POWER POLITICS*, Updated Edition 35-36 (2014).

<sup>26</sup> See, e.g., HOLLIFIELD, *IMMIGRANTS, MARKETS, AND STATES*, *supra* note 24; Hollifield, *Migration, Trade, and Nation-State*, *supra* note 24; Alan Kessler, *Guarded Gates: International Trade, Domestic Coalitions, and the Political Economy of Immigration Control* (1999) (unpublished Ph.D. Dissertation, University of California, Los Angeles); Christopher Rudolph, *Security and the Political Economy of International Migration*, 97 AM. POL. SCIENCE REV. 603 (2003); MARGARET E. PETERS, *TRADING BARRIERS: IMMIGRATION AND THE REMAKING OF GLOBALIZATION* (2017). International political economy (IPE) is “the study of the intersection of politics and economics that illuminates why changes occur in the distribution of states’ wealth and power.” CHARLES W. KEGLEY, JR. & SHANNON L. BLANTON, *WORLD POLITICS: TREND AND TRANSFORMATION*, 2013-2014 Updated Edition 328 (2014).

<sup>27</sup> See, e.g., OLE WEAVER, BARRY BUZAN, MORTEN KELSTRUP, & PIERRE LEMAITRE, *IDENTITY, MIGRATION AND THE NEW SECURITY AGENDA IN EUROPE* (1993); ROXEEANNE LYNN DOTY, *THE LAW INTO THEIR OWN HANDS: IMMIGRATION AND THE POLITICS OF EXCEPTIONALISM* (2009); Rebecca Hamlin & Phillip E. Wolgin, *Symbolic Politics and Policy Feedback: The United Nations Protocol Relating to the Status of Refugees and American Refugee Policy in the Cold War*, 46 INT’L MIGRATION REV. 586 (2012). In simple terms, constructivism is an approach to understanding global politics “emphasizing the role that norms and identities have in “constructing” the character of international relations.” BOVA, *supra* note 1, at 24. It entails the notion that, “ideas and concepts about international relations are not essential attributes but are rather of human origin and human constructed. The world is the image that states and others choose to make it.” VIOTTI & KAUPPI, *supra* note 1, at 39.

<sup>28</sup> See e.g., KELLY M. GREENHILL, *WEAPONS OF MASS MIGRATION: FORCED DISPLACEMENT, COERCION, AND FOREIGN POLICY* (2010), who defines strategic coercion for migration, or what she calls “coercive engineered migrations (or migration-driven coercion)[.]” as those cross-border population movements that are deliberately created or manipulated in order to induce political, military and/or economic concessions from a target state or states.” *Id.*, at 13.

<sup>29</sup> See, e.g., Francesca Vietti & Todd Scribner, *Human Insecurity: Understanding International Migration from a Human Security Perspective*, 1 J. ON MIGRATION AND HUM. SECURITY 17 (2013). A simple definition of human security—the concept used by Vietti & Scribner, in their study—is that it is a, “View of security emphasizing protection of individuals from political, military, economic, and environmental threats”—a notion that “challenges the idea of “national security” as too state-centric.” BOVA, *supra* note 1, at 239.

<sup>30</sup> And scholars working in the interdisciplinary migration studies field, while not explicitly using IR and FP terminology and models, have developed heuristics for analyzing migration policy that include international-level variables, exemplified by the popular Daniel

years ago that utilizes realism and idealism to analyze Australian and Canadian migration law following WWII,<sup>31</sup> and an article around the turn of the century using realism and liberalism to analyze European Union (EU) migration policy,<sup>32</sup> this author could not find many studies that carry out the simple exercise of using IL thought to shed insight on actual migration policy laws and cases. Studies addressing the following types of questions are rarely conducted: what insights can be gleaned by using IL's such as realism, liberalism, or isolationism to examine historical state migration policy laws (e.g., the 1965 Immigration and Nationality Act in the U.S.<sup>33</sup>), contemporary migration policy decisions (e.g., state policy reactions to the European Migrant Crisis<sup>34</sup>), or policy options for a state (e.g., how the U.S. or another country can formulate migration policy for foreign policy goals). The basic use of IL's to understand world politics is seldom carried out with migration policy, and scholars have not on the whole tapped into the analytical utility of ILs for analyzing state migration policy.<sup>35</sup>

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Tichenor (see his *DIVIDING LINES: THE POLITICS OF IMMIGRATION CONTROL IN AMERICA* (2002)); Aristide R. Zolberg (see his *A NATION BY DESIGN: IMMIGRATION POLICY IN THE FASHIONING OF AMERICA* (2006)); and David Fitzgerald & David Cook-Martín (see their *CULLING THE MASSES: THE DEMOCRATIC ORIGINS OF RACIST IMMIGRATION POLICY IN THE AMERICAS* (2014)) multi-variable models that include geopolitical factors to explain state migration controls.

<sup>31</sup> David Corbett, *Immigration and Foreign Policy in Australia and Canada*, 13 INT'L J. 110 (1958).

<sup>32</sup> Sandra Lavenex, *Migration and the EU's New Eastern Border: Between Realism and Liberalism*, 8 J. OF EUR. PUBLIC POL'Y 24 (2001); see also SANDRA LAVENEX, *THE EUROPEANISATION OF REFUGEE POLICIES: BETWEEN HUMAN RIGHTS AND INTERNAL SECURITY* (2001). For an interesting thesis primarily using constructivism to analyze U.S. immigration policy eras see Lisa Ledvora, "The Reciprocal Relationship between Immigration Policy and the Immigrant Experience in the United States" (Senior Thesis, 2016), <https://publications.lakeforest.edu/cgi/viewcontent.cgi?article=1074&context=seniortheses>.

<sup>33</sup> The Immigration and Nationality Act of October 3, 1965, 79 Stat. 911, is also called the Hart-Cellar Act, after its sponsors Rep. Emanuel Celler and Senator Philip Hart.

<sup>34</sup> For more on this event see e.g., Jeanne Park, *EUROPE'S MIGRATION CRISIS* (Sep. 23, 2015), <https://www.cfr.org/background/europes-migration-crisis>.

<sup>35</sup> To be clear about the point being made here: note that this article is not saying that scholars do not use theoretical variants of IL's to construct migration policy models, nor that there is a dearth of models in migration studies that utilize international-level variables to explain migration phenomena; rather, it is arguing that the common DH, FP, and IR disciplinary practice of using IL's or paradigms to examine empirical cases of world politics is uncommon in migration analyses. Scholars have discussed how IR paradigms can potentially be used to examine state migration policy (such as in the sources in footnote 24), but these excellent studies are largely descriptive and do not apply ILs to actual historical or contemporary policy cases (such as is done in the rare types of works identified in footnotes 31 and 32). Furthermore, extant studies using IR theoretical variants to analyze migration for the most part do not robustly present the IL thought tradition and how it might be applied to migration law and policy.



This is curious given that DH, FP, and IR textbooks often introduce people who are new to the disciplines by showing how paradigms such as realism, liberalism, and idealism can help make sense of world politics;<sup>36</sup> and that a common enterprise by IR scholars<sup>37</sup> and diplomatic historians<sup>38</sup> is to use IL's to analyze foreign policy, such as applying realism and liberalism thought to the 2003 U.S. invasion of Iraq,<sup>39</sup> or IR theory to President Donald Trump and international politics.<sup>40</sup> For example, one IR scholar notes the widespread use of paradigms or IL's in the field and, after reviewing IR disciplinary theoretical practices, concludes that, "it is striking that Theory [paradigm or IL analysis] has for at least half a century had a strong and central role in the intellectual as well as the social organization of the discipline of International Relations", and that as a result, "[t]he standard format of an IR article in a leading journal has increasingly converged on the theory-plus-case study model."<sup>41</sup> This claim is supported by surveys carried out on the IR discipline by the Project on Teaching, Research, & International Policy (TRIP)<sup>42</sup> revealing that academics see paradigm analysis as a major part of IR scholarship and teaching.<sup>43</sup> While these

<sup>36</sup> See, e.g., BOVA, *supra* note 1, at 7-33; Carter, *supra* note 1, at 12-18; Papp, Johnson, & Endicott, *supra* note 2, at 17-20.

<sup>37</sup> See, e.g., Daniel Deudney & G. John Ikenberry, *Realism, Liberalism and the Iraq War*, 59 SURVIVAL 7 (2017); Robert Jervis, *President Trump and IR Theory*, H-DIPLO | ISSF POLICY SERIES (January 2, 2017), <https://issforum.org/ISSF/PDF/Policy-Roundtable-1-5B.pdf>.

<sup>38</sup> See, e.g., Graebner, *supra* note 2, at 311-28.

<sup>39</sup> Deudney & Ikenberry, *supra* note 37.

<sup>40</sup> Jervis, *supra* note 37.

<sup>41</sup> Ole Wæver, *Theory – The Shifting Centre of our Discipline*, Paper for International Studies Association, Annual Meeting, San Diego, (2012), <http://files.isanet.org/ConferenceArchive/3f31b46a1aca45f398a0c13c46f5c1b2.pdf>; see also Yale H. Ferguson, *Diversity in IR Theory: Pluralism as an Opportunity for Understanding Global Politics*, 16 INT'L STUD. PERSPECTIVES 4 (2015).

<sup>42</sup> The TRIP Project "started in 2003 as an effort to explore and analyze the connections between teaching, research, and policy in International Relations[.]" and it includes collecting survey data from IR scholars and Political Scientists throughout the world on disciplinary practices. See the TRIP website at <https://trip.wm.edu/home/index.php> (quote at, <https://trip.wm.edu/home/index.php/about-us/what-we-do>).

<sup>43</sup> RICHARD JORDAN ET AL., ONE DISCIPLINE OR MANY? TRIP SURVEY OF INTERNATIONAL RELATIONS FACULTY IN TEN COUNTRIES, 18, 41 (2009), [http://www.wm.edu/offices/itpir/\\_documents/trip/final\\_trip\\_report\\_2009.pdf](http://www.wm.edu/offices/itpir/_documents/trip/final_trip_report_2009.pdf); see also RUDRA SIL & PETER J. KATZENSTEIN, BEYOND PARADIGMS: ANALYTIC ECLECTICISM IN THE STUDY OF WORLD POLITICS 24 (2010). The 2008 survey, which tabulated responses from 2,724 scholars from ten countries, showed that respondents estimated that non-paradigmatic scholarship accounted for about twelve percent of the work in the discipline; and the same survey found that respondents estimated that over seventy percent of assigned readings in undergraduate IR courses entail paradigms (JORDAN ET AL., at 18, 41; see also Sil & Katzenstein, at 24). The view of IR disciplinary practices in regard to theory and paradigms presented in this paragraph and footnote is, of course, only one perspective on the topic. For

comments and stats indicate that IL's are oft used to examine global politics and foreign policy, IL's have been underutilized in analyzing immigration laws and policy cases.

This article seeks to address this gap by showing that IL's have utility for scholars and practitioners in examining state migration law and policy. It is an interdisciplinary article<sup>44</sup> and it has at least five primary target audiences. First, it seeks to introduce IL's as tools for migration analysis to legal scholars. Second, it seeks to encourage IR and FP scholars to devote more attention to using IL's (and, more generally, concepts in their fields) to examine state migration policy. Third, it strives to show diplomatic and global historians that IL's can be used to examine migration policy history, similar to how they employ them in other substantive areas pertaining to foreign affairs. Fourth, it hopes to demonstrate to migration scholars that IL's can provide insight into immigration policy. And fifth, it seeks to underscore to teachers of migration topics that IL's are valuable heuristics for instructing undergraduates and nonprofessional or public audiences on ways to analyze state migration policy. IL's enable beginners to look beyond preconceived beliefs that they may have about immigration to more objectively conceptualize forces underlying migration law and policy, and IL's can be taught to students in a relatively short time and require no technical skills (e.g., statistics) that they may not possess.

This multidisciplinary article illustrates with broad brushstrokes how three IL's (realism, isolationism, and liberalism) can be used to examine migration law and policy. It will describe basic premises of the IL's and suggest ways that they can be used to interpret migration controls, including with historical American migration policy cases. Table 1 provides a brief diagrammatic overview of this article's main points. The article, because its subject is multidisciplinary and speaking to scholars from several fields,

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other views, *see* the forums in Tim Dunne, Lene Hansen, & Colin Wight, *The End of International Relations Theory?* 19 EUR. J. INT'L REL. 405 (2013); and the articles in the "Pluralism in IR Theory" forum in *International Studies Perspectives*, Vol. 16.1 (2015), <https://academic.oup.com/isp/issue/16/1>

<sup>44</sup> This article draws from concepts and research in several fields, including the DH, FP, IR, Law, Political Science, and Security Studies disciplines. It is in the spirit for the law and the migration fields of interdisciplinary studies that have sought to link the IR and international law disciplines. *See, e.g.*, DAVID ARMSTRONG, THEO FARRELL, AND HÉLÈNE LAMBERT, *INTERNATIONAL LAW AND INTERNATIONAL RELATIONS*, 2<sup>ND</sup> ED. (2012); Robert O. Keohane, *International Relations and International Law: Two Optics* 38 *Harv. Int'l. LJ* 487 (1997); *INTERDISCIPLINARY PERSPECTIVES ON INTERNATIONAL LAW AND INTERNATIONAL RELATIONS: THE STATE OF THE ART* (Jeffrey L. Dunoff and Mark A. Pollack, eds., 2013); Anne-Marie Slaughter, Andrew S. Tulumello, and Stepan Wood, *International Law and International Relations Theory: A New Generation of Interdisciplinary Scholarship* 92 *AM. J. INT'L L.* 367 (1998); Anne-Marie Slaughter (Burley), *International Law and International Relations Theory: A Dual Agenda* 87 *AM. J. INT'L L.* 205 (1993).

assumes that the reader may possess little to no background in realism, liberalism, and isolationism, and it devotes ink to explaining them. Readers with strong backgrounds in IL’s may find this info basic and want to skip over these sections to the discussions on IL applicability to migration law and policy.

**Chart 1: Foreign Policy Interpretive Lenses, State Migration Policy, and American Immigration Law and Policy Examples**

**Chart 1: Foreign Policy Interpretive Lenses, State Migration Policy, and American Immigration Law and Policy Examples**

Foreign Policy (FP) Interpretive Lens (IL)	FP IL Thought Tradition Basics	IL’s and State Migration Law and Policy Objectives	American Immigration Law & Policy Cases	Basic IL Case Interpretation
Realism	States seek security by protecting from perceived threats and/or enhancing power resources such as military forces	1.) Utilize immigration to enhance state strength (e.g., by using immigrants as workers and soldiers)	1.) 18th/19th century "open door" policy	1.) U.S. federal government allows for mass migration to the country to provide workers and soldiers for protection and expansion
		2.) Protect against perceived threats from migration (e.g., crime, epidemics, espionage, ethnic violence, and terrorism)	2.) 1903 immigration law blocking anarchists	2.) An anarchist assassinated President McKinley in 1901; Congress responds with the 1903 Immigration Act blocking anarchists
		3.) Manipulate migration to aid allied or weaken opponent states for international order or a stable "balance of power" in the global system	3.) 1948 Displaced Persons Act & 1953 Refugee Relief Act	3.) U.S. accepts WWII refugees to "take pressure" off allied states, "balance" against the Soviet Union, and help maintain a stable balance of power in Europe
Isolationism	States seek to limit distant foreign engagements to avoid dangerous encounters and maximize resources and stability for constituents	1.) Restrict immigration to prevent costly, dangerous global encounters that harm constituents	1.) 1924 National Origins Act stipulation: the restrictive immigrant quotas for the eastern hemisphere	1.) U.S. significantly limits eastern hemisphere immigration via a quota system to reduce the likelihood of distant foreign entanglements
		2.) Accept immigrants for regional foreign policy or vital national interest reasons	2.) 1924 National Origins Act stipulation: western hemisphere exemption from the immigrant quotas	2.) U.S. allows for free immigration from Western hemisphere countries to ensure friendly relations with regional countries
Liberalism	States seek to maximize liberty and peace by promoting democracies, free trade, and use of international organizations, protocols and law	1.) Promote open interstate exchange of immigrant laborers	1.) 1965 Immigration & Nationality Act	1.) U.S. more widely allows immigration from nearly all of the world's countries to facilitate economic exchanges and worker liberty
		2.) Use immigration to support democratic regimes	2.) Cold War refugee policy (e.g., with Cuban refugees)	2.) U.S. uses refugee policy during the Cold War to support democracies and weaken non-democratic governments
		3.) Use international organizations and law to facilitate orderly, safe international migration	3.) 1980 Refugee Act	3.) U.S. follows the 1968 United Nations Protocol Relating to the Status of Refugees in its formulation of the 1980 Refugee Act

I. FOREIGN POLICY INTERPRETIVE LENSES APPLICATIONS TO  
STATE MIGRATION LAW AND POLICY

After providing introductory methodological and terminological comments, this part of the article describes three common IL's (realism, isolationism, and liberalism), adumbrates their applicability to state migration law and policy, and suggests ways that they can be used to examine U.S. policy cases.

A. *Terminological and Methodological Comments*

Eight notes will clarify objectives and limitations of this part of the article: the first two notes pertain to IL mechanics; the next three notes are on IL's and state migration policy; and the last three notes are about IL's and U.S. migration policy cases. These notes may make "more sense" to a reader after going through the applications of realism, isolationism, and liberalism to migration policy in the rest of the article; the reader is encouraged to return to this section as needed for clarification and limitations of method as he or she reads the next sections of the essay. While this section attempts to address issues that may arise from this paper's analysis, please note that the article is interdisciplinary and speaking to an audience likely with diverse interests in the subject, and it may not be able to satisfy the concerns from scholars from every discipline who might be interested in its subject. The author hopes that the effort to lay groundwork in the area in this article will serve as foundation for future work on the topic.

First, IR, FP, and DH scholars will likely observe that realism, isolationism, and liberalism are only three of an extant larger set of IL's, and they may wonder why these but not other IL's have been chosen for this study. Other IL's (e.g., constructivism, Neo-Marxism, etc.) are not included because of the space considerations of an article; the IL's presented in this essay are sufficient to demonstrate the value of paradigms for examining state migration law and the need for more research in the area (a main purpose of the article), notably because realism, isolationism, and liberalism are well-developed constructs and commonly known in international studies fields; and, as will be elaborated in the remainder of the article, the general ideas associated with realism (national security thought), isolationism (protectionist, anti-immigrant national thought), and liberalism (liberty and freedom for immigrants and workers thought), capture major state migration policy frames.<sup>45</sup> Second, this essay treats the three IL's (realism,

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<sup>45</sup> Other IL's used by scholars for foreign policy and international relations analysis include (but are not limited to) feminism, hegemonism, Marxism (sometimes called Neo-Marxism, economic structuralism, or radical anti-imperialism), constructivism, and liberal

isolationism, and liberalism) as general schools of thought in foreign policy, and it is presenting main themes typically associated with each of them, but it is not attempting to present all of the nuances, scholars, variants, or works pertaining to them. Such a task, if possible,<sup>46</sup> will require longer treatment. A drawback to this sort of “broad brushstrokes” approach to presenting IL’s is that a well-informed reader may not believe the way that they are categorized in this article is optimal and/or identify that one of the numerous subvariant strains of realism, isolationism, or liberalism (e.g., offensive or defensive realism) as contradicting the basic principles of the IL’s as broadly laid out in this article.<sup>47</sup> On the other hand, a benefit of this broad-strokes approach is that it captures in simple terms sans excessive scholasticism how IL’s can be applied to migration policy, which analysts may find to be an intuitive and practical use of IL’s.

Third, this article treats migration policy outcomes as largely formed by a unified, rational state, which is a purposely simplistic and exaggerated view of how migration policy is formulated in states. For example, U.S. migration policy involves decisions made by bureaucratic, executive, legislative, and judicial officials at local, state, and federal levels in areas such as legal admissions, border security, interior immigration enforcement, and immigrant integration.<sup>48</sup> By design, IL’s seek to parsimoniously cut to

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internationalism. For introductory discussion on these ILs see e.g., BOVA, *supra* note 1, at 24-32; CALLAHAN, *supra* note 1; MEYERS, *Theories of International Immigration Policy*, *supra* note 24; CARTER, *supra* note 1.

<sup>46</sup> As one scholar has observed, “[T]he ‘isms’ [that is, IL’s such as realism, liberalism, etc.] are not closed, static paradigms with clear arguments set in stone. Everyone who has ever tried to comprehensively survey an ‘ism’ knows they are diverse and dynamic bodies of thought. And they are not owned by anyone, least of all those generally cast as representatives” (Berenskoetter, *quoted in* Ferguson, *supra* note 41, at, 9). Similarly, MICHAEL H. HUNT, IDEOLOGY AND U.S. FOREIGN POLICY XI (1987) explains that foreign policy ideologies or IL’s can be a “slippery subject” and “hard to pin down”; thus, observers of immigration, “will no doubt have their own widely varying and sometimes quite pronounced views on what ideology” underscores a state’s migration policy.

<sup>47</sup> The oft-used phrase and general concept of a “broad brushstrokes” approach of presenting IL’s is, with regard to this article, derived from Charles Strohmer, *Realism & Idealism*, [http://www.charlesstrohmer.com/international-relations/international-relations-101/realism-idealism/?upm\\_export=print](http://www.charlesstrohmer.com/international-relations/international-relations-101/realism-idealism/?upm_export=print).

<sup>48</sup> See Totten, *supra* note 7, at 349; and TOM K. WONG, THE POLITICS OF IMMIGRATION: PARTISANSHIP, DEMOGRAPHIC CHANGE, AND AMERICAN NATIONAL IDENTITY 32 (2017), who disaggregates migration policy by explaining that, “Immigration policy is not unitary; rather, it consists of *legal admissions policies*, meaning rules governing who is to be allowed into the country and how many to let in; *border security policies*, which encompass external immigration control efforts; *interior immigration enforcement policies*, which included efforts to identify, apprehend, detain, and deport undocumented immigrants; and *immigrant integration policies*, including policies that affect the legal status of undocumented immigrants.” Meyers, INTERNATIONAL IMMIGRATION POLICY, *supra* note 24, at 17, breaks the migration policy of a state into three policy areas, which are ones focusing on: (1) “permanent

the core of a migration policy to help an analyst separate noise from signal in what is driving it. IL's intentionally obscure parts of the policy process. Once an IL shines light on what factors might underlie a migration policy, it is the analyst's task to conduct a thorough analysis of the case, and investigate the state's policymaking process to see if the evidence supports the claim.<sup>49</sup>

Fourth, an IL points to a way of viewing the forces underling a state migration policy, even if the analyst does not like or agree with the interpretive direction suggested by the IL.<sup>50</sup> This issue is underscored because realism, for example, stresses the role of security in migration policy, and scholars have importantly called attention to dangers of the securitization of immigration,<sup>51</sup> such as policy makers identifying migrants as potential criminals, "when in fact they are more likely to be the victims than the perpetrators of crime".<sup>52</sup> While the findings of a realist evaluation

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immigration"; (2) "temporary labor migration"; and (3) "refugees and [undocumented] immigration." JAMES HAMPSHIRE, *THE POLITICS OF IMMIGRATION: CONTRADICTIONS OF THE LIBERAL STATE* 56 (2013), disaggregates the migration policy of a state into, "four immigration policy sub-fields: economic migration, measures designed to exclude unauthorized migrants, asylum policies and family migration policies." For comprehensive discussion of U.S. immigration policy instruments see WONG, *supra* note 48, at 32-109. For general discussion on state migration mechanisms and definitions see GRETE BROCHMANN & TOMAS HAMMAR, *MECHANISMS OF IMMIGRATION CONTROL: A COMPARATIVE ANALYSIS OF EUROPEAN REGULATION POLICIES* (1999); *CONTROLLING A NEW MIGRATION WORLD* (Virginie Guiraudon & Christian Joppke, eds., 2001); HAMPSHIRE, *supra* note 48, at 55-80; Vogel, *supra* note 8. Classic works on the U.S. state and immigration are those of MILTON D. MORRIS, *IMMIGRATION—THE BELEAGUERED BUREAUCRACY* (1985) and KITTY CALAVITA, *INSIDE THE STATE: THE BRACERO PROGRAM, IMMIGRATION, AND THE I.N.S.* (2010), which analyze the Immigration & Naturalization Service (INS). See also TICHENOR, *supra* note 30; ZOLBERG, *supra* note 30; and SUSAN F. MARTIN, *A NATION OF IMMIGRANTS* (2011), for works tracing U.S. migration policy processes and controls from the American Founding through the early twenty-first century.

<sup>49</sup> On the skill of historical inquiry into world politics see MARC TRACHTENBERG, *THE CRAFT OF INTERNATIONAL HISTORY: A GUIDE TO METHOD* (2006). While this article is treating migration policy as created by a unified, rational state to assist analysts with a first-cut analysis of a migration policy (see the discussion above in the text for further elaboration), the analyst will likely find that in liberal democracies such as the United States that migration policy, which is often devised by elected leaders who are accountable to and influenced by domestic constituencies, as well as forces within the international system, is driven by a mix of domestic and foreign policy factors. For an excellent study on the transnational or the domestic-foreign sources of US immigration policy see Rosenblum, *supra* note 7.

<sup>50</sup> On this point in regard to paradigms of world politics see BOVA, *supra* note 1, at 8.

<sup>51</sup> See, e.g., PHILIPPE BOURBEAU, *THE SECURITIZATION OF MIGRATION: A STUDY OF MOVEMENT AND ORDER* (2011); ARIANE CHEBEL D'APPOLLONIA, *MIGRANT MOBILIZATION AND SECURITIZATION IN THE US AND EUROPE: HOW DOES IT FEEL TO BE A THREAT?* (2015); VALERIO BELLO, *INTERNATIONAL MIGRATION AND INTERNATIONAL SECURITY: WHY PREJUDICE IS A GLOBAL SECURITY THREAT* (2017).

<sup>52</sup> Rey Koslowski, *Immigration, Crime, and Terrorism*, in *THE OXFORD HANDBOOK OF*

of migration policy may rightly raise immigrant safety and ethical concerns, the exercise of considering a realist view of migration can help with creating more humane migration policy by allowing an analyst to understand how and why security is affecting migration governance.<sup>53</sup> The purpose of using IL's for migration analysis is not for an analyst to become an evangelical "believer" and proponent of one of them (e.g., it is not to birth analysts who recommend stone-faced Machiavellian migration responses), but to allow for an analyst to be more well-informed in the area by ascertaining the wide range of forces possibly affecting migration policy. Fifth, this article uses the terms "open" or "restrictive" state migration policies to refer to measures by a country that make available more or less entry spots to migrants than the state had previously allowed.<sup>54</sup> It is possible that the ideas or interests identified by an IL can lead a state at different times or situations to be more or less open to immigrants. IL's do not necessitate that a state statically follow an open or restrictive migration stance.

Sixth, the U.S. migration policy case examples presented in this article broadly illustrate how IL's can be used to examine immigration policy. The IL's point to fruitful lines of inquiries for further study of the cases; they do not explain all aspects of a case. IL's suggest to analysts "where to look" for causes of migration policy, but when they are applied to a specific case, it is the practitioner's job to ascertain, based on empirical evidence, if the line of inquiry suggested by the IL for the policy is plausible.

Seventh, due to the space limitations of an article, it is only possible for brief discussions of the historical cases. The purpose is to show a *potential* research direction indicated by the IL for evaluating the historical case to illustrate how IL's can be used as tools in examining migration policy. Since many analysts are well-informed on American immigration cases, they may disagree with the explanation of the case; however, the point in this essay is not to provide definitive case interpretations, but to show how an IL can be

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THE POLITICS OF INTERNATIONAL MIGRATION 512 (Marc R. Rosenblum & Daniel J. Tichenor eds., 2012).

<sup>53</sup> See *generally id.*, at 511-12. As an example of the importance of policy analysts considering the full-range of forces affecting migration issues, Koslowski notes the "reluctance" of scholars to "link migration with crime slowed academic analysis of the phenomenon of human smuggling." *Id.* at 512.

<sup>54</sup> Likewise, Meyers, INTERNATIONAL IMMIGRATION POLICY, *supra* note 24, at 11, defines state "liberal policies" (what this article calls "open" migration policy) as "a decision to accept more immigrants" and "restrictive policies" as "a decision to accept fewer immigrants". Note that, since there are a number of immigration policy sub-areas (see note 48 for discussion), that a state can at once show "an open inclusive face" in its policies to some immigrants (for example, by inviting and accepting high-skilled foreign workers), while showing "an exclusionary and sometimes illiberal profile" to other immigrants (for example, restricting immigrants from a designated country). Thus, a state can be "*both* expansionist and restrictionist" at the same time with its immigration policy. HAMPSHIRE, *supra* note 48, at 56.

used to shed insight into cases. Eighth, the article uses the term “analyst” or “practitioner” to refer to a person who is researching a migration case with an IL; this individual can be a professor, scholar, policy analyst, or student.

### B. *Realism Foreign Policy Interpretive Lens Overview*

Realism is one of the oldest foreign policy thought traditions.<sup>55</sup> Its origins are traced to observations by thinkers such as the ancient Greek historian Thucydides, the Renaissance Italian theorist Niccolò Machiavelli, and the English Civil War theorist Thomas Hobbes.<sup>56</sup> The Thucydides remark that in global politics “the strong do what they have the power to do and the weak accept what they have to accept”<sup>57</sup>; the Hobbes comment that “the life of man” without a “Leviathan” or powerful sovereign (a strong leader or government) is “solitary, poore, nasty, brutish and short” and characterized by the, “continuall feare, and danger of violent death”<sup>58</sup>; and Machiavelli’s advice that to be successful a leader one must “be a fox to recognize traps, and a lion to frighten wolves,”<sup>59</sup> capture the essence of realist thought.

Realism is a diverse body of thought with many strains, but as indicated in the above quotes it generally stresses the roles of security and power as strong motivators in a state’s foreign policy.<sup>60</sup> It emphasizes that states are aware of the possibility of conflict and violence in world politics, and that this concern permeates throughout foreign policy.<sup>61</sup> An older generation of realist scholars writing during the violent World War II and early Cold War era sometimes attributed conflict in world politics to human nature, which they saw as possessing power-seeking and aggressive tendencies.<sup>62</sup> A classical realist, Hans Morgenthau, for example, argued “that politics, like society in general, is governed by objective laws that have their roots in human nature[,]” and he wrote that he utilized “the concept of interest defined in terms of power” as a “main signpost that helps political realism to

<sup>55</sup> For overviews of the realism tradition see Jonathan Haslam, *NO VIRTUE LIKE NECESSITY: REALIST THOUGHT IN INTERNATIONAL RELATIONS SINCE MACHIAVELLI* (2002); MICHAEL C. WILLIAMS, *THE REALIST TRADITION AND THE LIMITS OF INTERNATIONAL RELATIONS* (2005).

<sup>56</sup> See *THE REALIST TRADITION AND CONTEMPORARY INTERNATIONAL RELATIONS VII* (David W. Clinton ed., 2007); MICHAEL W. DOYLE, *WAYS OF WAR AND PEACE* 18 (1997).

<sup>57</sup> THUCYDIDES, *HISTORY OF THE PELOPONNESIAN WAR* 402 (Translated by Rex Warner, introduction and notes by M.I. Finley. Penguin Books, 1972).

<sup>58</sup> THOMAS HOBBS, *LEVIATHAN* 186 (C.B. Macpherson, ed., Penguin Books, 1985).

<sup>59</sup> NICCOLÒ MACHIAVELLI, *THE PRINCE AND THE DISCOURSES* 64 (THE MODERN LIBRARY, 1950).

<sup>60</sup> CARTER, *supra* note 1, at 13.

<sup>61</sup> CALLAHAN, *supra* note 1, at 30-32.

<sup>62</sup> BOVA, *supra* note 1, at 9.



find its way through the landscape of international politics.”<sup>63</sup> As one reviewer generalizes, these generations of realists “see world politics driven by certain essential characteristics of human nature. For them, states seek power and use violence because human beings are essentially violent, power-seeking beings.”<sup>64</sup>

The realist strain—structural or neo-realism—popular in recent decades views states as the main actor in global politics and sees conflict in world politics as rooted in a structural feature—anarchy—of the international system.<sup>65</sup> Anarchy is the lack of a universal sovereign or watchperson to police the global realm.<sup>66</sup> States must provide for their own security because there is no protector or patrolperson to guarantee safety.<sup>67</sup> This “self-help” world produces the “security dilemma”—the notion that an enhancement in one state’s security translates into a decrease of security for other states.<sup>68</sup> Within such a world, a state, without a global police agency to turn to for help, is apt to build up resources such as military forces for protection.<sup>69</sup> A “tragedy” of global politics is that states that are perhaps only seeking safety, can inadvertently, by accruing military assets, threaten other states, which in turn causes these states to enhance their armed forces, thereby creating a world prone to arms races, power struggles, and preventive wars.<sup>70</sup>

While this may seem a harsh, pessimistic view of international relations, realists purport to be describing global politics *as it is*. They argue that the best chance for peace is when states respect these conditions.<sup>71</sup> Realists stress that notions that violence can be transcended through international institutions, laws, and norms, or good-natured efforts by humans, may be well-intentioned, but they are Pollyannaish and miss the heart of world politics.<sup>72</sup> Realists see the best chance for avoiding bloodshed when there is a stable balance of power among states—that is, when no one or group of states dominates the system and possesses a

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<sup>63</sup> HANS MORGANTHAU, *POLITICS AMONG NATIONS: THE STRUGGLE FOR POWER AND PEACE* 4-5 (5th ed., 1978).

<sup>64</sup> BOVA, *supra* note 1, at 9.

<sup>65</sup> *Id.* at 9-19.

<sup>66</sup> *Id.* at 9; VIOTTI & KAUPPI, *supra* note 1, at 32.

<sup>67</sup> BOVA, *supra* note 1, at 11-12; VIOTTI & KAUPPI, *supra* note 1, at 32.

<sup>68</sup> On the security dilemma see BOVA, *supra* note 1, at 12-13; Robert Jervis, *Cooperation Under the Security Dilemma*, 30 *WORLD POL.* 167 (1979); KEN BOOTH & NICHOLAS WHEELER, *THE SECURITY DILEMMA: FEAR, COOPERATION, AND TRUST IN WORLD POLITICS* (2011). See also discussion in footnote 25.

<sup>69</sup> BOVA, *supra* note 1, at 11; CALLAHAN, *supra* note 1, at 31-32.

<sup>70</sup> See MEARSHEIMER, *supra* note 25.

<sup>71</sup> See generally BOVA, *supra* note 1, at 14-19; CALLAHAN, *supra* note 1, at 41-43; CARTER, *supra* note 1, at 13; DOYLE, *supra* note 56, at 19.

<sup>72</sup> *Id.*

disproportionate power advantage over other states or alliances of states.<sup>73</sup> Peace most likely occurs when state leaders respect that power and security is the main determinant of foreign relations.<sup>74</sup>

### C. *Realism Foreign Policy Interpretive Lens and State Migration Policy*

Per realist thought, a state will devise migration policy for material and military strength and protections from perceived existential threats.<sup>75</sup> Migration policies that help a state reach these ends are ones that: (1) utilize immigrants to enhance wealth and military forces for protection and power; (2) protect from perceived security threats by immigrants, such as those related to crime, epidemics, civil conflict, and terrorism; and (3) maintain the “balance of power” or international order in the global realm. In general, the policies in the first category will comport to a state taking an open migration stance; the ones in the second category will comport to a state forming a restrictive migration position; and the ones in the third category can comport to a state taking open and/or restrictive stances.<sup>76</sup>

<sup>73</sup> BOVA, *supra* note 1, at 14-15; CALLAHAN, *supra* note 1, at 29.

<sup>74</sup> BOVA, *supra* note 1, at 14-15; DOYLE, *supra* note 56, at 19.

<sup>75</sup> For studies that discuss (to varying degrees) realism and immigration *see, e.g.*, Corbett, *supra* note 31; David C. Hendrickson, *Migration in Law and Ethics: A Realist Perspective*, in *FREE MOVEMENT: ETHICAL ISSUES IN THE TRANSNATIONAL MIGRATION OF PEOPLE AND OF MONEY* 213-31 (Brian Barry & Robert E. Goodin eds., 1992); HOLLIFIELD, IMMIGRANTS, MARKETS, AND STATES, *supra* note 24; Hollifield, *Migration, Trade, and Nation-State*, *supra* note 24; Hollifield & Wong, *supra* note 16, at 247-50; REY KOSLOWSKI, MIGRANTS AND CITIZENS: DEMOGRAPHIC CHANGE IN THE EUROPEAN STATE SYSTEM 30-39 (2000); Lavenex, *Migration and the EU's New Eastern Border*, *supra* note 32; LAVENEX, THE EUROPEANISATION OF REFUGEE POLICIES, *supra* note 32; Rudolph, *supra* note 24; Rudolph, *supra* note 26. For an insightful short study on national security, international interdependence, and migration policy (though not framed with realism vernacular) *see* Jorge A. Bustamante, *Interdependence, Undocumented Migration, and National Security*, in *U.S.-MEXICO RELATIONS: LABOR MARKET INTERDEPENDENCE* 21-41 (Jorge A. Bustamante, Clark W. Reynolds, & Raúl A. Hinojosa Ojeda eds., 1992). Also note that realism, and its focus on national security, is only one of way of constructing how security can influence state immigration controls. Roxanne Lynn Doty, *Immigration and the Politics of Security*, 8 *WORLD POL.* 71 (1998), for example, identifies “national security,” “societal security” and “human security” as three common modes of securitizing immigration.

<sup>76</sup> Regarding realism and “open” and “restrictive” migration stances, DEBRA L. DELAET, *U.S. IMMIGRATION POLICY IN AN AGE OF RIGHTS* 6 (2000) explains that a “Realist analysis [of migration] suggests that the political and economic interests of the state, including military security, foreign relations, territorial integrity, and national integration, drive the regulation of international migration. Realist theory does not predict the levels of immigration that a state will allow. Rather, realism merely suggests that states will allow immigration to the extent that it advances national economic and political interests.”

1. Realism Objective: Utilize Immigrants to Enhance Economic and Military Power of the State

A state will form policies permitting entrance to immigrants to utilize them as soldiers and workers for national strength.<sup>77</sup> Realism emphasizes that a state is pressured, “to build up and maintain its power, especially its military power, in order to protect its national security in an inherently uncertain and dangerous world”,<sup>78</sup> and populations and immigrants, “constitute, most obviously, assets and liabilities in relation to the mustering of military power”.<sup>79</sup> A state will invite immigrants to staff military forces, construct fortifications and weaponry, and provide labor for economic power.<sup>80</sup> Related, a state may devise incentives (e.g., tax breaks or free land) to attract immigrants with technical skills because technological sophistication is important for economic and military production.<sup>81</sup>

a. *Eighteenth and Nineteenth Century Federal “Open-Door” Immigration Policy*

A realist line of inquiry into a historical case is evaluating if the U.S. federal government’s “open door” policy during the eighteenth and nineteenth centuries—when through mostly inaction and the absence of restrictive policy measures, America allowed for mass migration to the country—was done to enhance geopolitical strength.<sup>82</sup> An analyst can ask:

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<sup>77</sup> Robbie J. Totten, *International Relations, Material and Military Power, and United States Immigration Policy: American Strategies to Utilize Foreigners for Geopolitical Strength, 1607 -2012* 29 GEO. IMMIGR. L.J. 205, 216-20, 234-42 (2015).

<sup>78</sup> CALLAHAN, *supra* note 1, at 49.

<sup>79</sup> Aristide R. Zolberg, *International Migrations in Political Perspective*, in GLOBAL TRENDS IN MIGRATION: THEORY AND RESEARCH ON INTERNATIONAL POPULATION MOVEMENTS 11 (Mary M. Kritz, Charles B. Keely, & Silvano M. Tomasi eds., 1981). MORGENTHAU (*supra* note 63, at 130), a classical IR realist, argued that, “Though one is not justified in considering a country to be very powerful because its population is greater than that of most other countries, it is still true that no country can remain or become a first-rate power which does not belong to the more populous nations of the earth. Without a large population it is impossible to establish and keep going the industrial plant necessary for the successful conduct of modern war; to put into the field the large number of combat groups to fight on land, on the sea, and in the air; and, finally, to fill the cadres of the troops, considerably more numerous than the combat troops, which must supply the latter with food, means of transportation and communication, ammunition, and weapons.”

<sup>80</sup> Totten, *supra* note 77, at 216-20.

<sup>81</sup> *Id.* at 220-23, 242-52.

<sup>82</sup> In addition, the governments of states (e.g., North Carolina, Wisconsin, etc.), corporations, and, to a lesser extent, the federal government, developed incentives (such as tax breaks or free land) and employed recruiting agents to attract immigrants to America. For more on the eighteenth and nineteenth century American “open-door” migration policy see MICHAEL C. LEMAY, FROM OPEN DOOR TO DUTCH DOOR: AN ANALYSIS OF U.S.

did federal leaders pursue a laissez-faire migration policy during this period and allow millions of immigrants to come to the country to serve as soldiers and workers for economic power, military strength, territorial growth, and protection from foreign powers? Basic evidence suggests that the answer is “yes”: America during this era was in geopolitical competition with Britain, France, Spain, and American Indian nations for control of North American lands. And the U.S. did utilize immigrants as soldiers and laborers to generate the material and military resources that America needed for safety, protection, and expansion in a competitive regional landscape.<sup>83</sup> U.S. leaders often made comments showing this intent with immigration.<sup>84</sup> For example, John Quincy Adams, a Secretary of State and President during the early 1800s, stated that concerning immigration the U.S. government is not “ignorant or unobservant of the additional strength and wealth, which accrues to the nation, by the accession of a mass of healthy, industrious, and frugal laborers”.<sup>85</sup> A 1860s House Committee recommended that American consuls in Europe disseminate info about the benefits of living in the U.S. to attract industrious immigrants because “Our nation owes much of its

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IMMIGRATION POLICY SINCE 1820 20-37 (1987); Robbie Totten, *National Security and US Immigration Policy, 1776-90*, 39 J. INTERDISC. HIST. 37 (2008); Robbie J. Totten, *Security and Immigration Policy: An Analytical Framework for Reform*, in UNDECIDED NATION: POLITICAL GRIDLOCK AND THE IMMIGRATION CRISIS 234-42 (Tony Payan & Erika de la Garza eds., 2014); CHRISTINA A. ZIEGLER-MCPHERSON, *SELLING AMERICA: IMMIGRATION PROMOTION AND THE SETTLEMENT OF THE AMERICAN CONTINENT 1607-1914* (2017). Note that this article is referring to what has been labeled the American open-door immigration policy (see above sources) and it is *not* speaking about what has been called the U.S. open door policy in foreign relations, which is an entirely different concept referring to “the U.S. relationship with China at the turn of the 20<sup>th</sup> century” and “an attempt on the part of the United States to involve itself in world affairs without becoming entangled in alliances.” GLENN HASTEDT, *ENCYCLOPEDIA OF AMERICAN FOREIGN POLICY* 366 (2004). In regard to migration and U.S. national strength, MORGENTHAU, *supra* note 63, at 131, argued that America’s open-door immigration policy contributed to the country’s rise to great power status by noting that, “In 1824, the population of the United States amounted to close to eleven million. By 1874, it had risen to forty-four million; by 1924, to 114 million. During that century the share of immigration in the growth of the American population was on the average close to 30 per cent [*sic*], approaching 40 per cent in the period from 1880-1910. In other words, the most spectacular rise in American population coincides with the absolute and relative peaks of immigration. Free immigration from 1824 and, more particularly, from 1874 to 1924 is mainly responsible for the abundance of manpower which has meant so much for the national power of the United States in war and peace. Without this immigration, it is unlikely that the population of the United States would amount to more than half of what it actually is today.”

<sup>83</sup> See Totten, *National Security and US Immigration Policy, 1776-90*, *supra* note 82; Totten, *supra* note 77, at 235-42; ZIEGLER-MCPHERSON, *supra* note 82, at vii, 133.

<sup>84</sup> See Totten, *National Security and US Immigration Policy, 1776-90*, *supra* note 82; Totten, *supra* note 77, at 238-39, 241-42.

<sup>85</sup> Quoted in Totten, *supra* note 77, at 239n.

importance in wealth and power among the nations of the earth to the people of foreign birth who have come to our shores since the foundation of the government”.<sup>86</sup> And at the century’s end, the Foreign Commerce Bureau published a report noting that, “owing exclusively to its enormous alien population . . . the United States is at the present day in a position to take rank with the great European powers[,]” and that migration to America weakened other countries because they lost men who could be used in “the military services”.<sup>87</sup> As these quotes, as well as secondary studies in the area,<sup>88</sup> indicate, an analyst, using a realist perspective, can investigate (and evaluate the strength of the evidence supporting the claim) the American “open-door” migration policy as a strategy for national security and power.

## 2. Realism Objective: Protect the State from Perceived Domestic Security Threats by Immigrants

A state will enact restrictive measures to protect against *perceived* security threats from immigrants, such as blocking entrance to immigrants *seen as*<sup>89</sup> potential spies or terrorists,<sup>90</sup> carrying contagions that could lead to an epidemic,<sup>91</sup> or as more likely to engage in criminal activity.<sup>92</sup> A state

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<sup>86</sup> Quoted in E.P. HUTCHINSON, LEGISLATIVE HISTORY OF AMERICAN IMMIGRATION POLICY 1798-1965 54 (1987). Similarly, the Republican platforms for the 1864 (Lincoln as the presidential candidate) and 1868 (Ulysses Grant as the presidential candidate) elections was, “That foreign immigration, which in the past has added so much to the wealth, development of resources, and increase of power to the nation—the asylum of the oppressed of all nations—should be fostered and encouraged by a liberal and just policy” (quoted in *id.* at 623).

<sup>87</sup> Quoted in Totten, *supra* note 77, at 239*n.*

<sup>88</sup> See, e.g., ZIEGLER-MCPHERSON, *supra* note 82, who argues that “[a]fter the American Revolution, immigration became not just a means of gaining a labor force but of gaining new citizens to populate an aggressively expanding country” (*id.* at 133), and that “[f]or more than 400 years, immigration has been central to the American economy, as Americans have sought to attract workers and settlers to conquer and develop the North American continent and build a new nation” (*id.* at vii). See also Totten, *National Security and US Immigration Policy, 1776-90*, *supra* note 82; Totten, *supra* note 77, at 234-42.

<sup>89</sup> The words “perceived” and “seen as” are, of course, italicized to underscore that this essay is not making a claim that immigrants are more likely to be criminals, spies, terrorists, etc. than any other identity group; rather, it is saying that leaders and people within a state may see immigrants as constituting existential threats (and base immigration policy decisions on these views) if they perceive them as possibly being criminals, spies, terrorists, etc.

<sup>90</sup> See, e.g., IMMIGRATION POLICY AND THE TERRORIST THREAT IN CANADA AND THE UNITED STATES (A. Alexander Moens & Martin Collacott, eds., 2008); Koslowski, *supra* note 52.

<sup>91</sup> See, e.g., Robbie J. Totten, *Epidemics, National Security, and United States Immigration Policy*, 31 DEF. & SECURITY ANALYSIS 199 (2015).

<sup>92</sup> See, e.g., Brian Bell and Stephen Machin, *Immigration and Crime*, in INTERNATIONAL HANDBOOK ON THE ECONOMICS OF MIGRATION 353-72 (Amelie F. Constant & Klaus F. Zimmermann eds., 2013); Koslowski *supra* note 52.

may also restrict entrance to immigrants if it fears that an influx of them from a new identity group may cause civil violence.<sup>93</sup> One scholar, in a study applying realism to migration, notes that a state will enact restrictions against immigrants perceived as dangerous because, at the extreme, “There are instances in human history when the migration of peoples seems indistinguishable in its effects from conquest by an invading army.”<sup>94</sup>

*a. 1903 Immigration Law Blocking Anarchists*

There are a number of basic lines of inquiries for an analyst to pursue with U.S. migration policies using this realist perspective. For example, America has provided stipulations within laws that block immigration of those suspected of carrying contagions (e.g., acts of 1891, 1903, 1907, 1910, 1917, 1952, 1965, and 1990), being anarchists/subversives (e.g., acts of 1903, 1907, 1910, 1917, 1918, 1920, 1948, 1950, 1952), or criminality (e.g., immigration acts of 1875, 1882, 1891, 1903, 1907, 1910, 1917, and 1952).<sup>95</sup> An analyst can examine these acts to ascertain if America formed them to enhance national security by protecting from perceived threats by criminals, epidemics, spies, or terrorists. As one case example with potential for a realist explanation, consider that President William McKinley was assassinated by an anarchist on September 6, 1901, and his successor, President Theodore Roosevelt, at his message at the 57th Congress opening on December 3, 1901, stated, “I earnestly recommend to the Congress that in the exercise of its wise discretion it should take into consideration the coming to this country of anarchists or persons professing principles hostile to all government. . . They and those like them should be kept out of this country; and if found here they should be promptly deported to the country whence they came”.<sup>96</sup> Congress seems to have listened to this directive in passing the 1903 Immigration Act that excluded “anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States or of all government or of all forms of law, or the assassination of public officials”.<sup>97</sup> An analyst, using a realism lens, can

<sup>93</sup> See, e.g., RUDOLPH, *supra* note 24, at 26; Robbie J. Totten, Security and United States Immigration Policy 175-79 (PhD dissertation, University of California, Los Angeles, 2012).

<sup>94</sup> Hendrickson, *supra* note 75, at 217. As an example of this occurrence, Hendrickson cites “the predicament” in the nineteenth century, “in which Mexican officials found themselves in trying to preserve their lands against the encroachment of the Anglo-American civilization of the north.” *Id.*

<sup>95</sup> On these stipulations within the specified laws see Hutchinson *supra* note 86, at 406-410, 416-419, 423-427; Totten, *supra* note 93, at 168-69.

<sup>96</sup> Quoted in HUTCHINSON, *supra* note 86, at 127.

<sup>97</sup> President Theodore Roosevelt signed the Immigration Act of 1903 (32 Stat 1213) into law on March 3 of that year. The 1903 immigration law is also referred to as the Anarchist Exclusion Act. For the quote see Hutchinson, *supra* note 86, at 423.

further investigate this act to ascertain if it was formed for the national interest.

### 3. Realism Objective: Use Immigration to Maintain International Order (“Balance of Power”)

Per structural realism, a state will form migration policies to maintain a stable balance of power between states in the global community, such as by manipulating international migration flows to distribute manpower to strengthen a state or groups of states vis-à-vis other states.<sup>98</sup> For example, a state may form migration policies that benefit a state that is seen as needing additional strength to balance against a strong foreign power; one way it can do this by admitting immigrants from that state which the state cannot afford to take care of and doing so is taxing its strength.<sup>99</sup> As another example, a state, attempting to weaken a strong competitor state so that power is more evenly distributed between states throughout the global system, may form a migration policy to “steal” its skilled workers (e.g., engineers, medical workers, computer specialists, or military technicians).<sup>100</sup>

#### a. 1948 Displaced Persons Act & 1953 Refugee Relief Act

An analyst can use this realist perspective to examine U.S. migration policies after WWII, when America created a new migration instrument—called displaced persons or refugee policy<sup>101</sup>—to purportedly provide refuge to Europeans under duress after the war.<sup>102</sup> With a realist lens, an analyst can question U.S. humanitarian sincerity, and he or she can ask: did America also use the instrument to “take pressure” off allied states, “balance” against the Soviet Union and its allies, and help maintain a stable distribution of power in Europe? For example, the U.S. Immigration Commission that

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<sup>98</sup> The U.S. attempted to do this during the Cold War by using immigration and refugee policies to strengthen states allied with it in its global security competition with the Soviet Union and its puppet states. See the discussion in Totten, *supra* note 7, at 349-52.

<sup>99</sup> *Id.*

<sup>100</sup> For example, the U.S. during the Cold War attempted to attract skilled immigrants from the Soviet Union in order to weaken it. See discussion in Totten, *supra* note, 7, at 354-56.

<sup>101</sup> Prior to the 1948 Displaced Persons Act (DPA) see fn. 103 and associated text on the DPA), U.S. immigration law did not provide a separate category for refugees. Totten, *supra* note 7, at 364*n.*

<sup>102</sup> On American refugee policy during the Cold War see, e.g., GIL LOESCHER & JOHN SCANLAN, *CALCULATED KINDNESS: REFUGEES AND AMERICA’S HALF-OPEN DOOR, 1945 TO THE PRESENT* (1986); CARL J. BON TEMPO, *AMERICANS AT THE GATE: THE UNITED STATES AND REFUGEES DURING THE COLD WAR* (2008).

devised the 1948 *Displaced Persons Act*<sup>103</sup>—a law making 100,000 spots available to WWII refugees—viewed it as, “a great experiment in foreign policy and immigration” that has “strengthened our NATO Allies”.<sup>104</sup> Similarly, Walter Bedell Smith, acting secretary of state, explained that the 1953 *Refugee Relief Act*<sup>105</sup> was needed because it “would be strengthening the internal soundness of our NATO allies and our friends in Europe as we continue in our common efforts to create effective defenses against threats of external military aggression.”<sup>106</sup> He stated “Its effect upon our relations with European allies will be most favorable. It will assist in relieving situations which, under certain circumstances, would adversely affect the national security of the United States by undermining the economic and political stability of our allies”.<sup>107</sup> And President Harry Truman, in his March 1952 message to Congress, urged acceptance of refugees to stabilize western European countries because “Overpopulation is one of the major factors preventing the fullest recovery of those countries where it exists. It is a serious drag on the economies of nations belonging to the North Atlantic Treaty Organization. A solution to this problem, therefore, becomes vitally necessary to strengthen the defense of the North Atlantic Community”.<sup>108</sup> While not providing “smoking gun” evidence, these quotes indicate that an analyst, per a structural realist interpretation, can examine these refugee policies to ascertain if the U.S. formed them in part to strengthen allied states and balance against the Soviet Union to maintain a stable distribution of power in the global community.

#### D. Isolationism Foreign Policy Interpretive Lens Overview

The phrases “no entangling alliances,” “masterly inactivity,” “disengagement,” “unilateralism,” “noninterventionism,” and “strategic independence”, are used to describe an isolationist foreign policy.<sup>109</sup> This IL puts forth that a state should cautiously approach commitments abroad because they can reduce its autonomy and resources, and potentially involve

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<sup>103</sup> On the DPA (Displaced Persons Act of June 25, 1948, 62 Stat. 1009) see, e.g., ROBERT A. DIVINE, *AMERICAN IMMIGRATION POLICY, 1924-52*, 110-45 (1972); LOESCHER & SCANLAN, *supra* note 102, at 1-24; ZOLBERG, *supra* note 30, at 303-08.

<sup>104</sup> Quoted in Totten, *supra* note 7, at 351.

<sup>105</sup> On the 1953 Refugee Relief Act (Aug. 7, 1953, 67 Stat. 400) see, e.g., LEMAY, *supra* note 82, at 108-09; LOESCHER & SCANLAN, *supra* note 102, at 44-47; TICHENOR, *supra* note 30, at 200-01.

<sup>106</sup> Quoted in Totten, *supra* note 7, at 351-52.

<sup>107</sup> Quoted in *Id.*

<sup>108</sup> Quoted in MORRIS, *supra* note 48, at 41.

<sup>109</sup> ERIC A. NORDLINGER, *ISOLATIONISM RECONFIGURED: AMERICAN FOREIGN POLICY FOR A NEW CENTURY 5* (1995).



it in perilous wars—all situations that can take away from the government’s ability to focus on the home front and provide for constituents.<sup>110</sup> Isolationism entails “an attitude of opposition to binding commitments”<sup>111</sup> in the foreign arena, as exemplified by George Washington, in his “Farewell Address” as he stepped down as President—oft considered an epochal isolationist statement—urging his country, “to steer clear of permanent alliances with any portion of the foreign world”.<sup>112</sup> Isolationists advocate that a state, in general, should shun foreign engagements that can involve constituents in deadly conflicts and drain national resources.<sup>113</sup>

An isolationist foreign policy necessitates retrenchment from global affairs, but it does not dictate that a state cut off *all* contact with the world, and seeing it as calling for this stance is incomplete.<sup>114</sup> Callahan describes five premises of the isolationism IL<sup>115</sup> that clarify this point. First, isolationism calls for a state to pursue “neutrality” in foreign relations and avoid unneeded diplomatic commitments because doing so protects it from being drawn into other country’s conflicts.<sup>116</sup> Second, a state must strive for economic and military self-sufficiency to provide for its people; it should not rely on global partners for resources because they may not always deliver them.<sup>117</sup> Third, isolationism extols “continentalism,” or a focus on a state’s regional area, because a state must prevent strong foreign powers from gaining footholds near its territory because they may attempt to harm its people.<sup>118</sup> Fourth, isolationism calls for a state, when it must venture beyond its borders, to pursue a unilateral foreign policy (engage in global operations without foreign partners) because doing so maintains

<sup>110</sup> CALLAHAN, *supra* note 1, at 52-69.

<sup>111</sup> LEROY N. RIESELBACH, *THE ROOTS OF ISOLATIONISM: CONGRESSIONAL VOTING AND PRESIDENTIAL LEADERSHIP IN FOREIGN POLICY* 7 (1966).

<sup>112</sup> Quoted in *ISOLATIONISM: OPPOSING VIEWPOINTS* 28 (John C. Chalberg, ed., 1995). This Washington quote, and other comments by him in this section, are used to illustrate examples of isolationist thought in foreign policy. Note that this article is not making the claim that the quotes capture the full range of Washington’s international outlook.

<sup>113</sup> NORDLINGER, *supra* note 109, at 4. *Id.* aptly sums up the rationale for a state to pursue isolationism when stating that such a strategy, “can contribute more than any other security strategy to the nation’s economic and social welfare. Its radically lower defense budgets allow for the greater satisfaction of material needs and wants, public and private, while promoting economic growth by way of more flexible macroeconomic policies and the devotion of a larger proportion of defense budgets to productive expenditures.” *Id.* also notes that, “A minimal political-military activism” in foreign affairs “also affords more room on the political and policy agendas for the pursuit of economic and social projects.”

<sup>114</sup> CALLAHAN, *supra* note 1, at 53.

<sup>115</sup> *Id.*

<sup>116</sup> *Id.*

<sup>117</sup> *Id.*

<sup>118</sup> *Id.*

autonomy.<sup>119</sup> Fifth, isolationism accepts that a state on occasion needs to collaborate with global actors for survival, but when a state must do this, it calls for it to be done on a temporary, limited basis until a resolution is found.<sup>120</sup> In sum, isolationists strive to provide a protective shield for their state, but doing so at times requires selective contact outside its borders, especially within its regional area and when done on an ad hoc basis.<sup>121</sup>

A final note on isolationism is needed for its applicability to state migration policy. Scholars identify three variants of it—(1) political isolationism, (2) economic protectionist isolationism, and (3) cultural isolationism<sup>122</sup>—and each isolationist strain can lead a state to form distinct migration policies. The first category—political isolationism—consists of isolationists who call for a state to shun political entanglements in military and security matters; this isolationist “strategy demands a true minimum of security-centered involvements “abroad.<sup>123</sup> Political isolationists see cultural and economic exchanges as independent of military and security issues, and do not see trade agreements as political entanglements.<sup>124</sup> The second category of isolationists—economic protectionists—view military foreign alliances, *and* foreign trade agreements, as eroding sovereignty. They advocate that a state avoid economic ties abroad.<sup>125</sup> Cultural isolationists—those in the third category—call for a state to shun security and military foreign ties, *as well as* cultural ties.<sup>126</sup> They seek to preserve the cultural character of the polity by preventing foreign ties perceived as threatening to the state’s ethnic, religious, or national identity.<sup>127</sup>

<sup>119</sup> *Id.*

<sup>120</sup> *Id.* This point is summed up in President Washington’s exhortation to his country that “Taking care always to keep ourselves, by suitable establishments, on a respectably defensive posture, we may safely trust to temporary alliances for extraordinary emergencies” (quoted in Chalberg, *supra* note 112, at 28).

<sup>121</sup> CALLAHAN, *supra* note 1, at 52-69.

<sup>122</sup> *Id.* at 54; Chalberg, *supra* note 112, at 15.

<sup>123</sup> NORDLINGER, *supra* note 109, at 3. Political isolationists will also follow the five isolationist premises identified in the previous paragraph.

<sup>124</sup> CALLAHAN, *supra* note 1, at 54. President Thomas Jefferson expressed political isolationism sentiment when at his first inaugural address he called for, “peace, commerce, and honest friendship with all nations, entangling alliances with none” (quoted in Bettina Bien Greaves, *Foreign Policy, in THE CASE FOR FREE TRADE AND OPEN IMMIGRATION* 135 (Richard M Ebeling & Jacob G. Hornberger eds., 1995). Similarly, President George Washington stated during his Farewell Address (September 17, 1796) that, “The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible” (quoted in *id.* at 134-35).

<sup>125</sup> CALLAHAN, *supra* note 1, at 54.

<sup>126</sup> Chalberg, *supra* note 112, at 15.

<sup>127</sup> *Id.* For example, Japan, during the Tokugawa shogun rule (1630s to 1854), “excluded all foreigners and expelled or killed shipwrecked sailors and others who landed by accident on its shores” to “purge the country of all foreign religions and other cultural influences...” *Id.*

E. *Isolationism Foreign Policy Interpretive Lens and State Migration Policy*

At first glance, isolationism necessitates that a state pursue a “restrictive” migration policy because inviting immigrants can contribute to foreign entanglements. While isolationism sentiment pushes a state toward this immigration policy outcome, it may not always be the case that it will lead a state to a closed migration stance. Depending on which isolationist strain (political, economic, or cultural isolationism) that policymakers follow, and the work skills and source country of immigrants, isolationism may call for open or “selectively open” stances. After discussing why isolationism often calls for a state to enact a closed migration policy, this section explains why it can also lead a state to form an open migration policy.

1. *Isolationism Objective: Restrict Migration to Prevent Costly and Dangerous Global Encounters*

Isolationism can call for a closed migration policy for a state for three main reasons. First, leaders, acting based on cultural isolationism, will restrict immigrants who do not share perceived group-identity characteristics of the polity’s constituents because they will be seen as a cultural threat.<sup>128</sup> This is the case because “isolationist tendencies” within a state are “marked by a turning inward and attempts to protect one’s nation from unwanted outside influences,” “concerns about the cultural makeup of society,” “increasingly nativist attitudes that residents hold about foreigners,” and “a growing anti-immigrant mood”.<sup>129</sup> Second, leaders, adhering to economic protectionist isolationism, may see immigrants as economic units (laborers) and block them from entering the country because accepting them constitutes a foreign economic tie. Third, policymakers, following political isolationism, will enact closed migration policies if they see immigrants as increasing the likelihood of foreign entanglements. For example, if immigrants, once in a country, form a domestic lobby group and call for the state to form binding diplomatic ties with their sending countries, then isolationists may restrict migration to prevent future immigrants from coming to the state and attempting to influence its foreign policy.

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<sup>128</sup> These leaders may decide to even prevent entrance to immigrants who share similar cultural characteristics on the premise that any person coming from outside the state is de facto a “foreigner.”

<sup>129</sup> Gregory A. Huber & Thomas J. Espenshade, *Neo-Isolationism, Balanced-Budget Conservatism, and the Fiscal Impacts of Immigrants*, 4 INT’L MIGRATION REV. 1034-36 (1997).

a. *1924 National Origins Act Stipulation: The Restrictive Immigrant Quotas for the Eastern Hemisphere*

A U.S. migration policy example that this isolationism perspective can shed insight into are the 1921 and 1924 quota or national origins acts,<sup>130</sup> which significantly reduced migration to America by creating small quotas or “spots” available for immigrants from the eastern hemisphere.<sup>131</sup> These laws reversed America’s predominately open stance toward immigrants that had been in place since the country’s founding, and they significantly restricted immigration to the U.S. from the eastern hemisphere until their 1965 repeal.<sup>132</sup> Per isolationism, an analyst can investigate if the quota laws were enacted to protect America from entanglements in European affairs and overseas conflict. The 1920s Warren Harding and Calvin Coolidge administrations, following the destruction of WWI (1914-18), pursued foreign policy strategies with elements of “isolationism”,<sup>133</sup> and the view that “noninvolvement in Old World affairs is not aloofness, it is security”.<sup>134</sup> For example, Charles Evans Hughes, Secretary of State for Harding and Coolidge, said America sought a “maximum of security with a minimum of commitment”.<sup>135</sup> The U.S., in general, shunned alliances and commitments to collective security arrangements and sought to remain out of Asian and European affairs—a stance in line with restricting access to immigrants

<sup>130</sup> The quota or national origins acts or laws are commonly used names to refer to the Emergency Quota Law of May 19, 1921, 42 Stat. 5, and the Immigration Act of May 26, 1924, 43 Stat. 153.

<sup>131</sup> For more on the quota laws see, e.g., DELAET, *supra* note 76, at 31-37; DIVINE, *supra* note 103, 5-76; MARTIN, *supra* note 48, at 148-50; MAE M. NGAI, IMPOSSIBLE SUBJECTS: ILLEGAL ALIENS AND THE MAKING OF MODERN AMERICA (2006); TICHENOR, *supra* note 30, at 114-49; ZOLBERG, *supra* note 30, at 243-70. They are commonly interpreted as a xenophobic policy decision, with, e.g., TICHENOR, *supra* note 30, at 147 (see also DELAET, *supra* note 76, at 37; NGAI, *supra* note 131, at 23), explaining that, “the primary intent and effect of their [referring to migration policy reformers] national origins quota system were manifestly racist.” But for a different interpretation of the origins of the quota laws see Son-Thierry Ly and Patrick Weil, *The Antiracist Origin of the Quota System*, 77 SOC. RES. 45 (2010).

<sup>132</sup> On these and other details of the quota laws see fn. 131.

<sup>133</sup> MICHAEL C. LEMAY, GUARDING THE GATES: IMMIGRATION AND NATIONAL SECURITY 107 (2006).

<sup>134</sup> *Id.* at 107-08, and quote at 114. Note that while the 1920s decade is often considered an epochal period for American foreign policy isolationism, GEORGE C. HERRING, FROM COLONY TO SUPERPOWER: U.S. FOREIGN RELATIONS SINCE 1776 436 (2008), explains that the era’s diplomacy, “in fact defines simple explanation[,]” and he concludes that, “Involvement without commitment seems the best way to sum up the U.S. approach to the world during that period.” Bear F. Braumoeller, *The Myth of American Isolationism*, 6 FOREIGN POL’Y ANALYSIS 349 (2010), finds that during this period and through U.S. history, “American isolationism is a myth.”

<sup>135</sup> Quoted in HERRING, *supra* note 134, at 442.

from these regions, especially considering that Americans feared that WWI fallout would lead to large numbers of immigrants leaving Europe for the U.S.<sup>136</sup> The 1920 and 1924 Republican Party platforms (with Harding and Coolidge as the presidential candidates) called for restricting immigration for cultural and economic isolationist reasons, such as that “The unprecedented living conditions in Europe following the world war created a condition by which we were threatened with mass immigration that would have seriously disturbed our economic life”;<sup>137</sup> and that “The standard of living and the standard of citizenship of a nation are its most precious possessions, and the preservation and the elevation of those standards is the first duty of our government. The immigration policy of the U.S. should be such as to [e]nsure that the number of foreigners in the country at any one time shall not exceed that which can be assimilated with reasonable rapidity, and to favor immigrants whose standards are similar to ours”.<sup>138</sup> An analyst can use an isolationist lens to further investigate the extent to which the isolation sentiment expressed in these quotes factored into the national origins legislation.

## 2. Isolationism Objective: Accept Immigrants for Regional Foreign Policy or Vital National Interest Reasons

Isolationism does not necessitate that a state always takes a restrictive migration stance. Isolationist ideas can motivate it to form open policies for four reasons. First, state leaders, adhering to a cultural isolationist stance, may view immigrants of a particular cultural or identity group as “one of their own” and permit their entrance. Second, leaders, adhering to economic isolationism, may not view immigrants as “simply” economic units (as laborers), and welcome them into the polity for humanitarian reasons (for example, providing safe haven for refugees.) Third, leaders following political isolationism may view immigration as unrelated to security and military affairs and permit foreigners into the polity.<sup>139</sup> And fourth, isolationism “nuances” (outlined above as the “five premises of

<sup>136</sup> LEMAY, *supra* note 133, at 107-108, 114.

<sup>137</sup> Quoted in HUTCHINSON, *supra* note 86, at 634. The 1924 Republican platform continued: “The [quota] law recently enacted is designed to protect the inhabitants of our country, not only the American citizen, but also the alien already with us who is seeking to secure an economic foothold for himself and family from the competition that would come from unrestricted immigration” (*Id.*).

<sup>138</sup> Quoted in *id.*, at 633.

<sup>139</sup> For example, the U.S., during the nineteenth century, is sometimes interpreted as following an isolationist foreign policy, but during the period the U.S. admitted millions of immigrants, perhaps because America did not see immigrants as increasing the likelihood that it would get bogged down in foreign policy entanglements.

isolationism”), such as continentalism or use of ad hoc foreign agreements, may cause a state to form an open migration policy. For example, per continentalism, a state may accept immigrants coming from countries in its region, if accepting them is viewed important for regional stability. As another example, states may enter into temporary foreign arrangements to find resolution to global issues affecting it domestically—for instance, a state facing the prospect of a large number of refugees coming to its territory (and overwhelming the capacities of its social and healthcare services), may enter into a foreign agreement with the sending states of the refugees to accept them in an orderly and regulated way to diffuse a crisis.<sup>140</sup>

*a. 1924 National Origins Act Stipulation: Western Hemisphere Exemption from the Immigrant Quotas*

Isolationism provides an analyst with potential insight into explaining what seems at first glance to be a “quirk” of the 1921 and 1924 quota laws, which is that they exempted from quota restrictions (and placed no limits on) western hemisphere immigration.<sup>141</sup> Why did these laws, which were designed to restrict foreigners from coming to the U.S., allow for free immigration from the Americas? The isolationist principle of continentalism can explain this decision: Asian and European immigration restriction was consistent with U.S. isolationist goals (avoiding “entanglements” and wars in far off places), but blocking Canadian and Latin American immigration contradicted hemispheric diplomatic objectives. During the 1920s, Washington sought to uphold the Monroe Doctrine and keep European states out of Western hemisphere affairs through policies supporting regional diplomatic relations.<sup>142</sup> The U.S. pursued what has been called “Pan-Americanism”, or the promotion of friendly relations with hemispheric

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<sup>140</sup> As another example of the premises of the isolationist IL leading a state to form an open migration policy, consider that isolationists advocate that a state uphold its vital national interests, and if a state is seen as lacking a resource required for survival then it is to secure it. Thus, if a state is deficient, for example, in high-skilled laborers in a critical area or industry needed for survival (such as the food or defense industries), then it might fill this need by inviting immigrants with technical abilities.

<sup>141</sup> On the quota laws see fns. 130 & 131.

<sup>142</sup> This view was expressed in the December 17, 1928 “Clark Memorandum” (*see* Reuben J. Clark, MEMORANDUM ON THE MONROE DOCTRINE (1930)), written by President Coolidge’s Undersecretary of State Reuben Clark Jr. and oft considered an important foreign policy statement of the era, that interpreted the Monroe Doctrine as calling for America to keep control over its hemisphere through friendly relations with regional countries, and the U.S. only using force in the region in the event of European intervention and against the intruding European state (opposed to America also using force over Latin American countries to demonstrate its control of the hemisphere.)

countries to maintain U.S. influence and control in the region.<sup>143</sup> Laws restricting regional immigrants would have contradicted the spirit of this policy. For example, President Calvin Coolidge and Secretary of State Frank B. Kellogg privately opposed limiting western hemisphere immigration because they saw it as “inconceivable, that for the sake of preventing a relatively insignificant migration from Mexico [a reason that some leaders were calling for blocking regional migration], the undesirability of which is at least questionable, we should endanger our good relations with Canada and all of Latin America”.<sup>144</sup> Kellogg, speaking before the Senate Immigration Committee, cautioned that restricting hemispheric immigrants “would adversely affect the present good relations of the United States with Latin America and Canada”.<sup>145</sup> Western hemisphere immigration restriction was precluded in the 1920s laws according to one scholar because “the enduring principle of Pan-Americanism proved too strong.”<sup>146</sup> As these comments suggest, an analyst, per the isolationism principle of continentalism, can examine if American leaders exempted western hemisphere migrants from the quota law restrictions to promote regional stability by accepting hemispheric immigrants.

#### F. *Liberalism Foreign Policy Interpretive Lens Overview*

This foreign policy IL has its origins in classical liberalism philosophy—a modern Western political and economic thought tradition rooted in work by seventeenth through nineteenth century thinkers such as John Locke, Adam Smith, Thomas Jefferson, John Stuart Mill, and Immanuel Kant.<sup>147</sup> Classical liberals tend to see people as cooperative by nature. They also (as reflected in that “liberalism” and “liberty” have the same root, which is the Latin word for “free”) emphasize the rights of individuals over those of the collective state because of the risk that the latter can infringe upon civil liberties.<sup>148</sup> People should have economic independence, choice in governance, and freedom from unwarranted state

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<sup>143</sup> KENNETH J. GRIEB, *THE LATIN AMERICAN POLICY OF WARREN G. HARDING X* (1977).

<sup>144</sup> Quoted in DIVINE, *supra* note 103, at 60.

<sup>145</sup> Quoted in *id.* Senators Hiram Bingham (R-Connecticut) and Carl Hayden (D-Arizona) similarly reminded their chamber that the country should act toward neighboring countries more positively than toward European states, and they warned, “that passage of this bill [blocking Latin American immigration] would strike a blow at Pan-Americanism from which it would be very difficult to recover” (*id.* at 64).

<sup>146</sup> *Id.* at 66.

<sup>147</sup> CALLAHAN, *supra* note 1, at 74.

<sup>148</sup> *Id.*; CARTER, *supra* note 1, at 14.

control.<sup>149</sup>

In foreign policy, the liberalism IL calls for a state to support liberty, human rights, free trade, self-determination, and democratic governments.<sup>150</sup> A state is to pursue these goals to help individuals in the global community, and also because doing so is the best way to secure the state's national freedom, security, and success.<sup>151</sup> Liberalism stresses that a state is to "seek the expansion of liberty," because it and the world "are better off when trade is free, nations are governed democratically, human rights are honored, and nations have self-determination because liberty promotes prosperity, peace, and cooperation".<sup>152</sup> Per liberalism, a state should focus on at least three main foreign policy objectives: promoting (1) free trade and (2) the spread of democracies, and (3) the use of international organizations (IOs)<sup>153</sup> to support cooperation between states in spreading liberty, commerce, and representative government forms.<sup>154</sup>

First, liberalism calls for a state to pursue unrestricted trade to enhance prosperity and lessen war.<sup>155</sup> Free commerce results in absolute gains for all states because, while some of them may benefit more than others from it, all countries end up in a better position than they were in prior to the exchanges.<sup>156</sup> A simple thought narrative by leaders pursuing this policy is: "Trade may enable poorer nations to catch up or to grow faster than we do, but this does not cause us to slow down. . . We gain, too".<sup>157</sup> Trade in turn decreases violence between states because they will be reluctant to fight, fearing that doing so will destroy wealth creation.<sup>158</sup> For this reason, Thomas Paine, the eighteenth century American theorist and activist, wrote, "If commerce were permitted to act to the universal extent it is capable, it

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<sup>149</sup> CALLAHAN, *supra* note 1, at 74. NOTE that "classical liberalism," and the ideas associated with the liberalism foreign policy IL, is distinct from how the term "liberal" is often used in contemporary American political discussion, in which it is generally used to refer to "welfare liberalism," or the notion that the state should act on account of disadvantaged groups in a society (CALLAHAN, *supra* note 1, at 74; CARTER, *supra* note 1, at 14).

<sup>150</sup> CALLAHAN, *supra* note 1, at 74-82.

<sup>151</sup> *Id.* at 74.

<sup>152</sup> *Id.*

<sup>153</sup> This essay defines an international organization (IO) as "an institution composed of states as members (for example, the United Nations [UN], European Union [EU], and the North Atlantic Treaty Organization [NATO])" (VIOTTI & KAUPPI, *supra* note 1, at 7). Within this article, the terms "IO" and "international institution" are meant synonymously.

<sup>154</sup> CARTER, *supra* note 1, at 14-15; *see also*, BOVA, *supra* note 1, at 9-23; DOYLE, *supra* note 56; BRUCE RUSSETT & JOHN R. ONEAL, TRIANGULATING PEACE: DEMOCRACY, INTERDEPENDENCE, AND INTERNATIONAL ORGANIZATIONS (2001).

<sup>155</sup> BOVA, *supra* note 1, at 21-22.

<sup>156</sup> *Id.* *See generally* RUSSETT & ONEAL, *supra* note 154, at 125-55.

<sup>157</sup> CALLAHAN, *supra* note 1, at 76.

<sup>158</sup> BOVA, *supra* note 1, at 22.



would extirpate the system of war”.<sup>159</sup>

Second, liberalism calls for a state to support democratic states.<sup>160</sup> Representative systems are preferred to other government forms because they are associated with peaceful foreign policies by contributing to ideas associated with the “democratic peace theory.”<sup>161</sup> This idea, derived from Enlightenment thinkers like Kant and Montesquieu, is that mature liberal democracies almost never war with one another because they share common values.<sup>162</sup> As the numbers of democratic states increase in the world, so also will a “zone of peace” in the global community.<sup>163</sup> President Ronald Reagan showed awareness of this when declaring that, “Free people, where governments rest upon the consent of the governed, do not wage war on their neighbors”.<sup>164</sup>

Third, while liberals are optimistic that trade and democracies will one day help secure peace and liberty for the global community, they acknowledge that the world is not yet at a stage where all countries opt for free commerce and representative governments.<sup>165</sup> Liberalism thus encourages states to utilize IOs and law to facilitate cooperation between countries and reduce interstate conflict.<sup>166</sup> Liberalism views state collaboration on issues such as nuclear proliferation, climate change, and migration as beneficial in reducing their dangers.<sup>167</sup> IOs like the United Nations help states with these issues by providing a forum for them to collaborate and work through disagreements and collective action problems.<sup>168</sup>

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<sup>159</sup> Quoted in CALLAHAN, *supra* note 1, at 76. Stated another way, Greaves, *supra* note 124, at 133-34, explains that “The advocates of free trade pointed out more than a century ago that[,] ‘if goods do not cross borders, soldiers will.’ As few exchanges take place across national borders, individuals have fewer opportunities to know and respect one another. Antagonism, animosity, and enmity among nationals may arise.”

<sup>160</sup> Carter, *supra* note 1, at 14.

<sup>161</sup> Bova, *supra* note 1, at 22; Carter, *supra* note 1, at 14.

<sup>162</sup> Carter, *supra* note 1, at 14; *see also generally* Russett & Oneal, *supra* note 154, at 43-124.

<sup>163</sup> Carter, *supra* note 1, at 14-15; *see also generally* Max Singer & Aaron Wildavsky, *THE REAL WORLD ORDER: ZONES OF PEACE/ZONES OF TURMOIL* (rev. ed. 1993).

<sup>164</sup> Quoted in Tony Smith, *AMERICA’S MISSION: THE UNITED STATES AND THE WORLDWIDE STRUGGLE FOR DEMOCRACY 270* (expanded ed. 2012).

<sup>165</sup> Carter, *supra* note 1, at 15.

<sup>166</sup> *Id.*

<sup>167</sup> CALLAHAN, *supra* note 1, at 93-94.

<sup>168</sup> *See generally* Robert Axelrod & Robert O. Keohane, *Achieving Cooperation under Anarchy: Strategies and Institutions*, in *COOPERATION UNDER ANARCHY* (Kenneth A. Oye ed., 1986); RUSSETT & ONEAL, *supra* note 154, at 157-96.

*G. Liberalism Foreign Policy Interpretive Lens and State Migration Policy*

A state pursuing a liberalism foreign policy will uphold liberty and security for individuals through promoting free trade and democracies, and using IOs, protocols and law.<sup>169</sup> A state will devise migration policies to support these goals, such as immigration measures that promote (1) unrestricted exchange of laborers between states (which can facilitate free trade and liberty for workers by allowing them to pursue economic goals), (2) democracies, and (3) use of IOs to facilitate free, orderly, and safe global migration. To reach these objectives, a state will mostly enact open migration policies, though at times with “preferential” or restrictive nuances to this position.<sup>170</sup>

1. Liberalism Objective: Promote Free Interstate Exchange of Immigrant Laborers

A state with a liberal IL foreign policy agenda will form open migration policies to allow laborers the freedom and liberty to move across borders to pursue job opportunities, which will enhance global economic activity, enrich all countries,<sup>171</sup> and decrease interstate conflict.<sup>172</sup> If immigrant

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<sup>169</sup> Note this section is applying the liberal foreign policy school of thought to state migration policy. On liberal egalitarianism theory and immigration see PHILLIP COLE, *PHILOSOPHIES OF EXCLUSION: LIBERAL POLITICAL THEORY AND IMMIGRATION* (2000) and Joseph H. Carens, *Migration and Morality: A Liberal Egalitarian Perspective*, in *FREE MOVEMENT: ETHICAL ISSUES IN THE TRANSNATIONAL MIGRATION OF PEOPLE AND OF MONEY* 25-47 (Brian Barry & Robert E. Goodin eds., 1992); and on classical liberalism and migration see the essays in *THE CASE FOR FREE TRADE AND OPEN IMMIGRATION* (Richard M. Ebeling & Jacob G. Hornberger, eds., 1995). The liberal foreign policy IL, liberal egalitarianism, and classical liberalism comprise distinct schools of thought on migration, but they do have overlap in their constitution of migration, which is why in this section comments/works by scholars such as Carens, *supra* note 169 and those in the edited volume by Ebeling & Hornberger, *supra* note 169, are used to describe the liberal foreign policy IL perspective on immigration. For a study that discusses themes touched on in this section by arguing that “liberal norms and human rights” have played primary roles in postwar Canadian and U.S. migration policy see Triadafilos Triadafilopoulos, *Global Norms, Domestic Institutions and the Transformation of Immigration Policy in Canada and the US*, 36 *REV. INT’L STUD.* 169 (2010).

<sup>170</sup> Carens, *supra* note 169, at 25 aptly explains why this is the case by noting that liberalism, “entails a deep commitment to freedom of movement as both an important liberty in itself and a prerequisite for other freedoms[,]” and, “[t]hus the presumption is for free migration and anyone who would defend restrictions faces a heavy burden of proof.” “Nevertheless,” he notes, migration, “restrictions may sometimes be justified because they will promote liberty and equality in the long run or because they are necessary to preserve a distinct culture or way of life.”

<sup>171</sup> Richard M. Ebeling, *Defense of Free Migration*, in *THE CASE FOR FREE TRADE AND OPEN IMMIGRATION* 100-01 (Richard M. Ebeling & Jacob G. Hornberger eds., 1995) explains

workers in one country have economic ties with an employer within another country, or if these immigrant laborers are important to the two country's commerce, then a war between the states is unlikely because it will disrupt trade or economic production.<sup>173</sup> A state is most likely to enact open migration policies to allow immigrant laborers to cross borders, but it is also possible that a state will take restrictive migration stances to support economic freedom. For example, a state with liberalism IL values in its migration policy may decide to restrict immigration from a country that does not allow its constituents to freely choose their line of work and/or pursue economic opportunities outside its borders (which inhibits the liberty of its people), in order to signal that it disapproves of the labor policies of the other state.

*a. 1965 Immigration & Nationality Act*

A line of inquiry for an analyst to pursue into an American migration policy case suggested by this liberalism IL perspective is to examine U.S. leaders' attempts after WWII to reform the migration system that culminated with the 1965 Immigration & Nationality Act.<sup>174</sup> The 1965 law ended the

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why this is the case by noting that "In the 19<sup>th</sup> century, freedom of movement was generally seen as an integral part of a philosophy and policy of free trade. Just as the free movement of goods across frontiers was seen as the method by which individuals of the respective countries of the world could benefit from their comparative productive advantages, free movement of people was seen as the method by which individuals—each pursuing his own personal interest—could assure that labor would come to be distributed among the various geographical areas in the pattern that was most conducive to private and social prosperity....The advantages from the transfer of workers would tend to benefit everyone....The economic and social principles of laissez-faire and lassiez-passer were intertwined and inseparable. The advantage that necessarily followed from the unhampered exchange of goods across the borders of different countries could not attain its maximum potential unless the free movement of goods was matched by the free movement of labor and capital to where the greatest economic advantage was anticipated."

<sup>172</sup> While not specifically on the liberal foreign policy IL and migration policy, for a study in the area of migration, labor markets, and the international system see ALEJANDRO PORTES & JOHN WALTON, *LABOR, CLASS, AND THE INTERNATIONAL SYSTEM* (1981).

<sup>173</sup> Greaves, *supra* note 124, at 135 describes relationships between free trade, open borders, and world peace when recommending that "to minimize conflicts in the future we should aim to create a world in which people are free to buy what they want, live and work where they choose, and invest and produce where conditions seem most propitious. There should be unlimited freedom for individuals to trade within and across national borders, widespread international division of labor, and worldwide economic interdependence. Would-be traders should encounter no restrictions or barriers to trade, enacted out of a misguided belief in economic nationalism and the supposed advantages of economic self-sufficiency. Friendships among individuals living in different parts of the world would then be reinforced daily through the benefits they reap from buying and selling with one another. Thus a sound basis for peaceful international relations would be encouraged."

<sup>174</sup> See Hart-Cellar Act, *supra* note 33.

restrictive 1920s quota system, more widely and broadly opened American “doors” to immigrants from all of the world’s countries, and provides foundation for today’s U.S. immigration system.<sup>175</sup> A liberal IL perspective asks an analyst to consider if the 1965 law was enacted to help support international trade, and, more generally, classical liberalism ideals. Based on extant studies of the 1965 law,<sup>176</sup> it is far-reaching to conclude that leaders were strongly motivated by a free trade motive in forming it. However, rhetoric by U.S. policy makers of the era does support the possibility that they were influenced by liberalism IL principles when calling for and creating a new migration system.

For example, Harry Truman, the first president after WWII to call for major migration reform, set up by executive order a commission that produced a report—*Whom Shall We Welcome*—that detailed the type of immigration system for postwar America.<sup>177</sup> The committee stressed the benefits of open migration for cultural and economic exchanges between countries; it noted that “The Commission believes that immigration has given strength to this country not only in manpower, new industries, inventiveness, and prosperity, but also in new ideas and new culture. Immigrants have supplied a continuous flow of creative abilities and ideas that have enriched our nation”.<sup>178</sup> And the 1960 Democratic Party platform—which stated the policy positions of President John Kennedy (the main progenitor of the 1965 law)<sup>179</sup> in his campaign—put forth liberalism principles as reasons for the new migration policy when it stated that “The revision of immigration and nationality laws we seek will implement our belief that enlightened immigration, naturalization and refugee policies and humane administration of them are important aspects of our foreign policy. These laws will bring greater skills to our land, reunite families, permit the United States to meet its fair share of world programs of rescue and

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<sup>175</sup> For discussion on the 1965 law see DELAET, *supra* note 76, at 39-41; LEMAY, *supra* note 82, at 109-14; Martin, *supra* note 48, at 184-190; TICHENOR, *supra* note 30, at 211-216; ZOLBERG, *supra* note 30, at 324-336..

<sup>176</sup> Common explanations of the 1965 legislation include that it was enacted based on civil rights ideals of inclusion and equity (e.g., TICHENOR, *supra* note 30, at 215), or Cold War foreign policy goals of supporting allies by accepting their immigrants (e.g., Totten, *supra* note 7, at 349-51).

<sup>177</sup> See ROGER DANIELS & OTIS L. GRAHAM, DEBATING AMERICAN IMMIGRATION, 1882 – PRESENT 80-85 (2001) (excerpting *Whom Shall We Welcome*).

<sup>178</sup> Quoted in *Id.* at 84.

<sup>179</sup> Regarding Kennedy’s role in the 1965 immigration law, DELAET, *supra* note 76, at 39 explains that, “The Democrats won the 1960 election, and pro-immigration forces won the debate over the liberalization of immigration policy. President Kennedy presented a bill to Congress in 1963 that called for the elimination of the national origins system. This bill provided the impetus for immigration reform that culminated in the 1965 amendments to the Immigration and Nationality Act.”

rehabilitation, and take advantage of immigration as an important factor in the growth of the American economy.”<sup>180</sup> These comments, and others like them from leaders that helped enact the 1965 law,<sup>181</sup> hint at an American emphasis on the importance of a liberal migration system to support economic interaction with other countries, a stable global economy, and laborers having liberty in choosing work. An analyst, using this sort of commercial liberalism IL to examine the 1965 law, may upon investigating archival sources discover new insight into it.

## 2. Liberalism Objective: Use Immigration to Support Democratic Regimes

Per liberalism, a state will form migration policies supporting democratic regimes because these types of governments are more likely to uphold liberty and are less likely to engage in war with other democracies.<sup>182</sup> For example, a state can permit entrance to immigrants from democratic countries to signal its approval of the sending nations’ governments. A state can also encourage residents in foreign states with non-representative government forms (e.g., autocracies) to immigrate to their country to bring these individuals within a democracy and signal the “bankruptcy” of these other government types by having these migrants “vote on their feet” (that is, by allowing these immigrants to pick the government form—a democracy—that they prefer to live under). While a state supporting

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<sup>180</sup> Democratic Party Platform, July 11, 1960, <http://www.presidency.ucsb.edu/ws/?pid=29602>.

<sup>181</sup> Numerous leaders who were instrumental in the 1965 law’s passage stressed the importance of individual liberty for the immigrant in the legislation’s creation. For example, President Lyndon Johnson, who took up the work of President Kennedy with migration reform and brought the 1965 law to fruition, said when signing the bill that the national origins “system violated the basic principle of American democracy—the principle that values and rewards each man on the basis of his merit as a man” (quoted in MARTIN *supra* note 48, at 189). Senator Edward Kennedy, who played a key role in Congress in fomenting support for the 1965 law, explained the law was formed to promote, “equality and fair play for the people of all nations” (quoted in TICHENOR, *supra* note 30, at 209). And AFL-CIO lobbyist Hyman Bookbinder—a leader of an interest group whose support of the 1965 law was important for its passage (since Congresspersons did not want to alienate voters who were members of labor unions and concerned over immigrant competition for their jobs)—declared that the 1920s quota system (which the 1965 law replaced) is based on, “a philosophy which condemns groups of people, a philosophy which ranks one people as inferior or superior to another.” “It runs contrary to the democratic philosophy that people ought to be judged as individuals” (quoted in Tichenor, *supra* note 30, at 204).

<sup>182</sup> For a short study on democracy, migration, and the U.S. see David P. Forsythe, Gary Baker, & Michele Leonard, *U.S. Foreign Policy, Democracy, and Migration*, in GLOBAL MIGRANTS, GLOBAL REFUGEES: PROBLEMS AND SOLUTIONS, 243-270 (Aristide R. Zolberg & Peter M. Benda eds., 2001).

democracies with its migration policy is apt to form open policies, such as in the past two examples, the state may also at times enact restrictive policies. For example, a democratic state may decline to accept immigrants from an autocratic regime that is selectively restricting its people's emigration (e.g., by not allowing a certain ethnic group to emigrate) as a form of protest against the sending state's policy; or if the democratic state believes that blocking immigration from a non-democratic country may lead to its government's collapse (such as by the disgruntled people who are unable to exit the state revolting against it).

*a. Cold War Refugee Policy (e.g., with Cuban Refugees)*

An analyst can use this liberal IL perspective and its focus on democracy promotion to perhaps more richly understand U.S. immigration policies during the Cold War.<sup>183</sup> For example, the U.S. during this period frequently admitted refugees fleeing communist states to signal the superiority of democratic over communist government forms, including by presidents using a policy instrument (executive parole) during the Cold War to welcome about one million Cuban refugees to show the inadequacy of Fidel Castro's regime and communism.<sup>184</sup> President Kennedy stated that welcoming Cubans would "indicate the resolve of this nation to help those in need who stand with the United States for personal freedom and against Communist penetration of the Western Hemisphere",<sup>185</sup> and that doing so constituted "exemplification by free citizens of free countries, through actions and sacrifices, of the fundamental humanitarianism which constitutes the basic difference between free and captive societies".<sup>186</sup> Richard Brown, Director of the Refugee and Migration Affairs Office, explained that admitting Cubans, "is importantly related to free-world political objectives".<sup>187</sup> Robert Hurwitsch, Deputy Assistant Secretary of State for

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<sup>183</sup> For example, note that the Harry S. Truman administration prepared draft legislation in 1952 to revamp the American migration system in order to, "enable the Government of the United States to participate more fully in fostering democratic ideals against communism, to reinforce our own resources and economic capacities, and to assure world peace and stability" (quoted in Raymond H. Geselbracht, *Harry S. Truman and Immigration: A Graphic Essay Based on the Holdings of the Harry S. Truman Library*, in IMMIGRATION AND THE LEGACY OF HARRY S. TRUMAN 82 (Roger Daniels ed., 2010).

<sup>184</sup> See BON TEMPO, *supra* note 102; LOESCHER & SCANLAN, *supra* note 102; Totten, *supra* note 93. On Cuban immigration to the U.S. during the Cold War see, e.g., FELIX ROBERTO MASUD-PILOTO, FROM WELCOMED EXILES TO ILLEGAL IMMIGRANTS: CUBAN MIGRATION TO THE U.S., 1959-95 (1996).

<sup>185</sup> Quoted in Totten, *supra* note 93, at 84.

<sup>186</sup> Quoted in Silvia Pedraza-Bailey, *Cubans and Mexicans in the United States: The Functions of Political and Economic Migration*, 11 CUBAN STUD. 85 (1981).

<sup>187</sup> Quoted in Totten, *supra* note 93, at 84.

Inter- American Affairs, saw it paramount for the U.S. to let in Cuban refugees because, “Experience has indicated that as long as hope for escape to freedom exists, people living under oppression resist committing themselves to the regime’s goals; but when escape routes are sealed, accommodation to the inevitable becomes the prevailing attitude”.<sup>188</sup> As these quotes allude to, an analyst with a liberal IL perspective can investigate if the U.S. admitted refugees, such as Cubans, during the Cold War to promote democracy.

### 3. Liberalism Objective: Utilize International Organizations, Protocols, and Law to Facilitate Open and Safe International Migration Flows

A state acting according to a liberalism foreign policy will utilize international organizations, laws, and protocols to assist with promoting liberty, free trade, and democracies. With migration policy, a state will use IOs for immigration-related issues, such as the International Migration Organization (IMO) and the Office of the United Nations High Commissioner of Refugees (UNHCR), especially when it cannot maximize liberal outcomes with an immigration issue on its own.<sup>189</sup> In doing this, a state may at times enact open or restrictive migration policies, depending on the rules and recommendations of the IO or protocol that it has joined or following. For example, a migration-related international institution may issue recommendations for states on how to regulate refugee flows or labor migration for the purpose of maximizing immigrant safety or optimizing economic efficiency, and in order to do so the international entity may call upon a state to accept more or less immigrants.

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<sup>188</sup> Quoted in *Id.* at 85. Hurwitch continued: “Illustrative of this phenomenon is the case of East Germany where the beginning of economic recovery can be said to date from the erection of the Berlin wall when the wall barred future escape to the freedom of the West, the East German population had no real alternative but to accommodate to the Communist regime there. The refugee airlift, a route to freedom, forestalls the certainty of accommodation to communism by the Cuban people”.

<sup>189</sup> For discussions on immigration and international institutions and regimes see, e.g., Martin Geiger & Antoine Pécoud, *International Organisations and the Politics of Migration*, 40 J. ETHNIC AND MIGRATION STUD. 865 (2014); GLOBAL MIGRATION GOVERNANCE (Alexander Betts ed., 2011); James F. Hollifield, *Governing Migration, in GLOBAL MIGRATION: CHALLENGES IN THE TWENTY-FIRST CENTURY* (Kavita R. Khory ed., 2012); David A. Martin, *Effects of International Law on Migration Policy and Practice: The Uses of Hypocrisy*, 23 INT’L MIGRATION REV. 547 (1989); SUSAN F. MARTIN, INTERNATIONAL MIGRATION: EVOLVING TRENDS FROM THE EARLY TWENTIETH CENTURY TO THE PRESENT (2014); MIGRATION, NATION-STATES, AND INTERNATIONAL COOPERATION (Randall Hansen, Jobst Koehler, & Jeannette Money, eds., 2011); PHIL ORCHARD, A RIGHT TO FLEE: REFUGEES, STATES, AND THE CONSTRUCTION OF INTERNATIONAL COOPERATION (2014).

a. *1980 Refugee Act*

An analyst using this liberalism IL perspective can analyze migration-related IOs that the U.S. has taken part in to ascertain if it did so to facilitate global cooperation on an immigration issue. Examples of IOs and international protocols and treaties related to migration that the U.S. has participated in over time, include, the United Nations Relief and Rehabilitation Administration (UNRRA), the International Refugee Organization (IRO), and the United Nations High Commissioner for Refugees (UNHCR).<sup>190</sup> The U.S., like most states, has been hesitant to give up sovereign decision making with migration,<sup>191</sup> but there is evidence that America has participated in IOs and protocols to address migration crises that it could not resolve unilaterally, such as after WWII when it utilized IOs to assist with resettling European refugees, and more generally, world migration issues of the era.<sup>192</sup> As another example, Hamlin and Wolgin “use archival documents, interview data, and court cases” to show that, “the 1968 U.S. Senate ratification of the *United Nations Protocol Relating to the Status of Refugees*, an international treaty defining a refugee in ideologically neutral terms”, “ultimately shaped the provisions of the [1980] Refugee Act itself.”<sup>193</sup> As part of their research, they conducted an interview with Skip Endres, a 1970s House Immigration Subcommittee Deputy Staff Director, who explains that U.S. refugee administrative procedure “had become very unwieldy” during the decade, and a “kind of a ludicrous process that we all went thorough.”<sup>194</sup> Hamlin and Wolgin conclude that, “Frustration with these consultations[,]” such as the ones described by Endres, “brought members of the committee [House Immigration Subcommittee] to agree that a new process was necessary, and ultimately would provide the impetus for new refugee legislation[,]” including the 1980 Refugee Act.<sup>195</sup> An analyst, using a liberal IL perspective, can further review this case to ascertain if the U.S. came in line with an international protocol and formed the 1980 law to resolve a migration issue that it could not solve unilaterally and required global cooperation for resolution.

<sup>190</sup> See, e.g., Louise W. Holborn, *International Organizations for Migration of European Nationals and Refugees*, 20 INT’L J. 331 (1965); SUSAN F. MARTIN, *supra* note 189; ORCHARD, *supra* note 189.

<sup>191</sup> See e.g., Geiger & Pécoud, *supra* note 189, at 2-3; David A. Martin, *supra* note 189; SUSAN F. MARTIN, *supra* note 189, at 1-2.

<sup>192</sup> See e.g., ORCHARD, *supra* note 189, at 140-72.

<sup>193</sup> Hamlin & Wolgin, *supra* note 27, at 586. The United States Refugee Act (67 Stat. 400) was signed into law by President Jimmy Carter on March 17, 1980. For more on it see Deborah E. Anker and Michael H. Posner, *Forty Years Crisis: A Legislative History of the Refugee Act of 1980*, 19 SAN DIEGO L. REV. 9 (1981).

<sup>194</sup> Quoted in Hamlin & Wolgin, *supra* note 27, at 601.

<sup>195</sup> *Id.* at 601-02.



## II. CONCLUSION: RESEARCH AND POLICY IMPLICATIONS

This article has argued that Foreign Policy IL's such as realism, isolationism, and liberalism are assessable and useful heuristics for providing new insight into state migration law and policy. In the words of scholars who have described the benefits of theoretical constructs for analyzing world politics, an IL "offers a filter for looking at a complicated picture" of international migration and IL's "help explain the assumptions behind political rhetoric about" state migration policy.<sup>196</sup> At their best, IL's enable analysts to "see things they might not otherwise see" about migration,<sup>197</sup> and "reveal the weaknesses in arguments that can lead to misguided [migration] policies".<sup>198</sup> This author hopes that scholars, when teaching and researching state immigration controls and legal development, will more routinely use IL's in their toolkit because they can help the amateur and professional analyst alike in detaching from emotion, inherent in many immigrant and refugee issues, to better understand a complicated policy area.

Much additional work remains to be done in the area. For one, scholars can further explicate and debate applications of realism, isolationism, and liberalism thought to state migration controls, and they can research the use of other IL's, such as hegemonism, idealism, or neo-marxism, for migration studies.<sup>199</sup> Second, this article has not referred to IL's as "theories" because, per Kuhnian depiction, IL's provide sets of general assumptions about forces underscoring foreign or immigration law and policy, but they are insufficient to predict specific state migration behaviors or outcomes.<sup>200</sup> On the other hand, theories (which can be constructed from the "hard core" assumptions of IL's) make specified predictions about political outcomes.<sup>201</sup> Scholars can use the work on IL's in this article (and elsewhere) to assist with constructing theories of state migration policy. Third, and related to theory-development, scholars may find it beneficial to form middle-range theories of migration policy (that is, attempting to build models of migration policy explaining sub-components of it instead of all of the phenomenon) by ascertaining to what extent assumptions and ideas within the IL's can explain or predict state migration policy and subarea outcomes, such as in legal admissions policies, border security policies, interior immigration enforcement policies, and immigrant integration policies.<sup>202</sup> Fourth, IL's

<sup>196</sup> Jack Snyder, *One World, Rival Theories*, 145 FOREIGN POL'Y 52, 55 (2004).

<sup>197</sup> TRACHTENBERG, *supra* note 49, at 39.

<sup>198</sup> Snyder, *supra* note 196, at 55.

<sup>199</sup> See note 45 for sources on other IL's.

<sup>200</sup> KUHN, *supra* note 1. See also discussion in note 1 on Kuhnian classification.

<sup>201</sup> See Lake, *supra* note 1.

<sup>202</sup> Lake, *supra* note 1, at 772 describes "mid-level theories" as ones "that focus on parts

can be used to examine historical and contemporary state migration laws and policies, as well as make policy recommendations or predictions for migration policies that today's states should or will pursue, such as regarding state responses to the European migration crisis that began in 2015.<sup>203</sup> Fifth, scholars should consider using IR and Security Studies concepts and theories to analyze immigration, and listen to one scholar's implicit research directive when saying that "While states have been securitizing migration for quite some time now, international relations theorists are still catching up",<sup>204</sup> because they can shed light on migration topics. And sixth, a cautionary research suggestion: scholars should heed the experience of what is referred to as the "paradigm wars" in the 1980s and 1990s in the IR discipline,<sup>205</sup> and avoid engaging in excessive scholastic "bickering" on IL's and migration law and policy, and losing sight that migration is a real-life phenomenon oft involving vulnerable populations.<sup>206</sup>

And to return to why foreign policy IL's are valuable tools for migration legal analysis, consider that recently "Public anxiety about migration. . .has amplified the platforms of far-right and populist parties across Europe, become an animating theme of the [2016] U.S. presidential primary campaigns, and has even precipitated a referendum in which the United Kingdom decided to leave the European Union".<sup>207</sup> In the U.S., "the effort to reform immigration policy has deteriorated into increasingly fractious partisan conflict in which politicians and activists and advisers in both parties have increasingly seen. . .policy as something to serve their own electoral advantage".<sup>208</sup> And it is not only Europe and the U.S. facing

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of the political process, rather than the whole, and study the effects of one or more variables on policy choice and outcomes[.]" and he notes that, "mid-level theorists have labored to produce and assess theories of foreign policy and international affairs with varying assumptions that apply to specific issues and even limited historical periods." On these policy subareas described in this sentence see WONG, *supra* note 48, at 32. For discussion on ways to disaggregate migration policy see note 48.

<sup>203</sup> On the European Migration Crisis see Park, *supra* note 34.

<sup>204</sup> Peter Andreas is quoted in BOURBEAU, *supra* note 51, at the back cover of the book.

<sup>205</sup> On the "paradigm wars" see Lake, *supra* note 1.

<sup>206</sup> On ethics and migration see e.g., JOSEPH H. CARENS, *THE ETHICS OF IMMIGRATION* (2013).

<sup>207</sup> Demetrios Papademetriou and Natalia Banulescu-Bogdan, *Understanding and Addressing Public Anxiety about Immigration* (Washington, DC: Migration Policy Institute, 2016), <http://www.migrationpolicy.org/research/understanding-and-addressing-public-anxiety-about-immigration>.

<sup>208</sup> Michael Teitelbaum, quoted in Jerry Krammer, "Barbara Jordan's Immigration Legacy: A Process that 'Serves the National Interest' has been lost." *Washington Post*, January 13, 2016, online ed., <http://www.washingtontimes.com/news/2016/jan/13/jerry-kammer-barbara-jordans-immigration-legacy/>. Stated more simply, Teitelbaum (quoted in Martin, *supra* note 40, at the back cover) says, "U.S. immigration policy debates obviously are increasingly passionate and stalemated."

migration issues; in fact, in the twenty-first century “Few countries remain untouched by migration. Nations as varied as Haiti, India, and the former Yugoslavia feed international flows. The U.S. receives by far the most international migrants, but migrants also pour into Germany, France, Canada, Saudi Arabia, and Iran. Some countries, such as Mexico, send emigrants to other lands, but also receive immigrants—both those planning to settle and those on their way elsewhere”.<sup>209</sup> Furthermore, international “Institutions and laws for achieving cooperation among receiving, source, and transit countries are in their infancy”;<sup>210</sup> thus, while IOs such as the UNHCR do meaningful work in the area, there remains no robust international institution, such as the World Trade Organization (WTO) for global trade, to coordinate state laws and policies to consistently ensure orderly, humane movement in all areas of world migration.<sup>211</sup> With global immigrant levels rising,<sup>212</sup> states that make kneejerk, rash policy reactions to international migration issues precipitated by anxious publics can cause human suffering. Foreign policy IL’s, if not turned into rigid belief systems, can assist people in “loosening” and critically evaluating preconceived views on migration by having them look at the policy area from multiple vantage points—and this might help with less hasty and more pragmatic responses to immigration. Furthermore, with international migration set to play a leading role in twenty-first century world politics,<sup>213</sup> this will be vital for the safety of immigrants, and the states, institutions, and people touched by them.

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<sup>209</sup> Susan F. Martin, *Heavy Traffic: International Migration in an Era of Globalization*, 19 THE BROOKINGS REV. 41 (2001).

<sup>210</sup> *Id.*

<sup>211</sup> On this general issue, Hollifield, *supra* note 189, at 202 explains that “As liberal states come together to manage this extraordinarily complex phenomenon [migration], it may be possible to construct a truly international regime, under the auspices of the United Nations. But I am not sanguine about this possibility, because the asymmetry of interests, particularly between the developed and the developing world, is too great to permit states to overcome problems of coordination and cooperation. Even as states become more dependent on trade and migration, they are likely to remain trapped in a liberal paradox, needing to be economically open and politically closed, for decades to come.”

<sup>212</sup> There was approximately 173 million in 2000 and an estimated and 258 million international migrants in 2017. See United Nations, *International Migration Report 2017: Highlights* 25 (2017), [http://www.un.org/en/development/desa/population/migration/publications/migrationreport/docs/MigrationReport2017\\_Highlights.pdf](http://www.un.org/en/development/desa/population/migration/publications/migrationreport/docs/MigrationReport2017_Highlights.pdf).

<sup>213</sup> See e.g., Fiona Adamson, *Crossing Borders: International Migration and National Security*, 31 INT’L SECURITY 165 (2006); GLOBAL MIGRATION: CHALLENGES IN THE TWENTY-FIRST CENTURY (Kavita R. Khory ed., 2012); Martin, *supra* note 209; MYRON WEINER, GLOBAL MIGRATION CRISIS: CHALLENGE TO STATES AND TO HUMAN RIGHTS (1995).