# RESPECT FOR OUTSIDERS? RESPECT FOR THE LAW? THE MORAL EVALUATION OF HIGH-SCALE ISSUES BY US IMMIGRATION OFFICERS*

Josiah M^cC. Heyman
*Michigan Technological University*

High-scale morality is the study of moral ideas and sentiments deployed in relations that encompass multiple, geographically or socially distant populaces. The envisioning of distant people, their attributed moral personhood, the evaluation of their perceived behaviour, and the rectification of wrongs through the use of powerful organizations are key topics in high-scale morality. High-scale morality differs from existing anthropological approaches that emphasize local ethnography or contrastive moral ideas; it addresses the moralization of issues like world hunger, the drug trade, or international migration. The officers of the US Immigration and Naturalization Service understand and evaluate legal and illegal immigrants, as well as directly enacting moral rectification for the US polity. As they resolve moral dilemmas on their job, they utilize pervasive models for moral thought and action in capitalist, individualist, stratified, and bureaucratized societies. The article finishes by considering directions in which anthropology can contribute to understanding the moral dimension of global issues.

When anthropologists address moralities, their main concern is contrasting cultural differences between cases; I hold that an equally promising focus is moralities deployed in relations that encompass multiple populaces. Moral ideas shape people's understanding of social information and motivate, often strongly, their personal and collective responses to other people. Throughout history, social groupings have held morally loaded opinions of each other, a tendency reinforced in the capitalist world system, where segmentation, mobility, and reformulation make for new clusters of people in novel encounters, often poorly understood but highly moralized. Flows and institutions link personal fates across the globe. A characteristic example is the sentimental outpourings of charity in cases of famine and disaster after information is obtained through the mass media (Benthall 1993). Perhaps moral compasses are, with greater information and the spread of global ideologies, becoming more expansive. But even when long-range connections are ignored or misunderstood, morally motivated action on that which *is* perceived at a distance has important consequences because of the technical capacity of contemporary organizations, whether in dropping bombs or shipping seeds. For short, I term these topics 'high-scale morality'. They are high-scale not only in that they

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sometimes involve 'big' issues but that diverse peoples' moralities are inextricably implicated in each other's affairs, offering in that complexity and relationship an outstanding opportunity for anthropological learning.

Morality perhaps defies cross-cultural definition, but some elements appear to be widespread. It involves evaluative statements about people and conditions in the world. It also involves the imaginative distribution of empathy. It is 'imaginative' in two senses: imagined participation in the situation of others, empathy in the strict sense, and imagined construal of who those others are. Involvement in others' affairs channels outwards the impulse to evaluate: this group's conduct is wrong, this other group's conduct excusable. Finally, bound with evaluation, morality motivates prescriptive impulses. If something is wrong, one ought somehow to rectify the immorality.

Rectification in particular demands attention, because it connects moral ideas to moralizing action. Parkin (1985: 3-4) observes that social scientists often derive moral ideas from the social structure, but moral ideas likewise induce action to 'do the right thing' and hence undergird ongoing social relations. Some moral action simply affirms existing social arrangements, but, in rectification, action is intended to change the social situation, of oneself or of others, to conform with moral ideals. In high-scale morality, the active impulse intersects with the unequal distribution of power. As Carrier and Miller (1998) suggest, righteous abstractions guide strategic decision-makers in rectifying, by political and financial means, the choices of far-distant people. But there is a more chilling implication yet. Wolf's (1999) disturbing final book reminds us that centralized elites commanding efficient organizations may come to regard sets of people themselves as wrong, out of place, their very existence in need of rectification. The horrifying deeds of the Nazis are an extreme instance, tragically clothed in the language of moral purification. Even when rectification is by our standards appropriate instead of evil, the motivating force of its ideas, the places and people towards which it imaginatively and actually aims, and the means of its implementation, merit close study.

With what tools do we venture forth in such study? Philosophy offers admirable reflections on moral concepts, but its tradition of reasoned and self-contained argument means that philosophers rarely empirically study moralities, except in narrowly 'applied' domains (Jamieson 1991). They offer their own critical evaluations of global issues rather than guide us in unearthing moral ideas among people facing them.[1] Michael Walzer's (1994) thought experiment of imagining the vicissitudes faced by distant others bears mentioning, however. It contrasts 'thick' and 'thin' moralities: the former detailed expectations and exchanges appropriate to people sharing much social and cultural context; the latter a superficial sympathy with the goals of people in distant contexts. He touches on, but does not pursue, a mixture common in high-scale morality: projecting 'thick' moral judgements and sometimes rectifications onto thinly conceived others.

As Walzer's speculations indicate, high-scale morality needs the empirical attention of the social sciences. Regrettably, as Parkin (1985: 4-5) notes, social thinkers avoid morality or cloak it in the sociology of knowledge. Marx, for example, offered little explicitly on morality due to his disdain for religion and tradition. However, his work on ideology offers useful perspectives, viewing it in two ways, as misrepresentations of reality particular to classes, and as fetishized formulations of reality characteristic of entire modes of pro-

duction (Wolf 1999: 30-5). The former implies diverse moral ideas clashing in high-scale arenas, while the latter suggests ways to understand the premises and modes of reasoning among moral ideas. Weber sought to diverge from Marx, though his work went beyond this initial motivation. Hence, Weber (esp. 1958) emphasized that ethical frameworks create social and economic relations rather than the other way round. He took moral ideas seriously, according them a world-historical role, a step fundamental to understanding high-scale morality. But he preferred distinctive types, even if grand in coverage. For this reason, Weber's religious and ethical cases stand in comparison, largely not dealing with each other. Durkheim, on the other hand, does address moral interrelation (1964). In mechanical solidarity group members share one morality, which methodologically favours describing group moralities as isolated phenomena. The division of labour threatens moral solidarity, but in organic solidarity there is the interdependence of differentiated moral sentiments. Methodologically, attention is drawn to relationships rather than isolated phenomena. Durkheim comes closest among these classical social theorists to high-scale moralities, but he was biased towards solidarity. He gives us little incentive to analyse moral ideas themselves, what people think of each other, since it is sufficient that some ideas be shared. This article looks to Marx and Weber for systematic elements (commodity fetishism, bureaucratization, etc.) drawn into the moral thought process, as well as for their sense of conflict and historical struggle.

Anthropologists have offered much ethnographic work on moral ideas, often within studies of religion, symbolic systems, and the like. In the 1980s and 1990s anthropologists broached the topic explicitly in a series of valuable edited works (Howell 1997; Overing 1985; Parkin 1985). One does not belittle these volumes by pointing out that they highlight morality's presence in society and culture by delineating the distinctive notions and practices of particular cases. We cannot do without ethnography, but how do we build high-scale analyses upon it? Parkin's masterful essay on concepts of evil across societies suggests one possible response – comparison. Informative as it is, side-by-side comparison is not the same as exploring moral interconnections and conflicts. Comparison also quite directly inclines anthropology towards the pungent debate surrounding moral relativism (see Hatch 1983; Moody-Adams 1997; and the older works they review). An important question in itself, moral relativism's flaw in the present instance is separating ideas from different societies, in search of a contrastive effect, rather than seeing how moral ideas are deployed with and against each other when groups mobilize in complex, often cross-societal relationships.

A scatter of studies in anthropology and sociology approximate the latter goal. Cohen's (1980; 1985) concept of 'moral panic', for example, captures important qualities of high-scale morality, including amplification by the mass media and rectification of populaces different from those originating the moral evaluation. Still, moral panic is a specific phenomenon and, were it taken to encompass all high-scale encounters, it would understate the range of ideas and motivated actions. In juxtaposing morality and states, Moore (1993) and her essayists situate moral claims in contemporary economic and political conflicts, but because she treats morality thinly, as a claim to righteousness by nervous powers-that-be, her book does not accord such ideas and practices the systematic analysis required. Bellah *et al.* (1985) plunge deeply into white,

middle-class US personal and political values. Their subject, the national polity, is high in scale; their informants often moralize about imagined other groups; the authors relate rectifying practices to political-economic processes. But their work is *overly* national, drawing almost entirely on American studies, and hence obstructing their ideas' portability to other situations. Contemplating the diversity of these works and the absence of references shared among them, we find that high-scale morality is a topic in the making, one that needs recognition and an agenda, even if only preliminary.

First, in studying high-scale moralities the intent is systematic not particularistic: the relevant moral relations extend between clumps of concretely situated people. Hence, we require ethnography with attention to one populace's conceptualization and treatment of adjacent and distant populaces. Secondly, contemporary institutions shape moral conceptualization and treatment in specifiable ways, among them the distorted proximity offered by the mass media, the opportunities for collective rectification offered by states and other extended arenas of politics and law, and (by contrast) the distancing and 'de'-moralizing effect of commodities and market prices. Thirdly, moral imaginations are creative, but they draw ideas about personhood and evaluation from surrounding social relations. I do not anticipate much difference in substantive results between studies that emphasize morality causing social situations and the reverse. They are of one cloth, and the point simply is that morally charged action is an important component of the contemporary world, however secular and functionally organized it might appear.

Humbly facing these ambitious, if self-imposed, specifications, I offer a sketch of moral ideas found among US Immigration and Naturalization Service (INS) officers working at or near the US-Mexico border, a place of enormous legal and extra-legal migration. Striving to maintain orderly migration policies in the face of the efforts of millions of migrants, INS officers confront fascinating, if also repetitive and wearying, moral dilemmas (Piore 1979: 174-5). While holding to liberal capitalist and democratic ideals of equal personhood, they perforce enact extremely stratifying categorizations, legal border-crosser or arrested deportee, in the face of the evident neediness of most entrants. In their work, empathetic officers come to know the circumstances and life stories of immigrants as individuals, yet they find solace in political rhetoric asserting that immigrants are harmful to the nation in large numbers. They are possessors of internal US moral ideas about distant and different outsiders, who are forced to come into personal contact with those very people. Finally, their moral impulses matter considerably, since they wield substantial legal and logistical discretion. They do not just have moral opinions, but conduct their own and the larger polity's moral rectification through mandatory force, the epitome of a high-scale relation. No one study can encompass the interplay of morality and international migration, but these INS officers provide a revealing point of collision.

## *INS duties and their contexts*

The US legally admits around 800,000 immigrants and refugees annually, and millions more visitors, students, and the like. The US also attempts to halt

people who would enter the nation without legal admission, resulting in approximately 1.5 million annual arrests (most of them of Mexican nationals, at or near the US-Mexican border, although this southern border emphasis misrepresents the diversity of unauthorized migration as a whole). Illegal immigration continues because of widespread *sub rosa* support for labouring people (janitors, gardeners, meatpackers, maids, and nannies) among employers, landlords, and fellow migrants (Heyman 1998*a*; Stoddard 1976). Americans are ambivalent about immigration, because US history conveys a variety of positive associations (the welcoming Statue of Liberty, immigrants being hard-working, seeking the American dream, etc.) even though in public opinion polls majorities favour reduced numbers of admissions and tight law enforcement (Espenshade & Belanger 1997; Espenshade & Calhoun 1993; Perea 1997; Simon & Alexander 1993).

INS officers may be part of a system that encourages covert labour migration, but most identify with the ambivalent but basically restrictive sentiments of the public and the formal goals of immigration law. Those include maintaining the distinction between legal immigration and forbidden entries and, since INS officers constantly experience a demand for visas far greater than quotas and qualifications allow, a mandate to interpret immigration regulations strictly when dealing with legal petitioners. They worry over the domestic contradictions surrounding their job (see Heyman 1995), as when they speak about the perceived lack of consistent public support and envision qualities of immigrants for the nation, good or bad, as a rationale for their work.

The INS has seven major functional branches. The Border Patrol is a uniformed police organization that apprehends covert entrants along the country's northern and southern boundaries. Investigations is a plain-clothes police branch that enforces laws against undocumented migrants, smugglers, and employers of undocumented workers. Inspections admits legal visitors and new immigrants at ports of entry, while enforcing laws against those who enter under false pretences. Together with one additional branch described below, these three branches encompass the officers quoted in this paper. The important point is that officers encounter immigrants in varying contexts, in which they sometimes 'serve' their legal requests (to use INS jargon) as well as act as enforcers. Hence, the particular branch and its duties affect officers' moral evaluations of immigrants, as will be noted. But the variation is limited. First, even ostensibly service-oriented jobs include a strong enforcement component to detect fraudulent applications. The INS is, by all accounts, a very enforcement-minded organization. Secondly, officers in specialized branches rise from the ranks of two front-line units, Inspections and the Border Patrol (Heyman 1995: 272). Both branches, by organizational socialization as well as practical experience, focus officers on controlling masses of demanding migrants. Finally, ideas converge when officers transcend the specifics of their job duties to generalize in a morally loaded fashion about the goods and bads of immigrants and immigration. This is not only because they share thoughts with others in the organization, but also because they assuage moral discomforts with congruent ideas about class, citizenship, and national community drawn from wider US ideology.

*Officers' moral evaluations of immigrants*

I long puzzled over an unexpected juxtaposition in the rhetoric of INS officers. An experienced officer of second-generation Mexican ancestry said, 'If I was in Mexico and starving, the Border Patrol would have hell catching me'. This came directly after he referred to recent immigrants as trash (using a Spanish word) and said, 'I wonder when the American public is going to realize that it has to put an end to this [extensive immigration] sometime'. An Anglo-American[2] INS administrator, the son of a career Border Patrolman, remarked that 'if the role was reversed, I'd be more difficult than most to be arrested'. This came on the heels of comments about how 'You have to be serious' because of work dangers, not least the obstreperous arrestees. In envisioning themselves as border migrants, these men surprisingly inverted the INS's mandate, which they otherwise affirmed: 'I believe there is truly a need to bring some type of security to the borders, because of a general inability to control what comes into the country', the latter informant insisted.

Involvement in the circumstances of others is vital to the moral imagination. These officers envision a modal Mexican immigrant that elicits their sympathy and explains their duties while obscuring variation among migrants. 'The Immigration Service has a good mission; aliens are far more dangerous than drugs, because they come in such numbers', an experienced Patrolman argues. 'But I feel sympathy for Mexico, especially the Mexican peons who come to work. If I catch one in the morning, we might be out all day, so I'll share my lunch. I know Mexican villages, if you're a peasant in Mexico, that's a hard row to hoe.' Many of his points merit comment. He (an Anglo-American, raised far from the border) was particularly fascinated by Mexico, had indeed taken an INS job to live in the region, and his articulate argument replied to my probing for a contradiction between his love of Mexico and his job of arresting mostly Mexican border-crossers. The generalized portrait of 'peons' (impoverished, quasi-feudal labourers) – ideas about Mexico and Mexicans of long standing within the organization (Heyman 1995: 267-8) – extends sympathy to a stereotyped collectivity. This version of migration is not wrong but is incomplete, for it indulges in a patronizing US stereotype of the humble and fatalistic Latin American. Balancing a sympathy that might have inclined him to reject his duties as fundamentally wrong, which is unlikely to be tenable for a working officer, he found a moral quality to his job through the very idea of migrant neediness, the notion of an invasion by the hungry.

The idea that impoverished migrants from Mexico, especially undocumented ones, seek honest work expresses empathy, but an empathy interestingly framed. They are (1) outsiders, different from wealthier North Americans; (2) in need of money, so appropriately seeking work; (3) violating the law, and thus justifiably subject to arrest, though acting in a comprehensible and orderly fashion. Undocumented Mexicans thus fit a subordinate position, labourer-outsider, in an envisioned relationship with superordinate prosperous US insiders (citizens). It may appear that employment of migrant workers contradicts their legal exclusion, but they are, in fact, different parts of the same distinction between privileged and poor, and INS officers have a particular duty to maintain the border (as it were) between the two. To affirm that duty, they have recourse to the moral correctness of 'law'. An officer said, 'I can't

blame somebody for trying to better their life, but laws are laws, and there is a reason for the laws.' The notion that a well-maintained hierarchy permits sympathy for those in lower positions emerges in relief when some undocumented migrants violate those expectations.

A frequent refrain was that immigrants (often the undocumented but sometimes all) had less respect for officers and the law than they used to. They were alleged to have inappropriate rights. 'Here in [station name], I feel they're a lot more militant than when I first started', a Patrol officer explained.

> The stereotype before was that they were very fatalistic, 'You caught me, *ni modo* [nothing to do about it]'. Some were evasive, but they were nice people, you could tell they would work hard, be 'model non-citizens', and just melt into wherever. Now you get it from militant aliens. They know their rights, start to ask you questions.

This change appeared to be a straightforward empirical proposition, and I examined my fieldnotes for evidence to support or refute it.[3] However, officers consistently asserted that migrants were better behaved in the past, no matter when that past was for the particular officer. I thus turned my attention to the evaluative component of the statement. US citizens have legal rights. Model non-citizens have quietness, deference, anonymity, and, above all, hard work. Migrants claiming to have the same legal standing ('rights') and consequent autonomy of action as the citizen-officer violate the proper hierarchical relationship.

This evaluative contrast, partial as it is, makes sense in the working conditions of immigration law enforcement. Some assertive individuals *are* potentially dangerous. With the Patrol at night I witnessed harassment of officers through verbal insults and cat-and-mouse behaviour near the boundary, and also disoriented arrestees who presented a physical risk, though not deliberately so. Evaluative propositions partly adapt to found circumstances, but my purpose here is to delineate moral ideas in and of themselves and to explore how they motivate and organize action. Their enactment is complex. If the officer perceives an assertive individual as having an unambiguous legal right to be in the nation (such as being a US citizen by birth, even if raised in Mexico), their assertiveness might be resented but the person is understood as a legal equal who needs to be treated tactfully. Again, the practical value is not negligible: officers fear that citizens will make false-arrest complaints. On the other hand, assertive non-citizens receive concentrated questioning ('interrogation') because they are perceived to be morally wrong, to 'have something to hide'.[4] A suitably deferential arrestee is more likely to be rapidly given a 'voluntary departure' (see note 3) without further legal or informal penalties. The distinctions between citizens, legally admitted immigrants, and undocumented persons are often unclear in the borderlands, where people change status or travel in families divided by legal standing, but through rectification, officers strive to maintain a proper correspondence of rights and self-presentations.

As already demonstrated, officers who imagine Mexican immigrants to be hungry and poor also prefer lower immigration numbers as a US policy. These appear to be contradictory propositions. Besides the likelihood that people do not much worry about whether their ideas are logically consistent (Strauss 1990), the referents of the two propositions differ considerably. The sympathetic position is couched in face-to-face terms, the exclusionist policy in

faceless numbers. Also, the good side of poor immigrants is seen as their transitory aim of work, while the threatening quality is their tendency to stay and become part of society, using roads, schools, welfare, and other public services. An important component of the negative evaluation is a sense that masses of people from around the world surround the US, clamouring to enter. No doubt impressed on officers by dealing with foreigners of many statuses and origins, this notion of an overspilling globe threatening the comfortable US undergirds an argument they frequently offer, that sympathy with concrete people cannot be realistically generalized to govern the movement of masses of people. Such a position rests on a tacit, perhaps triumphant and perhaps guilty, awareness of privilege amid global poverty.

Not all officers expressed so strict a position. Some distinguished between right and wrong migrants on the basis of law. Because the US allows for many ways to reside or visit legally, to cross the border illegally is disrespectful and harmful to the nation. The underlying assumption is that lawfulness is inherently moral. No matter how understandable illegal activities might be as a product of poverty, they are a societal bad. In this framework, legal immigrants are less subject to opprobrium than in the aforementioned overflow framework. Also, it values service to legal entrants as much as it does enforcement, and thus makes for friendlier work practices. What the two frameworks have in common, however, is a variety of Kantian moral reasoning, the imagining of an ideal generalizable law, thus rendering migrants as the categorical representatives of global disorders.

Not surprisingly, officers reason much like the legislators and electoral constituencies that support their organization and give their jobs meaning. Public opinion research shows that people overestimate the numbers of undocumented migrants, overly specify them as Mexican, and focus on this group as the source of immigration problems (Espenshade & Belanger 1997). Hence, in national politics and local performance we see the characteristics of high-scale morality: organized efforts to rectify the world in keeping with evaluative stereotyping of peoples and their behaviours. INS officers are indeed proud agents of Moore's 'moralizing state'. It is worth mentioning here the parallel between immigrant-restrictionist ideas and their inverse, an uncritical sympathy with any and all migrants and a generalized suspiciousness of the INS (e.g. Silko 1996), often associated with a vague globalist ideology. In both instances, moralized generalization overrides the complexity of human character and process.

Ironically, officers are very likely to encounter that human complexity, and almost as likely to find it frustrating and incomprehensible. This was brought forcefully to my attention when an inspector said that, 'The longer you spend, the more reasons you find to deny' legal entry, temporary documents, and so forth. Why would tenure on the job lead to a more critical rather than a more sympathetic view? Experience provides greater knowledge of migrant circumstances, resources, strategies, goals, and vulnerabilities. Some of these can be construed to favour immigrants; in law, they are termed 'equities', such as the period of time already spent in the US and family relations there. However, the added understanding also helps to ferret out deceptions and make stronger cases for arrest or expulsion. A well-spring of the critical stance is the officers' forced encounter with the autonomous personhood of the

migrants. Officers complain that they become 'tired of being lied to all the time', and indeed I was struck by the commonplace and obvious lying at the border. The immigration encounter is hard on both sides. Entrants scheme to obtain desired, often desperately needed, opportunities, while to apprehend these schemes officers reason through fractured documentary and behavioural clues under tight time constraints. Both feel pressure, though of very different kinds: personal, economic, or supervisory. The immigration encounter thus forces the two parties to learn about each other amid tension, even polarization, with, furthermore, much of the information exchange being superficial rather than extended and subtle.

Constructive acceptance of complex volition in another person marks shared status in a conceptually bounded group; in Walzer's terms, thick moral localism. It differs from either the sympathetic or negative INS readings of immigrant stereotypes. As an ethnographer, my inclination is to celebrate the depth and complexity of volition in other people, admitting that it leads to lying and manipulation as much as generosity and love. However, by virtue of their role in the politics and economics of migration and of their organization in a bureaucracy, officers are not inclined to celebrate this intractable side of humanity. At the very least, it poses a disturbing moral puzzle to them. Meanwhile, the businesses that employ undocumented migrants, against whom the INS enforces legal prohibitions ('employer sanctions'), are accorded considerable deference to their feelings. Bluntly, they have excuses made for them, sometimes in the face of evidence of manipulation and crime.

I say what follows with caution, because INS officers *are* serious about enforcing the letter of employer sanctions. It is the conceived moral personhood of employers and the style of appropriate interaction that influences discretionary enforcement decisions. In one observation, at the start of a visit to a large machine shop, the INS investigators virtually apologized to the manager, explaining that 'they had to do this' because they had a complaint, 'perhaps from someone you recently fired'. Yet while questioning an employee apparently of Latin American ancestry, who proved to be a legal immigrant, they did not explain their action or apologize, although they were calm and tactful. As an interview below indicates, officers think of encounters with law-violating businesses as an opportunity to 'educate' them, help them see the error of their undocumented migrant-hiring ways, rather than as maximizing punishment. Policy study of the INS's implementation of employer sanctions laws suggests that a soft approach to business was chosen by upper-level management (Calavita 1990), and it has been largely accepted and performed by officers at the street level, which is certainly not always the case for central policies. Why? Domestic business owners and managers are moral insiders. Like all insiders, they have reciprocal effects on their counterparts: in some instances they lash back at the officers and the INS via lawyers and complaints to Congressional district offices. The pervasive pro-business ideology of the US accords them considerable status. Finally, most prosperous businesspeople are, like officers, US citizens. (The least deferential treatment I observed was in a small ethnic bakery which, to be sure, had violated the employment law.) Herzfeld (1992) suggests that in bureaucratic encounters insiders receive a more pragmatic, relational, less rule-bound treatment, with moral flexibility leading to the forgiving of transgressions, than do outsiders, for whom rules are interpreted rigidly. The offi-

cers took their mandates seriously but, given their grounding in ideologies of national identity, they could not help but divide their moral palettes into two, one of subtle shades of grey and the other of black and white.

In summary, INS officers share three main moral ideas.

First, US citizens, legal immigrants, and undocumented migrants are all people (the latter are not cast as subhumans or frightful enemies), but they are ranked and evaluated according to different and unequal social roles. The suitable immigrant role is hard labour motivated by stringent economic need. Undocumented immigrants are appropriate if, despite their needs, they submit to arrest because of their outlaw status. I term this 'hierarchical humanism'; it enables officers to maintain a respect for others and themselves amid a job of wrenching moral and practical stress.

Secondly, undocumented migration (and, in the view of some, extensive legal immigration) is a public bad, especially considered in aggregate terms. The US defends itself against perils emanating from the rest of the world. It invokes public ideologies about the construction of a good world on the basis of the evaluation of different 'kinds' of people, especially those distinguished spatially by 'levels' of socio-economic development. This reasoning provides the meaning of a job that often seems endless and frustrating.

Thirdly, only some actors are appropriately equivalent to officers in being complex and volitional; that is, people in a full sense. Owners and managers of most mainstream businesses are equals to officers in personhood, but when immigrants manifest equal personhood, most officers find it both practically frustrating and morally inappropriate.

The first proposition reconciles some of the deepest moral dilemmas officers face. In liberal, capitalist, and individualist ideology, people are in some sense all equal. Yet the officers enforce strict legal distinctions among these ostensible equals, and do so to their face. Available to the officer is a means of understanding people according to their allocation in the market-place. In the market-place, the mark of success is selling oneself, a morally acceptable form of inequality. Through reasoning resembling commodity fetishism, specific market positions affirm the personhood of various envisioned peoples, such as the assumed poverty behind illegal labour for undocumented Mexican aliens. Moral personhood is not only a concept that distinguishes among cultures but also shapes high-scale relations. Above all, seeing another 'group' of people as containing certain kinds of person, similar to oneself or different in critical ways, draws out significant imaginative ideas: what sorts of treatment are appropriate, what sorts of empathy are extended or ignored, what sorts of virtuous life to expect distant others to lead, and whether to forgive, reform, or punish moral lapses. The process of imaging the personhood of distant or unrelated people is clearly subject to important ideological constructions, such as nationalism, race, and ethnicity, notions of belonging in a place (Maurer 1997), and so forth. It seems helpful to add moral perceptions and motivations to the much-addressed topic of ideological constructions of group identities in the contemporary world.

The second proposition needs to be seen in the context of the contradictions surrounding immigration in the contemporary US and other advanced capitalist nations. As explained above, strong interests in the US, not least employers of immigrants, undermine the national policy of limiting immigrant entries, especially undocumented border-crossing. At the same time, US public

opinion, battered daily by headline news, suspects the surrounding world of being a well-spring of problems and perils. Without digressing on immigration debates in the US and elsewhere (see Heyman 1998*b*: 33–43; Perea 1997; Stolcke 1995), I suggest that because immigration restrictionists perceive this situation to deviate from moral order, their rhetorical rectification draws on pollution ideas. As Douglas (1966: 133) writes, 'When action that is held to be morally wrong does not provoke moral indignation, belief in the harmful consequences of a pollution can have the effect of aggravating the seriousness of the offence, and so of marshalling public opinion on the side of the right.'

Pollution rhetoric perhaps explains the specific vocabulary of some officers (e.g. calling recent migrants 'trash'). The applicability of Douglas's ideas about danger at boundaries to public anxieties over illegal border-crossing goes almost without saying. However, when debates arising inside US politics and economics transmute into moral danger emanating from abstract (and in this case external) collectivities of persons, there lurks the risk of demonizing them (Cohen 1980). Most INS officers do not go so far as to demonize migrants. For them, the source of conflict is more subtle, while still producing serious clashes in daily police operations.

The difficult heart of the matter is the officers' tension with immigrants' volitional personhood. In weighing the employment of undocumented workers and undocumented migration itself, illegal acts of citizens and non-citizens respectively, officers expect, even desire, a response from the former and passivity from the latter. To extend Herzfeld's approach, in high-scale settings why are some groups treated as insiders and others as outsiders to moral reciprocity? We need all our tools of social analysis to approach this question. There are, first, imagined national communities at play. Clashing nationalisms in which each side portrays the other as its moral inverse are not central to this case, however. Instead, diverse versions of empathy follow the partly idealized, partly realistic international division of labour between the US and Mexico (and many other nations): officers accord immigrants paternal sympathy for their plight and poverty, and business managers respect for their opinions and needs in handling organizations, prosaic duties of advanced capitalist society that they share with governmental functionaries. Class, then, gives content to the imaginative ponderings of officers, even if they label it 'national citizenship'. Business managers and INS officers share not only middle posts in the most bureaucratized machinery of 'production' in the world,[5] they also share the compensating prosperity of good incomes, ascending careers, and nice benefits for themselves and their families. Most immigrants lack such economic assurance, not only those who come as income-seeking labourers but also owners of small ethnic businesses, students, and the like. (In fact, INS officers defer to visitors and migrants who exhibit signs of wealth, on the grounds that such people are 'obviously' not coming to the US to toil in the underground labour market.) The idea of the active officer and passive immigrant parallels the labour relationship between capitalist accumulator (possessor of the initiative) and worker alienated from the means of autonomous production, an important model for personhood in the US.

But the INS officer's encounter with the migrant is a bureaucratic encounter rather than a literal moment of production. Bureaucratic work involves technical rationality, in which people are treated as means to a law-affirming end. To treat immigrants as means to the end is morally acceptable,

given their 'as if' position as labour commodities without personhood equal to that of the officer. On the other hand, the moral equivalence of businessperson and officer inserts a substantive rationality, an ability to imagine the other's pain at being penalized, to inflect the ostensibly even-handed administration of law. The difficulty, if I may be allowed a brief opinion, is that immigrants as much as businesspeople are substantial in their moral personhood. Migrants often consciously conform to officers' expectations, behaving deferentially if they see it obtaining better treatment, but when they act with visible volition and intentionality, officers can use their police powers of interrogation, jailing, and force to rectify the situation. Nor are officers particularly reprehensible. The division between insiders and outsiders, those with access to substantive rationality and those without, plastered over with a sympathetic ideology of liberal humanism, seems diagnostic of advanced capitalist moralities generally (see Jackall 1988).

## *Two individual perspectives*

Officers develop their own inflection of hierarchical humanism, pity, and moral reciprocity, and I do not propound a simplistic group-thought model. I have chosen two interviews because the officers are highly comparable in their backgrounds,[6] yet their opinions differ significantly, and in their contrasts they illuminate many points made above. The names are pseudonyms but my presentation of backgrounds and duties, fundamental to understanding the interviews, inevitably permits reconstruction of individual identity. I have therefore tried to avoid harsh or judgemental discussions of these interviewees, who gave willingly of their time and honestly of their perspectives.

Louise Ryan, born in an eastern US city to working-class parents, received a BA in social sciences and an MA in education. She entered the INS in a clerical position, moved through inspections on the Mexican border, and finally became an investigator. Interestingly, the immigrant origin of her parents stimulated her to moral reflection:

> If I was not over here, I would be picking potatoes. I have great respect for the people coming over here, even the people coming through the fence from Mexico. I would probably try the same thing. I would have a different attitude if the person is a criminal rather than these administrative violators [that is, if the individual was guilty of a crime beyond immigration status]. I would use the same respect but not have the understanding of them as the understanding I have of people who cross out of poverty.

As the reader might anticipate, Ryan balances this expression of understanding with a policy stance critical of the porous border:

> If the US was really serious about immigration, it would not be such a problem. Take Mexico, a poor country – we're the spout on top of the pressure cooker. The fence doesn't work; if it is a matter of national security, we should station defence forces every so many yards. The US is not serious about it.

Note here the shift from moral relationships of an 'I' with postulated individuals towards a 'we' in relationship with Mexico, two categorical entities transcending their human contents.

Ryan holds that the public does not understand, in the way that experienced officers do, the immigration abuse and drain on resources: the American public does 'not really know the extent of the illegal population, the criminal element out there, the cost of maintaining these criminals. There are not jobs here, so they end up robbing and stealing, and then going into the criminal system.' Her job as investigator involves locating and arresting aliens with felony records ('criminal aliens'). But she also emphasizes the distance between the legitimate US public (implicitly, those with stable, prosperous jobs like hers) and the illegitimate drain on resources caused by the poor new immigrants, who are 'depleting resources, welfare, [acronym for state medical aid], but the American public is not aware of this if they are not personally affected'. And the critique of immigrant poverty extends to a condemnation of immigrant-sending countries: 'Why can't these countries try to take responsibility for themselves?'

Ryan was committed to conducting immigration law enforcement in a professional and respectful manner. Among her list of accomplishments was this: 'As far as the aliens are concerned, I've gotten comments face to face that they're treated well, so in that respect, my goal is to treat people with dignity'. Interestingly, she framed her approach to immigrant personhood in terms of hierarchical humanism. An exemplary training officer taught her to 'not get the goods and forget the people. He was a very kind man. He instilled respect. As he asked questions, he did it respectfully, not condescendingly. These people are very poor.' Evaluating her dealings with US businesses in her role as employer sanctions enforcer, she reports that 'The worst part of my job is to go out on sanctions and serve with a fine'. She is concerned about the feelings of businesses:

> I show them the booklet with the range of penalties for each violation … I am just preparing them because it is terrible if someone walks up to you and hits you with a fine. I am hoping next time we walk up, they will be more conscientious. We tell them that we want people to comply.

Conversely, she considers it a significant good when she gains interpersonal reciprocity with businesses: 'I try to establish good rapport with the big hotels'. Indeed, when reciting accomplishments, her first response was progressive relations with businesses:

> I enforce the law in the circumstances I encounter. The resorts I established a rapport with – I feel confident that I've turned something around. They call me all the time, saying 'I think I've got a bad card [fraudulent identification as a citizen or legal resident]'. So it's working.

Of course, the law and INS implementation policies mandate just such graduated steps of education, rapport, and compliance. Louise Ryan, on the whole, held rather typical INS moral ideas; by contrast, Sarah McConnell vigorously dissented from them.

McConnell was an unusual informant, a capable officer but also an articulate in-house critic. The daughter of working-class parents, she grew up in a large Midwestern city, and earned a BA in Spanish and French. Her first INS job was as an inspector at the Mexican border, later transferring to the

Detention and Deportation branch, where she serves today as a deportation officer. Her duties, falling near the time of final expulsion from the country, ironically provide opportunities unusual in the INS to learn immigrant stories and exercise evaluative discretion. Deportation officers spend the most time on a limited set of cases where an immigrant being expelled requires extended periods of time for legal and personal affairs to be settled, or seeks special dispensation from the deportation. Such officers render recommendations to administrators on 'stays of deportation' and temporary permission to work based on the conditions and needs of the immigrant and his or her family members.[7]

Among my informants, McConnell stood out for her penetrating (compare Mahler 1995) and positive evaluation of complex migrant personhood:

> I think only a small proportion of non-English-speaking immigrants even understand the whys of the INS system. A group of Central Americans is caught by the Border Patrol … but is considered to have a plight and released on 'own recognizance' [no money bond] by the immigration judge. We explain that deportation proceedings are pending, but I think that many of them interpret that as a decision by the government that they are allowed to stay. After a while, they become aware that they are still under deportation proceedings. Some really suffer; it's hard to get a job here, especially if they have no network of friends or relatives. After years of hard knocks, employers who pay little because they have no documents, they do not ever give in to the US, but they do see that the US is not what they thought it was. The only ones who make it are the ones with a strong network, but the ones who come here to dream of the US as a solution to poverty fall into a deep depression. They often do not like US society, because they leave a society with very fine and strong support, a community, neighbours. A great many become illegal commuter aliens, work here for periods, maybe long periods. This happens for an enormous number of people, mainly South and Central Americans and Mexicans, because it is hard to commute from Poland, Thailand – they are forced to remain here.

She recognizes a humanity among immigrants sufficient to understand that they, like us, may misconstrue, dislike, or just plain ignore imposed social hierarchies. Notably, she does not fix on the immigrants' poverty as a source of difference from herself, either in a critical or excusatory way.

Since McConnell identifies with immigrants somewhat, she shifts her criticisms to the INS for failing to sustain interpersonal equality. Interestingly, she uses third-person pronouns that separate her from the organization for which she works: 'These people in government constantly talked in form numbers; they spoke about the people who came to us as the holders of this or of that'. In her framework, the hierarchical ranking of citizens and non-citizens is overturned. I asked all my informants to associate freely on seven terms (such as the 'accomplishments' Ryan discussed). For 'INS', McConnell replied, 'Bad guys, hard-nosed, unreasonable, law enforcement minded to the maximum, lacking in sensitivity – but serving a public need'. The latter remark reflects moral reasoning at a different level of generalization, the imagined abstract good rather than the evaluated quality of personal relations. At work, she often deports immigrants with felony records, many for violent crimes. Hence, by defending the nation against a certain category of unacceptable migrants, she makes a case, not least to herself, for the value of her job.

McConnell's emphasis on the complex humanity of immigrants underwrites the practice of her job. Confidentiality does not permit me to review specific cases of discretionary judgement, but her tone is well illustrated by a general

comment made in response to the 'accomplishments' question: in her non-criminal docket she has 'helped a few people immigrate someone they loved; as an INS officer I cannot precisely tell them what to do but I can guide them where to find out'. Doing this, she enacts thick moral reciprocity among insiders, rather than the thinner exchange between an insider officer and outsider clients.

The differing perspectives of Ryan and McConnell indicate the considerable individual variation and subtleties of interpretation within the general INS framework. Layer upon layer, a process of personal and group formation builds the moral perspective of officers who apply general rubrics to varied, often ambiguous or intractable, cases. In this compact article, I have not analysed the patterns or sources of this variation. Officers' moral formation inside overall US culture and specific ethnic, class, and gender contexts partly inflects their approach. The branch of service, and hence the specific character of interaction with immigrants and the public, strongly contributes to variation. They also share formative experiences. Numerous officers have prior military or law-enforcement backgrounds, conveying a certain nationalism and disciplinary style. Others profess to be attracted by an ideal of policing as energetic, challenging, and an active doing of collective 'good'. Above all, the inculcation of shared organizational moralities is strong, as explained earlier, and even dissenters like Sarah McConnell refer to them when they express their own sensibility.

## *Developing the study of high-scale morality*

The study of high-scale morality reinforces rather than displaces other approaches to socially and geographically extended relationships. A useful way to envision its potential is the added understanding obtained by hearing the moral tones of statements and actions studied with other conceptualizations, for example, ideology (Wolf 1999). Perhaps moralization makes ideology more persuasive and its mandated actions more motivated, as people seek to rectify the world. Likewise, the topic does not supersede the study of face-to-face moralities. The need to go beyond locally shared ideas, or even dialogues across differences, does not need belabouring; more interesting is the deployment of local ideas in high-scale morality and the use of high-scale ideologies and media channels to shape and excite local moralities. It merits comment, however, that high-scale morality is not just local ethics expanded. Schools, political campaigns, and the media convey information and sentiments differently from face-to-face morality (e.g. via gossip). Moral responses pass through, are amplified, and are occasionally promoted by organizations of unprecedented (though not unlimited) power, such as the 10,000-officer Border Patrol described here. And it often involves issues, like international migration, whose dimensions – spatially, historically, and in complexity of process – are hard to grasp and are sometimes deliberately mystified. I sense that current anthropological work often verges on high-scale morality, but does so through presenting the informants' or anthropologists' schematically contextualized visions, which captures the compelling immediacy of moral sentiment but misses the peculiarities of scale just listed. Work on high-scale morality cannot

consist just of the local view of global issues; rather, it should play back and forth between the immediate ethnography and wider organizations and contexts (see Smith 1999).

For just such reasons, high-scale morality is suited to the contemporary era. I am not much taken with notions that the world is newly globalized. But it is fair to say two things: there *is* a highly moralized tone to the recent recognition of human-human and human-natural interconnections; and the enormous capacities of the present world economy and politics do mean that we share more of our fate with each other. Important debates over right and wrong are taking place all over the world – in the US-Mexico instance, whether a country may close off or ration its prosperity to poorer neighbours – and ethnographers should listen sensitively to their ethical tones (e.g. Ferguson 1993 on world finance). This call is not to make a moralizing anthropology *per se* (on this, see Heyman 1998*b*). Nor is the anthropology of high-scale morality a call to reason through the duties incumbent on us, as interdependent human beings, to be globalists, though many would lean in that direction. It is more a call to converse with other people as *they* reason through such long-distance recognitions and duties. Learning more of their particular postures can aid us in our personal reasoning about interdependence, demonstrating that interdependence involves recognizing the moral volition of other people, not just decreeing conditions elsewhere in the world right or wrong.

## NOTES

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[1] Feminist philosophy merits mention, however, for breaking with logical systems-building in favour of attention to moral practices (Frazer, Hornsby, & Lovibond 1992), a trend also noted among those thinkers who abjure a comprehensive morality for plural society (Williams 1985).

[2] In the US west, 'Anglo-American' means any 'white' non-Hispanic. Its definitional opposite is Mexican-American or Hispanic, although it also excludes Asians, American Indians, and Blacks.

[3] This proposition is an interesting mix of accurate and misleading generalizations. In the 1980s and 1990s, arrested immigrants overall had their rights (such as rights to federal court appeals) significantly eroded. However, in this period INS officers experienced in their daily work increasing numbers of people with special legal rights or who sought to claim such rights, because of the increasing numbers of refugees crossing the Mexican border from Central America, because of the 1986 legalization provisions of the Immigration Reform and Control Act, and because of various court rulings protecting special categories of migrants. Overall, however, most border immigrants do not enter and have never entered any legal process where rights could be meaningfully secured, since over 90 per cent of arrestees obtain near-immediate voluntary departure (a waiver of deportation trial in exchange for expulsion to Mexico) without immigration court hearing or representation by counsel. (Voluntary departure is also significant because it facilitates undocumented migration as exploitable labour supply

when rapidly expelled arrestees make repeated attempts to enter the US until they cross without detection: see Heyman 1998*a*.)

[4] An ambiguous figure is the legal resident (an admitted permanent immigrant to the US) who has rights accorded in law but risks being expelled by deportation; a legal resident may complain of false arrests but might also defer to INS officers who have the power to initiate deportation actions.

[5] I use 'production' in an extended sense to include the organization of most extra-household activities in advanced capitalism, the production of services as well as of physical goods. I have elsewhere analysed bureaucracy as the mass production of thoughts to control the behaviour of other human beings (Heyman 1995).

[6] As the reader will note, both interviewees are women. It is my impression that women officers are more empathetic than men, consistent with claims in feminist moral psychology and philosophy. Whether or not this is valid, it is best to compare one woman officer with another. Both are concerned with rapport, but Ryan seeks it with mainstream businesses and McConnell with deportable aliens.

[7] The 1996 Illegal Immigration Reform and Immigrant Responsibility Act reduces officer discretion and legal options in a significant range of circumstances, however.

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## Le respect des étrangers? Le respect de la légalité? L'évaluation morale de questions de haute échelle par les agents du service de l'immigration aux États Unis

*Resumé*

La moralité de haute échelle est l'étude des idées et sentiments moraux déployés dans les relations qui regroupent des peuples multiples et distants les uns des autres, géographiquement ou socialement. La façon dont des gens éloignés sont envisagés, la personnification morale qui leur est attribuée, l'évaluation de leur comportement tel qu'il est perçu et le redressement de torts par l'utilisation d'organisations influentes sont des sujets clefs dans la moralité de haute échelle. La moralité de haute échelle se différencie des approches anthropologiques actuelles qui mettent l'accent sur l'ethnographie localisée ou sur les contrastes entre les idées morales; elle porte sur la moralisation de questions telles que la faim dans le monde, le trafic de drogue ou les migrations internationales. Les agents du Service de l'Immigration et de la Naturalisation des États Unis ont pour tâche de comprendre et d'évaluer les immigrants légaux et illégaux, ainsi que d'effectuer directement les réparations morales relevant de l'administration politique américaine. Alors qu'ils résolvent des dilemmes moraux au cours de leur travail, ils utilisent les modèles d'action et de pensée morales qui sont omniprésents dans les sociétés capitalistes, individualistes, stratifiées et bureaucratisées. En conclusion, l'article considère les directions que l'anthropologie peut prendre pour contribuer à la compréhension de la dimension morale des questions globales.

*Michigan Technological University, Houghton, MI 49931 USA. jmheyman@mtu.edu*