**Justifications for proper treatment for foreign residents– Ethnocentrism or universal human rights norms? A comparative analysis of debate on the children of temporary immigrant workers in Israel and Taiwan**

**Abstract**

This article applies discursive institutionalism to compare the debates on the children of temporary immigrant workers in Israel and Taiwan. Policymakers in both countries adopted a guestworker program that prevents the long-term settlement of foreign laborers, let alone that of their children. Over time, the increasing number of children born to these laborers triggered the debate on the proper treatment of these children. The different ways political actors frame the issue vis-à-vis the country’s public philosophy regarding national identity helped shape the varying policy outcomes. Though primarily built on a particularistic, ethnocentric discourse, the discursive interactions around Israel’s Jewish identity resulted in the legalization of status for hundreds of such children. While the dominant narrative in Taiwan has been the supposedly more liberal idea of universal human rights norms, these children have only been receiving temporary reliefs, with no prospect of long-term legal settlement. To understand the contrast of the two cases, I offer a tentative explanation that can be traced to the historical trajectories where their respective national identity narratives were formulated. While Israel’s ethnocentric national identity is rooted in a diasporic past, Taiwan’s dominant national identity incorporates serious concerns for universal human rights to differentiate the island from Mainland China and alleviate its *de jure* outcast status in international society. Consequently, the debate in Israel centered on an indigenous identity narrative and triggered a collective soul-searching to deliberate over how a Jewish state should treat non-Jews dwelling in its territory. A similar process and result failed to take place in Taiwan, perhaps mainly because the debate focused on the exogenous, essentially foreign concept of universal humanitarianism, resulting in more limited lenient policy responses toward these children.

**Keywords**

ethnic nationalism, discursive institutionalism, public philosophy, universal human rights, children of foreign laborers, Israel, Taiwan

## **Introduction**

Ethnocentric national identity narratives have earned ill repute in immigration debate. Mass media and scholarly research have attributed exclusive immigration policies and anti-immigration rhetoric and practices to ethnocentric nationalism (e.g. Brubaker, 1992; Fijalkowski, 1993; Hogan and Haltinner, 2015; Rydgren, 2005). Inevitably, ethnic nationalism, often championed by right-wing, populist parties and political actors, leads to xenophobia and restrictive immigration policies excluding non-co-ethnic immigrants. In contrast, authors and observers hold more liberal, progressive ideas such as civic nationalism and universal human rights in high esteem and regard these ideas essential behind more inclusive immigration policies and narratives (e.g. Koning, 2011). A theoretical assumption emerges where once the majority of a polity embraces a brand of national self-understanding, be it ethnic or civic nationalism, such an understanding becomes the ‘public philosophy’ (Carstensen and Schmidt, 2016; Schmidt, 2008) of the polity, determining the way the collective constructs the boundaries between ‘us’ and ‘other’ in narratives and policies towards non-citizens.

 Nevertheless, a contrast between Israel and Taiwan’s political debates and ensuing policy responses toward the children of non-co-ethnic immigrant laborers challenges this assumption. Initially, decision-makers in both countries carefully crafted their guestworker recruitment schemes to enjoy cheap foreign labor while preventing the non-co-ethnic workers’ permanent settlement. Nevertheless, they soon followed in the footsteps of many guestworker recruiting predecessors, as quite some female foreign laborers began delivering babies. In Israel, where the ethnocentric Jewish identity was behind the country’s initially exclusionary policies toward these children, political actors challenging such policies reconceptualized the Jewish state’s moral obligations toward these non-Jewish children. In Taiwan, both public officials and NGO workers rallied behind universal human rights norms in their narratives about policy responses toward children of foreign laborers. However, it was in Israel where a policy breakthrough took place when the government adopted *ad hoc* policies that enabled hundreds of these children to stay permanently, whereas in Taiwan, no equivalent result has taken place.

 In order to understand how the two cases defy the scholarly assumption about the dichotomy between ethnocentrism and universal human rights norms, this article applies what Vivien Schmidt (2002) coined as discursive institutionalism to compare the political debates and ensuing policy responses toward the children of foreign laborers in Israel and Taiwan. At the core of both cases is a group of children born to mothers who initially arrived in the host country to perform so-called low-skilled labor in exchange for wages. In most cases, these women entered the host country legally due to official recruitment, understanding that dwelling permanently or delivering children violates the recruitment agreement. Consequently, the birth and settlement of these children became an issue to national policymakers, local authorities, some residents, and many rights NGOs. The different ways political actors frame the issue vis-à-vis the country’s public philosophy regarding national identity helped shape the varying policy outcomes. Though primarily built on a particularistic, ethnocentric discourse, the discursive interactions around Israel’s Jewish identity resulted in the legalization of status for hundreds of such children. While the dominant narrative in Taiwan centered around the supposedly more liberal idea of universal human rights norms, these children have only been receiving temporary reliefs, with no prospect of long-term legal settlement. To understand the contrast of the two cases, I offer a tentative explanation that can be traced to the historical trajectories where their respective national identity narratives were formulated. While Israel’s ethnocentric national identity is rooted in a diasporic past, Taiwan’s dominant national identity incorporates serious concerns for universal human rights to differentiate the island from Mainland China and alleviate its *de jure* outcast status in international society. Consequently, the debate in Israel centered on an indigenous identity narrative and triggered a collective soul-searching to deliberate over how a Jewish state should treat non-Jews dwelling in its territory. A similar process and result failed to take place in Taiwan, perhaps mainly because the debate focused on the exogenous, essentially foreign concept of universal human rights norms, resulting in more limited lenient policy responses toward these children.

In what follows, I first discuss the scholarly work that inspires this article. I then outline the research methods, data sources, and case selection. The following two sections show the particular discursive interactions of the two cases. Next, I present my tentative explanation for the contrast between the two cases. The concluding remarks summarize critical theoretical and policy implications and suggest future research.

## **Immigration debate and public philosophies on national identity**

Nationalism constitutes an essential part of a state’s founding ideology that defines the collective’s identity and delineates who belongs and who should be excluded. As such understanding becomes somewhat widely accepted by the majority of a polity’s population, it assumes the role of the polity’s ‘public philosophy’ that maps out the collective’s national self-understanding (Favell, 2001; Schmidt, 2008; Weir, 1992). Many scholars have differentiated between ethnic nationalism that seeks exclusive interests of an ethnic, cultural, or linguistic group versus civic nationalism that tends to be more open to groups of different ethnic, cultural, or linguistic backgrounds (Gordon, 2016; Hjerm, 1998; Mukherjee et al., 2012; Raijman et al., 2008). Thus, individuals and political parties that embrace ethnic nationalism champion exclusive policies toward non-co-ethnic immigrants, whereas those who subscribe to the civic, more cosmopolitan brand of national self-understanding are more receptive toward non-co-ethnic immigrants (Hainmueller and Hopkins, 2014; Maxwell, 2019; Mukhergee et al., 2012; Pehrson et al., 2009). Furthermore, the dichotomy justifies different immigration policy preferences and leads to divergent policy outcomes (Fijalkowski, 1993; Freeman, 1995; Koning, 2011; Soysal, 1994). For example, countries with an ethnocentric public philosophy often espouse *jus sanguinis* citizenship policy and only grant citizenship by descent, while those with civic nationalism are more likely to include *jus soli* citizenship policy, granting citizenship to whoever is born in the territory regardless of their national or ethnic affiliation (Brubaker, 1992; Hollifield, 1992).

 Nonetheless, ideas are rarely fixed and unambiguous constructs. Some scholars question whether authors and researchers tend to oversimplify the contradiction between ethnic and civic national self-understandings (e.g. Shulman, 2002; Tamir, 2019); others point out the sometimes intertwining relationship between the two ideas of national self-understanding (Thian, 2019). On closer examination, many democratic polities today uphold at least some liberal and universal norms in rhetoric as well as in policies, even when ethnonationalism serves as the nominal public philosophy (Smith, 2003). In addition, facing pressures from inter- or supranational mechanisms and NGO and INGO demands, political elites in many countries, especially those whose constitutions claim to embrace democratic values, cannot clutch at ethnocentrism at the expense of universal human rights norms. Therefore, policymakers in democracies often gradually expand immigrant rights, enabling the *de facto* settlement of some unauthorized immigrants and their children, eventually leading to the *de jure* status of these immigrants in host countries (Jacobson, 1996; Soysal, 1994).

Moreover, political actors are not mere prisoners of the ideational framework they find themselves in. In discursive institutionalist jargon, while agents exercise background ideational abilities to conform to their current meaning context, they can also think and act beyond the very same context’s constraints (Schmidt, 2008, 2011: 115–117) by employing foreground ideational abilities to critically analyze the status quo (Schmidt, 2015). Agents can reinterpret, redefine or broaden the meaning of a public philosophy in their discursive interactions to reconcile changes with the current public philosophy (Boswell and Hampshire, 2017; Carstensen and Hansen, 2019; Carstensen and Matthijs, 2018; Cox, 2004; Shpaizman, 2014; Weir, 1992), even when the changes seem to be deviating from the very same public philosophy (Carstensen and Hansen, 2019; Favell, 1998; Menz, 2016). From time to time, the ambiguous nature of public policies enables political actors to appropriate these strategies and facilitates the effectiveness of these strategies (Carstensen and Matthijs, 2018; Cox, 2004).

 However strong policymakers cling to a public philosophy regarding national self-understanding, it can sometimes be challenging to disregard the practical needs of undocumented immigrants, especially when it comes to children. Local governments, which often lack the authority to expel undocumented immigrants, often find it necessary, if not beneficial, to inculcate in undocumented immigrant children the host culture and language to prevent the marginalization of this group (Kang, 2010; Lumayag, 2016). With the assistance of NGOs, local authorities often provide a wide range of social services to undocumented immigrant children. Though initially created out of exigencies, such policies often generate some extents of local belongingness (Helbling, 2013; Tsuda, 2006) and even turn into normalcy, especially for immigrant children who grow up to become acculturated into host society’s language, culture, and social norms while remaining foreign to their parents’ home countries. Such *de facto* settlement creates unintended policy consequences, making the supposedly foreign outsiders more integrated and assimilated into the local population than policymakers initially envision. Political actors seeking to change the policy status quo against undocumented immigrant children can exploit such policy outcomes, arguing that these children have become a part of the host society (Tsuda, 2006).

 Last but not least, the debates on undocumented minors tend to evoke more compassion in political and public discourse compared to those on undocumented adults. Advocating for the protection of children, regardless of their legal status, often accompanies a sense of ‘moral obviousness’ (Fassin, 2012: 167). Moreover, undocumented immigrant children, either brought to or born in the host country, appear more like vulnerable and passive recipients, if not victims, of their unauthorized status than undocumented grownups. In this way, immigrant children enjoy a more advantageous position on the ‘hierarchy of compassion’ (Kronick and Rousseau, 2015) than their adult counterparts. Political actors can exploit such moral obviousness to summon more sympathy among the public and policymakers.

 This article applies discursive institutionalism to understand the role of national identity narratives in immigration debate. After a brief section on research methods and case selection, I will explore the discursive interactions regarding policies toward the children of foreign laborers in Israel and Taiwan. The comparison will show how Israeli activists applied their foreground ideational abilities to exploit the ambivalence of the country’s Jewish identity and unintended policy outcomes to frame undocumented immigrant children as an integrated group in society. In so doing, they carried on a somewhat effective campaign that led to some policy changes. In contrast, similar dynamics have been relatively lacking in Taiwan’s discursive interactions, resulting in the largely unchallenged policy status quo. Before concluding the article, I will provide a tentative explanation for the contrast between the two cases.

## **Methods and case selection**

I adopt Baud and Rutten’s (2004) definition of ‘popular intellectuals’ to identify the primary political actors in the discursive interactions regarding the children of foreign laborers in Israel and Taiwan. Generally, they refer to individuals who promote specific policy preferences to policymakers and the general public via political activism and all kinds of public forums, such as media, open letters, and public gatherings. They can be national and local politicians, journalists, lawyers, academics, activists, NGO workers, and sometimes immigrants themselves. These above-mentioned roles sometimes overlap. While I rely on official and NGO statistics, government gazette, judicial rulings, and existing scholarly research to outline case backgrounds, I consult news media and NGO reports to construct the discursive interactions between popular intellectuals. For the Israeli case, I use LexisNexis and the National Library of Israel to search for news reports between 1995 and 2021. For the Taiwanese case, I rely on the United Daily News database and the National Central Library to look up media sources between 1995 and 2021. I also use Google News to search media sources for both cases. While I search in both English and Hebrew for the Israeli case, I search in both English and Mandarin Chinese for the Taiwanese case.

 To delineate the discursive interactions regarding children of foreign workers in Israel and Taiwan, I adopt the causal process tracing method (Blatter and Haverland, 2014). For each case, I pay special attention to the following four causal factors: the initial policy responses toward the undocumented children of foreign workers, the public and NGO responses to government policies, the normative justifications behind competing policy preferences, and the ensuing official responses in view of the discursive interactions. I take the following steps to lay out my analysis. First, I trace the emergence of the children of foreign workers as an issue for policymakers. Second, I observe the discursive interactions between government, activists, NGO workers, and the public over the issue. Third, I analyze how the two cases’ respective public philosophies regarding national identity shaped the discursive interactions and ensuing policy outcomes. Finally, in the section of discussion, I offer a tentative explanation as to why the two cases exhibit divergent trajectories in their discursive interactions and policy outcomes.

The Israeli and Taiwanese cases were selected because they share similarities in how immigrant workers’ children became a policy issue. Policymakers in both countries developed a guestworker program to recruit cheap foreign laborers while preventing their long-term settlement, let alone that of their children. In both cases, we can find traces of ethnic nationalism behind such a design. Unsurprisingly, when the existence of children born to foreign laborers caught the attention of some residents and policymakers, it turned into a policy issue and triggered public debate. Yet, the ways political actors weaved their respective public philosophies regarding national self-understanding into the debate and the ensuing policy responses show marked variation. In this way, the two cases provide a most similar systems design.

## **Israeli case: an ethnocentric justification for non-Jewish children’s belongingness**

When the Israeli government began to recruit non-Jewish foreign laborers in 1993, Zionist public philosophy, the doctrine that treats Israel as a Jewish state and is embodied in Israel’s citizenship and immigration policies, was at the forefront of the minds of policymakers. Therefore, the same law that granted work permits to workers from Asia, South Asia, and Eastern Europe to work in nursing care, agriculture, and construction professions on a temporary basis stipulated that a female worker loses her employment permit if she is found pregnant (Bartram, 1999). By the time the Israeli High Court outlawed the pregnancy ban in 2011, many foreign workers had violated it. Along with the state’s negligence, a generation of non-Jewish children without proper identity documentation was born and raised in some urban areas in Israel, primarily in south Tel Aviv (Willen, 2005). Despite their undocumented status, many of these non-Jewish children were able to attend public schools thanks to Israel’s 1949 Compulsory Education Law, which guarantees all children between ages five and sixteen the right to education, regardless of nationality and legal status. In time, local official and non-official agencies stepped in to provide some much-needed social services for these children and their families. Consequently, these non-Jewish children grew up speaking Hebrew and received an education identical to their Jewish Israeli counterparts, while knowing little to nothing about their parents’ mother tongues or native cultures (Willen, 2007).[[1]](#endnote-1)

Meanwhile, concerns grew among some residents and politicians about the increasing number of non-Jewish children and the declining Jewish characteristics in these neighborhoods (Raijman, 2010). Soon, several national policymakers adopted policies in the name of safeguarding Israel’s Jewish identity, whereas the occasional attempts at odds with this identity narrative failed. In the early 2000s, the then Interior Minister planned to grant some non-Jewish children legal status. His effort was met with strong opposition among high-level officials, including the then Prime Minister Ariel Sharon. After this Interior Minister left the position in 2004, his effort was aborted (Paz, 2016). When his successor, Eli Yishai of the ultra-religious Shas party, took office, large-scale deportation campaigns began, targeting these children and their parents. To many policymakers like Ariel Sharon and Eli Yishai, legalizing the status of these non-Jewish children was never an option since it would go against the Zionist public philosophy of building a Jewish state (Raijman, 2010; Raijman et al., 2003; Raijman et al., 2008).

Nevertheless, when the deportation plans made headlines, they sparked heated public debates. Activists challenging the deportation decisions played an essential role in framing their cause. Instead of disputing the Jewish state identity narrative, they took over the narrative and inserted a different moral lesson about Israel’s being a Jewish state in the face of these non-Jewish children. According to their interpretation, as a people with a long history of exile in foreign lands, the Jewish state holds a special moral obligation towards these non-Jewish children born and raised in Israel. Thus, the deportation plans are ‘un-Jewish.’ In 2010, a prominent Holocaust survivor wrote to then Prime Minister in support of such a view:

‘We are a people with a history and the Torah of Israel, which instructs us exactly how we should treat foreigners… A Jewish state with a past as ours must not fail in terms of humanity and morality. It will inflict damage upon us as a compassionate society with a Jewish soul.’ (Weiler-Polak, 2010)

An activist wrote a letter to the then-President Shimon Peres on the eve of a scheduled deportation order. In the letter, she referenced the famous quote from the Torah stipulating that ‘thou shalt not mistreat strangers.’ Two days before the deportation was scheduled to begin, Peres wrote an open letter, including the exact quote mentioned here, to the then Prime Minister Benjamin Netanyahu and Interior Minister Eli Yishai, asking that they stop the deportation (Chaplins, 2016).

Many politicians and celebrities publicly resonated with the activists’ campaign message and cause, calling the existing policies toward these non-Jewish children and their families ‘un-Jewish.’ Criticizing Eli Yishai’s decision to deport about 400 children and their parents in 2010, the then-Defense Minister Ehud Barak said this decision was ‘not Jewish, not humane and will scar the entire Israeli society’ (Weiler-Polak and Lis, 2010). Urging the government to reconsider this decision, Barak argued that, ‘from a moral, Jewish and humane perspective, we must not deport these children.’ In 2010, many high-ranking officials and politicians’ spouses joined the campaign appealing for more lenient policies toward these children, including the then Education Minister Gideon Sa’ar, ex-Prime Minister Ehud Olmert’s wife, Aliza, and the then Prime Minister Benjamin Netanyahu’s wife, Sara (Hannanel, 2010), to name a few. They pleaded with the government to re-evaluate the deportation plans with the same discourse the activists initiated, arguing that the Jewish state ‘bears a special responsibility’ toward these non-Jews who had built lives in Israel (Hartman, 2010). In short, the anti-deportation campaign’s discourse relied heavily on the moral lesson from the Jewish people’s exilic and persecuted memories in foreign lands. Through a message, the activists pushed the public to deliberate over the raison d’être of the Zionist public philosophy. Essentially, they confronted the Israeli public with the question of how to treat strangers living among us, given our collective past.

Some activists and supporters of the anti-deportation campaign exploited the unintended policy consequences of the local government and NGO assistance by highlighting the ‘Israeliness’ of these children. They termed these non-Jewish children ‘Israeli children’ and emphasized their linguistic, social, and cultural assimilation into Israeli society. One of the most crucial NGOs behind the anti-deportation campaign was called ‘Israeli Children’ (*yaladim yisraeli*), underscoring these children’s experience of growing up in the Israeli education system and knowing no other language and culture but Hebrew and Israeli society. In many anti-deportation demonstrations, participants held signs celebrating these children’s ‘Israeliness’ (Baranowski and Levy, 2009). In quite some editorials, public intellectuals justified the settlement of these children with the same narrative (e.g. Ilan, 2012; Rafael, 2012). In 2019, a large crowd gathered in front of a detention center, where two unauthorized non-Jewish children were detained, to protest the duo’s upcoming deportation to their mothers’ home countries, the Philippines. Participants included their classmates, alumni, friends, teachers, the school principal, and local public officials, all arguing that it is against Jewish values to expel these children who are no doubt ‘one of us’ (Alon, 2019). Here, the narrative turned from ‘how we should treat strangers among us’ to ‘they are just like us.’

 The campaign discourses, along with other mobilization tactics, mustered public support and put significant pressure on policymakers, leading to a pivotal policy change that legalized the status of hundreds of such children. Over five years, several Ministers of the Interior with diverse party affiliations issued *ad hoc* decisions to allow the children who met a list of criteria to apply for permanent residency (Decker, n.d.; Sa’ar, 2005), even though some of these Ministers had previously voiced support for deporting all illegal foreigners (Azoulay and Ilan, 2007). For instance, the then-Interior Minister Eli Yishai, who, as already mentioned, was vocal in his opposition to the settlement of all non-Jews, released a list of criteria in 2010 providing the path toward citizenship for some children of foreign workers and their direct family members. In total, the government issued three decisions between 2005 and 2010 concerning the legalization of status for these children and their close family members. Between 2006 and 2010, around 1,500 such children successfully acquired legal status to remain in Israel (Babis et al., 2018). Some politicians ‘borrowed’ the narrative as a *post hoc* justification for the government’s policy change. In 2010, after the Interior Ministry reconsidered and released a decision to allow some of these children to stay, the then Prime Minister Netanyahu defended this decision by declaring that,

‘[T]he decision to let a majority of the 1,200 children stay struck a balance between the values of Zionism on one hand and the humanistic values on the other… [It] calls for allowing those children who have largely become Israelis, who are here, have been educated here, have studied Hebrew and whose identity has already been formed, to stay here.’ (EMAJ Magazine, 2010)

In retrospect, the discursive strategy exposed the ambivalence of the Zionist public philosophy, especially when it comes to whether certain non-Jews have a right to settle in the Jewish state. In the end, activists opposing the expulsion of these children carved out of an ethnocentric national identity the discourse championing the settlement of non-co-ethnic children. This seemingly paradoxical result contrasts the Taiwanese case to which we now turn.

## **Taiwanese case: a humanitarian justification for a limited obligation**

Thousands of miles away to the east of Israel, a similar episode of guestworker children born in a host country has been transpiring. Like in Israel, when Taiwanese policymakers first devised the guestworker program to fulfill the labor demand in care, construction, and agricultural industries, they adopted a pregnancy ban to ensure non-co-ethnic laborers not settle and form families. Although this prohibition was eventually outlawed like in Israel, a pregnancy still makes a female worker less desirable in the eyes of most employers. Hence, it became common for female foreign laborers to proactively leave their employers and become undocumented[[2]](#endnote-2) once they realized they were pregnant. Losing the legal status entails being deprived of healthcare and other welfare benefits. Hence, some female immigrant workers abandoned their babies after the delivery, as they were not sure if they could adequately care for their children without social services. Whether the mother relinquishes the baby or not, in most scenarios, the children born to non-citizens became the so-called ‘black-registration babies’ (*hei-hu baobao*)[[3]](#endnote-3), since they lack a household registration record (*hukou*), an official certificate necessary for children to have access to various social services such as compulsory education and national health insurance. Statistics about the number of such children vary. According to official statistics (Zhong, 2021), between January 2007 and July 2020, there were 941 ‘black-registration babies’ in Taiwan. NGO statistics in 2016 claim that there are about 7,900 known black registration minors in Taiwan and close to 20,000 such children when including those who are not officially registered (Chen, 2016). A recent official estimation puts the possible number of black-registration babies at 10,000 (Yu, 2021).

 In localities where many pregnant immigrant workers congregated, NGOs and local authorities began assisting these women and their children. The Harmony Home Association in Taipei, the primary NGO that provides services to pregnant immigrant workers and their children, set up shelters in several locations throughout the island to house these babies, sometimes along with their mothers (Feng, 2021). Not for long before the national government became more actively involved. In February 2017, the Control Yuan, the auditory branch of the central government, demanded that the Labor Department and the Immigration Agency formulate measures to tackle the issue. Soon afterward, the national government allowed children whose parents are missing to acquire residency, which will automatically grant these children access to healthcare and education (Hsieh, 2019). Since 2017, the Ministry of Health and Welfare has been the national agency responsible for the accommodation and expense of black-registration babies whose mothers are either missing or overseas (The Control Yuan, 2020). By 2020, the Immigration Agency has founded three shelters to accommodate these babies and their mothers (The Control Yuan, 2020). Local governments demonstrated similar efforts to host a large number of immigrant workers. In February 2020, the Taipei City government established shelters for these children (Feng, 2021). In a meeting gathering national and municipality welfare heads in November 2020, the head of the Department of Social Welfare of Taipei City intended to include non-Taiwanese toddlers in the government-funded vaccination program (Feng, 2021). In general, these efforts and measures did not encounter strong opposition. All in all, there seemed to have emerged a consensus that views these children as a vulnerable group in need of basic necessities as a temporary yet essential relief.

 Public officials legitimized these measures with universal human rights norms. In an attempt to explain why the government should ensure these children enjoy basic social services, Hui-Jung Chi, a member of the Control Yuan, referenced several key international human rights conventions, including the International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, and the Convention on the Elimination of All Forms of Discrimination against Women (Chen, 2020), to which Taiwan is not even a signatory due to its diplomatic status. Echoing Chi’s narrative, Prime Minister Tseng-Chang Su stressed that human rights have been an essential factor guiding Taiwan’s social policies regardless of an individual’s nationality. Besides, the parents of these children contributed tremendously to the island’s economy. Thus, the government shoulders the responsibility to look after these workers and their children (Chen, 2020).

The NGO discourse resembles the official one. Individuals and activists helping these children and their mothers also cited universal humanitarian concerns as the primary motivation behind their efforts. By and large, public officials, individuals, and groups involved in this issue agreed that their primary mission is to help these children ‘go home’ with their parents, since they do not belong in Taiwan. A section chief of the Taipei City Department of Social Welfare of Taipei City in charge of these children stated that,

‘We still think this group of children basically… should not stay in Taiwan for a long time. They should return to their home countries as soon as possible to become acculturated to the cultures of their homelands or to develop and grow in their countries’ social welfare system.’[[4]](#endnote-4) (CTS News, 2019)

The head of the Harmony Home Association, the leading NGO helping these children, echoed such a belief,

‘As to humanitarian assistance and the care for the children of immigrant workers, it requires teamwork. This is the only way to ensure the best possible result and welfare for them. As to these children’s rights, we should let them return [to their mothers’ homelands] as early as possible to learn about their home countries’ cultures and languages and be educated.’ (CTS News, 2019)

She shared the vision that, eventually, it is these children’s destiny and thus in their best interest to ‘return’ to their mothers’ home countries (Hsieh, 2019).

 Against the backdrop of these statements was Taiwan’s largely *jus sanguinis* citizenship policy and the unuttered ethnocentric national self-understanding behind such a citizenship regime. Some of these children have become fluent in Mandarin Chinese, the island’s official language, and have been immersed in the very same culture through public education and day-to-day life. However, from the perspective of prominent political actors, these proofs of acculturation do not qualify these children to settle permanently. Very little voice advocated for these children’s long-term settlement because of their linguistic and cultural assimilation. The few scholars that have recommended some extents of legalization regarding their status have been careful not to dispute the professedly prevalent idea that these children simply do not belong due to their ethnicity. If anything, many officials openly expressed concerns over how legalizing the black-registration children’s status could create unwanted precedents to incentivize future non-co-ethnic immigrants to use their babies to settle. The overarching consensus among public officials, politicians, and NGO workers justifies the temporary assistance for these children without acknowledging any possibility for them to become authentic ‘Taiwanese.’ From time to time, public officials, politicians, and NGO workers prided themselves on lending a hand to these children during this ‘transitional period’ to prepare them for their ‘home countries.’ The obligation that major Taiwanese political actors felt toward these children was provisional and limited, since the primary concern has been to ensure these children know where they truly belong and can one day return to their ‘roots.’

## **Discussion: particularistic versus universal discourses**

In both Israel and Taiwan, the undocumented children of foreign laborers do summon more compassion among the public and political actors than their adult counterparts. Under both countries’ mostly *jus sanguinis* citizenship policy and immigration regime, all non-co-ethnic immigrants, be they adults or minors, have little chance to receive permanent legal status. The design of their foreign worker programs, in particular the initial pregnancy ban, reinforced this logic. However, as the previous two sections show, in both countries, these children and their families were able to receive some relief from NGO assistance and *ad hoc* policies by national and local authorities. Also, in both cases, some political actors managed to find some moral justifications for more lenient policies toward these children, even though legally, these children do not enjoy the right to remain in these countries. Other non-co-ethnic adult immigrants, while the discussion of their cases is beyond the scope of this paper, do not enjoy the same leniency in Israel and Taiwan. This phenomenon echoes the ‘moral obviousness’ (Fassin, 2012: 167) regarding the policy debate on immigrant children vis-à-vis adult immigrants, as already mentioned.

Still, the policy accommodations for these children are more distinguishable in Israel than in Taiwan. The varying ways that the issue was contested preceding the changes suggest that the narratives in their particular discursive interactions played a role in shaping the policy outcomes.

While Taiwanese policymakers and NGO workers emphasized universal human rights norms, Israeli politicians and activists relied more on two particularistic, local discursive sources: Israel’s Jewish identity and the definition of Israeliness. At first, Israeli policymakers adopted harsh policy responses such as expulsion toward these children and legitimized the actions with the Jewish identity narrative. Rather than disapproving of such a discourse, political actors against the deportation plans seized the discourse and tailored it to serve their policy preference. Two seemingly antithetical themes emerged from their anti-deportation campaign. First, activists pressed the public to deliberate over how a Jewish country should treat strangers among it, given the Jewish people’s wandering, persecuted history. Second, they exploited the unintended policy consequences that led to these children’s linguistic and cultural assimilation to underlie the children’s Israeliness, as opposed to their foreignness. While the first one focuses on the children’s ‘otherness’ and the other their ‘belongingness,’ together they touch on the country’s dominant identity discourse. Ultimately, the campaign discourse rallied sizable public and celebrity support, enough to result in a policy change that allowed the permanent settlement of hundreds of these children and their immediate family members. To summarize the process with discursive institutionalist terminology, facing the official understanding of the Zionist public philosophy, the Israeli political actors challenging the initial policy responses exercised their foreground ideational abilities. Without completely deviating from the existing meaning context, they managed to reinterpret the dominant identity narrative, generating a normative justification from the existing meaning context to legitimize their cause.

A parallel discursive interaction thatreexamines the meaning of an indigenous, particularistic identity has been lacking in Taiwan. Instead, most Taiwanese political actors adhered to the universal human rights norms as the justification for anomalous policy responses, specifically regarding social services. Meanwhile, most political actors did not view these children’s linguistic and cultural assimilation as a sign of their belongingness to the island, not to mention as grounds for their permanent settlement. In the eyes of most Taiwanese political actors, providing these children with healthcare and primary education alone is humane and moral enough during the transitional period. The policy goal has always been to prepare these children for their ultimate destiny – ‘returning’ to their ‘home countries’ as soon as possible. The sporadic requests urging the government to consider legalizing these children’s status have been ineffective. In a way, the leniency that the universal human rights norms inspired in Taiwan’s policy responses appears to be finite, especially when in contrast to the policy outcomes in Israel.

What can explain the two cases’ contrasting discursive themes? Here I offer a tentative explanation that uncovers the essence of the two countries’ public philosophies regarding national self-understanding. Israel’s Jewish identity is one whose kernel touches upon the Jewish people’s diasporic past in foreign lands (Shanes, 2012). Instead of viewing this ethnocentric national identity narrative as an impediment, the anti-deportation activists turned the discourse into an opportunity to reinterpret this very same ethnocentric national identity. In a way, the discursive interaction between the status-quo upholders and challengers revealed the ambivalent nature of the Zionist public philosophy. A precedent accentuating this ambivalence took place during the late 1970s when the Menachem Begin administration, Israel’s first right-wing-dominant government, granted permanent residency to some 300 Vietnam boat people, who had no knowledge of the country’s language, culture, society and had no ethnic or familial ties to Israeli citizens or the Jewish people. To justify this decision, Menachem Begin contended that the Holocaust made it imperative for the Jewish state to ‘never be a passive bystander’ towards atrocities (Klar et al., 2013: 136) and therefore ‘…it was natural… to give [the Vietnamese boat people] a haven in the land of Israel’ (Levin, 2011).

Contrary to the diasporic longing for homeland embedded in Israel’s Jewish identity, Taiwan’s public philosophy regarding national identity revolves around nativism and de-Sinicization (Cabestan, 2005). Bolstered in the 1990s post-authoritarian era, Taiwan’s dominant identity narrative burgeoned in reaction to the post-WWII authoritarian regime’s effort of Sinicization and irredentist ambition over Mainland China. Foregrounded on a strong anti-Chinese sentiment and de-Sinicization attempt (Dong, 2013), this identity discourse aims to foster a solid attachment to the island (Jacobs and Liu, 2007: 388) and dissociation from Mainland China culturally, linguistically, and politically (Corcuff, 2002). Concurrent with the de-Sinicization effort emerged an economically robust and diplomatically hostile government of the People’s Republic of China. In response, the post-authoritarian Taiwanese leaders adopted a ‘human rights diplomatic policy’ (Tsai and Huang, 2005: 120–132; Tsang, 2008) to call attention to the island’s distinction from the Chinese Communist Party’s Mainland China. Accordingly, post-authoritarian Taiwanese policymakers and legislators have endeavored to align the country’s policies and legislation with international human rights standards (Henckaerts, 1996), including in the area of immigration, despite the lack of binding obligations to most inter-governmental treaties due to its diplomatic status. In 2009, Taiwan’s parliament rectified the 1966 International Covenant on Economic, Social, and Cultural Rights and the 1966 International Covenant on Civil and Political Rights. In 2014, the parliament enacted the Convention on the Rights of the Child Enforcement Act (Shee, 2019) to incorporate the 1989 UN convention protecting children’s rights. Public officials and politicians often boasted about aligning policies and legislation with international human rights norms. While these efforts were to juxtapose the authoritarian Chinese Communist Party regime (Shee, 2019), they also became a crucial part of Taiwan’s public philosophy regarding collective identity.

Thus, the substantial differences regarding their national identity narratives help clarify Israel’s and Taiwan’s diverse discursive themes regarding foreign laborers’ children. Contrary to the sojourning past at the core of Israel’s Jewish identity, Taiwan’s dominant identity narrative concerns a people eager to differentiate themselves from Mainland China with universal human rights norms. In Taiwan, the discursive interaction regarding immigrant workers’ children serves to reinforce the distinction between Taiwanese and Chinese identities. Arguably, this debate manifests yet again that the Taiwanese government strives to alleviate its *de jure* outcast status in international society by showing its willingness to abide by international human rights norms. In Israel, the discursive interaction surrounding the country’s ethnocentric identity ended up triggering much reflection on how the Jewish people should properly treat non-Jews living among them. This discursive strategy demanded a serious soul-searching among the public and policymakers. The ramification became a strong force that opened a window of opportunity for several *ad hoc* programs to legalize the status of these children. The contrast highlights the irony where the discursive interaction surrounding a particularistic ethnocentric identity resulted in more substantial policy change for the children of foreign workers than the one that endorses universal human rights norms. One wonders whether a similar collective soul-searching and policy outcome would have happened had some Taiwanese political actors found a way to initiate a debate about what it means to be Taiwanese vis-à-vis foreigners and strangers.

## **Conclusion**

This article compares how discursive interactions over the children of non-co-ethnic foreign laborers in Israel and Taiwan helped shape policy outcomes. The result suggests that their varying discursive interactions stem from the core of their public philosophies regarding national self-understanding. Israel’s Zionist public philosophy is utterly preoccupied with diasporic memories, while Taiwan’s dominant national self-understanding emerged in the course of de-Sinicization with the official effort to differentiate the island from Mainland China, especially over issues concerning human rights. Such divergent public philosophies determined the respective meaning contexts of the debates over foreign workers’ children, resulting in different policy outcomes. Israeli activists reframed the implications of the Zionist public philosophy versus non-Jews to challenge the government’s exclusive policies, while most Taiwanese political actors rallied around universal human rights norms. In the end, it was in Israel where an ethnocentric and particularistic discourse dominated that some of these children acquired the right to settle permanently. The supposedly more liberal and universal human rights norms championed in Taiwan only resulted in basic and temporal reliefs for these children, without the prospect of settling legally. The analysis indicates a more complicated dichotomy between particularistic ethnocentric nationalism and universal human rights norms in immigration debate than what researchers usually presume.

 By focusing on the role of discourse in immigration debate, this research has its limits. Undoubtedly, other factors such as institutional settings, formal decision-making processes, and government capacity to enforce policies are all essential in understanding policy changes or the lack thereof. But these factors address only the ‘hardware’ behind changes. As this article and many other similar studies under the umbrella of discursive institutionalism intend to propose, the way an issue is framed, debated and deliberated vis-à-vis the existing meaning context can also play a role, sometimes a quite significant one. The way in which political actors, especially non-institutional actors like the activists in Israel who lack access to institutional resources and decision-making powers, appeal to the public can sway public reactions and pressure decision-makers, sometimes forcing the latter to adopt actions against their preferences. One interesting theoretical implication of this research is the opportunities the so-called ethnocentric identity discourse as public philosophies could offer. The result of this comparative analysis suggests that summoning ethnocentric ideas in a debate about non-co-ethnic immigrants does not inevitably lead to more exclusive policies than rallying around universal human rights norms. Perhaps a particularistic yet indigenous identity discourse, despite it being an ethnocentric one, stands a better chance to galvanize a collective reflection than a universal yet non-indigenous idea. Such a possibility deserves future research to delve further into the causal mechanism between national identity discourse and immigration debate.

 There is also a practical lesson to take away from this article, especially as we have witnessed a resurgence of ethnocentric narratives often wedded to populism in recent decades in many immigration receiving countries. The Israeli case suggests that an ethnocentric public philosophy regarding national self-understanding may not seem as shatterproof in its exclusion toward non-co-ethnic immigrants as we tend to assume. When employed and framed in a certain way, such an idea may generate a seemingly paradoxical effect on policies toward out-groups. Conversely, the Taiwanese case is one where universal human rights norms as an exogenous idea did not seem to have touched on the public and policymakers in a way that alters their imagination about potential space for non-co-ethnic outsiders. The result invites immigration enthusiasts, activists and policymakers alike to reconsider the role and potential of ethnocentrism in immigration debate.

1. ## **Notes**

 In almost all cases, the children’s parents are both non-Israeli citizens. If the mother is a temporary immigrant worker and the father an Israeli citizen, it is in theory possible for the child to acquire Israeli citizenship through the father. [↑](#endnote-ref-1)
2. Concurrent to this phenomenon, a market has emerged for undocumented workers to get jobs in construction, restaurants, farming, and caring industries, essentially creating a black market available to undocumented immigrant workers (Zhong, 2020). [↑](#endnote-ref-2)
3. The ‘black-registration babies’ refer to children born to foreign worker mothers, and the father’s identity is either unknown or a foreign national already left Taiwan. Accordingly, the child acquires the mother’s citizenship and thus has no access to Taiwanese citizenship or household registration record. The following three scenarios are excluded from this paper’s discussion: first, if the identities of both parents are unknown, the child can acquire Taiwanese citizenship; second, if the mother is not a Taiwanese citizen (be her an immigrant worker or not) married to a Taiwanese man and the baby is the biological child of the latter, the child acquires Taiwanese citizenship and house registration record through the father; third, a foreign spouse who is in the process of acquiring Taiwanese citizenship gave birth to a child whose biological father is not her Taiwanese husband. In the third scenario, the foreign spouse’s Taiwanese husband can adopt the child and pass down his Taiwanese citizenship to the child. [↑](#endnote-ref-3)
4. All Chinese-English translations are mine unless otherwise stated.

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