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ABBREVIATIONS

AFI	Asociación Filantrópica de Inmigración (Argentina)
CGE	Commissariato Generale dell'Emigrazione (Italy)
CCI	Comisión Central de Inmigración (Argentina)
CNC	Comisión Nacional del Censo (Argentina)
CSE	Consejo Superior de Emigración (Spain)
DSCD	Diario de Sesiones de la Cámara de Diputados (Argentina)
DSCS	Diario de Sesiones de la Cámara de Senadores (Argentina)
DGI	Departamento General de Inmigración (Argentina).
DGRN	Dirección General de Registros y del Notariado (Spain)
DNM	Dirección Nacional de Migración (Argentina)
ICI	Istituto Coloniale Italiano (Italy).
ILO	International Labour Organization.
IRS	Instituto de Reformas Sociales (Spain).
LIC	Ley de Inmigración y Colonización (Argentina).
MREC	Ministerio de Relaciones Exteriores y Culto (Argentina).

INTRODUCTION

How, why, and with what consequences have states fashioned membership ties with international migrants? In Chapter I, I examined metaphors used to describe state-subject relations that would help answer this question. To review briefly, Mann (1993:72, 224, 250) describes citizenship as an aspect of the “caging of people” into national organization by “two principal zookeepers: tax gatherers and recruiting officers”. This “caging” metaphor rightly focuses on the territorialized character of peoples’ identities and interests. It also suggests concrete extractive mechanisms by which states relate to individuals. However, it does not say much about how individuals become available for extraction in the first place. The metaphor of state’s embracing individuals through a variety of identification practices (Torpey 2000), underscores how people become subjects available for resource extraction or some other form of state penetration. Taken together these metaphors offer a more complete picture of state-subject relations than they do separately.

Especially since the 18th century, states tried to encage people within national borders primarily for the purpose of extracting from them taxes, and military service. This required the control of boundaries around territories and people conceived of as national. Nationals were constituted through a variety of “embracing” practices such as counting, identifying and classifying. To the chagrin of nation-state builders, some people would just not stay put to be counted, identified and sorted. Conditions at home and work opportunities abroad sometimes impelled them to migrate.

This chapter focuses on a particular set of international migrants, people who moved among Italy, Spain, and Argentina just as nation-state builders in each country sought to naturalize national “cages” and to embrace migrants as exclusive members of a national community. It also centers on the laws and practices by which these states attempted to control migrants’ membership and inter-national mobility. Migration and nationality policies not only constrained migrants’ movements and affiliations, but constituted them as national subjects. They became “emigrants” and “immigrants”, “nationals” or “foreigners”, and “Spaniards” and “Italians” (rather than Galicians or Piemontese) through the operation of these policies. Migrants’ children became Argentine by birth place and Italian or Spanish by descent.

Migrant women became Argentine, Italian, Spanish or, in some instances, stateless depending on their husbands' membership status. Unfortunately, while state policies developed in competition for the allegiance of the same migrants, their provisions were often not harmonized and resulted in cases of statelessness or of dual sets of obligations. Indeed, legal provisions and implementing practices often resulted in unanticipated and sometimes perverse consequences.

The foregoing should not be taken to mean that people passively submitted to the state effort to constitute them as nationals. On the contrary, migrants and their stay-at-home kin often sought to duck the state's embrace. In fact, migration was often a strategy to avoid state initiatives like military service and to deal with excessive taxation. Further, migrants often exploited ambiguous or vague definitions of membership and/or sought a comparative advantage by using rights and privileges conferred them by sending and receiving countries to avoid the most onerous obligations of membership. As state regulation of people's movements and membership became institutionalized, however, migrants and would-be migrants found themselves increasingly constrained and defined by migration and nationality laws and practices. Ironically, the very strategies meant to evade the state's embrace often led to more and consequential encounters with state institutions.

In the 1860s, Argentina, Italy, and Spain faced broadly similar nation-state making challenges. All three were engaged in efforts to resolve internal and external strife, manage far-reaching economic transformations, and constitute national populations. Argentina was recovering from a dark period of dictatorial rule by Juan Manuel Rosas (1830-1852), and an internal conflict between Buenos Aires and the provinces (not fully resolved until the 1870s). It also found itself immersed in a costly military alliance with Brazil and some Uruguayan factions against Paraguay (Rock 1987). Changing transportation and agro-industrial technologies, and growing connections to world markets particularly receptive to new agricultural exports combined to favorably position Argentina for a period of considerable growth (Moya 1998). Without the requisite labor, however, the national economy would never meet its potential. The sparsely populated South American republic faced the challenge of peopling a vast territory with workers who political elites hoped would become citizens. In his review of emigration to Argentina, a Spanish

bureaucrat nicely encapsulated Argentine nation-builders' sentiments: "a state without subjects is incomprehensible ... a nation without men has no historical reality" (CSE 1916:100).

What in 1859 had been seven distinct political entities had by 1860 been unified as the Kingdom of Italy under Victor Emanuel II. By 1870, strategic alliances and good fortune had made possible the addition of Venetia and most of the Papal state (Beales and Biagini 2002). A product of the inspiration, diplomacy, and military prowess of Mazzini, Cavour, and Garibaldi respectively, the new Kingdom of Italy faced the challenge of making Italians of a diverse assortment of people inhabiting the national territory.¹ In response to the existence of large, economically unviable estates, few small landholding opportunities for a burgeoning population (especially in the South), and in view of opportunities abroad many "Italians" chose to migrate, further complicating the nationalizing project (Baily 1999:31ff.; Bodnar 1985:27; Moya 1998:13-44; Sori 1979: 11ff; Weber 1964:70). Thus, the Italian state had to make Italians of people at home and increasingly abroad.

Finally, Spain found itself divided by political struggles among Carlists, Republicans, and an emerging working class. The six years following the "Glorious Revolution" of September 1868 – resulting in the short-lived Republic of 1873 and the restoration of the monarchy in 1874 – exposed deep fissures in the "national" façade (concretely Catalan and Basque claims to political autonomy) (Carr 1980; Sahlins 1989:280). In addition, Spain's military interventions in Morocco (1859) and Cuba (to quash the first rumblings of independence in 1868) required increased conscription, a very unpopular measure (Vilar 1978; Moreno Friginals 1995). Moreover, rapid population growth combined with regionally specific landholding patterns (large, elite-owned estates in the south and very small family-owned plots in the northwest) made emigration a common household strategy (Carr 1980; Nadal 1984; Vilar 1978). State elites faced not only a struggle for political stability and unity, but the uncertain task of making nationals of an internally diverse and internationally mobile population. The status of Spaniards living in recently emancipated Latin American republics further complicated this undertaking.

¹ Massimo d'Azeglio is famously quoted as saying: "We have made Italy, now we have to make Italians." (Hobsbawm 1990:44; Beales and Biagini 2002:3; Bosworth 1996:17). To this assortment of people would be added those of Venetia (1866) and the Papal States (1870).

State elites in Argentina, Italy and Spain shared the wide-spread perception that to become modern nation-states, they needed to have and to embrace distinct populations. By this I mean that states perceived the need to establish direct ties with individuals deemed “nationals” thus making them available for administration (cf. Noiriel 1996). To this end, the three countries counted and defined “their” populations by means of censuses and official reports.² What these official reports show is that especially Spain and Italy’s efforts to make nationals were being frustrated by migration. Establishing ties with individuals presumed presence in the national territory and migration to other parts of Europe and to the Americas meant that significant portions of the population spent considerable time in other states’ territory. Argentine state elites, on the other hand, were confronted with a large national territory, and a small, but growing population most of whom were foreigners. In this context, legislators in each country wrote and implemented laws defining who was a member or citizen, who could come into the national territory, who could go, the circumstances under which they could come and go, and those under which they could maintain membership in their homeland state and/or become full members of another state. The central concern of this chapter is the pattern of migration and nationality policy that emerged from these states’ efforts to make nationals of migrants, reasons for variations in these patterns, and their consequences.

Specifically, this chapter addresses two questions with respect to the period between 1853 and 1919, a time characterized by unprecedented and relatively unhindered mobility from Europe to the Americas (Hoerder and Moch 1996; Moya 1998), and by nation-state building processes on these continents. First, what policy patterns materialized as Spain, Italy, and Argentina tried to forge ties to people who migrated among their territories? Second, why and with what consequences did particular patterns of migration and nationality policy emerge in these countries? Drawing on documentary analysis of migration and nationality laws, associated legislative debates, administrative regulations and reports, inter-state treaties, diplomatic records, period jurisprudence and secondary historical accounts, the

² On the general process of “making up people” for the purposes of counting them, see Hacking 1986, 1990:3. On the role of enumeration and of population policies in making nations, see Patriarca (1996) and Ipsen (1996) for Italy, and Sanchez Casado (1983) for Spain. To my knowledge, similar accounts remain to be written for Argentina.

following pages conclude that Italy and Spain developed a *retentionist* pattern of migration and nationality policy, while Argentina crafted a *proactive recruitment* pattern (see Table 1). Given the dilemmas posed by the common task of creating a national population from a partly shared pool of individuals, this is not entirely surprising. Nevertheless, the process by which policy patterns emerge speaks to the larger concern of how each state nationalized its subjects. It is harder to explain why Spain and Italy, faced with a similar political, economic and social conjuncture, developed retentionist patterns of policy that differed significantly in timing, modality, focus and regulation of policies. This chapter argues that each country's particular nation-state building challenges (former colonial power becoming modern nation state vs. newly unified state become a European power), legitimating ideologies (head of a state transcending Iberian community vs. demographic and commercial colonizing power), associated perceptions of emigration and state membership (problem vs. opportunity), and demographic patterns (population growth, distribution and movement) account for these differences.

Table 1 – Summary of Policy Patterns in Italy, Spain, and Argentina, 1853-1919

	RECRUITMENT	RETENTION	
	Argentina	Italy	Spain
Timing and Modality	Early policy framework ³ consisting of official recruitment decrees, nationality (1869) and immigration laws (1876), and a supporting organizational infrastructure.	Late policy framework: emigration and nationality laws (1901, 1912), and supporting organizational infrastructure (1901).	Early policy framework: migration regulation (1853), nationality treaties (1863) and supporting organizational infrastructure.
Focus	Recruitment and affiliation of European migrants, understood primarily as male workers, heads of household.	Minimizing departures, controlling conditions of exit, maintaining and extending ties to nationals abroad; especially of draft eligible men.	Minimizing departures, controlling conditions of exit, maintaining and extending ties to nationals abroad; especially of women and draft eligible men.
Administrative Regulation	Immigration law by administrative decree rather than legislative reform. Citizenship law by the courts and administrative decree.	Emigration law by royal decrees and circulars. Nationality law administered at the local consular level.	Emigration law by royal decrees and circulars. Nationality law administered by a central bureaucracy (DGRN).

³ By policy framework, I mean a relatively well developed system of laws and practices supported by a bureaucratic infrastructure dedicated to implementation tasks.

Before discussing these patterns in greater detail, I want to answer several questions about the focus of this chapter. Why study the policies of these countries between 1853 and 1919? These years mark shifts in the tenor of migration laws and practices: in 1853 Spain opens migration from the mainland to contemporary and former colonial possessions and in 1919 migration policies become more restrictive in all three countries. Also, 1919 marks a shift towards more overtly conservative nationalist politics in Europe and the Americas. More importantly the substantial migratory flows that linked Argentina, Italy, and Spain during this period were central to each country's nation-building project (see section migration patterns in Chapter I). Finally, during this seventy year period, often described as the golden age of "free" and "spontaneous" migration, states laid the institutional and organizational foundation for greater control of their populations.

Why study migration and nationality policies in tandem? Migration policies represent state efforts to restrict the legitimate means of movement across political borders in view of national interests. For instance, emigration policies restrict the departure of nationals in magnitudes perceived as a threat or of categories of people considered especially important to the nation. They may also seek to protect migrants abroad and to capture financial resources for homeland investment. Immigration policies aspire to foster, regulate, and/or shape the composition of migration flows from abroad. Nationality policies are means to effect closure around nation-states' tangible and intangible goods, like people, jobs, property, rights of ownership, exchange and inheritance, and political rights (cf. Weber 1968:339-398; Stone 1995; Brubaker 1992:21ff.). Since the regulation of migration at either the sending or receiving end affects individuals' access to national goods (including state membership) and/or the conditions under which this happens, it is almost impossible to discuss nationality policies without discussing migration policies. In the instances considered here, classification of an individual as an "emigrant" rather than a traveler had clear consequences in terms of protections to be received from homeland states and assistance rendered by the receiving state. In addition, being placed in the "emigrant" category could potentially affect individuals' membership link to the homeland state (e.g. loss of membership if not registered with a consulate) or to the receiving state (eligibility for naturalization).

Why study migration and nationality policies in sending and receiving contexts? First, it is difficult to appreciate these policies exclusively from a domestic perspective. To understand Italian and Spanish protectionist and retentionist migration and nationality policies, one must also consider Argentina's proactive recruitment laws and practices. Second, people's life chances were often affected by the combined effects of sending and receiving country laws and practices. For instance, migrant women could be left stateless as the result of the combined application of sending and receiving state policies on nationality. This could have important effects on a woman's ability to buy and sell property, and to inherit or bequeath wealth. The children of migrants could find themselves subject to military service obligations in their country of birth and in their parent's homeland state. At a time when military service took several years out of a worker's productive life and represented a substantial risk of death (see footnote 16), this situation would have been onerous in the extreme. In sum, migration and nationality policies are best understood as interdependent, the result of factors in both sending and receiving contexts.

The remainder of this chapter is organized as follows. First, I examine Argentina's policy of attracting migrants/workers and of recruiting nationals from among immigrants. Then I examine Italy and Spain's efforts to regulate emigration and to maintain ties with migrants and their descendants abroad. In the course of the discussion I highlight relevant migration patterns, historical factors that account for some of the differences observed between Spanish and Italian policy patterns, and the consequences of competing and unsynchronized laws and practices.

PART I - ARGENTINA'S PROACTIVE RECRUITMENT STRATEGY

Attracting Migrants

From the earliest days of the new republic, Argentine political elites set about recruiting migrants to populate a vast national territory (roughly a third of today's U.S. territory) that in 1816 had an estimated population that did not surpass half a million (Moya 1998:49-59; Baily 1999:30-35; Rock 1987:114). The problem they faced was not primarily one of nationalizing existing residents, but of

having residents to nationalize. In September 1812, two years after declaring independence from Spain, the governing Triumvirate issued a decree promising protection to immigrants generally, but especially to farmers and miners. In 1824, President Rivadavia created the *Emigration Committee* to contract workers and artisans in Europe “to provide for the country’s agriculture, trades and all manner of industry the required arms and capacity” (Alsina 1898:16). From the outset political elites insisted that the “quality” of immigration flows, by which they met national or ethnic origins, was as important as its quantitative dimensions (cf. Olivieri 1987 on Alberdi); hence the insistence on attracting European immigrants. Although the Committee was suppressed during the Rosas regime (1830-1852), Rivadavia’s policies became the basis for important provisions in the *1876 Law of Immigration and Colonization* (LIC).

The end of Rosas’ isolationist administration in 1852 marked the beginning of a new era of aperture and fostering of European immigration. The Argentine Confederation exchanged diplomatic representatives with other nation-states and named consuls in many European cities. A series of measures were taken to facilitate communications: the opening of new roads, the extension of the mail system, the abolition of internal passports, the free circulation of printed materials, and the showcasing of Argentine potential at the Paris Exposition. The Argentine state paid indemnities to foreigners who had suffered financial losses as a result of political turmoil. It opened important rivers to navigation by ships of all banners. Railroads began their spoke-like expansion from Buenos Aires (Alsina 1898). From an institutional standpoint, the National Constitution of 1853 mandated that the federal government “foster European immigration and [...not] restrict, limit or tax the entry into the Argentine territory of foreigners who come with the objective of working the land, improving industry and introducing and teaching the sciences and the arts” (Article 25).

Beginning in the 1850s, legislators introduced several measures to give immigration laws an organizational foundation. The State of Buenos Aires issued a law in 1854 establishing a new *Immigration Commission* to foster immigration and to provide modest protections for immigrants (Alsina 1898:36). Other provinces established similar committees. Beginning in 1857, the *Philanthropic Immigration Association* (AFI) “assisted by and under the protection of the Superior Government of the

State of Buenos Aires” offered poor, newly arrived immigrants room and board for four days. By this time, the Argentine population had reached 1.1 million, due in large part to arrivals from Europe (Rock 1987:114). Congress nationalized the AFI in 1863 and its members came to constitute the federal *Central Immigration Commission* (CCI) in 1869. In the early 1870s, the CCI became better funded, administered the old Immigrant Shelter, established free disembarking, named auxiliary committees in provincial capitals, and negotiated free train fares for sponsored immigrants.

By the time of the CCI’s founding in 1869, 5 official state agents were promoting migration to Argentina from Europe (by 1872 there were 8) (Kleiner 1983). The role of these agents contrasted with that of emigration agents aligned with shipbuilders and large naval transportation companies. They received a modest promotion budget and salary from the CCI (not a fee per emigrant) a practice meant to assuage sending country concerns about the exploitation of emigrants by greedy recruiting agents and to foster the best possible migration conditions. Legislators and government officials recognized that “word of mouth” was the best way to attract desirable migrants, and if it matched up to what migrants observed first hand, recruitment would be more effective. Congressional debates confirm that legislators were reluctant to pass an immigration law that promised more than the Argentine state could deliver (DSCS 1876).

The *1876 Law of Immigration and Colonization* essentially gave official recognition and additional administrative support to immigration policy precedents described in the previous paragraphs. It also laid out an ambitious plan to manage immigration so as to populate or colonize the “interior”. Specifically, Part I of the LIC created the *General Department of Immigration* (DGI) under the Ministry of the Interior to manage all matters pertaining to immigration (incorporating the administrative structure and personnel of the CCI). The scope of the agency’s attributions was clearly defined and broadened with respect to those of the CCI. In addition to communicating with *immigration commissions* in the interior and abroad, overseeing immigration agents abroad and employment offices at home, and managing, documenting and directing the flow of migrants, legislators detailed transportation, arrival and placement conditions (Chapters 6-9).

From a nation-building perspective, the LIC profiled desirable immigrants as “honorable and hard working”,⁴ having skills or a trade, being under 60, and having “good moral character and aptitudes” (a condition to be verified by means of certificates issued by consuls, official immigration agents or sending state officials). In addition, “immigrants” were individuals who arrived with 2nd or 3rd class fares, an indication of limited financial means (DSCD 1876, Art. 14). By extending government assistance to immigrants’ “wives and children”, legislators demonstrated their conception of immigrants as male heads of working households and principal family bread-winners, a common 19th century perspective (Hobsbawm 1987:198-199). Part II of the LIC, demonstrates the extent to which legislators viewed colonization of the interior as dependent on this type of household.⁵

These definitions and requirements put single women (a growing proportion of emigrants to the Argentina during this period and of workers worldwide) at a distinct disadvantage for two reasons. First, the moral character of single would-be female migrants was assumed to be suspect if not deficient since female migration was often associated with prostitution (see Guy 1995). Leone Carpi’s influential account of early Italian emigration and particularly his depiction of the morally adverse consequences of female emigration suggest that this perception was held in sending contexts as well. He tells a “typical” story of women who leave the security of the village to find themselves in dire economic straits and in bad company that ultimately leads to jail time, consorting with men of ill repute, whoring and syphilis affliction (1874, v. 1:145ff). In view of these perceptions, it is unlikely that female emigrants would receive the requisite certificates (at least, not without considerable expense to overcome bureaucratic barriers). Second, single, unaccompanied women did not fall into the category of immigrant as legally defined and understood and thus were not eligible to receive any government assistance on arrival (e.g. housing, transportation, job placement) (see discussions in DSCS 1876).

⁴ Rather than “defective or useless” as some legislators had started to categorize Southern and Eastern European immigrants.

⁵ An examination of official agent reports submitted to the CCI, shows a precedent to these views on the role of immigrant households in the colonization project (Kleiner 1983).

Nevertheless, single women from Italy and Spain evidently found their way to Argentina in increasing numbers (see Appendix I, Table 8). This suggests they discovered ways to meet or circumvent legal requirements (traveling with extended family members, real or fictive; traveling to meet fiancées). So long as the proper certificates were in order, authorities were not too inclined to probe their authenticity. The significance of the legal distinctions made in the LIC resides in the additional costs they implied for single women and in the extent to which they made single women more available to state administration both in Argentina and in their countries of origin.

Finally, Part I of the LIC described several other categories of “inadmissibles”: individuals afflicted with contagious illnesses (or from ports where there had been an outbreak of cholera, yellow fever or other communicable disease), the insane, convicted felons, and the elderly (unless they were heads of household) (Chapter 6, Articles 31 and 32). The last three categorical exclusions were common place in period emigration policies (IRS 1901; ILO 1922), but the concern with communicable diseases was grounded in Argentina’s epidemiological history. Buenos Aires, its most populous city, experienced several epidemics in the second half of the 19th century including five of cholera, four of measles, three of typhus, and four of yellow fever. In 1871, just prior to the legislative debate about the LIC, Buenos Aires experienced a yellow fever outbreak that lasted six months and left 14,000 dead (Armus 2003:51, 72; Rock 1987:143), and this was likely fresh in the minds of legislators (many of whom left the city to avoid contagion). For the most part, these categorical exclusions remained latent until the interwar period when immigration inspectors used vague diagnoses of “glaucoma” to bar the entrance of people considered undesirable because of their national or ethnic origins. During the period under review, however, illness was not often used to exclude immigrants possibly because the LIC held shipping concerns financially responsible for the repatriation of diseased individuals.⁶

Part II of the LIC dealt with the colonization of national, provincial and private lands.

“Colonization” here referred primarily to the economic exploitation of undeveloped lands, primarily in

⁶ This provision was invoked by health inspectors in 1912 to board an Italian vessel suspected of transporting cholera stricken migrants. This triggered a diplomatic crisis with Italy (Portela and Santoliquido 1912; Rivarola 1912a 1912b; Choate 2002) and Italian officials prohibited emigration to Argentina for 11 months.

the interior (i.e. non-urban areas of the province of Buenos Aires and other provinces),⁷ but it also entailed a political project to consolidate national unity (there were still ongoing conflicts between Buenos Aires centralists and federalists from the interior) and to define the relationship between federal and state claims to national territories.⁸ Indeed, some legislators had refused to discuss a law of immigration and colonization until the competencies of federal and provincial governments with respect to national territories were clearly parsed (DSCS 1876).

The economic project envisioned in Part II of the LIC was to open wide expanses of unexploited lands to agriculture, and to link resulting products to growing international markets (see Chapter I for an overview of 19th century economic transformations in Argentina). Small immigrant colonies in the Argentine delta and pampas had already shown the potential for economic success beginning in the 1850s (Rock 1987:136ff.), especially those in Santa Fe, Corrientes, Entre Rios and in a belt surrounding the city of Buenos Aires. These colonies had played an important role in the economic boom experienced by Argentina since the 1860s.⁹ Legislators hoped that a similar approach could be used to populate and develop other parts of the Argentine interior. However, the very economic success of earlier colonies, the expansion of railroads, and state land policies combined to limit the success of colonization projects fostered by the LIC (especially in the province of Buenos Aires, the most populous and economically developed). Particularly after 1880, Argentine economic success attracted foreign capitals primarily from Britain (see Rock 1987:132, 153; Della Paolera and Taylor 2003:170). Part of this capital was invested in infrastructural expansion like railroads intended to link production areas of the interior (where many

⁷ Contrast this to the outward oriented concept of “colonization” in the Italian case (beginning with Einaudi and through Mussolini) and to the ambiguous reinterpretation of colonization in Spain (see Law of Repopulation and Internal Colonization 1908).

⁸ National territory (*territorio nacional*) in these debates refers to large expanses of land not administered by either provincial or federal governments. One must keep in mind that when the LIC came into effect, the boundaries separating provinces and federal lands and their respective competencies had not been clearly established.

⁹ Wool production was an important factor in this boom. Sheep farming increased dramatically between 1850 and 1880. During this period, the sheep population rose from 7 million to 61 million, and wool exports from 7,681 to 92,112 metric tons. The wool economy attracted workers to carry out tasks such as shearing, carting the fleeces, and building fences and sheds. The perception was that families were particularly suited to these tasks. On the agricultural front, there was almost no cultivated land in the early 1850s, but it had grown to almost 600,000 hectares by 1872, and 2.5 million by 1888. Wheat, corn, linseed, barley and oats were the main crops. The increase in cultivated lands required labor and often this was arranged by provincial governments directly with “colonists” from abroad (Rock 1987:133-138).

colonies were located) to River Plate ports. Unfortunately, landowners during this period preferred to speculate with the rising prices of properties close to an expanding network of railways, rather than make land available for exploitation. In Buenos Aires, colonization projects were further hampered by the state's policy of paying military providers and war veterans with public lands, a practice that resulted in concentrated land ownership (Rock 1987:131-152).

Nevertheless, the economic "success" of Argentina as a peripheral producer and market contributed to a convergence of formerly divided elites and thus to the country's political consolidation. Massive numbers of workers came to Argentina from Europe, but in the end, immigration turned out to be a primarily urban affair (Appendix I – Table 4). Notwithstanding the failure of official colonization projects, the LIC was successful in conveying what political elites had maintained since Alberdi and Sarmiento: immigrants were central to the making of a modern Argentina and would be treated accordingly.

For the most part, Argentines judged the LIC a success because European immigrants came in large numbers (never mind that economic and political factors actually sparked these flows). To be sure, some felt that Argentina's interests would be better served by a greater representation of northern Europeans among immigrants, but this did not detract from an overall positive assessment. This may explain the LIC's longevity – it remained in force with some regulation until being replaced by Law 22429 of 1981 – and politicians' reticence to change it.

Indeed, the LIC was regulated, but never modified legislatively during the period under review. In 1880 a set of "Rules for Disembarking Immigrants", outlined precise procedures to be followed on arrival of immigrant bearing ships (apparently immigrants and shipping concerns complained that it took too long to disembark) (IRS 1905: *Reglamento de desembarco de inmigrantes* de 4 de Marzo de 1880). These rules were issued as a regulatory decree signed by President Avellaneda (December 30, 1882). In addition to provisions for a swift landing, the presidential decree outlined the types of documents required from migrants (depending on whether or not their countries issued passports) and authorized a "welcoming committee" of immigrant officials to retain the documents of passengers with questionable

“social condition or background” (Article 5, Inc. 6). Finally, the decree underscored the content of Article 32 of the LIC (concerning the sick, the insane, and the elderly) and the penalties for not following its provisions. Two 1916 decrees further regulated article 32 and increased the documentary requirements for entry.¹⁰

However, there was no legislative reform of the LIC. In 1923, a time of relative social calm, President Alvear and his Minister of Agriculture (Le Breton) presented an ambitious bill to reform the LIC (following the example of restrictive legislation in the United States) (Devoto 2001:282). Alvear and others were concerned that Argentina would become the “dumping ground” for migrants rejected by other countries. In addition, concerns about the slow assimilation of migrants persisted among elites (cites). But Alvear’s proposed reforms generated considerable public and political outcry, and eventually floundered in the debate. He opted to regulate the LIC by executive decree, a strategy that would become the preferred practice under subsequent administrations.

Before discussing nationality law in detail, it is important to underscore the significance of the bureaucratic infrastructure that accompanied and followed the implementation of the LIC. In 1911, the DGI opened a massive migrant processing complex in the Port of Buenos Aires.¹¹ It consisted of a receiving dock, offices and housing for migration agents, and the *Hotel del Inmigrante* where newcomers found lodging during their first days in Buenos Aires. The Immigrant Hotel consisted not only of dormitories, but also included a large mess hall, and a hospital (which was to take on an increasingly important role in the immigrant selection process). It continued to function throughout the period of massive migration. At the Immigrant Hotel, immigration officials administratively screened and

¹⁰ In addition to a photo-bearing passport, immigrants needed three certificates in order to immigrate: a certificate attesting to the subjects’ clean criminal record, a certificate of financial solvency, and a mental health certification (all issued by state agencies in the country of origin) (Devoto 2001).

¹¹ The development of a port infrastructure facilitated not only the massive export of goods that drove Argentine economic development, but also the associated importation of badly needed workers. The Port of Buenos Aires was the main port of entry for all overseas migration, and often a place of first employment. Prior to the development of Puerto Madero in 1897 (Bourd  1974), passengers had to be transported from arriving vessels on smaller craft (due to shallow waters: see Scobie 1971 and McNair 1912). Given considerable advances in transportation technology during the last quarter of the 19th century (Vazquez Gonzalez 1994), the Port would not have been able to handle the volume of goods and people required by an economy in expansion. With the port facilities fully functioning, migrants arrived at the docks and disembarked directly into the Immigrant Hotel complex. These facilities were to play a key role in migration flows well into the 1950s.

medically examined new arrivals. The onsite DGI office assessed paperwork received from migrants at the point of departure, recorded their entry, and issued documents that would later be used for purposes of national social control (photography, finger printing, and a universal identification document).

In Europe, a system of consular offices emerged to promote migration and interface with sending country communities and authorities. Consular offices were under the supervision of the Ministry of Foreign Relations (MREC), a state entity constantly at odds with the DGI and its successive sponsoring agencies.¹² In the early 1880s, there were 35 consular offices in Spain alone. These offices were located in large commercial centers, and in smaller towns, their location often coinciding with hubs in migrants' social networks. By 1904, there were 56 consular offices in Spain.¹³ This number dropped after the Great War, but in 1933 there were still 42 consular offices in Spain. Similarly, by 1895 Argentina had 30 consular offices in Italy. By 1910, this number had increased to 42 and by 1933 there were about 25 offices. In no other European countries did Argentina have as many consular offices, with the exception of Britain (source of much capital investment). For the purposes of this discussion, the number of consular offices matters because it shows the emergence of an organizational structure with the potential to either impede or foster future migration, but also to manage people and define their relationship to the Argentine state.

Making Nationals?

If immigration policy aimed to attract and recruit badly needed workers and settlers, citizenship law was an attempt to affiliate newcomers to the Argentine state on a more permanent basis. The main preoccupation of legislators who drafted the *1869 Citizenship Law* (#346) was to avoid a situation in which neither immigrants nor their children became citizens. Although miniscule compared to subsequent flows, migration in the 1850s and 1860s had already generated a sense that Argentina was like a city with

¹² The conflict between these two state agencies, one charged with managing regulation at the point of migrant origin (MREC) and another at the point of destination (DGI), is consequential for state-migrant relations and will be taken up again in the chapter covering post 1919 developments.

¹³ Figures calculated from data in the MREC's *Memoria Annual* (1900-1933).

many residents, but few citizens (to use the imagery of Domingo Sarmiento 1928:286). In a bid to attract European migrants and their “civilizing” influence, the framers of the 1853 Constitution had offered very favorable terms: immigrants could own property, inherit and bequeath wealth, move about the territory freely, do business, vote in local elections, petition the authorities, organize as legally protected workers, and engage in public employment with no obligation to render military service or pay taxes (Constitution of 1853, Articles 14, 20, 21). One appalled congressional deputy noted that immigrants could even become ministers at the highest level of government without being citizens (DSCD 1863:2). However, the very constitutional incentives to attract migrants to Argentina proved disincentives to joining the political community. After all, if migrants and their children could enjoy most of the same rights as citizens without having to fulfill the most onerous obligation (military service), why would they naturalize?

In this context, the long term affiliation of newcomers and their children could not be accomplished through “citizenship of origin” (based on descent), but rather through “natural citizenship” (based on country of birth) (DSCD 1863):

[The children of immigrants born in the Argentine territory are many] and as General Mitre and Mr. Sarmiento [members of the constituent assembly and both subsequently Presidents] have said “if individuals born in the territory of the Republic were not obligated to accept Argentine citizenship then in a short time we would have a Republic of Argentina composed of Germans, Englishmen, Frenchmen, of foreigners who would raise their flags expecting to receive preferential treatment relative to citizens, of foreigners who truly have no *patria* because being far from the homeland in which they accept citizenship of origin they will only recognize its government to demand preference from their native country and prerogatives from their country of birth. They would thus be Argentines by birth and at the same time foreigners: that is, they would have prerogatives to which the children of the Argentine Republic could not aspire (DSCD 1863:2).¹⁴

By choosing *ius solis* as the primary principle to determine national membership, legislators sought to ensure that the children of migrants would be indisputably linked to Argentina. Imbued with the same liberal sensibility that informed the 1853 Constitution, legislators offered naturalization to migrants on very favorable terms: a letter of citizenship could be requested after a 2 year period (which could be shortened via an administrative request), at no cost to the applicant and before a local federal magistrate with minimal documentation. Most importantly, new citizens would be exempt from military service during ten years following naturalization (Law 346, Articles 2, 6, 10, and 11).

¹⁴ Note how these comments presage today’s arguments against dual state affiliations (cf. Hansen and Weil 2002).

Congressional debates suggest that legislators perceived migrants as individuals who strategically called on either their country of origin or settlement. Even as they tried to gain migrants' affiliation to the Argentine state, they understood that European newcomers were partly motivated by a desire to escape the reach of homeland states into their pockets and around draft-worthy men. People's sense that nationalizing states were embracing them in unwelcome ways is succinctly captured by an Italian mother's warning to her son: "*scappa, che arriva la patria*" ("flee, for the motherland comes!").¹⁵ The sentiment was expressed in a variety of ways in sending contexts. Galician peasants reacted against the liberal state's crippling taxation by burning tax registries and the homes of local officials and against conscription by either self-mutilation or emigration (Carr 1980:69).¹⁶ Italian peasants were no less resistant to increased taxation or conscription efforts (Baily 1999:34; Reeder 2003:179). In Italy and Spain, people balked at censuses and other enumerating efforts that made women and children objects of state interest in ways that taxation, mostly directed at men, had not (cite?). In view of people's skittishness towards states, Argentine political elites hoped to entice would-be nationals with promises of unobtrusive, streamlined naturalization procedures and more importantly an offer of a time-limited exemption from military service.

¹⁵ Cited by Hobsbawm (1987:142). See also Moya 1998:21.

¹⁶ Given terms of military service (4-6 years) and the very real possibility of death or incapacitating injuries, men's resistance to conscription is understandable. For instance, Spaniards were engaged in the Moroccan War (1859-60) and maintained a military presence in Cuba where a ten year insurgency began in 1868 (Moreno Friginals 1995). Both endeavors put conscripts at risk of death either in the course of warfare or as a result of illness. Subsequently, Spain would engage in the Spanish-American War and military invasion of Morocco. The first, beginning in 1895, cost the loss of 2,129 lives in military action and 53,000 through disease just in Cuba (Carr 1980:47). In 1909, Spain mobilized troops to Morocco as part of a protectorate with France (a move that sparked considerable public disapproval and culminated in Barcelona's *Semana Trágica* of 1909) (García de Cortazar et al. 1994:544). In the aftermath of these events, officials noted a spike in emigration of 18 year olds with concern (CSE 1916:102ff.). Notwithstanding these events, generals committed 65,000 troops to Morocco in 1913. In July 1921, the worst disaster in Spanish military annals took place at Anual where Moorish tribesman slaughtered about 12,000 Spaniards, mostly conscripts (Carr 1980: 93ff.; Garcia de Cortazar et al. 1994: 544). Although Italians were less willing to engage in war before the turn of the century, they maintained a military presence in Eritrea since 1890 and suffered an embarrassing defeat at Adowa (Bosworth 1979: 81, 84). In 1911, Italy entered a war with the Ottoman Empire over Libya which ended within a year, but was costly in lives, lire and political capital (Row 2002:88-89; Lyttleton 2002:272). During the Great War, Italy had fought the battles of Isonzo and suffered 58,000 casualties and 140,000 injuries. In 1917, Italy's entire eastern front collapsed with its greatest defeat ever at the battle of Caporetto (Row 2002:98-100). During the Great War, state policy took a brutal form (withholding of need supplies) and cost an estimated 100,000 lives. No doubt Italian and Spanish youth had reason to think twice about serving in the army. Even Mussolini had fled to Switzerland to avoid conscription (though he returned under an amnesty do to his military service; Weber 1964:71).

At least this was the letter and intent of the Citizenship Law in the late 1860s. Mass immigration was to test its limits. At the time of the first census in 1869, the total Argentine population was just over 1.7 million, but by 1920 it had increased to 8.7 million, largely due to migration (Appendix I, Table 3). The proportion of foreign born residents jumped from 12 to 24 percent during the same period. In Buenos Aires and some of the other immigrant receiving provinces (Santa Fe, Entre Rios, Mendoza, La Pampa), this proportion was near 50 percent in 1914. As the period of massive migrations unfolded, however, several concerns registered acutely in public and political debate: the persistence of distinct immigrant institutions (associations, schools, language), nationality policies of the Italian and Spanish governments that made claims on Argentine born children of immigrants, low naturalization rates among immigrants despite bureaucratic ease of the process, immigrants' political allegiance with countries of origin, and, though elites were ambivalent about this, low levels of political participation among new Argentines (Olivieri 1997; Gandolfo 1991; Villavicencio 2003).

Contemporary observers felt that Law 346 had been found lacking in many respects. Some noted that the aspiration to reform and expand the 1869 Citizenship Law in response to emergent needs was as old as the Law itself (Durá 1911:112; Carbone Oyarzun 1928).¹⁷ As early as the 1880s and well into the 1920s, Argentines worried that the Law's intended end of assimilating foreigners was not being reached. Their concerns were not unwarranted. In the 10 year period between 1906 and 1915, registries from the federal courts charged with processing naturalization applications show very low naturalization rates. About 40,000 immigrants became Argentine citizens during this period (almost three quarters were either Italian or Spanish; the latter were more likely to naturalize) (CNC 1916:212). Considering that by the Third Census (1914) the foreign born population was about 2.4 million, this was an alarmingly low

¹⁷ Durá (1911) supports his claim by citing 13 university theses concerned with the reform of nationality law between 1869 and 1896. In his view these reflect not only the views of the authors, but also of their professors and of multiple draft bills to reform the citizenship law (check this against the *Revista de la Universidad de Buenos Aires'* listing of all theses in law and social sciences).

number to some Argentines.¹⁸ Others were indifferent or ambivalent about incorporating the largely foreign born masses to Argentine politics (Rock 187:143).

Observers have proposed several explanations for the low naturalization rates among immigrants to Argentina. In his comparative examination of immigration to Argentina and Chile, Solberg (1970:42) attributes low naturalization rates to the closed political system of both republics. In support of this he cites the change in naturalization rates after the Saenz Peña electoral reform opened the way to “honest” elections in 1912. Indeed, while the absolute numbers are very small, naturalization rates among Spaniards more than doubled and almost quadrupled among Italians between 1910 and 1911 (CNC 1916:212). An alternative to Solberg’s political empowerment thesis is simply that political parties recruited heavily among immigrants after passage of the electoral reforms.¹⁹

Moya (1998:489) concludes that low naturalization rates are attributable to the lack of incentives for naturalizing. Foreigners had all the rights of citizens,²⁰ but were exempted from the most cumbersome civic obligation: military service. By contrast in the U.S., the franchise offered more tangible benefits and many government jobs required citizenship (including municipal street cleaning, an important occupation among Italians).²¹ National origin groups in the U.S. who had little to gain by naturalizing, on the other hand, did not. Mexican migrants in the first half of the 20th century, perceived that formal membership status in the United States, to the extent it was open to them, would not translate into substantive membership rights (Taylor 1932). Also, the military draft did not exempt foreigners. In Canada, Dominion Land Law restricted homestead grants to native or naturalized citizens (Nugent 1992:148).

However, it is not just that there were few incentives to naturalize. From a migrants’ standpoint, there were strong incentives not to naturalize. To the extent that naturalization implied loss of original nationality (and it did primarily for Italians prior to 1912 and for European women who married

¹⁸ Solberg (1970:42) calculated that only 2.25 percent of foreign born males in 1914 had naturalized.

¹⁹ Also, given the demand for conscripts to fuel Italy and Spain’s respective military ventures around this period, other incentives to naturalize may have been at play. See footnote 16 on military service.

²⁰ The exception was the right to vote in national elections. However, given that prior to the 1912 electoral reform voting was an elite male affair, this was a right of dubious worth.

²¹ However, by 1912 some jobs in Argentina required citizen status (Alvarez 1912).

foreigners throughout the period under consideration), it entailed the risk of losing the tacit support of diplomatic and ethnic support networks which often acted as an effective means to exercise pressure and to defend immigrants from arbitrary treatment by the state, natives and other foreigners (Devoto 2003:324). Indeed, immigrants in Argentina may have been in a better position with respect to the state than natives. This may explain why available data show Spaniards (benefited by diplomatic treaties that allowed for the possibility of dual nationality) naturalizing at a higher rate than Italians (who risked losing their birth nationality prior to 1912). It may also be an additional factor to consider when examining immigrant women's high rate of marriage within their national origin group since most European nationality laws attributed husbands' nationality to their wives. Thus, Italian and Spanish women who married Argentines would have lost their own nationality. Argentine nationality law was silent on the matter²², but it was generally assumed that European immigrant women who married Argentine men became Argentine.²³

Comments by interested observers and period jurists underscore another incentive to avoid naturalization or to time it effectively: the possibility of instrumentally playing off the rights and obligations of sending and receiving states against each other in a bid to maximize state related privileges and minimize duties. Spanish legal scholar Castro y Casaleiz (1900:28ff.) complains that in the latter half of the 19th century it is not uncommon to find foreigners in a privileged position relative to natives. In his view, this situation represents a radical break with a past in which the condition of foreigners was almost inferior to that of slaves. He attributes this to emigration and the pressure it placed on states to extend their protection to subjects beyond their borders and to some receiving countries' overly generous naturalization laws. In many instances, governments have sought the greatest expansion of rights possible for their nationals abroad. As the rights of national and foreigners converge, a new and anomalous situation emerges: that of *heimathlosat* or *peregrine sine civitate* (the stateless or sojourners without a

²² However, it did list marriage to an Argentine woman as grounds for requesting Argentine citizenship.

²³ Although this was nationality by default since naturalization letters were generally not issued to women prior to the 1910s. Indeed, prior to the 1911 Lanteri case there was no jurisprudence in this area (Rivarola 1912; Bermejo et al. 1918; Carbone Oyarzun 1928).

city). This new type of immigrant avoids the duties that would apply if they became citizens in their place of residence and those pertaining to their birth country. As an example of “criminal naturalization”, Castro y Castaleiz cites the case of Spaniards who naturalize abroad in order to enjoy greater protections when they return to Spain. Argentine juridical doctrine in the 1920s also noted the alleged inequity inherent to “excessively” liberal citizenship laws: “if equality is the base of [taxation], if the nation’s inhabitants are equal before the law and have equal access to all jobs . . . , it is wrong to offer non-citizens a more advantageous situation with the same political community” (Jurisprudencia Argentina 1925:63). Period jurisprudence also contains multiple instances of immigrants naturalizing to avoid conscription during war time and then attempting to regain nationality of origin (e.g. the Barrueta case, RJA 1918).

In sum, constitutional and citizenship law provisions offered no compelling incentives to naturalization, and, in fact, may have provided solid incentives not to naturalize. A consideration of incentives and disincentives to naturalize offers a glimpse into the way migrants engaged receiving and sending state efforts to enlist or maintain them as members.

As the preceding comments suggest, citizenship in Argentina and elsewhere during this period was primarily a male prerogative. Women’s status with respect to the Argentine nation-state derived from their relation to men. This was the prevalent view of the time in Argentina and elsewhere (see Hobsbawm 1987:192ff), so much so that women as a separate category of citizens merited no special attention in the 1864 Citizenship Law. All political and most civil rights were limited to men. More precisely, prior to 1890, 1911 and 1913 in Spain, Argentina, and Italy respectively, only elite men had access to the franchise at all levels. Before 1931 (when Spanish women were enfranchised), citizenship entailed some civil rights and obligations, but no political rights for Argentine, Italian and Spanish women.²⁴ Furthermore, in the case of married women from any of the countries discussed here, civil rights were very limited and subject to the husband’s oversight, a point ironically illustrated by the fact that even ardent feminists seeking to establish precedents on nationality law had to ask the permission of their husbands to initiate legal proceedings (Bellota 2001).

²⁴ Italian women received the franchise in 1946, and Argentine women in 1947.

For observers in the first decades of the 20th century, the naturalization process had become cumbersome and too reliant on the interpretation of lower level magistrates (CNC 1916:211; cf. Rivarola 1912:605). These same observers worried that “in certain times of political agitation” requirements had been all too lax in the interest of incorporating voters to particular political parties (CNC 1916:211).

Juan Alvarez (1912:51ff.), a state attorney in the port city of Rosario, worried about the many problems created by the Law’s lack of specificity about how to establish that citizenship criteria had been met. First, this shortcoming opened the door to considerable discretion and the possibility of arbitrariness on the part of local courts charged with processing naturalization applications. He cites the low percentage of applications granted at a local court. In turn, unclear and unstandardized procedures caused applicants to meet requirements emerging from court practice in imaginative ways (for example, by recruiting strangers to serve as character witnesses). Second, the documents required by courts to support naturalization applications (sworn statement by two witnesses, a certificate of good conduct from the police, and/or consular certificates) fostered a series of illegal practices. Newcomers who wished to work for the police or public administration sought to naturalize shortly after arrival without meeting the legal requirements. Even Argentines tried to avoid military service by requesting naturalization (as new citizens they would have been exempt for 10 years). And of course a small cottage industry of “forms” and processing agents had emerged in relation to naturalization. Finally, few naturalization decisions were appealed and therefore jurisprudence on the matter was scant (my review of jurisprudence between 1910 and 1920 confirms this).

PART II - RETENTIONIST POLICIES IN ITALY AND SPAIN

Protecting and Regulating Emigration

If the intent of Argentine immigration and nationality laws was to attract and recruit workers and would-be citizens, Italian and Spanish emigration laws aimed to protect migrants once they left the national territory and to maintain ties with them and their descendants. In practice, state agents at the central government level aimed to keep aspiring migrants home when possible, while regional and

municipal level officials sought to regulate emigration according to local circumstances (Hansen 1940; Moya 1998:18, 431). Despite similar emigration experiences, Italy and Spain developed policy frameworks at different times, with different emphases and different ways of regulating migration and nationality laws. The following paragraphs describe policy patterns common to these countries and possible reasons for observed differences.

Italian Emigration Policy

Before 1888, emigration in Italy was regulated by a series of circulars (Olivieri 1987:236), Minister Menabrea's being the best known (Ostuni 2001:309; Manzotti 1969:16). These were implemented by mayors and prefects in towns and at ports. The prominent economist, and shipbuilder Jacopo Virgilio (1868:27ff),²⁵ famously attacked the Italian government for interfering with emigration by means of ministerial circulars. Minister Lanza issued a similar circular a few years later (18 gennaio 1873) instructing mayors to “dissuade their subjects from expatriating, [by] depicting the danger of falling into the hands of astute speculators” (Manzotti 1969:17). It was the duty of prefects to deny certificates of good conduct (*nulla osta* or “no impediment”) to the poor because of their potential to generate repatriation costs and to men who had not yet met military service obligations.

The 1888 *Crispi Law*²⁶ on emigration, named after the prominent southern Prime Minister, reflected a still unresolved debate among political elites about the nature of emigration from a nation-building perspective and about the role of the state in emigration.²⁷ From a nation-building perspective, Italian elites passionately debated (in a mercantilist vein) whether or not emigration was, a material and symbolic loss to the nation and hence something to be prohibited by the state (e.g. Marchese Di Cosentino 1874) or, from a quasi-liberal perspective, a phenomenon with costs and benefits that should not be

²⁵ For biographical information on Virgilio, author of one of the earliest and most widely studies on Italian emigration, see Manzotti (1969:16), Marruco (2001:62); Ferrari (2000). Virgilio was a well-known proponent of “commercial colonization” view of emigration

²⁶ *Legge Crispi* or *legge 30 dicembre 1888*, n. 5556.

²⁷ For discussions of the debate leading up to the Crispi Law and of the law itself see Baily 1999:34ff, Cinell 1991, Dore 1964:31-108, Foerster 1919:475, Gabaccia 2003:13, Manzotti 1969:69ff; Ostuni 2001:311ff., and Olivieri 1987:236.

hindered by the state, but managed intelligently while its causes were addressed (Carpi 1874). Others, notably Virgilio (1868), held a strictly liberal view of emigration as a phenomenon in which the state should not interfere and one offering many advantages for a country with limited resources and a burgeoning population. The mercantilist and liberal views coincided closely with those of landowners and Genovese shipbuilders respectively (Manzotti 1969:31). These debates persisted for decades, but by 1887 public opinion turned decidedly in favor of some form of state intervention as news of emigrant exploitation, its inescapable magnitude,²⁸ and some of the benefits of emigration became more widespread (Manzotti 1969:32). In 1887, Francesco Crispi introduced a bill in the Chamber of Deputies and it was signed into law the following year. Italy then ceased to be one of the few European countries with no law on emigration.

However, the Crispi Law was not so much an emigration law as it was a public safety measure. Its purpose was to oversee and protect emigration primarily before departure. Crispi (1915?) made this clear in a speech to the Italian parliament: “the government must protect emigrants, direct them nations where they will find work, and assist them while they work in foreign countries”. In broad strokes, it contained the following provisions: full freedom to emigrate, regulation of emigration agents, regulation of the terms of transport contracts, resolution of transportation related disputes, and measures to prevent illegal emigration. The Crispi Law promised that emigration would be free “save for such duties as the laws impose on citizens” (i.e. military service for men under the age of thirty-two). It extolled spontaneous emigration and denounced artificial emigration (i.e. fostered by official or commercial actors). According to Ostuni (2001:311), the entire law hinged on the obligatory written transportation contract meant to defend “the ignorant masses” from the evils that could assail them en route to new destinations. As Congressional Deputy Nitti would sarcastically comment, migrants were lovingly escorted to a waiting ship only to be thrown into the ocean to sink or swim. Thus, Italy’s first emigration

²⁸ For statistics about Italian migration prior to 1876 see Virgilio (1868), Carpi (1874), Bourd  (1974); Foerster (1968); Alsina (1898); Ravenstein (1885).

law immediately became the target of another debate pointing to the gap between it and the situations popularly perceived as those to be addressed.

In other words, the Crispi Law did not create an administrative infrastructure like the Argentine DGI to implement its provisions. For instance, while the Law underscored the importance of regulating emigration agents and contracts, and ensuring the safety and health of migrants at sea, it made no practical provisions to enforce these provisions and migrants were essentially left migrants to their own devices. For this reason, the Crispi Law did not form part of an explicit policy framework (i.e. a well developed system of laws and practices supported by a bureaucratic infrastructure dedicated to implementation tasks).

In terms of the Crispi Law's categorical concerns, it addressed not only the territorial mobility of men subject to military service obligations (standard in emigration policies of the period), but also that of married women. At this point there is no officially articulated discourse about women as biological and social reproducers of the nation, such as was prevalent during the fascist era in Italy (de Grazia 1992). Italian political elites generally viewed emigration as an event exceeding women's coping capacities (Ostuni 2001:311) and as a threat to their moral purity. Responses given by mayors to Leone Carpi's (1874) national survey about the character and emigration of Italian women abundantly illustrate this point. Beyond this paternalistic rationale that applied to all women, the restriction on married women likely had two justifications. First, it was meant to discourage emigration as a way to informally alter or exit marriage arrangements. Second, political elites reasoned that migrants who left wives in Italy were more likely to send remittances and to return. If wives went abroad, not only would men's remittances and possibly their allegiance be lost, but if the latter should naturalize, the entire household would take the nationality of its male head (with the consequent loss of nationals to Italy) (more on this below). This was the view at the time of the Law's implementation. By the time of debates leading to a new emigration law in 1901, moral views of migrating women had not changed much, but migration patterns had and with them the concerns of emigration policy.

The *Law of Emigration*²⁹ that went into effect in January 1901 resulted from the political and public debate generated by the Crispi Law (Dore 1964, Manzotti 1969, Filipuzzi 1976). It remained in force during the period of greatest migratory flows from Italy (i.e. the first decade of the 20th century). The Law hinged on the creation of the *Commissariato Generale dell'Emigrazione* or General Emigration Commissary (CGE), an influential bureaucracy which continued in its functions until fascist reforms in 1927.³⁰ It also created an emigration fund to partially finance activities of the new bureaucracy. The CGE was to “centralize everything concerned with emigration services”, subsuming those functions previously carried out by a multiplicity of government agencies. Here now was the centerpiece of Italy’s emigration policy framework.

If the organization of a law says anything about its authors’ intentions, then the content of the 1901 Emigration Law’s chapters is telling. After summarily stating that “emigration is free within the limits established by law”, article one of the first chapter gives a lengthy description of constraints on the emigration of military aged men. The next three articles address the recruitment and exploitation of minors to work abroad and associated penalties (cf. Filipuzzi 1976 on the public debate about working children). Article 5 enjoins “competent authorities” to issue passports at no charge and within 24 hours of receiving the petition for a certificate of good conduct (*nulla osta*). Control over actual and potential conscripts, prevention of child labor, and removing incentives for a trade in documents seem to have been key concerns for Italian legislators.

The second chapter defines emigrants, stipulates the conditions under which minors may emigrate, describes the composition and objectives of the new bureaucracy, regulates the operation of shipping concerns, establishes rules for resolving conflicts between these concerns and passengers, and outlines the establishment of an emigration fund. As in the Argentine case, “emigrant” was an imminently male category (cf. ILO 1922:18). It was also defined by stated geographical destination and manner of transportation: a citizen (generic masculine noun) headed for locations beyond the Suez Canal (but not to

²⁹ The law was regulated by decree n. 375, July 1901.

³⁰ See Ipsen (1996) for an overview of the agency, its structure and funding.

Italian colonies and protectorates), or the Gibraltar Straits (but not the coasts of Europe) and who travels in 3rd class (or legally defined equivalents) (IRS 1905:153). The length of the remaining articles reflects a concern with providing an adequate bureaucratic infrastructure to regulate emigration and to avoid the exploitation of emigrants by shipping lines.

A third chapter sets the terms of state supervised emigrant recruitment, criminal sanctions for violation of an accompanying regulatory decree and provisions for resolving disputes about attached costs. A fourth chapter revisits the matter of military citizenship, contemplates various exceptions and addresses citizenship. It even modifies part of the 1865 Civil Code and parts of the military recruitment law (specifically, it made it easier for the children of Italian emigrant who had lost their nationality to recover it and made consular authorities responsible for military enlistment activities abroad). The final chapter simply gives the dates that provisions will go into effect. Interestingly, it derogated specific provisions in the Crispi Law that limited the emigration of women, although it was only with a 1919 law (legge 17 luglio, no. 1176) that women's legal standing formally approached that of men (Ostuni 2001).

The 1901 Emigration Law both tightened its hold on men subject to military obligations, and vulnerable migrants (particularly children) and loosed its formal grip on women's emigration (although moral imperatives against female emigration likely continued to operate at the level of everyday bureaucratic encounters). In addition, it created the bureaucratic infrastructure that would allow the Italian state to assess and control emigration in an unprecedented manner. With occasional regulation by decree, the law remained in force for almost two decades. In 1919, the Commissariato dell'Emigrazione effectively changed Italy's entire emigration policy by authoring a new *Codice dell'Emigrazione* (Caioli 1967; Lo Presti 1917; Glass 1967). The new code imposed limitations on the types of jobs emigrant women could do abroad, draconian provisions for shooting people who crossed at unauthorized points, and fines for people who induced clandestine emigration. This represented a turning point in Italian emigration policy and marked a shift towards greater restriction.

In sum, Italian legislators made early, but timid attempts to regulate migration. The Crispi Law (1889) was little more than a public safety measure, a rhetorical gesture to protect "defenseless" migrants.

What it lacked by way of an administrative infrastructure dedicated to controlling emigration, the 1901 Emigration addressed by creating the CGI. This would allow Italian state officials to more actively regulate the movement of men subject to military service obligations, of minors, and of other citizens deemed worthy of control by the government.

Spanish Emigration Policy

If in Italy liberal elites were reluctant to legally regulate emigration, avid participants in a heated debate about the phenomenon, and late in implementing emigration controls, Spaniards regulated emigration early, repeatedly, but with little public debate (Sanchez Alonso 1995). Indeed, Spain had carefully regulated the departure of its subjects during the colonial period and in early postcolonial times through a system of travel permits.³¹ In part, the effort to control the movement of Spanish subjects was due to mercantilist notions of population as a reflection of a nation's strength and wealth (strength in numbers, as Mussolini would later say). As Nadal (1984:120) has argued, a populationist sentiment implied a population policy.³² In response to demographic and ideological changes that had taken place by the mid-19th century, the Spanish state began to lift emigration restrictions. Spain's population grew from about 10.5 million in 1797 to 18.5 million by 1900 (Nadal 1984), and demographic pressures were particular evident in regions like Galicia (not coincidentally among the top sending regions). In addition, liberal views of demographic growth, economics, and migratory rights gained some currency during this time.

Despite the dearth of public debate about emigration two positions may be distinguished. First, a *populationist/mercantilist perspective* emphasized the importance of sufficient population in the full

³¹ However, an examination of royal decrees between 1559 and 1769 shows growing official desperation at the futility of these attempts (MTP 1930:286-310). This series of decrees begins with timid sanctions against emigration, escalates to hard labor and eventually capital punishment, before retreating to stiff fines. Note that while significant enough to alarm the Crown, migration to the Americas was minute compared to subsequent flows.

³² The sentiment was evident not only in overtly political works and policies, but also in 18th century writings by nongovernmental child-rearing and maltreatment experts. In a treatise on child nurses, a physician writes that the "true strength and wealth of a state depends on the number and health of the individuals that comprise it" while the "causes that diminish population and pervert the physical and moral qualities of its subjects are those that most directly bring the state to ruin". A church official from Pamplona similarly lamented the loss to the state represented by abandoned and exposed children (Nadal 1984:120-121).

development of Spain's potential (Sanchez Alonso 1995) and was rooted in the elite perspectives mentioned earlier. For the most part, its proponents were not concerned with a declining population (at least, not by the late 19th century), but rather with its distribution (over-population in Northwestern Spain, under-population in central regions) (e.g. IRS 1905:26). A second perspective viewed emigration as the symptom of other social and economic problems. As such, it was susceptible to state assistance and protection. Both perspectives, however, held a negative assessment of emigration.

A sampling of legislative debate illustrates negative views of emigration. The Special Legislature of 1822-23 referred to "a report forwarded to the committee charged with reporting about the Nation's ills by [the mayor] of Gerona about measures implemented to impede emigration". In the legislative session of 1876-1877, two deputies introduced a bill to "avoid emigration". Legislative debates between 1887 and 1905 referred to "means to avoid emigration", "measures that the government intends to take to avoid it", "measures to contain" emigration, pleas to the government to decrease emigration, and warnings of its magnitude (IRS 1905). Occasionally, there were resigned pleas for the government to facilitate it (*Diario de Sesiones del Congreso* 1891). On balance, even as the quintessential representatives of 19th century liberalism,³³ Spanish political elites could not bring themselves to fully embrace the freedom of emigration as had a significant number of Italian liberals (see Moya 1998:19ff.). The following description of how emigration policy unfolded in Spain demonstrates this ambivalence.

In September 1853, a Royal Circular Order (RCO) lifted the emigration ban "to Spanish colonies and to the States of South America and Mexico where there are representatives or delegates of Her Catholic Majesty able to give emigrants the required protection"(IRS 1905:15). The RCO's stated purpose was to relieve demographic pressure, particularly in the Canary Islands, and responded to the demands of local authorities (allowing even for the quick expedition of passports for the poor; IRS

³³ As part of our political vocabulary, the term Spain has its origins in Spain: "It was first used to describe a group of radical patriots, cooped up in Cadiz as refugees from the French invasion of 1808. In 1812 they drew up a constitution which, by enshrining the revolutionary doctrine of the sovereignty of the people, destroyed the basis of the old monarchy; it was to become the model for advanced democrats from St. Petersburg to Naples. In 1890, when the franchise was still restricted in Britain, universal male suffrage was established in Spain...Much of modern Spanish history is explained by the tensions caused by the imposition of 'advanced' liberal institutions on an economically and social 'backward' and conservative society" (Carr 1980:1).

1905:15). “It would not be fair”, it read, “to maintain in force an absolute prohibition that prevents naturals of the Canary Islands from seeking with assurance the sustenance not found in the motherland [patria]” (IRS 1905:15). On the other hand, the measure was to be adopted with appropriate “prudence and circumspection...to avoid the grave problems of a sudden, simultaneous and large emigration”. A September 1856 RCO clarified that the 1853 provisions were meant to regulate emigration of all Spaniards. In contrast to Italian emigration law, Spanish measures privileged emigration to former and contemporary colonies, especially the Americas.

Subsequent measures gradually reduced or removed barriers to emigration (cf. Nadal 1984:171). For instance, an RCO issued in December 1857 (“Rules for emigration”) distinguished between emigration to Hispanic-American republics and to “our possessions abroad” (IRS 1905:18). The distinction was suggested to the Spanish government by shippers and ship builders from Tenerife, probably in hopes of reducing the 320 *real* deposit required for each passenger (to ensure the proper treatment of emigrants and shippers’ compliance with transportation contracts). After consultation with advisors, however, the Ministry of Government concluded that the deposit would remain, but documentation requirements for Spaniards traveling to the Spanish Antilles would be less rigorous than for those traveling to American republics (IRS 1905: 18).

Undaunted, shipbuilders and owners continued to press for the reduction and removal of barriers to emigration, and more specifically the elimination of the emigrant deposit. The RCO of January 1873 explicitly acknowledges this pressure and capitulates:

In view of repeated petitions submitted to this Ministry by the owners and builders of vessels that transport emigrants abroad that they be exempt from a deposit of 320 *reales* as a guarantee of good treatment ... and [in view of] the Government’s desire to facilitate industry as well as to protect emigrants, ensure that they are not abused, and their interests safeguarded... HM the King has decided that the following dispositions be observed for the boarding of emigrants ... The deposit of 320 *reales* is suppressed ... (IRS 1905:22).

To safeguard emigrants’ well-being, the RCO listed a series of conditions under which emigrants could be transported (shippers were to offer adequate space and provisions) and standards to be met by transportation contracts (e.g. fares could not be paid with a loan on future earnings). In addition,

governors of coastal provinces rather than the central government would issue travel permits (a significant move away from centralized control of migratory flows).

Measures meant to remove obstacles to emigration during this period were followed closely by others regulating the departure and destination of migrants. The 1853 RCO liberalizing constraints on emigration to the Americas, was followed by three measures regulating these flows. An 1865 RCO issued to address abuses perpetrated against Spanish farmers in Brazil reiterated the right of Spaniards to emigrate, but affirmed the government's prerogative to stop migration to specific locations "for the purposes of sound administration of the country" (IRS 1905:21). The significant rise in migration that followed the abolition of the travel deposit (which shipping concerns had previously passed on as a cost to travelers) and the bureaucratic decentralization of boarding authorizations was not what the framers of the 1873 liberalizing measure likely had in mind.³⁴ The number of Spaniards in Algeria, for instance, almost doubled between 1872 and 1881 (while the Italian community shrunk by almost 40 %) (calculated from Nadal 1984:175). The number of Spanish migrants entering Argentina between 1871 and 1880 doubled the number of entries for the previous decade (DNM 1998). By 1874 Spanish authorities had taken note of the "alarming proportions" of Spanish transatlantic migration (RCO August 1874) and they tried to hinder this movement by requiring more documents (a certificate of residence, a certificate of good conduct similar to the Italian *nulla osta*, and legalized authorizations from parents, husbands or guardians "by age, marital status or sex"). A series of measures followed to regulate, control and study emigration.

The language of a July 1881 RCO to create a committee to "study the means to contain emigration" reflects some of the concerns felt by Spanish political elites:

The recent and tragic events on the neighboring African coast – where our compatriots lost lives and property, victims of savage Muslim hordes³⁵ – cannot but direct the attention of HM's government to the

³⁴ The inducements of immigrant seeking countries like Argentina, mainly in the form of subsidized fares and settlement benefits, may also have contributed to increased emigration (see Alsina 1898; 1910; Kleiner 1983 III).

³⁵ The reference is to an attack by the Kabyles of Abu Mena on Spaniards working the esparto fields of French Algeria (June 11, 1881). In this assault, 193 Spaniards were killed or disappeared. Many of them, mostly from southern Spain, had been recruited by French agents to work in the *Compagnie Franco-Algérienne*. The "assault on

damages caused by the growing emigration of a sector of the Spanish population which takes to foreign shores a precious cargo of intelligence, strength and hands, capable of forging a more secure future by cultivating the soil of the motherland ... Agents of private enterprise foster emigration, flattering the traditionally adventurous spirit of our people who driven by need forget the home in which they live and the land that witnessed their births ... These facts contrast unpleasantly with Spain's lack of population, because in the provinces that provide the most emigrants...vast regions remain uncultivated due to a lack of workers...On studying the causes of emigration the idea of a better distribution of the Spanish population has always been in the minds of scholars. The administrations that addressed this important problem, while they may not have solved it, paid it as much attention as they could given the resources at their disposal...Undoubtedly this problem is complex...To study [emigration] in search of the means to contain it will always be a civilizing enterprise, and happy is the nation able to achieve *the return of its own children* by other nations so that they may dedicate themselves to agriculture, to the many industries of the century in which we live, and to developing the elements generative of wealth which are so lacking in most of the Peninsula (IRS 1905:26-28).

From a state perspective, the events of Saida underscored the dangers of emigration “artificially” fostered by foreign agents, and offered an opportunity to stress the costs of emigration generally to the nation. The 1881 RCO demonstrates that while Spanish liberal elites affirmed free emigration they viewed it as a loss of Spain's intellectual and physical resources to other nations. The success of Spanish migrants in “Argentina and other South American states”, while recognized, was interpreted as an indication of their ability to achieve the same at home given adequate circumstances.

The *Royal Order of October 7, 1902* marks a turning point in Spanish emigration policy (Sanchez Alonso 1995:107), a significant tightening of state control over the legitimate means of movement. Specifically, it signals the intensification of state efforts to control emigration and, in particular, the emigration of certain categories of people (e.g. men subject to military obligations and married women). Greater control was to be achieved by raising the identification threshold to that required in the implementation of other laws:

Departure from the Kingdom by land or sea will be subject to the same dispositions that currently regulate the identification of persons in the implementation of other laws. Those who propose to emigrate to America ... shall hold, in addition to the *cédula personal* in which shall appear their age and [civil] status, the documents necessary to prove, when deemed suitable by the authorities, the following extremes: [having met military obligations, being old enough to migrate or having permission to migrate if a minor, having husbands' permission in the case of married women] (IRS 1905:60).

Saida” resulted in an immediate wave of returns, but migration to Algeria resumed and remained high until about 1900 (Nadal 1984:175-176). See also the direct references to Saida in IRS (1905:32)

The motivation of the new RCO is telling: prior RCOs had not been effective in limiting emigration (“if that were their end”), particularly that of men subject to military service obligations, and the bureaucratic system of boarding permits had given rise to an “intolerable immorality”. According to the RCO of November 4, 1904 (IRS 1905:65-66), the crux of the problem is “the substitution of identity documents due to the speculative spirit of unscrupulous shippers and to emigration agents interested in fostering emigration through questionable and illegal means.” The insistence on publicizing that identification documents alluded to in the RCO of 1902 were free speaks to the emergence of a brisk trade in forged documents.

Subsequent RCOs made it easier to obtain required travel documentation. The RCO of April 8, 1903 waived the need for a passport or for special permits from government authorities. Henceforth, fares would be sold upon presentation of an official identification document (*cédula personal*). According to Nadal (1984), this measure did away with the last barrier to emigration. Faced with yearly increases in net migration beginning in 1904 (it doubled between 1904 and 1905), Spanish officials backtracked and attempted to stem the tide of emigration by passing the *1907 Emigration Law*, a regulatory decree in 1908, and the *1908 Internal Colonization and Repopulation Law*. It was not the intention of Spanish policymakers to lift all barriers to emigration, but rather to control and regulate it. Ironically, the very measures meant to achieve this end and to undermine a burgeoning trade in identification papers in the end facilitated the departure of Spaniards subject to structural push and pull forces in Spain and abroad.

The 1907 Emigration Law

The *1907 Emigration Law*, in effect during the height of Spanish migration to the Americas, was the result of a careful consideration by policymakers of existing migration law in Spain and abroad (especially the 1901 Italian Emigration Law with which it shares many similarities).³⁶ This Law systematically covered all possible aspects of the emigration phenomenon: legal definitions of emigrants

³⁶ A comparative volume on emigration and immigration policies in Spain, Europe and the Americas published by the Spanish Institute for Social Reform to inform parliamentary debates on a new emigration law is the best indicator of this (IRS 1905).

and emigration, categories of people constrained in their emigration possibilities, an organizational framework to regulate all facets of emigration (the Superior Council on Emigration, CSE, and local emigration committees) and its financing, emigrant identification regimes, regulation of the transportation and recruitment industries, transportation contracts, and sanctions for violating emigration laws. Reflecting the tension noted between recognition of the “individual right [to emigrate] and economic freedom” (IRS 1905:29) and concerns about losing the country’s brawn and brain, the Law begins with an affirmation of free migration only to qualify it with a statement of the state’s oversight responsibilities. A sizeable portion of the Law was an elaboration of state oversight.

The 1907 Spanish Emigration law was very similar to its 1901 Italian counterpart. Both laws tried to simplify documentation requirements in an effort to remove incentives for a trade in identification papers while regulating the shipping and transportation business carefully. They laid out legal sanctions for transgressions against emigration stipulations. They tried to demystify the transportation contract for emigrants. The Spanish Law also differed from its Italian predecessor in several ways. “Emigrant” was defined to include Spaniards leaving the national territory with a 3rd class fare to any point in the Americas, Asia or Oceania (Bayon Mariné 1975). By this time, Spain had lost colonial possessions in the Caribbean and the Philippines and there were no distinctions to be made among possible emigrant destinations. In addition to the usual constraints on men subject to military service obligations,³⁷ on persons with pending legal cases or under sentence, and minors, the Spanish Law (and its 1924 successor) maintained the prohibition on unauthorized travel unaccompanied and married women that its 1901 Italian counterpart had rescinded. In this regard, the Spanish Emigration Law simply incorporated previous policy. The *RCO of September 1853* had required that women applying for a passport document the permission of their parents, tutors, or husbands. Subsequent Royal Orders required similar legalized

³⁷ Draft age youth could emigrate if they made a substantial deposit or found someone to do military service in their stead (Bayon Marine 1975; Moya 1998: 20). With respect to military service there are, in addition to the Royal Orders, circulars and laws mentioned, a total of 20 other dispositions issued between 1883 and 1904 (IRS 72-74).

documentation for women.³⁸ The *1889 Civil Code* lent further legitimacy to the oversight of men over women by maintaining that: “a husband must protect his wife and she must obey the husband” (Article 57; Spain 1962:69). The R.O. of 1902 not only tightened controls over the movement of draft eligible men and minors, but also around married women by giving bureaucrats considerable discretion to decide what documentation satisfactorily supported the departure of women. In brief, the *1907 Emigration Law* made this type of measure part of the official policy framework. Spanish emigration policy regulated the emigration of married women consistently since 1853. As Chapter III shows, these controls remained unabated in Spanish law well into the Franco era.

What explains the sustained attention of Spanish law to controlling the emigration of married women relative to the less consistent interest shown by Italian law prior to 1919? First, there were demographic and economic factors. Spanish women were becoming a greater proportion of emigrants as of the early 1900s, while Italian migratory flows remained comparatively more male (Appendix I, Table ?). In addition, Spanish women were increasingly settling abroad, especially in Argentina (Vázquez Gonzalez 1988:85; Beyhaut 1961:43; Moya 1998:503), while Italian men were returning to the women they left behind (Reeder 2003). Economically, the absence of men to cultivate lands and harvest crops in places like Galicia and Andalucía raised appreciation of women as workers, and thus their departure received greater attention than in the past.³⁹ In Argentina, Spanish women were not only part of agricultural households, but were also becoming a greater proportion of service sector laborers (domestic workers, launderers) and light industry workers (textile and foodstuff industries, piece work) (Sánchez Alonso cited in Devoto 2003:303). While Italian women participated in many of the same sectors, Spanish women’s labor force participation years appear to have been higher (Moya 1998:501, 502).⁴⁰

³⁸ Royal Orders issued on August 8 and 21, 1874 (on the departure of Spaniards going abroad), November 10, 1883, and May 8, 1888 (outlining rules for Spaniards departing for transoceanic colonies).

³⁹ A Royal Decree cited earlier lamented that “in the provinces that give most emigrants – Almería, Alicante, and Valencia – vast regions remain uncultivated for lack of workers” (IRS 1905:26).

⁴⁰ Also, Spanish women from different regional origins seem to have occupied and succeeded each other in particular niches over time (Moya 1998:253 ff.).

From an ideological perspective, political elites perceived these trends as evidence of a permanent population loss for Spain and this went against persistent mercantilist notions that measured the nation's "strength in numbers" (to borrow Mussolini's celebrated phrase) (e.g. CSE 1916:98, 100). This may have prompted a Spanish consular official stationed in Buenos Aires to recommend that the Spanish government raise barriers to the "emigration of unaccompanied women and women with children because those who come with their husbands settle in Argentina and almost never return to Spain" (cited by Hernández Borge 1998:230).⁴¹ A close reading of emigration orders and decrees and the Spanish Civil Code suggests that that political elites believed only women could biologically and socially reproduce the nation, hence the state's responsibility to regulate their movement away from the national territory and to protect their honor. These concerns dovetailed nicely with those of an emerging international movement to combat trade in "white" women. Although Spain and Italy signed and apparently ratified major anti-trafficking conventions (1904, 1910, 1921; see Limoncelli 2005)⁴², Italy had already passed its emigration law in 1901 and thus had not addressed convention conditions fully in its emigration policy.⁴³ Spain, on the other hand, had by 1907 harmonized some of its laws with League of Nations conventions (see Article 5 of the 1907 Emigration Law, Bayon Marine 1975:313) and this may also contribute to understanding the close regulation of women in Spanish emigration policy.

As in the case of Argentine immigration law, the Spanish Emigration Law of 1907 recognized and expanded an existing regulatory framework dating back to the colonial period (MTS 1930). This contrasts with an Italian emigration policy that did not have much organizational substance prior to the

⁴¹ Data collected by the CSE (1916:70, 71, 98, 105) confirm the impressions of this bureaucrat.

⁴² According to Limoncelli (2005) there were three big anti-trafficking conventions: 1904, 1910, and 1921. The 1904 agreement set up central bureaus for the coordination of information on the traffic, set up aid in ports and railway stations, provided for the repatriation of foreign prostitutes and the regulation of registry (employment) offices finding situations abroad. The 1910 convention made the prostitution of minors a punishable offense, even with their own consent, as well as the prostitution of adult women by means of force or fraud. The 1921 convention extended protection to minors of either sex, punished acts preparatory to the commission of trafficking offenses, agreed to extradite foreign prostitutes and raise the age of consent to 21 (from 20), and provided for the extradition of traffickers even if no extradition conventions existed between countries.

⁴³ Although there had been a longstanding concern in Italian emigration policy with the exploitation of persons minors (IRS 1905:152; Filipuzzi 1976:7).

creation of the CGE.⁴⁴ The articles that define the purpose, composition and attributions of the Superior Council on Emigration (CSE) also hint at another fundamental difference between Spanish and Italian emigration law: the latter viewed emigration primarily as a phenomenon to be protected, while the former did not eschew these purposes but saw emigration as a problem to be counted, measured, known and *solved*:

The Superior council will study the causes and effects of Spanish emigration in relation to that of other countries, it will constitute [emigration] statistics and will publish any data and news leading to knowledge and resolution of this problem, editing also guides and pamphlets for the public (Article 10, Bayon Marine 1975:315).

Indeed, the general pathos of Italian emigration texts is one of proactive economic colonization, while Spanish laws betray a sense of defensiveness and resignation (aspiring empire versus the empire on the wane). This is understandable given the events of 1898 (loss of Spanish colonial holding to the U.S. after a century of “losing” possessions to the republican movement that swept Latin America), the serious problems posed by Spain’s population distribution, and, on the Italian end, the fortuitous expansion of its territory in 1859, 1860, 1870, and 1919 (Carr 2000:224; Beales and Biagini 2002:1; Row 2002:103).

To sum up, the Spanish debate about emigration was limited in scope relative to Italian discussions concerning the same phenomenon. Nevertheless, even among dedicated liberals there was an impulse to restrict emigration, all the while recognizing the individual freedom to emigrate in search of better economic opportunities (although these attitudes varied significantly between the national and local levels, cf. Moya 1998:20ff.). If in both Italy and Spain emigration was seen as a necessary evil given growing demands on limited local resources, Spanish policymakers saw it as an evil compounded by severe demographic imbalances. While many Italians were not thrilled with emigration, in general they seemed to emphasize its opportunities more so than its costs. Spanish political elites consistently viewed emigration as a problem to be fixed. They had at their disposal a long tradition of legal instruments and an organizational framework to restrict unauthorized emigration abroad. While the Spanish state may not

⁴⁴ After unification, Italy developed a network of diplomatic offices that in the course of other duties assisted emigrants and to a limited extent attempted to count and control them. However, there was no state organization that attempted to control the movement of subjects in the same manner as in the Spanish case.

have succeeded in hindering migration flows it certainly changed the conditions under which emigrants left and possibly their sense of relations with the state.

Maintaining Ties with Emigrants Abroad

Notwithstanding Italian and Spanish efforts to hinder emigration and to protect emigrants once they decided to leave, migration statistics show that these policies were largely ineffective in the period before the Great War. Only complete prohibitions to emigrate seem to have been effective (e.g. the Prinetti Decree prohibiting emigration to Brasil in 1902 or the prohibition of Italian emigration to Argentina in 1911: Souza-Martins 1988:251; Rivarola 1912). By the end of the period examined in this chapter, large communities of Spaniards and Italians had settled abroad. Once this happened, a series of problems having to do with state affiliation and only dimly anticipated in early nationality legislation came to the fore. Italian and Spanish political elites both faced the challenge of how to maintain ties with migrants and their descendants abroad just as receiving countries like Argentina, Brazil and the United States deployed assimilatory policies.

Antecedents to Spanish Nationality Law

Spaniards had confronted questions about individuals' state membership after losing most American colonial possessions early in the 19th century. As part of peace and recognition diplomacy, Spain had negotiated a series of treaties with the new American republics which regulated the nationality of Spaniards in those countries.⁴⁵ A first group of treaties provided that persons born in Spanish domains and their children receive recognition as Spaniards, provided they were not nationals of the new republics (Agreement with Ecuador in 1840 and with Chile in 1845; Alvarez Rodriguez 1990:120 ff.). A second group of treaties recognized the possibility that residents of formerly Spanish territories could obtain

⁴⁵ As a receiving state, the United States was very proactive in negotiating nationality agreements with sending countries. However, Germany, Italy, and Spain, countries with significant emigration, also set in motion their own negotiation mechanisms to defend the interests of their emigrants with varying degrees of success (Alvarez Rodriguez 1990:91).

Spanish nationality if they so desired (treaties with Venezuela, Bolivia, Costa Rica, Nicaragua and Santo Domingo). A third group of treaties was more favorable to the possibility of dual nationality and the political and demographic needs of the new republics. In these treaties, *ius sanguinis* became a more flexible principle in view of “the political convenience both for Hispano-American states and the Spanish nation” (see the 1863 opinion of the Council of State cited in Alvarez Rodriguez 1990:123). The *Pacheco Law of 1864* maintained a similar posture by ratifying both the constitutional *ius sanguinis* principle and the possibility that persons leaving the American republics recover Spanish nationality.

The best known example of this third category of agreements was the *Treaty of Peace, Friendship and Recognition between Spain and Argentina* signed in 1863 after a protracted negotiation. The tenor of opposition to this agreement by influential political actors in both Spain and Argentina may be gauged by the failure to ratify two precursors to the treaty’s final version. The Argentines were especially reluctant to recognize Spanish nationality for the children of Spaniards born on Argentine soil because this directly contradicted the principle of *ius soli* enshrined in the 1853 Constitution. In the end, and in view of the combined effect of laws in force in each country, the children of Spaniards born in Argentina were Spaniards from a Spanish perspective and Argentine from an Argentine standpoint. In effect, the treaty accepted the possibility of two nationalities for the children of Spaniards (incidentally with grave political consequences for its Spanish negotiators: Belgrano 1942:3-4,10; Alvarez Rodriguez 1990:62ff.). It may also have contributed to Spaniards greater proclivity to settle in Argentina (cf. the less flexible Italian policy before 1912). On the downside, it created a situation in which the children of emigrants were caught between the demands of their parental homeland and of their birth country, primarily with respect to military service. The resolution of competing demands would take some time, but this situation presaged a consequential feature of Spanish, Argentine, and Italian nationality policies: their combined application often had perverse outcomes for affected people.

Spaniards had also faced questions about citizens' right to emigrate and of nationality loss after emigration. Several Spanish constitutions addressed this problem.⁴⁶ The Cádiz Constitution of 1812, in true liberal manner, recognized the right to emigrate without loss of property (as mandated in 1623 by Felipe IV for unauthorized emigrants), although emigrants risked losing Spanish nationality (Carr 1980; Alvarez Rodriguez 1990). Subsequent constitutions also recognized the freedom to emigrate, but did not remove nationality for residing or remaining abroad (Constitutions of 1837, 1845, 1869, 1876, 1931). The Constitution of 1869 explicitly recognized freedom of emigration in its 26th article: "no Spaniard who enjoys full civil rights shall be hindered from freely leaving the territory or transferring his residence and assets abroad, except for obligations to contribute military service or to the maintenance of public expenditure". In brief, by the time of massive mass migrations from Spain, emigrants could leave their country without fear of losing assets or nationality.⁴⁷

Spanish Nationality Law

Subsequently, the 1889 Civil Code devoted 12 articles to defining how nationality would be attributed, transmitted, maintained or lost (Spain 1962; Moreno Fuentes 2001:124).⁴⁸ With the exception of the period of the Second Republic (1931), the Civil Code has remained the backbone of Spanish legislation on nationality until today. Like the Italian Code described below, it defined the principle ruling relations of individuals to the state as one of blood descent. Implicitly, it accepted the possibility of dual nationality. Here as in other period nationality codes, however, *ius sanguinis* was not understood strictly. Indeed, Spain's attempts to attract migrants from neighboring European countries had led it accept the possibility of *ius solis* affiliations to the state (Nadal 1980; Sahlins 1989). The brevity of Civil Code rules and lack of further legislation created space for broad administrative discretion (e.g. Resolutions of the

⁴⁶ For a brief history of Spanish constitutions and texts of each constitution, see http://www.constitucion.es/otras_constituciones/espana/index.html.

⁴⁷ Although Supreme Court jurisprudence shows that these rights had limits especially in view of regional law (case in which "foral" law was cited successfully to deprive an emigrants' heirs of family property: Puente Egido 1981).

⁴⁸ The nationality provisions that came into effect in January 2003 were modifications to the Spanish Civil Code rather than a free-standing nationality law.

DGRN) and thus paved the way for a significant court role in interpreting the law (see Supreme Court rulings in Puente Egido 1981).

“Spaniards” were the children of Spanish parents (including the mother if children did not “follow” the paternal nationality), children born in Spain of foreign parents (if they were born and resided in Spain) or children born in Spain of unknown parents (Article 17).⁴⁹ Spanish nationality could be acquired by persons born in Spain of foreign parents not born in Spain, those born abroad of parents who were originally Spanish, and those who obtained a letter of naturalization (as well as their wives and minor children) (Articles 18 and 19). Under the Spanish Code women had the right to pass on their nationality to their descendants (Article 17), but this provision was tempered by Article 22 which held that a Spanish woman marrying a foreigner lost her nationality and assumed that of her husband (more on this below). According to Moreno Fuentes (2001:125), the combined effect of these two articles was that the only Spanish women who could pass on their nationality were those with illegitimate children.

How was Spanish nationality to be maintained? Article 25 of the Civil Code required all Spanish emigrants who wanted to maintain their nationality to register at the Spanish embassy or consulate in their host country (Alvarez Rodriguez 1990:51). This article reproduced articles 4 and 112 of the *Ley Provisional del Registro Civil de 1870*. The *Reglamento del Registro de Nacionalidad Española en el Extranjero* (September 5, 1871) complemented these precepts. Article 10 of this regulation stated that “consuls will strive for the provision of probatory documents to emigrants who arrive in foreign countries and who wish to conserve their nationality” (Martinez Alcobilla XXXX:42-43). While these measures were in force, emigrants found themselves in two situations: either deprived of Spanish nationality because of not complying with a bureaucratic formality, or enjoying two nationalities. Whatever the juridical interpretation of these provisions,⁵⁰ the case is that emigrants needed certificates of nationality to assert their rights or receive consular services. These certificates cost money (Art. 57 de los Aranceles Consulares de 16 de mayo 1929; Martinez Alcobilla 1929:382) and required yearly renewal. Finally, their

⁴⁹ Determining residence for purposes of naturalization was unclear and prompted a regulatory law in 1916 (Moreno Fuentes 2001:125).

⁵⁰ For a discussion of juridical viewpoints of these measures see Alvarez Rodriguez (1990:52).

issuance was linked to inscription in the *Registro de Nacionalidad*. This generated a situation in which Spaniards were unwittingly deprived of their nationality through bureaucratic fiat.

According to Moreno Fuentes (2001:?), the combination of *ius sanguinis* with administrative requirements reflected conflicting aims of policymakers. On the one hand, Spanish authorities wanted to maintain Spain's links with emigrants and their descendants. On the other, the participation of the children of Spaniards in American independence movements generated the possibility of perpetuating generations of Spanish abroad who had no meaningful connection to Spain and indeed opposed it ideologically (see Alvarez Rodriguez 1990:63).

Under what circumstances could nationality be lost? This could happen by acquisition of another nationality (one's self or one's husband), accepting employment with a foreign government, rendering military service in another country, or, in the case of women, by marrying a foreign national (Articles 20-22). Before 1922 any of these circumstances led *ipso jure* to the loss of nationality. After the Royal Order of June 6, 1922 the loss of nationality had to be registered by the interested party in the Citizenship Registry. Thus, loss of nationality required an overt act on the part of the affected person. However, Registry personnel and the DGRN had ultimate say over the loss of nationality and could deny an interested party's expressed desire concerning nationality (Alvarez Rodriguez 199:56).⁵¹ Ultimately, the loss of nationality was at the bureaucratic discretion of the DGRN. The bigger point is that nationality was regulated bureaucratically and thus subject to administrative politics in a way that Italian nationality was not.

The loss of nationality by women deserves special attention because it was even less contingent on an expression of the interested party's will and because it generated anomalous situations from a liberal perspective. In the first regard, four situations could emerge. First, a Spanish woman could lose her

⁵¹ This policy was reiterated in 1926 and 1928 by rulings of the Tribunal Supremo (February 10, 1926 and January 26, 1928; see Puente Egido 1981). Alvarez Rodriguez (1990:56) notes that beginning in 1940, this administrative discretion was used by the Spanish state to limit political emigrants' right to change nationality (a series of resolutions were issued by the DGRN to this effect). A February 1944 resolution by the DGRN stated: "now that natural emigration has been joined by political [emigration], it does not seem fitting for the Spanish state to allow or authorize the loss of nationality by these [political activists], thus exempting them from their obligations towards the motherland and losing the [legitimate] ability to demand responsibilities when called for by circumstances."

nationality by marrying a foreigner. Second, Spanish nationality could be imposed on a foreign woman marrying a Spanish man. Third, the loss of nationality of the husband could deprive his wife of Spanish nationality. Finally, the acquisition of Spanish nationality by a husband would impose the same on his wife. The principle underlying these possibilities was that of the legal unity of the family (*principio de la unidad jurídica de la familia*) which pertained to couples of mixed national origins (due primarily to migration) or to cases where one of the spouses changed nationality. In both cases, Spanish law subordinates Spanish women's nationality to that of their husbands (Article 22: "The wife follows the condition and nationality of her husband").⁵²

This principle may seem like a facile concession to the strains placed on nationality by international migration and a capitulation of national interests to an overriding patriarchal perspective. To the extent that migration was a predominantly male enterprise, however, legal unity of the family following male nationality involved an acceptable trade off from the perspective of state-building elites. While Spanish or Italian emigrant women could be lost to the nation by marriage to foreigners, women could also be gained by marriage to Spanish and Italian men. Incidentally, this view may also contribute to greater understanding of why the departure of Spanish women in particular was more carefully regulated (as mentioned earlier, relatively more Spanish women were emigrating and settling in Argentina at the time of writing emigration laws).

The loss of women's nationality generated several anomalous situations from a liberal perspective (i.e. one maintaining that no one should lack a nationality, have more than one or be deprived of the right to change it). Some of these had to do with applying these laws fully in a context of significant migratory flows. For instance, would a Spanish woman lose her nationality without leaving Spain if her emigrant husband naturalized abroad? This would have been the logical outcome of a strict application of Civil Code provisions. In practice, bureaucratic discretion consistently precluded this possibility, but in so doing violated the principle of legal unity of the family. Other anomalous situations were generated by the combined application of sending and receiving country provisions. The loss of Spanish nationality by

⁵² Similar principles were applied in many national contexts through the early 20th century (see Bredbenner 1998)

marriage to a foreign male was not automatically matched by the concession of the husband's nationality to the wife, as happened in Argentina.⁵³ This meant that women could in effect remain stateless. In contexts that did automatically recognize the concession of a husband's nationality, what happened if the marriage was annulled? As various situations arose, case law and administrative precedents addressed many of these situations, but with costs to the implicated people that have not been fully examined.

The 1889 Civil Code also set out the conditions for recovery of nationality by men and women: return to Spain, an explicit declaration of the will to recover Spanish nationality made before the head of the local Civil Registry and a renouncement of foreign nationality. According to Alvarez Rodriguez (1990:57), the intention was to avoid *nacionales de papel* (pro forma nationals) since there was a requirement to show the intention to return. For a long time, the DGRN only allowed the registration of recovery declarations in registries in Spain (again, significantly altering the Civil Code in practice). In the case of nationality lost by marriage, women recovered Spanish nationality by virtue of their husbands' nationality status. The dissolution of the marriage link (through death or divorce) also implied recovery of nationality for native Spaniards who had married foreigners. In the case of nationality lost by employment by foreign government or service in a foreign army, a special royal rehabilitation decree was required. In addition, the person would have to meet the three requirements mentioned above.

Nationality Law in Italy

Before 1912 Italian nationality was also regulated by civil code provisions. However, the mass migration of Italians, their settlement abroad, and the "assimilatory" policies of receiving states exposed the shortcomings of the 1865 Italian Civil Code and led to the passage of *Law # 555 of June 13, 1912*.

⁵³ This was the case with Italian women also. The case of Dr. Julieta Lanteri illustrates the anomalous situation faced by both Spanish and Italian women. Dr. Lanteri legally lost her Italian citizenship on marrying an Argentine man in 1910, but did not automatically receive Argentine citizenship. In fact, she had to apply for Argentine nationality through the Argentine federal court system and overcome a legal challenge to this application. The challenge questioned the right of women to petition for naturalization since citizenship implied political as well as civil rights. The case set a precedent at the appeals court level and Dr. Lanteri was allowed to naturalize (Cook 2005).

Below I review the conceptualization of citizenship in Italian law (civil code and subsequent legal provisions) and practice.

In contrast to the Spanish case, 1865 Italian Civil Code provisions about citizenship were not a response to specific conflicts about state membership. Unlike Spain, a waning colonial power, Italy, the least and newest of the “Great Powers” (Bosworth 1979: Row 2000), did not have to deal with the potential loss of nationals abroad to the national projects of former colonies. There was no precedent set by treaties concerning state membership. There were no Italian laws pertaining to emigration nor was there a mobility-regulating infrastructure in place (although there was a tradition of relatively free movement from various cities and regions that became part of Italy, most notably Genoa). Rather citizenship provisions in the 1865 Italian Civil Code were part of a state-building process that required distilling one code from five regional precedents (the Austrian of 1815, the one from the Two Sicilies of 1819, Parma 1820, Subalpine 1837, Modena 1831). If one adds to these codes ordinances, and decrees it is easy to understand the chaos surrounding matters of civil law prior to the redaction of a single civil code. Political elites shared the perception that a nation was not possible without a system of civil law that assimilated all of these provisions (Bussotti 2002:21). This is the context in which the Italian Civil Code emerged.

This is not to say that emigration was not a consideration at this early stage. The Senate Committee charged with drafting a civil code recognized the significance of emigration as phenomenon that raised questions of membership. Committee members agreed that a change in residence should not automatically imply a change in nationality (as was the case with some contemporary European laws). Changes in nationality should be the expressed will of a citizen (*Commissione del Senato* 1863). The 1865 Civil Code succeeded in establishing a foundation for determining the relationship between individuals and state based on the principle of *ius sanguinis* (i.e. that nationality is a matter of “race” and given that “the various races are transmitted through blood and do not depend on the circumstance of birth” it is the parents, and in particular the father, who determine “almost genetically” the nationality of their children) (Bussotti 2002).

What did the 1865 Civil Code have to say about state membership?⁵⁴ First, every citizen and even foreigners (*stranieri*) enjoy civil rights (Articles 1 and 3; Regno d'Italia 1865). Second, a citizen is “the child of a citizen father” (Article 4). If a father has lost citizenship prior to his child’s birth in Italy, then the child is Italian. If the child is born abroad of a father who has lost Italian citizenship, then the child is a foreigner. A child born to an Italian citizen mother of unknown father is considered Italian (with the same provisos in case the mother has lost her citizenship; Articles 5-7). Children born to foreigners who have resided in Italy for ten consecutive years are also considered Italian (Article 8). These are all cases in which persons are reputed citizens by birth or descent. Third, the Code outlines four cases in which citizenship may be acquired after birth:⁵⁵ via election by eligible children of current or former nationals, through marriage with an Italian citizen, through naturalization,⁵⁶ through annexation by the state of a new territory.

Nationality could be lost in three ways: (1) by expressed declaration transferring residence abroad (this is very distinctive relative to other codes of the time) (2) by obtaining⁵⁷ citizenship in a foreign country, or (3) by accepting, without official authorization, employment by a foreign government or rendering military service outside of Italy. However, the loss of citizenship did not entail the extinction of obligations inherent to state-subject relations. Even if an Italian male renounced his citizenship, he would still be obliged to render military service, especially if he expected to some day recover membership in the Italian state.

The loss of nationality followed clearly gendered pathways. Men lost it by a direct expression of their will either through word or deed. Men in their physical prime were the objects of the state’s attention

⁵⁴ What follows is a streamlined discussion of citizenship in the 1865 Civil Code. For a discussion of the myriad exceptions to each rule and nuances, see Bussotti (2002). This is the most complete discussion of legislative and juridical debates concerning citizenship in Italy that I have come across.

⁵⁵ According to Bussotti (2002:33), these were the topics most debated in the contemporary press.

⁵⁶ Article 10 distinguishes between acquired citizenship and that granted by law or decree. Citizenship acquired by election carries with it political rights (*grande cittadinanza*) while citizenship granted by law or decree does not (*piccola cittadinanza*). This distinction was to generate considerable debate after the passage of the Code and in the development of the 1912 law.

⁵⁷ There is considerable interpretive discussion of what policymakers meant by “obtained”. According to Bussotti (2002), the cause of the citizenship loss is not so much the material fact of having another citizenship, but rather having shown the express will to have it by applying for it.

in ways that women were not. On the other hand, women and children could lose membership in their birth state by a decision of the *pater familias*, regardless of their desires. This was an illiberal position but justified on the grounds that women who marry accept all consequences of this act, including the eventual loss of citizenship and acquisition of her husband's nationality. In any case, the Italian Civil Code maintains the same principle of family unity as its Spanish counterpart. The Code made an exception to this principle by stipulating that an emigrants' wife and children may decide to maintain residence in the Kingdom and thus keep their citizenship.

While losing citizenship was relatively easy for emigrants, particularly women, the Code prided itself on offering generous terms for the recovery of citizenship. All that the Code required was that on re-entering Italy with a special permit from the government, emigrants renounce foreign nationality, employment and military service, and reside in the Kingdom for a year. Widows of Italian origin could also recover citizenship. Whether or not recovering citizenship was an easy process on the Italian end (returning to Italy for a year and foregoing some types of employment may not have been an attractive prospect for some emigrants), the receiving state may not have been accommodating of "quitters". There is some indication of this in Argentine jurisprudence. For instance, in 1918 Juan Barrueta, an Italian immigrant, petitioned the Argentine Supreme Court to renounce his Argentine nationality. He wanted to recover his nationality of origin and with this aim registered as a subject at the Italian consulate. The Supreme Court ruled that citizenship acquired through naturalization could not be renounced, could only be lost as the result of a legally imposed sanction, and that after 10 years naturalized citizens were subject to all obligations inherent to Argentine citizenship, including military service. Moreover, the Court expressed that Barrueta's request violated the very "national sentiments" it was charged with guarding (Jurisprudencia Argentina 1918). The petition was denied and Barrueta was referred for prosecution because he failed to register with the military board as legally required; so much for easy recovery of original citizenship.

The Italian Code's relatively strict provisions about the loss of citizenship and precluding dual nationality backfired when receiving countries implemented assimilatory policies. The most proactive of

these was Brazil's automatic naturalization campaign of the early 1890s. Article 69 of the Brazilian Constitution of 1891 maintained that foreigners in Brazil on November 15, 1889 (Independence Day) were Brazilian unless they declared their intention to maintain their original nationality within the first six months of the new Constitution's coming into effect.⁵⁸ The same principle applied to foreigners who possessed property in Brazil and were married with Brazilians (or had Brazilian children) so long as they lived in Brazil.

The Italian government was, understandably, shocked at this proactive attempt to "denationalize" its subjects. However, this was hardly the first it had known of Brazilian plans. In 1884 Escagnarolle Tauney, a Brazilian congressman, had introduced a bill to automatically attribute nationality to foreigners after 3 years of residence in the country (2 years if "he married a Brazilian woman", served in the armed forces, established a new industry, owned significant property, or in some other way contributed to Brazilian progress) (Carbone Oyarzun 1928:236). The project elicited strong responses in the Americas and in Europe. A prominent Argentine jurist proclaimed that the Brazilian Empire was on its way to becoming more generous and liberal than Argentina in its naturalization policies. In Europe legal scholars became interested in the conflicting principles that governed citizenship in the field of international law. The Tauney bill did not pass, but it was the forerunner of a 1889 naturalization decree and a 1890 constitutional provision for automatic naturalization (Gandolfo 1991:29-30). It also generated a debate in Italy and elsewhere.⁵⁹ In any event, Italian diplomats protested and created a European front against the constitutional project with Portugal, Germany, Spain, and France to no avail (Rosoli 1986, 1987). The

⁵⁸ The full text of the 1891 Brazilian Constitution is available at: www.georgetown.edu/pdba/Constitutions/Brazil/brazil.html.

⁵⁹ In Argentina, the Tauney bill fueled local debates and proposals for automatic naturalization. In 1890, Italians in Buenos Aires organized on either side of a struggle concerning the permanence of the Juárez Celman administration. The revolt against the President was in no small part due to the economic crisis that reached a climax following the failed loan negotiations with Baring Brothers of London in 1889 (Rock 1987:158), but some Italians also aligned against Juárez Celman because he had sponsored a pro-naturalization campaign in the two previous years (modeled on the automatic naturalization proposal of Tauney) (Gandolfo 1991). Another group of Italians supported the automatic naturalization proposals so long as resulting policies gave them some choice in the matter.

Brazilians attenuated some of the automatic naturalization provisions (Pastore 2001:97), but the “Great Naturalization” succeeded in its assimilatory ends.⁶⁰

The shortcomings of the Italian Civil Code also became evident in the situations faced by migrants to countries that did not have automatic naturalization policies. In 1910, Julieta Lanteri Renshaw, an Italian immigrant raised in Buenos Aires and among the first female physicians in Argentina, faced a troubling dilemma. On the one hand, her marriage to Alfredo Renshaw, an Argentine citizen, rendered her Argentine from the standpoint of Italian law in force at the time. Specifically, Italian Civil Code provisions meant that she had also lost her birth citizenship, with all of the consequences this implied in terms of property ownership, inheritance and bequeathal (cf. Rosoli 1986:71). On the other hand, Argentine law and jurisprudence was silent on the matter of women’s naturalization and, until Lanteri challenged it, the assumption was that marriage did not automatically change a woman’s nationality (Carbone Oyarzun 1928:277). This meant that as an Italian national, Lanteri could not practice or teach medicine (Bellota 2001). Her application for a letter of naturalization was initially denied, but granted after an appeals process (Rivarola 1912; Bermejo et al. 1918; Carbone Oyarzun 1928). Lanteri’s story highlights how people’s life chances could be affected by the combined effects of sending and receiving policies. More concretely it shows how the Italian Code’s strict nationality rules produced effects contrary to those envisioned by its authors.

The Italian Colonial Institute and the Citizenship Law of 1912

By the early 1900s the limitations of the Code in matters of nationality and of diplomacy as a means to resolve these shortcomings had become clear. The Italian Colonial Institute (ICI) emerged as a key actor in this process. It was founded in 1906 as an outgrowth of a colonial conference sponsored by

⁶⁰ Incidentally, the Spaniards who were debating Civil Code provisions in the late 1880s were aware of the Argentine and Brazilian projects for automatic naturalization and this probably contributed to their more lenient, de facto dual nationality policy. By 1889, Spanish emigration to Brazil was well underway, although it would not reach its zenith until 1905 (Yáñez Gallardo 1994:85-86).

Ferdinando Martini, Governor of Eritrea, in 1905.⁶¹ Its purpose was to coordinate Italian “colonial action” (Bosworth 1979:59). Although a small organization, it had the adherence of prominent policymakers on the conservative and nationalist side of the aisle (the most powerful of the groups pushing Italy “back” onto an imperial course, according to Bosworth 1979:57).⁶² As organizer of the two congresses of Italians abroad (1908 and 1911), it supported reform of nationality law and gave voice to particular positions in the reform debate. While the name of these congresses may suggest a forum in which Italians abroad expressed their concerns, they were carefully orchestrated by political actors in Italy.

The first Congress of Italians Abroad (held in Rome, October 18-22, 1908) addressed several matters of concern to Italian emigrants including the nationality of Italian emigrants abroad and their children (Falorsi 1924). Participants in the Congress reflected different positions in the parliamentary debate about nationality. G.C. Buzzatti proposed a limited version of dual nationality to resolve some of the practical problems generated by the Civil Code. Dual nationality would only be available to emigrants in American states, particularly in Latin America (Buzzati 1909:458ff.). He understood dual nationality as the recognition by emigration and immigration states of an emigrated individual’s simultaneous political memberships in each state. On the other side of the debate, V. Polacco and Ricci-Busatti stood squarely opposed to dual nationality on the grounds that it could not be sustained from a juridical point of view and the situations that gave rise to it could only be resolved through international agreements (Alvarez Rodriguez 1990:29). While recognizing the conflicts between sending and receiving country nationality law and the possibility of establishing dual nationality through international agreements, the conclusions approved by the Congress supported the Polacco/Ricci-Busatti position.

At the Second Congress of Italians Abroad, Polacco and Ricci-Busatti presented the first working paper of the first session on legislation. Not coincidentally, the president of the session on legislation was Senator Vittorio Scialoja (ICI 1911:8, 51-86). Scialoja was Minister of Grace and Justice, and by the time

⁶¹ For a brief history of the ICI see Bosworth (1979:57-67), Choate (2002:253ff.), Pierotti (1922).

⁶² The reference is to failed attempts to build a conventional empire in Somalia (1889) and Eritrea (1890). In 1896, the Eritreans revolted and handed the Italians a painful defeat at Adua. This ended this “first experiment in Italian colonialism” (Gabaccia 2000:139).

of the Second Congress he had submitted a draft nationality bill (February 22, 1910) which did not contemplate the possibility of dual nationality. Indeed, he was a harsh critic of dual nationality (Alvarez Rodriguez 1990:32; Bussotti 2002). The anti dual nationality position of Polacco, Scialoja and Ricci-Busatti carried the day both in the Conference proceedings and anticipated the orientation of the new citizenship law to be passed in 1912. [See also Pagliano 1912 in RACP on new citizenship law]

Law 555 of June 13, 1912 differed from the 1865 Civil Code provisions on nationality in several ways. First, its text recognized some of the anomalous situations that could result from the joint application of Italian and receiving country laws. For instance, a person could be Italian by birth (*cittadino per nascita*) if they “did not follow the citizenship of the father according to the law of the state to which he belongs” (Article 1, Paragraph 2). Second, the new Law generated the de facto possibility of dual nationality or explicitly allowed for its recognition in international treaties. Article 7 stipulates that leaving aside special dispositions agreed on in international treaties, Italians born and resident in a foreign state of which they were also citizens kept Italian citizenship, but could renounce it once come of age. A third way in which Law 555 deviated from the Civil Code, was by affirming that nationality could only be lost by a willful act (by an explicit declaration of renunciation, by acquiring a foreign citizenship or by declaring a desire to renounce Italian nationality in cases where a second nationality was acquired automatically). Finally, the Law hoped to make the recovery of nationality easier for those who had lost it due to acquisition of a foreign nationality. Recovery of nationality was automatic after two years of residence in the Kingdom (and not by special government authorizations, as under the 1865 Civil Code). As Pastore (2001:99; 2004) notes, the new nationality law “reinforced the strength and longevity of Italian nationality’s hereditary basis”, but at the same time it “furthered a trend toward the effective weakening of Italian nationality’s content” (this seems inherent to the compromise that dual nationality represents). In any event, the de facto acceptance of dual nationality in a context of mass emigration,

while perhaps questionable from a legal perspective, likely contributed to the longevity of the law (it was reformed only in 1992).⁶³ [Transition].

DISCUSSION AND CONCLUSION

The aim of this chapter has been twofold: (a) to explore patterns of migration and nationality policy that emerged in Spain, Italy, and Argentina as people moved from Southern Europe to South America between the mid-19th century and the Great War, and (b) to understand why these patterns emerged and with what consequences.

Not surprisingly in view of common nation-state building imperatives (i.e. to constitute and manage a national population), a proactive recruitment pattern emerged in Argentina and a retentionist/conservationist model materialized in Italy and Spain. Argentine laws were meant to attract European workers and their families with the purpose of contributing to the national economy and of building a new political community. The 1876 Immigration Law reflected and incorporated a history of legal measures and an organizational infrastructure built up in Argentina and in Europe to recruit and process immigrants. Massive European migration to Argentina was likely the outcome of economic and political transformations in sending and receiving contexts, and the role of recruitment agents and migratory networks. The 1876 Law did not hinder and probably even facilitated immigration to some extent (by means of official recruitment agents and incentive programs).

Of course, one thing was to get people into the national fold and an altogether different matter to bind them to the Argentine state. Drafted at a time of strong liberal sentiment and of moderate immigration, the 1864 Citizenship Law considered all people born on Argentine soil citizens and offered state membership to male newcomers on very generous terms. However, the full complement of rights

⁶³ Dual nationality recognized by international agreements was a long time in coming, but the agreement signed with Argentina in 1971 gave concrete form to this possibility. Modeled on a similar agreement signed with Spain in 1969 (Ministerio de Relaciones Exteriores), the agreement recognized the possibility of dual citizenship. However, depending on an individual's place of residence one nationality could be dominant while the other remained dormant. More on this in the next chapter.

granted to foreign residents, and their exemption from the most onerous obligations of Argentine citizenship combined with the advantages of homeland state protections abroad to discourage the naturalization of newcomers. These privileges and exceptions, considered in tandem with sending state rights and obligations, may have actually constituted a disincentive to naturalization. Nevertheless, so long as political and economic conditions remained favorable to migrants' enterprise, naturalization was of less concern than the affiliation of their children (deemed Argentine according to the *ius solis* principle of membership). In a sense, getting people in the door and more or less settled under the national roof was the best possible way to gain new members in the space of a generation.

This was all too clear to Spanish and Italian political elites. A Spanish bureaucrat in 1916 lamented that while there had been a two-year lull in emigration to Argentina, hundreds of thousands of Spaniards had forever been "lost to Spain and gained by Argentina" over a dozen years (CSE 1916:98). Hence the development of emigration and citizenship laws and especially practices that attempted to dissuade would-be emigrants (especially at the federal level), regulate their flow (at the local level), and to protect and keep a hold on actual emigrants. As a waning colonial power, Spain had a long history of controlling departures to the Americas through royal decrees and a colonial bureaucratic organization. Beginning in 1853, Spain initiates a policy of removing legal constraints to exit followed by bureaucratic regulation of emigration (generally by requiring more or different papers). Given the mercantilist and populationist views of even the most liberal Spanish policymakers, and the hard reality of uneven population distribution and economic development, the overall assessment of migration was consistently negative. Despite best efforts, a combination of economic and political factors at home and abroad generated considerable out-migration (that was only aided by the decentralization of migration controls). Efforts to protect emigrants by regulating transatlantic transportation companies, demystifying the transportation contract for emigrants, and making travel documents free may have been slightly more successful. However, these as well as other provisions raised the cost of emigration disproportionately for draft eligible men and especially for women.

Spain's history of colonial domination over the same countries that were to be major destinations for its emigrants also explains its early attempts to legally define state membership and particularly situations of dual state affiliation. Many residents of the newly emancipated Latin American republics had been Spaniards. Thus, their status and that of their children became an issue in the negotiation of post-independence recognition and friendship treaties. The 1865 treaty with Argentina was one of the earliest that implicitly recognized the possibility of dual nationality. The very general provisions of the 1889 Spanish Civil Code also recognized this possibility, but opened the door to a significant role for courts at the time of implementing nationality law. The vagueness of Civil Code provisions also allowed for considerable administrative regulation of state membership matters.

Italy did not have the same history of colonial domination with the countries that received most of its emigrants. Therefore, it had no pressing need to define membership in terms of the postcolonial problematic. Rather Italy initially defined citizenship as part of a larger process of generating a common civil law for the new country. To the extent that out-migration was recognized as a challenge to the Italian state's claims over emigrants and their children, the 1865 Civil Code resolved potential conflicts drastically, by severing ties with nationals who established residence abroad, accepting official employment with another government, serving under another flag, or by naturalizing abroad. Women and minor dependents followed the nationality of the male head of household and thus their state membership status depended on the decisions of others. The consequences of these early provisions (in force during the bulk of Italian emigration abroad) were compounded by receiving country law which was not in sync with Italy's policies (thus, many women and minors were often in a de facto condition of statelessness).

Massive migration abroad made the provisions of the 1865 Civil Code untenable, especially from the viewpoint of state elites that increasingly saw Italy as an emerging power with imperial potential. Unlike other European powers, Italy would colonize the world demographically and commercially (more conventional imperial ventures had handed Italy some rather embarrassing military defeats in Northern Africa and had left a bitter taste in the mouths of political elites). Recasting emigration as a form of

colonization was a way to legitimate the departure and potential loss of nationals while maintaining the plausibility of the Italian nation, but this required changes in the codification of exit and membership.

The 1901 Italian Emigration Law tightened the Italian state's formal grip around males subject to military obligations (both at home and abroad) and relaxed control on women's emigration (perhaps because of strong demographic pressures, substantial remittances from abroad, and the perception that if colonization were to proceed, women would be required abroad). Significantly it also created a bureaucratic infrastructure to assess and control emigration and redefined the role of consular offices to assist in these efforts. The Emigration Law also tried to remove incentives for trade in documents by streamlining *nulla osta* and passport procedures. The 1912 Citizenship Law made it more difficult for emigrants *and their children* to lose nationality by requiring an unequivocal willful act to effect the loss. It also made maintenance and recovery of citizenship easier, although women's membership remained contingent on that of male heads of household. While its proponents, espousing an increasingly conservative nationalism, would not give dual nationality formal recognition, the law effectively acknowledged instances of this institution for the children of emigrants and in cases agreed to by international treaty. This stronger version of nationality through descent was more consistent with the notion of a demographic and commercial colonization. The year before the Law was passed, however, conservative Italian politicians succeeded in resurrecting a more militaristic colonial vision and practice (i.e. the invasion of Libya, then under the Ottoman Empire, despite liberal Prime Minister Giolitti's opposition; Row 2002:88)

In brief, the distinct variations on retentionist policy patterns in Spain and Italy may be attributed to the particular nation-state building dilemmas faced by each country. Spain confronted challenges to the membership status of its subjects in the aftermath of colonialism while Italy had to make members of people formerly belonging to smaller kingdoms. Spain experienced emigration from a context of uneven population distribution and Italy from one of significant overpopulation. Spanish policymakers held mercantilist and populationist views that understood emigration as negative and a problem to be fixed while their Italian peers understood emigration as a challenge to the state, but also an opportunity for

expansion. From an ideological perspective, Spanish elites developed a discourse of a state transcending Iberian community in response to the “Great Disaster” of 1898 (see Balfour 1996) that undoubtedly shaped thinking about state membership and official preferences for emigration to particular destinations (CSE 1916:98-99). Italian elites, aspiring to be a European power, moved between militaristic and commercial/demographic conceptions of empire. To these factors should be added different patterns of emigration. Italians emigrated in greater numbers, earlier, for longer periods, and to more destinations than Spaniards. Relatively more Italian men emigrated and returned. Relatively more Spanish women emigrated to Argentina, where they settled.

What were some of the consequences of these policy patterns? With respect to immigration and emigration policies, these are generally described as being ineffectual during the era of massive European migrations. Indeed, these flows tracked more closely with economic expansion and contraction in sending and receiving contexts (cites/ table/ graph), than with policy shifts. Especially at the beginning of the period examined here, states were ineffective at regulating the magnitude or composition of flows into or out of the national territory, although they became adept at completely shutting national gates (recall the Italy’s proscription on emigration to Brazil in 1902 and to Argentina in 1911). With respect to regulating membership, states were relatively more effective particularly if would-be or actual members were in the national territory. Brazil’s automatic naturalization campaign of the early 1890s provides ample illustration of this. Countries like Argentina preferred to make formal citizens of migrants’ children rather than fan the flames of national identification with foreign states through forced naturalizations (which is what happened in Brazil).

Whatever the success of policies examined here with respect to achieving ostensible objectives, another consequence seems just as significant and far reaching: policy implementation in each of these countries meant that more individuals were subjected to state administration to a greater degree than ever before. In large part this was possible thanks to the creation of bureaucratic organizational and material infrastructures to regulate and process would-be migrants and nationals. Supported by this infrastructure, government agencies issued the papers that ultimately established the “identities” of migrants and

residents (see Noiriel 1996:45ff). Italian and Spanish government agents required would-be migrants to offer up certificates of good conduct (*nulla ostas*), boarding permits, and parental, spousal or guardian authorizations (all of which in turn required other supporting documentation). Argentine agents required birth certificates, certificates of good conduct, certificates of financial solvency, mental health certifications, and, towards the end of the period examined, photo-bearing passports. Obtaining these documents entailed more intensive interactions with state officials than most migrants had before deciding to emigrate. Migrants became exposed to state generated categorizations such as “emigrants”, “immigrants”, “Italian”, and “Spaniard” with all of the legitimacy that this entails. In addition, would-be and actual migrants became known to the state by means of bureaucratic inscription. As the Great War came to a close, migrants and nationals were known and available to states to an extent not experienced before the 1850s. People resisted and sought to “duck” the embrace of the state. They honed strategies to deal with claims made by state actors through various laws, regulations, and practices. They sought to make meaningful and fulfilling lives notwithstanding intrusive state practices. And yet, in the end, they had to contend with the states’ grasp as an unavoidable fact. People might have eluded the *patria*’s efforts to enlist them in the military or take their money, but there was no escaping its requirements for exit or entry to national territories or to state membership.

Citizenship procedures also brought people within the state’s reach in consequential ways. Spanish policy concerning the maintenance and recovery of nationality required relatively more by way of bureaucratic encounters than did Italian law and practice. While abroad, maintaining or losing citizenship and accessing consular services required registration with consulates and the DGRN, costly certifications, and yearly renewals that effectively deprived a significant number of their nationality. This meant that Spanish migrants interested in keeping or recovering nationality were more exposed to state operations than were Italians migrants. Moreover, in view of women’s economic and juridical dependence on the men in their lives, they were more adversely affected by bureaucratic imperatives and requirements than were their male peers. If the procedures required by Spanish regulations were onerous to peasant and working class men, they were all the more so for their wives, daughters and other female

dependents. Maintaining nationality thus became harder for Spanish women than for men or for their Italian counterparts, losing nationality became easier and regaining it harder. Relative to Italian nationality policy, then, Spanish laws and practices placed women in a particularly precarious membership situation.

In various ways, and often inadvertently, Italy and Spain succeeded in bringing migratory flows within the state's reach. Making documents free prevented a trade in official documents but it also made their use and acceptance more widespread. Clandestineness was redefined as illegality and thus most migratory flows were brought within the state's reach. The practices of would-be Spanish migrants in the early 1900s illustrate this point. A careful examination of migration statistics and historical records shows that evading the state's control became a matter of misrepresentation (i.e. presenting false or borrowed identification papers to port authorities) rather than of physically evading government migration controls (although there was probably a small number of individuals surreptitiously boarding ships bound for the Americas or entering Argentina from Brazil) (Sanchez Alonso 1995; Yañez Gallardo 1994).⁶⁴ In an unprecedented way, emigrants found themselves playing identity paper games with government officials. Identity as something validated by the state came to be taken for granted as it had not been in the past. This is a clear indication of how state policies, while ineffective in achieving professed goals, enclosed and embraced individuals during the golden age of "free" migration. They became national in a way not previously experienced and which would frame subsequent identifications. Indeed, the institutionalization of state embracing practices developed before 1919 laid the foundation for migration control and framed formulations of nationality in the inter- and post-war periods.

⁶⁴ See my memo entitled "Problems with Migration Statistics".

LOOKING AHEAD

Chapter III examines migration and nationality laws and practices in the period between the end of World War I and the decline of significant European migration to Argentina (c. 1955). During this time, Spain, Italy and Argentina experienced important political, economic and social transformations that affected their respective migration and nationality policies. All three turned towards forms of conservative nationalism (i.e. anti-19th century liberalism) that emphasized organic notions of nationhood (Mussolini's brand of fascism in Italy, Francoism in Spain, Peronism in Argentina). The three countries found themselves affected by world and regional economic crises and by realignments with emerging financial powers. Spain and then Italy were torn by internal and international war (though Spain's Civil War and significant international dimensions including the participation of Italy in support of Franco). Argentina experienced internal political turmoil and military rule in the 1930s followed by a period of "democratic" rule by Perón. Migration flows waned after 1930, though there was a socially and numerically significant flow of Eastern Europeans to Argentina during World War II and a spike in Spanish and Italian migrants between 1946 and 1955. In Argentina, this "pause" was occasion for a debate about the nationalization of previous waves of immigrants and the need for more selective and "directed" immigration policies. In Italy, Mussolini launched his demographic war on several fronts including emigration and fertility, both of which had migration and nationality policy implications. Especially after the Civil War, Spain walked a fine line between controlling emigration and Spaniards abroad while cultivating economic and social relations with its few remaining allies, particularly Argentina. The patterns of policy in this period may be described as selective in Argentina and retentionist in Spain and Italy (with relatively more emphasis is on maintaining ties with emigrants and their children). By the end of this period, migration and nationality policies in all three countries showed a preference for nationals of their respective nationals. Distinctive policy patterns are attributed to both historical antecedents described in Chapter II and the new political, economic and social conjuncture described in this chapter.

(INCOMPLETE)

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APPENDIX – Migration and Nationality Patterns in Argentina, Spain, and Italy, 1853-1919

The following are tables and figures referred to in Chapter 2. In addition, I have included a few tables that offer a fuller picture of migration among Argentina, Italy, and Spain. Finally, I have enclosed a dissertation overview that may help the reader place Chapter 2 in a broader context.

Table 1. Net Overseas Migration and Argentine Population in Argentina, 1857-1965

Years	Arrivals	Departures	Net immigration (thousands)	Total Population (thousands) [Census Year]
1857-1860	20	9	11	1,200 [1856:estimate]
1861-1870	159	83	76	1,800 [1869]
1871-1880	261	176	85	
1881-1890	841	203	638	
1891-1900	648	328	320	4,000 [1895]
1901-1910	1,746	644	1,102	
1911-1920	1,205	936	269	8,000 [1914]
1921-1930	1,397	519	878	
1931-1940	310	237	73	
1941-1950	Na	Na	386	16,000 [1947]
1951-1960	Na	Na	316	20,000 [1960]
1961-1965	Na	Na	206	

Sources: Bourde (1974:162-163), Germani (1970:292), Romero (1956:175), Scobie (1971:32), Anuario Estadístico de la Republica Argentina (1980)

Table 1b. Net Migration to Argentina: Major Overseas Nationalities, 1857-1976

Year	Nationality					
	Italian	Spanish	Polish	French	Turkish	Russian
1857-1860	6,743	1,819	na	578	na	78
1861-1870	49,638	15,567	na	4,292	na	226
1871-1880	37,235	24,706	na	10,706	672	245
1881-1890	365,568	134,492	na	69,363	3,537	3,839
1891-1900	201,218	73,551	na	11,395	10,572	10,474
1901-1910	452,089	488,174	na	11,862	35,398	58,100
1911-1920	-2,990	181,478	na	-1,352	39,052	22,691
1921-1930	344,865	232,637	119,410	739	18,894	7,682
1931-1940	27,315	11,286	31,500	626	1,682	1,409
1941-1950	252,045	110,899	16,784	5,538	2,063	7,373
1951-1960	142,829	98,801	325	934	1,083	-2,205
1961-1970	-9,997	9,514	1,845	1,266	278	738
1971-1976	-5,938	-2,784	-529	85	-30	-720
Totals	1,860,620	1,380,140	169,335	116,032	113,201	109,930

Source: DNM. 1976. Cuadros por Nacionalidades 1857-1976.

Table 1c. Italian and Spanish Migration to Argentina and Rates of Return, 1861-1920

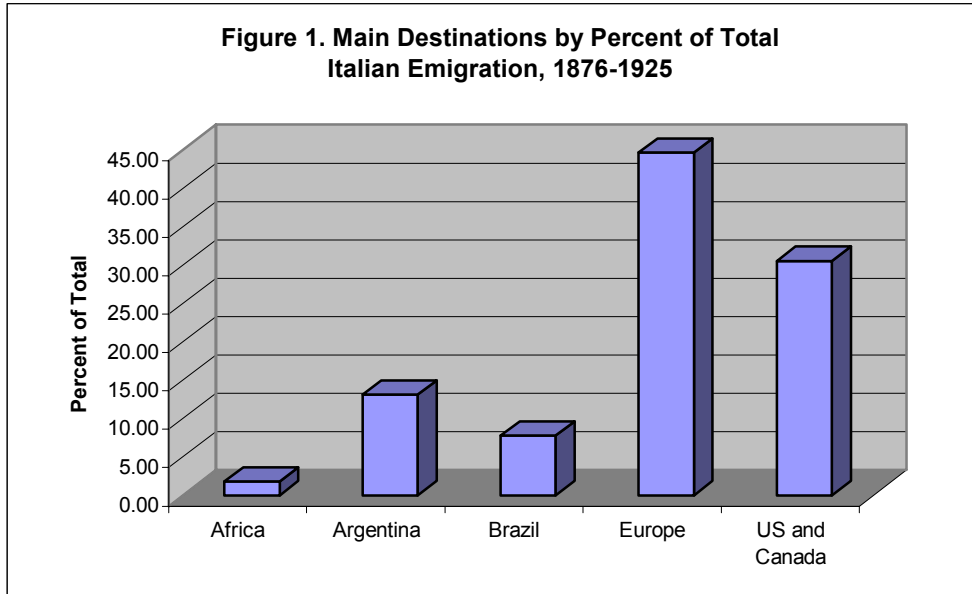
	Italians			Spaniards		
	Entries	Departures	Return Rate	Entries	Departures	Return Rate
1861-1870	113,554	63,916	56	22,627	7,060	31
1871-1880	152,061	114,826	76	44,526	19,820	45
1881-1890	493,885	128,317	26	158,764	24,272	15
1891-1900	425,693	224,475	53	131,714	58,163	44
1901-1910	796,190	344,101	43	652,658	164,484	25
1911-1920	347,388	350,378	101	589,093	407,615	69
Total	2,328,771	1,226,013	53	1,599,382	681,414	43

Source: Argentina. DNM. 1926. Also see Devoto 2003:235

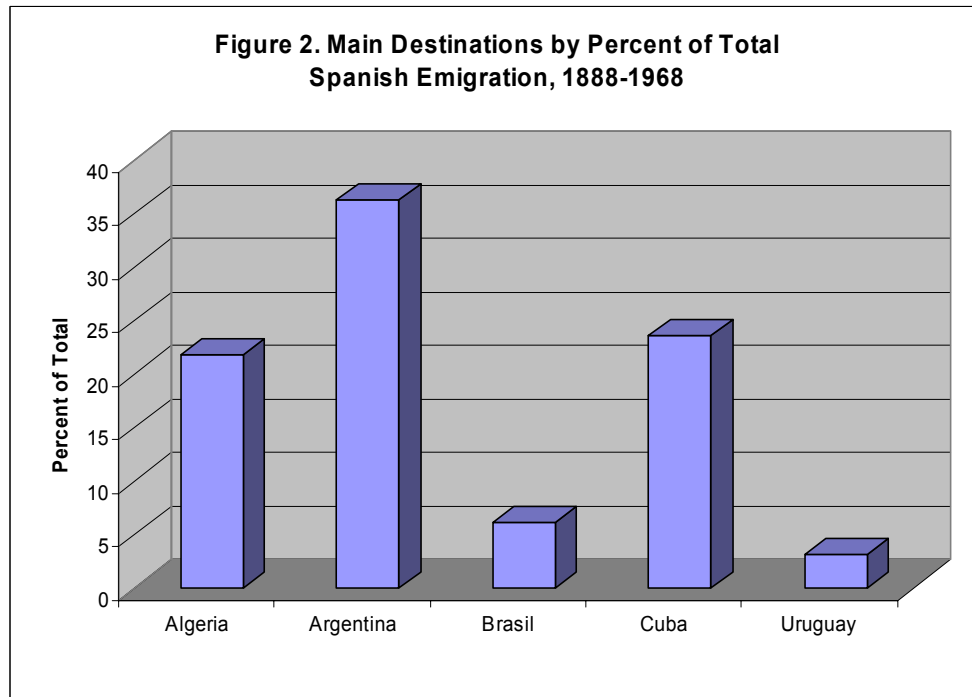
Table 2. Destination of European Migrants, ca. 1820-1932

Country	Year Data Begins	Arrivals	Percent of Total
United States	1820	32,564,000	58
Argentina	1840	6,501,000	12
Canada	1821	5,073,000	9
Brazil	1821	4,361,000	8
Australia	1840	3,443,000	6
Cuba	1880	1,394,000	2.5

Source: Moya (1998:46) (cf. Germani 1962:198)



Source: CGE, *Annuario Statistico dell'Emigrazione* (1926). (Note: These destinations represent over 98% of all Italian Emigration during this period, n=16,629,879).



Source: Sánchez Alonso (1995:143). (Note: These destinations represent over 90% of all Spanish emigration during this period).

Figure 3. Major Destinations of Italian and Spanish Migration, c. 1880-1919

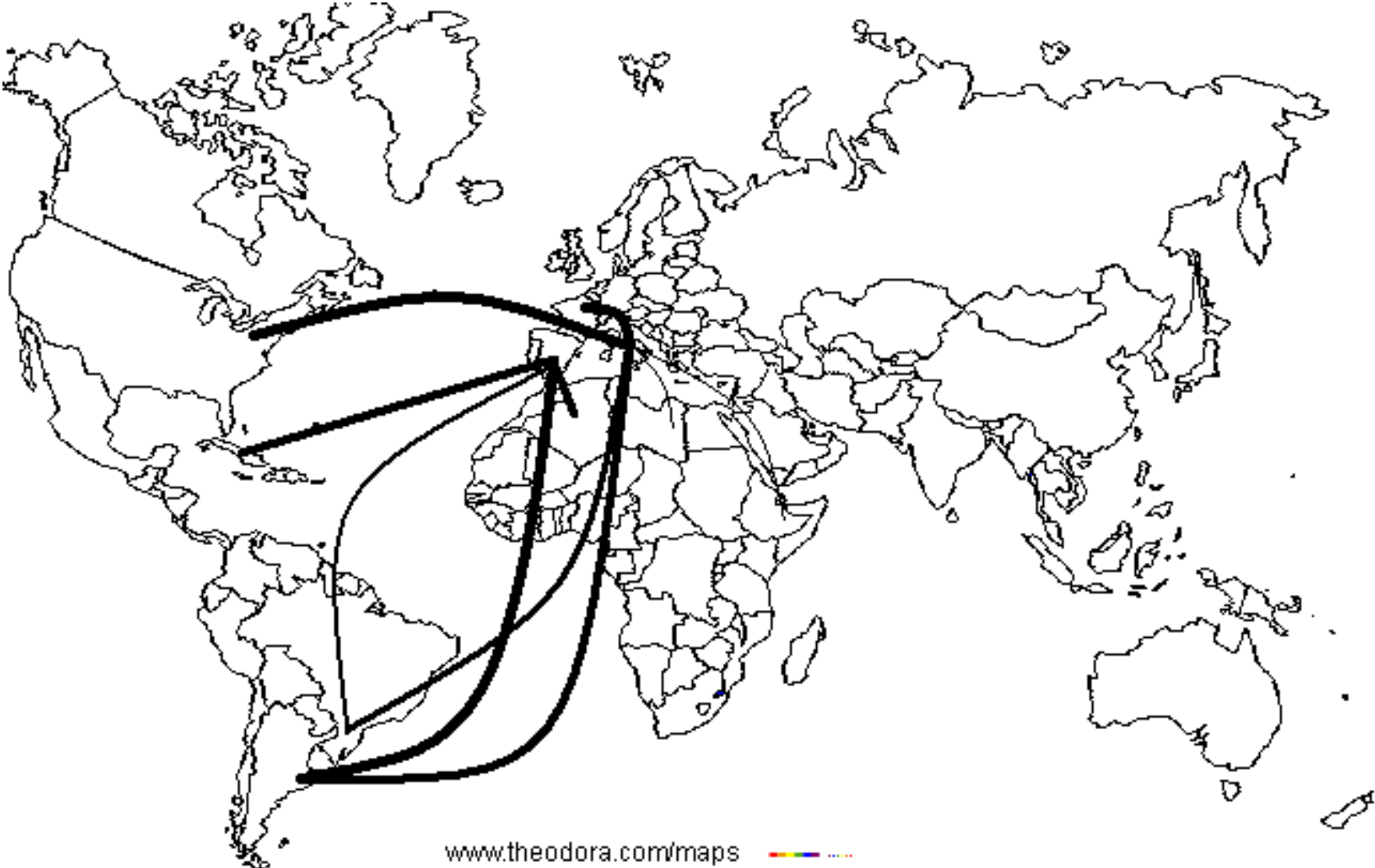


Table 3. Total Population and Percent Foreign Born in Argentina, 1869-1959

Years	Total Population (thousands)	Percent Foreign Born
1869 (1st Census)	1,737	12
1895 (2nd Census)	3,955	25
1914 (3rd Census)	7,885	30
1920 (estimate)	8,754	24
1930 (estimate)	11,746	23
1940 (estimate)	14,055	18
1947 (4th Census)	15,894	15
1950 (estimate)	16,061	16
1959 (estimate)	20,438	14

Source: Germani 1962:185

Table 4. Percent Foreign Residents in Three Regions of Argentina, 1869-1947

Years	Region		
	Buenos Aires	Buenos Aires (province), Entre Rios, Mendoza, Santa Fe, Pampa	Rest of the country
1869	48	42	10
1895	39	52	9
1914	41	49	10
1947	44	42	14

Sources: Germani (1962:186)

Table 5. Sex ratios by total and foreign population in Argentina, 1869-1947

Years	Total Population	Foreign Population
1869	106	251
1895	112	173
1914	116	171
1947	105	138

Source: 4th National Census

Note: Sex ratio is the ratio of males to females in a population, generally expressed as the number of males per 100 females.

Table 7. Total Population and Percent Foreign Born in Buenos Aires and New York, 1855-1936

Year	Buenos Aires		New York	
	Total Population	Foreign Born (%)	Total Population	Foreign Born (%)
1855	91,395	42		
1860			813,669	47
1869	177,787	52		
1870			942,292	44
1880			1,206,999	40
1887	433,375	53		
1890			1,515,301	42
1895	663,854	52		
1900			3,437,202	37
1904	950,891	45		
1909	1,231,698	46		
1910			4,766,833	41
1914	1,576,597	50		
1920			5,620,048	36
1936	2,415,142	36		

Source: Based on Baily (1999:58,59)

Table 8. Masculinity index of Spanish and Italian migrants to Argentina for inter-census periods (net migration), 1869-1960

	1869-95	1895-1914	1914-47	1947-60
Spaniards	179.1	161.2	79.4	62.5
Italians	173.7	173	124	90.8
Other european migrants	149.6	176.8	140.4	60.8
Total of migrants	165.6	169.4	112.6	88.8

Note: The index refers to the number of men per one hundred women.

Source: Recchini de Lattes y Lattes (1975).

DISSERTATION OVERVIEW

My dissertation is provisionally entitled “The Making and Unmaking of State Membership: Migration and Nationality in Argentina, Italy and Spain since the mid-19th Century”. It consists of an introduction, three empirical chapters, a conclusion, a statistical appendix and an appendix listing major migration and nationality policy in each country.

Dissertation Abstract

My dissertation asks how, why and with what consequences states have forged ties with international migrants. Specifically, it examines (1) how, since the mid-19th century, Italy and Spain established and maintained ties with their emigrants to Argentina just as Argentine state elites endeavored to make nationals of these same people; (2) why these states competed to nationalize the same mobile population; and (3) the consequences of these efforts.

The study draws on documentary analysis of migration and nationality laws, associated legislative debates, census histories, regulations, inter-state treaties, diplomatic records, administrative accounts, and on ethnographic observation of nationality application procedures. It concludes that (1) the implicated states faced the dilemmas posed by the common task of constituting a national population and thus competed to establish and maintain ties with international migrants. Italy and Spain faced the challenge of making nationals of internationally mobile people with strong village and regional identifications. Argentina confronted the difficulties of building a nation-state with a scant population. (2) The three states attempted to nationalize Spanish and Italian migrants through laws, practices, and an organizational infrastructure to embrace the same migrant population and make it available for administration by state agents. Each country developed migration and nationality policies in dialogue with those of the other countries and this explains the particular policy pattern that emerged. (3) While there are important differences in the timing, modality, and focus of Spanish, Italian and Argentine efforts to embrace a mobile population, these states succeeded in forging some manner of enduring ties to migrants and their children, but with consequences hardly envisioned by state elites (most notably, claims to homeland membership by emigrants’ descendants after several generations).

This project has implications for how we think about the politics of migration and nationality. Scholars have gainfully studied how migrant-receiving states make nationals of foreigners, underscoring the historically constructed nature of state membership. However, their analyses have focused primarily on emblematic migrant receiving countries in hegemonic relations with sending countries. By focusing on less known experiences of countries in relatively more even power relations, by considering countries linked by migration flows rather than in isolation, and by not assuming the perspective of any one state in the analysis, this study broadens the range of cases generally considered in studies of migration and nationalizing processes, and questions some of the attendant conclusions (e.g. about the unilateral nature of migration and nationality policy formation). In addition, the study draws on and extends existing accounts of state-subject relations. With Mann (1993), it views state membership as an aspect of “caging” people into national organization through the resource extracting actions of state agents. With Torpey (2000), the project sees states embracing subjects through practices that make people available for state administration, control, and resource extraction. Going beyond these accounts, this study extends the range of embracing mechanisms considered relevant to the formation of state-subject relations.

Schedule of Dissertation Chapters

- I. *Introduction*. This chapter explains the central question, motivation for the study, and methods. It also outline objectives for the project and gives an historical overview of political, economic and social developments in the period studied.
- II. *Europeans into Argentines? The Politics of Making Nationals from Migrants, 1850-1919*. This chapter addresses two questions. First, what policy patterns materialized as Spain, Italy, and Argentina tried to forge ties to people who migrated among their territories? Second, why and with what consequences did particular patterns of migration and nationality policy emerge in these

countries? Drawing on documentary analysis of migration and nationality laws, associated legislative debates, administrative regulations and reports, inter-state treaties, diplomatic records, period jurisprudence and secondary historical accounts, the chapters shows that Italy and Spain developed a *retentionist* pattern of migration and nationality policy, while Argentina crafted a *proactive recruitment* pattern. Given the dilemmas posed by the common task of creating a national population from a partly shared pool of individuals this is not entirely surprising. It is harder to explain why Spain and Italy, faced with a remarkably similar political, economic and social conjuncture, developed retentionist patterns of policy that differed significantly in timing, modality and focus, as well as in the manner of their ongoing regulation. This chapter argues that each country's particular nation-state building challenges (former colonial power becoming modern nation state vs. newly unified state become a European power), legitimating ideologies (head of a state transcending Iberian community vs. demographic and commercial colonizing power), associated perceptions of emigration and state membership (problem vs. opportunity), and demographic patterns (population growth, distribution and movement) account for these differences.

- III. *Europeans into Argentines? The Politics of Making Nationals from Migrants, 1920-1955.* Continuing with the exploration of state competition for migrants and citizens under different migration conditions (slow down in migration flows after 1930, focus on incorporation), this chapter shows how the trends noted earlier became more accentuated and gained institutional foundations. A state apparatus had emerged during the previous period that allowed for greater control of migrants. All three contexts experienced a shift from 19th century liberalism to conservative nationalism. Migration policies became restrictive (also following a world wide trend), and the dilemma's of dual national affiliations more salient. In Argentina, the conservative regimes that followed 70 years of democratic rule resorted to administrative decrees as the way to control immigration. The Peronist administration, though elected, followed the same practices. In Italy, Mussolini issued decrees severely limiting possibilities for emigration while making organizational changes meant to decrease emigration. In Spain, various administrations attempted to stem the tide of out-migration, but were not successful until the Civil War. State efforts to regulate migration had limited success in achieving regulation objectives, but significantly extended the state's embrace around migrants (especially through state bureaucratic organizations and associated documentary requirements). By the end of this period, a pattern of national affinity emerges in the policies of these countries.
- IV. *Argentines into Europeans? The Politics of Ancestral Homeland Membership, 1956 to the present.* This chapter takes examines contemporary nationality patterns among European descended Argentines. Specifically, it analyzes ethnic or national affinity policies (i.e. laws and practices that confer a privileged state membership and/or migratory status to nationals of other countries based on officially verifiable common origins).
- V. *Discussion and Conclusions.* Summary of findings. Assessment of theoretical perspectives proposed in the Introduction. Long term consequences of retentionist, recruitment and national affinity patterns of policy. Implications for methodologically nationalist assimilation perspectives. Future research directions.
- VI. Appendices.
 - a. Statistical overview of migration patterns in Argentina, Italy, and Spain.
 - b. Chronology of main migration and nationality policies.