



The Immigration Crucible: Transforming Race, Nation, and the Limits of the Law

Philip Kretsedemas

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In the debate over U.S. immigration, all sides now support policy and practice that expand the parameters of enforcement. While immigration control forces lobby for intensifying enforcement for reasons that are transparently connected to their policy agenda, and pro-immigration forces favor the liberalization of migrant flows and more fluid labor market regulation, these transformations, meant to grow global trade and commerce networks, also enlarge the extralegal (or marginally legal) discretionary powers of the state and encourage a more enforcement-heavy governing agenda.

Philip Kretsedemas examines these developments from several different perspectives; exploring recent trends in U.S. immigration policy, the rise in extralegal state power over the course of the twentieth century, and discourses on race, nation and cultural difference that have influenced the policy and academic discourse on immigration. He also analyzes the recent expansion of local immigration laws—including the controversial Arizona immigration law enacted in the summer of 2010—and explains how forms of extralegal discretionary authority have become more prevalent in federal immigration policy, making the dispersion of these local immigration laws possible. While connecting these extralegal state powers to a free flow position on immigration, he also observes how these same discretionary powers have historically been used to control racial minority populations (particularly African American populations under Jim Crow). This kind of discretionary authority often appeals to "states rights" arguments, recently revived by immigration control advocates to support the expansion of local immigration laws. Using these and other examples, Kretsedemas explains how both sides of the immigration debate have converged on the issue of enforcement and how, despite different interests, each faction has shaped the commonsense assumptions currently defining the scope and limits of the debate.

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