

Citizenship Laws and International Migration in Historical Perspective

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The main idea

This is a contribution to the literature on the relationship between institutions, legal traditions, and economic outcomes

We investigate empirically the origin, the impact and the evolution of citizenship laws

We focus on citizenship acquisition at birth, i.e., for second-generation immigrants, with common law countries traditionally being associated with citizenship by birthplace (*jus soli*), and civil law countries with citizenship by bloodline (*jus sanguinis*)

Migration and citizenship laws highly relevant for the issue of diversity: citizenship laws as a measure of the degree of inclusiveness of a country towards immigrants

Outline of the paper

Review of the historical and legal background

New data set on citizenship laws around the world, from the end of the 19th century

The impact of citizenship laws on international migration in the early, mass migration period

The evolution of citizenship laws in the post-war period in response to migration and legal tradition, but also to other socio-economic factors, starting with border stability and democracy

Jus soli vs. jus sanguinis

In 18th century Europe, jus soli was the dominant criterion, following feudal traditions which linked human beings to the lord who held the land where they were born

The French Revolution broke with this feudal tradition and the 1804 civil code reintroduced the ancient Roman custom of jus sanguinis

During the 19th century the French innovation spread through the rest of continental Europe and was also exported to its colonies

The British transplanted their tradition of jus soli to their own colonies, starting with the United States where it was encoded in the Constitution

By the end of the 19th century, jus soli had become the norm in all common law countries, while jus sanguinis regulated citizenship law in civil law countries. The adoption of these principles can therefore be safely viewed as exogenous

The 20th next century witnesses a continuous process of transformation of citizenship laws across the world. Therefore, current citizenship laws can be viewed as the endogenous outcome of a complex process involving legal tradition, immigration, and more

Related literature

Socio-political literature on citizenship rules:

Weil (2001), Brubaker (1992)

International Migration in History:

O'Rourke (1991), Hatton (1995, 2003), Taylor and Williamson (1997), Hatton and Williamson (1998, 2002), Borjas (1994)

Historical Determinants of Institutions:

Acemoglu et al. (2000, 2001), Engerman and Sokoloff (2000), Borghignon and Verdier (2000), Bertocchi and Spagat (2001,2004)

Migration policy:

Benhabib (1996), Storesletten (2000), Gradstein and Shiff (2004)

Legal rules:

La Porta et al. (various years)

Borders:

Alesina and Spolaore (1997), Bolton and Roland (1997)

PART I: New data set on citizenship laws

Original laws:

Group 1: jus soli (common law)

Group 2: jus sanguinis (civil law)

Source: La Porta et al. (1999)

Current laws:

Group 1: jus soli -> most inclusive

Group 2: jus sanguinis -> least inclusive

Group 3: restricted jus soli -> intermediate case

Group 3 involves various restrictions to jus soli which are applied in combination with jus sanguinis, e.g., double jus soli, residence and application requirements, birth relevant for naturalization

Sources:

**US Office of Personnel Management, Investigations Service (2001),
CIA (2002), UN High Commissioner for Refugees (2003)**

Sample evidence

Original laws (1948): jus soli in 67 (42%) countries, jus sanguinis in remaining 92 (58%)

Current laws (2001): jus soli in 37 (23%) countries, sanguinis in 87 (55%), restricted jus soli in 35 (22%)

3 patterns of evolution: stability, switch, convergence

TRANSITION MATRIX FOR CITIZENSHIP LAWS, 1948-2001

	Citizenship Laws at 2001			
Citizenship Laws at 1948	1	2	3	Total
0	59	28	5	92
1	28	7	32	67
Total	87	35	37	159

Additional new data:

Citizenship by naturalization

Dual nationality

General index of inclusiveness

Border stability: 3 border-change dummies based on Polity IV (2002):

- 1. decolonisation (80 countries, or 50.3%)**
- 2. the fall of the Berlin wall (17, or 10.7%)**
- 3. other types of boundary changes (7, or 4.4%)**

Net Migration (1,000), 1870-1998

	1870-1913	1914-49	1950-73	1974-98
Jus Sanguinis	-7,581	-2,060	9,914	9,982
France	890	-236	3,630	1,026
Germany	-2,598	-304	7,070	5,911
Italy	-4,459	-1,771	-2,139	1,617
Japan	n.a.	197	-72	-179
Others*	-1414	54	1,425	1,607
Jus Soli	11,441	5,834	12,058	22,376
United Kingdom	-6,415	-1,405	-605	737
Australia	885	673	2033	2151
New Zealand	290	138	247	87
Canada	861	207	2,126	2,680
United States	15,820	6,221	8,257	16,721
Western Europe	-13,996	-3,662	9,381	10,898
Western Offshoots	17,856	7,239	12,663	21,639

Source, Maddison, 2001.

Empirical strategy

Long-term perspective of migration patterns for the 1870-2000 period

Mass migration wave in the 1870-1913 period

Migration slows down drastically in the inter-war period, and starts growing again in the 1950s

Most citizenship laws revisions occur after WW2, with few exceptions

Citizenship laws can safely be taken as **exogenous for the early, 1870-1913 sample, while they become **endogenous** after WW2 in the 1950-99 sample**

For the early period, we will test the impact of the laws on migration

For the post-war period, we will test which factors have determined the evolution of citizenship laws

PART II: The impact of citizenship laws on migration in the early period

Data set:

17 countries, 1870-1910 period

Net and gross migration rates (decade averages)

Wage gap (decade averages)

Agricultural share (decade averages)

Young adult share (beginning of decade)

Jus soli dummy

Common Law dummy

New World dummy

Country dummies for Ireland, Italy and Argentina

**Note: the correlation between the jus soli dummy and the wage gap is 0.68,
while the correlation between common law and jus soli is 0.77**

Net Migration Rates (migrants/1,000 population), 1870-1910. Source: Taylor and Williamson, 1997.

Jus Sanguinis Countries	-0.66
Argentina	10.57
Belgium	1.50
Brazil	0.67
Denmark	-2.42
France	-0.09
Germany	-0.65
Italy	-6.47
Netherlands	-0.53
Norway	-4.73
Portugal	-0.96
Spain	-1.04
Sweden	-3.78
Jus Soli Countries	0.73
Australia	5.95
Canada	6.23
Great Britain	-2.02
Ireland	-10.12
United States	3.62
Old World	-2.61
New World	5.41

In principle, jus soli should encourage immigration, by enabling the second generation to vote, while jus sanguinis should not

Indeed, over the 1870-1910 period, jus sanguinis countries display negative migration rates on average, while jus soli countries display positive ones

However, the same pattern is replicated when we group countries according to geography, which for that time period implies huge income differences between the Old and the New World

No evidence that British legal origin explains high wage in this sample

The determinants of net migration, 1870-1910

	(1)	(2)	(3)
Jus Soli	3.982 [2.839]		1.697 [2.609]
Wage Gap		3.704** [1.618]	2.231 [3.138]
Argentina		12.175*** [1.506]	11.186*** [1.864]
Ireland		-15.924*** [4.483]	-17.734** [6.660]
Italy		-8.153** [2.873]	-9.061** [3.857]
Agricultural Share		-1.320** [0.570]	-1.418* [0.681]
Young Population		-1.724** [0.762]	-1.849* [0.877]
Young Pop.*Agric. Share		0.052** [0.021]	0.056** [0.026]
Lagged Net Migration		0.321 [0.272]	0.305 [0.285]
Lagged Wage Gap			
Constant	-1.616*	44.570**	47.170*
Observations	68	40	40
Adjusted R-squared	0.09	0.62	0.62

Regression results

Pooled cluster regressions with net migration as the dependent variable

Jus soli insignificant in all specifications

Wage gap positive and significant in most specifications

All country dummies significant with the right sign

Agricultural share and share of the young population negative and significant

Lagged migration (proxy for network effects) positive but insignificant

Citizenship laws are not a significant factor in explaining the massive migration flows that characterized the early period and were driven overwhelmingly by income and development differentials and demographic factors

PART III: The evolution of citizenship laws in the post-war period

Data set: 159 countries, 1950-1999, 2 sub-periods: 1950-1974 and 1975-2000

Core regressors: original laws and international migration

Geo-political dummies: Southern Europe, Latin America, sub-Saharan Africa, British colony, legal origin, small country, oil, socialist

Regressors from the political-science literature:
border stability (3 dummies)
democracy (political rights index)
national culture (religion, ethno-linguistic fractionalization)
nature of welfare state (size of government)

Regressors from the economic literature:
gdp p.c., inequality, agricultural share, education...

The determinants of citizenship laws, 1950-1999

	Current Citizen. Laws		Current Citizen. Laws
Citizenship Laws in 1948	1.945** [0.852]	Political Rights	0.201 [0.145]
Net Migration	0.278* [0.150]	Catholic Share	0.002 [0.007]
Latin America	3.337*** [1.157]	Ethno.Fractionalization	1.278 [0.960]
British Colony	-1.698* [1.009]	Government Consumption	0.047** [0.022]
Sub-Saharan Africa	-0.094 [0.541]	Decolonization	-0.066 [0.385]
British Colony*Net Migr.	-0.436* [0.258]	Berlin Wall	0.843* [0.492]
Sub-Sah. Africa*Net Migr.	-0.339** [0.159]	Other Border Changes	-0.42 [1.377]
South Europe	0.587 [0.508]	Observations	225
Socialist	-0.857 [1.195]	McFadden's R2	0.34
Oil	-1.881** [0.828]	Count R2	0.75
Small Country	-0.062 [0.935]		

Regression results

Ordered logit cluster regressions with current laws as dependent variable. ordered by increasing inclusiveness

Core variables: the jus soli dummy and net migration both positive and significant

Geopolitical dummies: Latin America, oil, British colony, and the interactions British-migration and Africa-migration are significant with the expected sign

Border stability dummies: decolonization negative but insignificant (significant in second sample), Berlin wall (=Germany in the estimated sample) significantly positive

Political rights, share of Catholics and ethnolinguistic fractionalization all positive and insignificant (but political rights significant in second sample, ethnolinguistic fractionalization in first)

Government consumption significantly positive (but significantly negative for a subsample of rich countries)

The evolution of citizenship laws can be linked to legal tradition and international migration, but is also affected by the degree of democracy, border stability, colonial history, the welfare burden, and cultural factors

Conclusion

- 1. The impact of the original rules on international migration is insignificant for the early, mass migration wave, which confirms to be driven primarily by economic incentives**
- 2. For post-war data, citizenship laws are endogenous and their evolution can be explained by legal tradition, immigration, and several other factors**
- 3. The legal theory – at least in its most simplistic formulation - is not supported, both because it fails to explain economic outcomes when legal institutions are exogenous, and because we can show that current legal institutions are endogenous**
- 4. This is a first step toward a full understanding of the process of formation of legal rules and its interaction with economic factors as well as other forms of institutions.**

Future research

- a. Project the future evolution of citizenship policy around the world for the next half century**
- b. Do citizenship laws affect the welfare state by changing the voting rights of immigrants and their decisions regarding fiscal policy?**
- c. Extend our methodology to study other evolving bodies of the law, such as family law, rules of inheritance, and women's rights**