Rules, Red Tape, and Paperwork: The Archeology of State Control over Migrants, 1850-1930

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Abstract Conventional accounts of a drastic shift to migration restriction after World War I following a golden era of free movement obscure crucial processes of state formation around matters of administering migration. How and with what consequences did state control over migration become acceptable and possible after the Great War? Existing studies have centered on core countries of immigration and thus underestimate the degree to which legitimate state capacities have developed in a political field spanning sending and receiving countries with similar designs on the same international migrants. Relying on archival research, and an examination of the migratory field constituted by two quintessential emigration countries (Italy and Spain), and a traditional immigration country (Argentina) since the mid-nineteenth century, this article argues that widespread acceptance of migration control as an administrative domain rightfully under states’ purview, and the development of attendant capacities have derived from legal, organizational, and administrative mechanisms crafted by state actors in response to the challenges posed by mass migration. Concretely, these countries codified migration and nationality laws, built, took over, and revamped migration-related organizations, and administratively encouraged mobile people through official paperwork. The nature of efforts to evade official checks on mobility implicitly signaled the acceptance of migration control as a bona fide administrative domain. In more routine migration management, states legitimate capacity has had unforeseen intermediate- and long-term consequences such as the subjection of migrants (and, because of ius sanguinis nationality laws, sometimes their descendants) to other states’ administrative influence and the generation of conditions for dual citizenship. Study findings challenge scholarship that implicitly views states as constant factors conditioning migration flows, rather than as developing institutions with historically variable regulatory abilities and legitimacy. It extends current work by specifying mechanism used by state actors to establish migration as an accepted administrative domain.

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Transatlantic migration has been separated into two seasons by a puzzling historical turn. A first season began in the early 19th century as part of a broader globalization trend. Its characteristic features were relatively unhindered migration and a widespread consensus that people should be free to move about the globe. An astonishing 55 million Europeans and 2.5 million Asians came to the Americas before 1930. Those who could only vote with their feet, local officials who felt firsthand the pressures of demographic growth, and free-market liberal politicians and economists, all supported the “exit revolution” (Zolberg 2007). The International Labour Office noted that “during the whole of the nineteenth century . . . [a]lmost all countries kept an open door both for emigrants

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and immigrants” (1922: 13). Major receiving countries like Argentina, Brazil, Canada, and the United States, raised few barriers to European entries and offered rights of residence and commerce comparable to those enjoyed by natives (e.g. Colyer 1928: 47ff.). Moreover, sending states had limited means to keep tabs on people’s movement once local controls were relaxed. A second season, however, was marked by an apparently sudden shift to government restrictions on and increasing control of departures and entries, a more circumspect attitude about international migration, and a drop in its numbers. The United States and Argentina, transatlantic European migrants’ two main destinations, imposed restrictions on immigration between 1919 and 1923. Germany, Italy, and Spain did as much on the sending end.

What explains this change of seasons? Migration specialists have realized there was no sudden sea change from a “golden era” of unhindered movement to one of restriction (pace, for example, Dowty 1987: 55) and that the turn to state control over migration was a long time in the making (Fahrmeir et al. 2003). The processes and mechanisms involved, however, have not received adequate attention; in part, because states’ capacity to control migration is often taken for granted. A ubiquitous system of border checkpoints, militarization, and surveillance has become a mundane, though not trivial fact for today’s international migrant. And yet states’ ability to legitimately regulate migration has been an historical accomplishment. State formation theorists and philosophers have shown that political elites and bureaucrats delimited administrative domains like enumeration and civil registration through a process of accumulating infrastructural capacity and symbolic capital (Bourdieu 1977: 179 ff.; Hacking 1990: 16 ff.; Loveman 2005; Mann 1993). What in its temporal context was a surprising turn to restriction opens a window into how and why states have managed to legitimately control geographical mobility, a vital aspect of many peoples’ lives.

Current explanations of accepted state capacity to control migration fall short on several counts. Economistic accounts see capacity primarily as the outcome of state alignment with wealthy and powerful actors and legitimacy as a by-product of such relations. Political approaches are unable to account for the accumulation of accepted capacities where states have not been engaged in war-making and taxation and fail to specify how legitimacy in one sphere translates into comparable acceptance in another. Institutionalists build on the strengths of other perspectives, but have not identified relevant mechanisms for the accumulation of organizational and cultural resources. Scholarship from these three perspectives tends to study paradigmatic migrant receiving nation-states in isolation or
in comparison to each other, and to focus on the timing of restrictive
turns in those countries. This bias obscures the systemic matrix in
which states gain legitimate capacity. Finally, an unclear conception
of state power affects all perspectives reviewed and leads to unreal-
istic assessments of state capacity.

In contrast, this essay takes an institutional approach that
breaks down power and capacity into legal institutions (rules),
official agencies and bureaucratic practices (red tape) as well as
concrete strategies to legitimate competence in the migration
sphere (paperwork). I argue that legitimate state capacity to control
migration has resulted from legal codification as a performative act,
and from related organizational development. The construction of a
legal framework and administrative extension has been driven by
the magnitude of migration flows and, because of the competitive
dynamics that characterized relations among these countries, by
migrants’ efforts to adjust to or circumvent official controls. Admin-
istrative extension has been achieved through mechanisms I call
take-over, modeling, and integration, and has had paradoxical and
far-reaching implications for affected states’ ability to manage
peoples’ mobility and citizenship. The empirical focus is on a migra-
tion network spanning two quintessential countries of emigration
(Italy and Spain) and a traditional country of immigration
(Argentina) over an eighty-year period. The analysis draws on
legislative debate transcripts, laws and accompanying regulations,
administrative rules and reports, diplomatic records, official
migration data, and government documents generated while
processing migrants.

Explanations of Legitimate State Capacity

A satisfactory account of the turn to state controlled migration
would address organizational capacity (the potential to achieve
particular ends based on an accumulation of material and intan-
gible resources), but also legitimacy (the general acceptance of a
domain as rightfully under a state’s purview). It would identify who
is involved, their interests and motivations, the dynamics among
actors, and the mechanisms by which they delimit lawful admin-
istrative domains and build organizational capacity. How do
existing explanations of legitimate state capacity, especially with
reference to migration control, measure up to these benchmarks?

Political-economic perspectives suggest that states are domains
where capitalists, workers and government personnel pursue their
respective interests (Burawoy 1976: 1053). An influential exemplar
of this view maintains that states strategically assess the interests
of capitalists and workers (native and foreign) to maximize electoral
outcomes (Freeman 1995). Capital and labor’s ability to influence the political process in turn affects states’ openness to these interests. Few would argue that states exist solely to do the bidding of the economically powerful, but the modal experience since the advent of the modern state has been one of alliance with elites that own the bulk of land and capital (Foreman-Peck 1992). From this standpoint, state capacity is a function of its alignment with wealthy and powerful agents, and legitimacy is imputed to state actions rather than explained. Political-economic perspectives would predict that state capacity in elite-dominated governments like those studied here (at least through the Great War) would increase proportionally to capital’s need to regulate labor. The strength of these approaches resides in the identification of actors, interests and relations among them. In the instances examined here, they explain early periods of policy formation, but not why governments enacted restrictions that hurt capitalists’ interests in important industries or failed to act when it suited capital’s labor requirements.

Strictly political approaches are better able to explain the emergence of states and attendant capacities. Capacity to control migration would derive from the broader power achieved through the organization and mobilization central to war-making and taxation (Tilly 1990). War mobilization and its organizational concomitants would explain the Italian state’s interest in and ability to restrict emigration before and during World War I. It is less clear that Spain – a state with considerable military might in the early 19th century, albeit limited in its taxing abilities – had the means to regulate emigration especially during times of critical military need as in the build up to the 1898 Spanish American War or in the Moroccan campaigns of the early 1920s. Political perspectives have difficulty accounting for state organizational development in Latin America, and in particular the Argentine case where the state accumulated considerable resources to regulate migration at points of departure and entry with no significant precedent of war mobilization (Centeno 2002). While political approaches offer some clues, it is unclear how new administrative domains have gained legitimacy or, more specifically, how legitimacy in the sphere of taxation and conscription has translated into comparable acceptance in the migration arena.

A family of institutionalist approaches builds on economic and political accounts, but contributes a sustained attention to the organizational matrix in which individual and collective actors and interests are constituted as well as to how official competence grows and extends. States are a set of differentiated institutions and personnel that exercise a monopoly of authoritative rule-
making backed by some organized physical force over a particular territory (Mann 1993: 55). From this standpoint, the state is a player in its own right and not simply an arena where interests are negotiated and resources adjudicated. Capacity is shaped by the political field(s) in which state organizations form. These fields are not only domestic and multi-level (municipal through central state), but also span multiple political jurisdictions that constitute a system of states (Zolberg 1981). The world polity variant of sociological institutionalism focuses on a global cultural order from which nation-states draw legitimating models of what states are and how they work (Meyer 1987; 1999; Meyer et al. 1997). On this view, the shift towards restrictive migration policies in specific countries is attributable to the diffusion of comparable policies through global institutions. Research in this vein has been adept at identifying linkages between levels of organizational development (e.g. national and international entities) (Schneiberg and Clemens 2006). It has been less successful, however, in distinguishing actual institutional mechanisms, showing how states attain legitimacy, or, as in the empirical instance under consideration, explaining rapid shifts in international consensus.

Scholars who specifically study the making of state capacity to regulate international migration identify several means of control. Historian Gérard Noiriel’s (1996, Ch. 2) ground-breaking work on “card and the code” in France shows how “legal registration, identification documents, and laws”, implemented and overseen by state officials, set apart persons as individuals subject to government administration. Sociologist John Torpey’s (2000) astute and broad-ranging scholarship on the emergence of a “crustacean” or exclusive nation-state argues that efforts to monopolize the “legitimate means of movement” have entailed several mutually reinforcing aspects including the codification of laws to define who may move within or across state borders, and the construction of surveillance and identification techniques (“the passport”), and of bureaucracies to apply these techniques. He analyzes several important European cases and the U.S. at critical junctures in their regulation of migration and use of identification papers. My analysis builds on Noiriel and Torpey’s insights by centering on laws, official procedures, and documents as means to control people’s movement. I then extend these perspectives by examining the formation of state capacity in a field of similar organizations with comparable goals and challenges, rather than in discrete country cases or in cross-national comparisons. To forestall the possibility of case or period selection obscuring inter-state dynamics, I examine related historical sequences in countries with shared interests in people moving among their jurisdictions.
In the eclectic field of international migration, a burgeoning literature examines states' role in the regulation of cross-border movement. Political scientist Aristide Zolberg (1978) has set the agenda in this area over the last three decades with an admonition to avoid treating the state as a residual category. His recent study of U.S. policy and its colonial antecedents traces the development of state capacity in discussions of “remote control,” or the ability to regulate migration at the point of origin (Zolberg 2006). His most enduring contribution has been to remind analysts of states’ inward and outward faces: while they may encage populations and act as if only domestic factors matter, states are embedded in an international system of similar, though differentially empowered membership and territorial organizations. In a study of the administration of migrants and associated state development during the Bracero Program (1942–1964), sociologist Kitty Calavita (1992: 170 ff.) disaggregates the state into specific “agencies, institutions, or cadres of state managers” that may have distinct and sometimes competing agendas and are not simply capital’s lackeys. Her analysis exposes the messy and processual character of state formation in concrete administrative arenas.

The analytical sensitivities exemplified in Zolberg and Calavita’s work have been reflected in an important body of scholarship, but neglected in influential work on states’ role in shaping migration. On the prominent view of sociologist Douglas Massey (1999), the state is primarily an organizational actor that affects the size and composition of migration flows through policy. Its capacity to shape flows is a function of bureaucratic strength, demand for entry, constitutional protections, independence of judiciary, and immigration tradition. While Massey’s study is comparative in approach, it does not adequately take into account states’ location in national and international political fields, their interdependence, and the effects of this embeddedness on state capacity. It is, however, a valuable effort to disentangle what is subsumed under the “state” and the circumstances under which states are likely to exercise control over who and how many migrate. Unfortunately, Massey conflates these circumstances with latent regulatory abilities. The assessment of capacity by whether or not it has an immediate and discernible effect on flows is an unrealistic standard since few but the most authoritarian states have wanted to or have closed borders completely (cf. Dowty 1987). Indeed, most have aspired to manage rather than to switch migration on and off at will (Fahrmeir et al. 2003: 2).

Several perspectives reviewed in here conflate capacity with its effects which reflects a broader social scientific tendency to define power as the ability to make others act against their wishes or

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interests and to measure it through concrete effects (Jasper 2006: 9, 87ff.; Lukes 2005). This leads to circular explanations. Fiscal officials possess extractive capacities, for instance, when they collect taxes from citizens. States have the capacity to control migration when the number and the composition of migrant flows resemble ostensible policy goals. And yet, there are numerous instances in which states with appreciable latent capacities fail to exercise control. A more promising analytical tack is to think of capacity as a storehouse of material and intangible resources that organizational actors deploy to attain particular goals. This is distinct from strategic action that may or may not be effective depending on factors like those identified by Massey in the sphere of migration control. In this essay, capacity to regulate migration comprises legal institutions, state agencies and personnel as well as official regulatory practices.

A final shortcoming of the perspectives reviewed is that they often adopt problematic scope conditions. Geopolitically, the objects of analysis have been North American and European country-cases either in isolation or in comparisons among major receiving countries. Temporally, analyses focus on relatively brief periods or presumably significant episodes (e.g. restriction immediately after the Great War). The emphasis on paradigmatic immigration countries with strong centralizing states and the timing of their migration flows draws attention away from nation-states’ embeddedness in an international system of like organizations with competing concerns about migrants.

This article takes a synthetic, institutional approach that recognizes crucial contributions of economic, political and institutional perspectives, but strives to overcome their shortcomings. Political economists correctly emphasize the concrete material interests that move migrants, employers, and government officials. However, these interests and how they are reconciled change as people organize into unions, industrial lobbies, and governmental agencies, and as complex organizations like the state interact on an international stage. Indeed, actors are made in these interactions. Further, capital accumulation and brute force have not been sufficient to control populations; rather states have gathered and used symbolic means to manage migration. Laws and regulations have been important resources in this sense. As performative acts (Austin 1975; Bourdieu 1991: 227; cf. Scott 1998: 3 on the evocative nature of maps), laws have called into being the very administrative arenas they purport to describe or name. Strictly political analysts offer an invaluable analysis of state organizational formation, but fail to explain how accepted regulatory capacity achieved through organizational mobilization in one domain has translated

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into equivalent capacity in another administrative arena. As this study shows, three mechanisms made this translation possible. States took over the administration of migration from private entities, modeled existing commercial, religious or state organizations with some innovation, and/or integrated different administrative arenas by making them interdependent (e.g. by subordinating migration procedures to military ones). Finally, my institutional approach conceptually improves on other perspectives by breaking down capacity into resources (rules and implementing organizations) and strategies (red tape and paperwork). Methodologically, I take a view of state capacity that delimits the period of analysis according to developments in a migration system and not solely in its constituent countries.

**Case Selection, Data, and Methods**

To examine legitimate state capacity systemically, this study centers on a case constituted by a migration system and associated power relations. By migration system, I mean a relational complex of variable symmetry among countries linked by migrant flows and a history of economic and political interdependence. Spain, Italy, and Argentina are components of such a system. To the extent that these states have shared similar material and symbolic ends – managing labor and making citizens – they have vied to control people who moved among their borders. Therefore, the migration system has implied a political field. Population movements among these countries have included other destinations and origins. For heuristic purposes, however, this article limits its analysis primarily to the system constituted by the three countries mentioned.

The case is particularly well-suited for this analysis because of the magnitude and longevity of migration streams linking Italy, Spain, and Argentina. In absolute numbers, close to 5 million Italians migrated to Argentina between 1876 and 1976, and just over half remained. About 3.17 million Spaniards migrated to Argentina between 1857 and 1975, and just over 60 percent remained. As Figure 1 shows, Italian and Spanish migrants accounted for a significant proportion of arrivals to Argentina. Leaving aside the relatively more circulatory migration to Europe, Argentina received a considerable proportion of Italian emigration (second only to the U.S. in absolute terms), and was far and away the most important destination of Spanish emigration. Although these countries were obviously located in other migratory systems, each was significant to the flows and nation-building strategies of the other.

The longevity of this migratory flow is matched only by Mexican or Irish migration to the U.S., but is distinctive in that flows
joining these countries reversed in the late 1980s (Lattes et al. 2003). By that time, Italy and Spain had experienced far-reaching positive political and economic transformations, while Argentina struggled with political instability, authoritarian rule, and economic morass. As a result, an increasing number of Argentines, primarily descendants of Spanish and Italian migrants, have retraced the steps of their ancestors. The direction of these flows has been shaped by the existence of Italian and Spanish policies that confer a privileged migratory and/or citizenship status to the descendants of Italians and Spaniards. The longevity and reversal of flows, offers an opportunity to examine not only the formation of state capacity to control migration, but also its long term consequences. A focus on the migratory system and political filed comprising Argentina, Italy and Spain through the interwar period also counters the tendency to take as normative the experience of paradigmatic receiving states.

To construct the intertwined historical sequences that lead to legitimate state control, I analyze a corpus of data consisting of legislative debates minutes, laws and accompanying regulations, law compilations, administrative rules and reports, diplomatic records, official migration statistics, and government files generated by bureaucratic procedures. I have also drawn on secondary accounts of political and economic developments in each country.

Figure 1: Major Destinations of Italian and Spanish Migration, c. 1880–1940. (Note: Arrows are weighted to represent magnitude of migratory flows)
Further, I bring into a new and productive dialogue existing migration scholarship on each country.

**The Archeology of State Control in a Migration System**

Spanish, Italian, and Argentine laws and regulations were an important first step in the discursive demarcation of migration control as a legitimate official domain. Legislators and bureaucrats went about this task carefully because people associated restrictions on geographic mobility with a bygone era of absolutism and this could undermine acceptance of migration measures. Official claims to competence over migration were not widely contested, but there were commercial and religious actors with which to contend. Over time, states succeeded in subsuming the claims of these actors. It also became clear that existing official entities were not materially able to carry out the aims expressed in migration law, for which they had not been intended, and a period of organization building ensued. Older bureaucracies with a say in migration matters were brought under the aegis of new ones, local-level organizations were linked to central state counterparts, and non-state organizations were folded into official bureaucracies or required to act on their behalf. Finally, state control over migration required a way to identify individuals susceptible to management by an emerging class of bureaucrats. Official identification papers, files, and record archives became the means by which such determinations could be made on an ongoing basis.

**Argentina: Growth of State Capacity through Anticipation and Reaction**

In mid-19th century Argentina, when there was no substantial migration and no organized interest groups to contest official claims about immigration, legitimacy was hardly an issue. Political elites had no doubt that their rightful role and constitutional mandate was to populate the national territory. Roughly a third of today’s U.S. territory, in 1816 Argentina had less than half a million inhabitants (Rock 1987: 114). Constitutional framer Juan B. Alberdi’s (1915) frequently cited aphorism that to govern was to populate captured leaders’ sentiments and permeated early official assertions about immigration and citizenship. The National Constitution of 1853 mandated that the federal government foster European immigration and not hinder the entry of foreign workers (República Argentina 1860: Arts. 20 and 25). It also gave immigrants many of the same rights held by citizens and offered citizenship on liberal terms.

Organizational capacity to attract migration, on the other hand, had to be built up since Argentina had not engaged in the extractive
practices through which other countries had developed governance abilities. As early as 1824, business entrepreneurs took the initiative of contracting workers and artisans in Europe with the assistance of private recruitment agents and support from the central government. Legislators in the 1850s introduced several measures to give immigration laws an organizational foundation. Buenos Aires issued a law in 1854 establishing a new Immigration Commission to foster immigration and to provide modest protections for immigrants, and other provinces followed suit. Beginning in 1857, an organization sponsored by the business sector offered room and board to poor newcomers. In 1864, the Argentine government set up official recruitment agencies in Europe to address Italian and Spanish complaints about migrant abuse by commercial recruitment agents, an early instance of interaction among sending and receiving country policies (Alsina 1898; Kleiner 1983; República Argentina 1876a: 622).

As Argentina integrated into the Atlantic economy, it exported agricultural goods and basic manufacturing inputs, and imported labor. As a consequence, its population more than doubled between 1816 and 1860 (Rock 1987). Anticipating even more immigration, the Argentine Congress nationalized several private immigration organizations (1863) and former members came to constitute an official Central Immigration Committee (CCI) (1869) (Alsina 1910). The takeover of a private organization by the government was uncontroversial because capital had hoped all along that the state would step in to attract much needed workers. This stands in contrast to the Italian and Spanish experience, where a thriving migration industry made state intervention undesirable. While in the early days of migration to Argentina petty crooks scammed European newcomers, there was no indigenous migration industry comparable to that of Spanish and especially Italian shipping and transport concerns. Official recruitment agents were typically business people with family or commercial ties to Argentina who received a modest promotion budget and a stipend from the CCI rather than a per-emigrant-fee. They publicized work opportunities, selected potential migrants, processed required transportation contracts, and orders for subsidized fares and lodging (Kleiner 1983), but had limited opportunity for illicit gain.

In response to what was perceived as mass migration, Argentine law asserted its competence over migration, and backed these “performative acts” with organizational development that gradually gave it the capacity to identify and manage migrants and their children. The 1876 Law of Immigration and Colonization (LIC) marked a turn to reactive immigration policy since it was motivated by large inflows of the preceding 4 years (see Figure 2), and incipi-
ent concerns about the quality of new arrivals. Its aim was to attract sufficient population to fuel Argentina’s economic expansion, direct it to vast unexploited regions of the interior, and draw migrants of a quality commensurate with the elite ideal of a modern nation-state (República Argentina 1876b; 1876).

To implement this agenda, the Law called into being the General Department of Immigration (GDI), an agency that absorbed the CCI’s administrative structure and personnel, and formally sanctioned the existence of a civil servant class to oversee immigration (Devoto 2001). The scope of the agency’s attributions was defined and broadened with respect to those of the CCI. It would detail transportation, arrival and placement conditions, enumerate and direct migrant flows, communicate with immigration committees in the interior and abroad, and oversee immigration agents in Europe and employment offices in Argentina. It became an enormous bureaucracy that by 1911 included a correspondingly massive immigrant receiving, processing and placement compound in the Port of Buenos Aires, gateway to the country’s main city and the interior provinces.8 With some interruptions, it remained operational until 1953.
Although immigrants were not especially hindered by the GDI – administrative sifting did not begin in earnest until the interwar period– processing by the agency represented a significant encounter with the Argentine state. Architecturally, the Immigrant Hotel, as locals referred to the sprawling complex, was an imposing symbol of bureaucracy in which design corresponded to legal requirements (see Image 1). In the days between docking at one end of the Hotel compound and release at the opposite end, inspectors checked newcomers’ arrival papers, issued new documents, and recorded data about their entry. Government doctors screened migrants for medical, physical, and mental defects. GDI personnel tested and improved photographic, finger printing and other identification techniques developed for law enforcement use. When necessary, newcomers received lodging for several days and assistance in finding work. These procedures left a paper trail in GDI archives that became the basis for subsequent management by the Argentine state: in the short and medium term, when migrants applied for citizenship or public benefits, and in the long run, when Argentina’s economic fortunes declined and immigrants and their descendants applied for citizenship in ancestral homeland states.

Image 1: Immigrant Hotel
Source: Archivo General de la Nación
The Argentine state also extended control over migrants through an administrative infrastructure in Europe, emulating what the United States had been doing since the early 19th century. My analysis of annual reports of the Foreign Ministry show a sharp increase in the number of consular offices in Italy and Spain relative to those in other countries between the early 1880s and the beginning of the Great War (República Argentina 1900–1933). When the sifting of immigrants began at the turn of the 20th century, consular personnel would play an important role in implementing increased documentary requirements. These in turn placed a greater administrative burden on sending country civil and law enforcement officials who had to provide required papers (what has been called “remote control” by Zolberg 2006:110, 264).

Policies after 1900 were more immediately responsive to the perceived threats of mass immigration. The entry of criminally or ideologically suspect migrants was a chief concern of political
elites. The 1902 Law of Residence, for instance, reflected official worry that foreign criminals were finding safe haven in Argentina and threatening the public order (see Image 2). It barred from entry suspicious migrants, provided for their summary deportation if condemned of a crime or sought by courts abroad, and implicitly required greater administrative selectivity abroad. The 1910 Law of Social Defense went even further by imposing stiff fines and/or jail time on private agents who transported anarchists and other political undesirables. Modeled on similar U.S. legislation (Jensen 2001), this law turned private commercial firms into state agents.

The anticipated consequences of other immigrant countries’ exclusionary policies, the potential arrival of political “subversives”, and a postwar economic conjuncture marked by increased unemployment fueled Argentine elites’ preoccupation about the quality of expected arrivals. Proposed solutions included immigration reform, but in the early interwar period the LIC had broad support and political leaders settled for changing policy through presidential decree and administrative regulation. All of these changes raised procedural costs for would-be migrants. President Hipólito Yrigoyen enforced two regulatory decrees that had been sanctioned in 1916 to prevent the entry of foreigners widely blamed for the civil unrest of 1919 (Diaz Araujo 1988). In addition to a photo-bearing passport, immigrants would need a certificate attesting to a clean criminal record, a certificate of financial solvency, and a mental health certification, all issued by state agencies in the country of origin. Argentina increasingly relied on other countries’ documents for the administration of its residents, an indicator of the extent to which a consolidating state system conditioned its constituents’ practices.

In 1923, President Marcelo Alvear implemented additional administrative restrictions after failing to gain support for a legislative overhaul of the 1876 Law. These measures broadened the range of medical and social reasons for which migrants could be denied entry and the administrative discretion of GDI personnel, including physicians, to make these determinations. The timing coincided with the imposition of restrictions in the United States and Brazil (1921), which is not surprising since policy shifts in these three countries were mutually attuned. The Alvear administration worried that flows deflected by new U.S. policies would land poor, unassimilable, and/or politically subversive immigrants on Argentina’s doorstep. Migration did reach the highest levels since before the Great War and the numbers of Central and Eastern European arrivals increased, in some cases dramatically (República Argentina 1925). Argentine administrations passed a series of restrictive regulatory measures between 1930 and 1938 to raise documentary requirements and
their cost, and by mid-decade immigration had declined significantly.\textsuperscript{18} The system of consular offices spanning Europe made this type of regulation possible.

I have outlined how Argentine capacity to regulate migration increased through a gradual process of legal assertion, and administrative extension in anticipation of or in response to population flows and the policies of other immigrant-receiving countries. For most of this period, political elites were the sole voices heard in migration policy discussions. By 1914 and in subsequent years, however, other voices became audible albeit in hushed tones. The Sáenz Peña Law (1912) established male universal and compulsory suffrage for natives over eighteen years of age, an electoral roll based on military conscription lists, and a provision to ensure the representation of minority parties (Rock 1987:189; 2002: 204 ff.). This shift meant that immigration policy became the subject of a more popular debate like the one encountered by Alvear’s 1923 proposal to reform immigration law (República Argentina 1923).

Public outcry did not stop Alvear from implementing policy changes through administrative decree. The resulting gap between law on the books and in practice, however, generated a space for administrative discretion that draws attention to another voice heard on immigration matters: that of government bureaucracies. In particular, the Ministries of Agriculture (which oversaw the GDI until its transfer to the Ministry of the Interior) and of Foreign Relations had distinct organizational cultures and interests which did not necessarily match those of other political or economic elites, were often at odds, and differed hierarchically (Devoto 2001: 289). An organizational audit of the GDI illustrates the long-running conflict between it and the Ministry of Foreign Relations, but also the interests of lower-level officials who trafficked in immigration paperwork.\textsuperscript{19} In brief, public and bureaucratic voices became more perceptible over time in the processes that shaped legitimate state control over migration.

The Argentine is but one strand of the relevant historical sequence. The analysis of growing state capacity to control migration is skewed unless comparable historical progressions in sending countries receive adequate attention. To offer a more balanced picture, the next section gives an account of accepted state ability and its development in Italy and Spain as they faced their own nation-state making challenges.

The View from Spain and Italy

Spain and Italy began to adopt measures to counter the perceived threats of emigration shortly after departures assumed significant
proportions in the mid-nineteenth century. Torn between its mercantilist past and its liberal aspirations, Spain affirmed the freedom to emigrate with one stroke of the pen, but constrained departures with another. If the tenor of Spain’s policy was largely restrictive, Italy maintained a policy of benign neglect and/or of minimal intervention for most of its 60 years of liberal rule (1861–1922). What accounts for these distinct trajectories in countries facing similar emigration challenges?

Each country followed different paths to a similar destination guided by their respective starting points, demographic and economic conditions, timing and magnitude of migration, and tenor of political discourse concerning the departure of citizens. At mid-nineteenth century, Spain and Italy had very different experiences with migration and its control. Spain had regulated the exit during the colonial and early postcolonial period through a system of travel permits, but a series of royal decrees issued between 1559 and 1769 reveals official desperation with the these measures’ ineffectiveness (Reino de España 1930). Mercantilist ideas of population as constitutive of a nation’s strength and wealth, and the desire to restrict access to colonial resources motivated these decrees, rather than any substantial migration. On the eve of massive migration to the Americas, and at a time when its imperial fortunes had declined, Spain had this restrictive legacy as a starting point. In contrast, the newly unified Kingdom of Italy (1861) had no comparable history of external colonialism or institutional regulatory tradition or organizations; although this was not true of its political precursors.20 On the other hand, especially in what became Northern Italy, there was a long history of exploration and entrepreneurship (Albónico and Rosoli 1994), and by Unification migration to other European regions and to Northern Africa was a well established household strategy. For policymakers, emigration held out the possibility of extending the new kingdom’s influence (e.g. Einaudi 1900).

Spanish and Italian trajectories after mid-nineteenth century were also strongly conditioned by underlying demographic, economic, and political factors. Demographically, both Spain and Italy experienced the consequences of rapid growth in the economically active population, but these pressures were more poignantly felt in Italy, with roughly 60 percent the mainland territory of Spain and almost 11 million more inhabitants in 1861 (Maddison 2003). The growth of economically active cohorts in the absence of proportional increases in work opportunities was the key issue (Hatton and Williamson 1994; Baily 1999; Sori 1979; Carr 1980). More evenly and keenly felt throughout Italy, these pressures explain why emigration became a household strategy earlier than in Spain and why
liberal Italian policies aimed to facilitate it. Politically, leaders in both countries feared that population growth in excess of local resources and opportunities could result in social conflict.

The importance of non-governmental economic actors in the policy process also explains Italy’s benign neglect of emigration. Spain and Italy both had significant shipping and transportation industries with strong interests in shaping official migration policy (Foerster [1919]1968; Reino De España 1905; Vázquez González 2002; Virgilio 1868). However, while the shipbuilding and transportation sector in Spain developed under close state scrutiny, its Italian counterpart grew largely unhindered by government regulation. By the time policymakers tried to regulate Italian shipbuilding and transportation concerns, they were well established and among the most powerful voices heard on emigration policy (Manzotti 1969). Further, it was an industry with no state counterpart. These private concerns had first tracked departing “Italians” and set the course for what became official enumeration in this domain (Carpi 1874). For its part, the Catholic Church advocated closer oversight of migration by the Italian state (Scalabrini 1888), but it also provided a range of services that may have contributed to official complacency concerning migrants’ needs. Eventually, however, the Italian state sought to take over the welfare functions of non-state entities, and closed down religious and secular migrant welfare societies, claiming that consuls could better serve Italian migrants (Cannistraro and Rosoli 1979b; Gabaccia 2000). Some have seen the beginnings of the modern Italian welfare system in this edging out of non-state actors by official entities (Green 2005).

Like Argentina, Spain and Italy first asserted their prerogative to oversee and control the movement of citizens across borders by means of legal measures. Official claims in this sphere were not contested by the average person as they had been in other domains. No one burned the offices and/or homes of mayors, governors, and port officials as peasants in Spain, for instance, had done with civil registries and the homes of registry personnel (cf. Carr 1980). This stands to reason since migration norms affected those that chose to leave rather than having universal compulsory application. Nevertheless, people adjusted migratory strategies in response to official regulation and governments in turn responded with new legal and organizational measures. These responses took into account not only domestic conditions, but the policies of other sending and receiving countries.

Although similar in outcome, the sequences that led to legitimate state capacity in Spain and Italy differed in the speed with which officials responded to migration flows and migrant strategies. The defining feature of emigration policy in Spain was the rapid back
and forth between measures freeing and regulating migration as well as the short lag between a change in migration and legal measures. Demographic and economic pressures had prompted local officials to advocate freedom of emigration for their subjects, and in 1853 the Spanish Crown acceded. However, as the volume of emigration increased and migrants found ways to circumvent government controls a new series of measures were issued (see Figure 3). For instance, a sharp increase in Spanish migration to Argentina between 1883 and 1889 was followed by three royal orders expressing concern about the magnitude of migration, the portion of it that escaped state regulation, as well as reminding officials of existing restrictions, and proposing organizational changes to better control emigration.

Migrants took evasive steps like leaving from European ports where documentary requirements were minimal (Roudié 1985), using counterfeit papers or real papers fraudulently. Two Spanish emigrants, for instance, caused a flurry of official correspondence when they traded documents to travel between Buenos Aires and La Coruña (in consular reports compiled by López Taboada 1993). This had become so common that Spanish theatre mocked the ease with which a young man could use an old man’s paperwork (Moya 1998). However, migrants who made fraudulent use of legitimate papers risked becoming the object of intense state scrutiny. In

![Figure 3: Spanish Emigration to the Americas and Related Legal Measures, 1860–1940.](image-url)
any of these scenarios, the degree to which migrants were “of the state” and hence available for administration by its agents would have increased (Noiriel 1996). The considerable lengths to which migrants went in efforts to get official papers (real, forged or for fraudulent use) is a measure, imperfect but revealing, of the Spanish state’s success in claiming migration control as a legitimate administrative domain.

Officials further solidified claims on migration control as a legitimate administrative domain through organizational integration. A series of measures between 1888 and 1902 sought to integrate existing controls and to make them more effective. They linked local emigration committees to central government officials and setup a system of multi-level accountability.23 Government ministries with direct interests in the departure of military aged men were to issue departure certificates. The Guardia Civil (civil police) would control passenger lists, boarding procedures, and inspect all supporting documentation. Identification standards were raised to match those required in the implementation of other Spanish laws. By making all legal procedures pertaining to migration free and limiting certification to interested official entities, policymakers hoped to undermine a brisk market for official papers.24

To the dismay of Spanish officials migration continued unabated and between 1902 and 1906 reached unprecedented levels (see Figure 3). This led to Spain’s 1907 Emigration Law, a 1908 regulatory decree, and a 1908 Internal Colonization and Repopulation Law. Grounded in an exhaustive review of emigration policies common in Europe, especially those of Italy, Spain’s Emigration Law simplified documentation requirements to undermine a thriving trade in illicit identity papers, imposed strict regulation on the shipping and transportation sector, and institutionalized the practice of having private entities carry out monitoring activities on the state’s behalf, an organizational innovation modeled on receiving country policies.

The Superior Council on Emigration (SCE) gave the 1907 Law its administrative muscle. The SCE was a large bureaucracy which incorporated existing emigration committees, now constituted by a broader range of officials. The operation of these committees, with considerable discretion to determine emigration requirements, resulted in increased exposure of would-be and actual migrants to processing by government officials. Crucial to the organizational work of officials was the ability to identify individuals as state members subject to government administration. A range of documents played this role including various types of passports and boarding permits.25 The latter entailed the burden of supporting documentation like the communal identification card, call letters,
certificates of military service completion, or demonstrating that no legal or financial obligations precluded departure, and authorizations for minors and married women. Documentation required of prospective migrants varied with officials’ regulatory fervor.

The 1924 Emigration Law strengthened official capacities to control prospective migrants – especially women, and military-aged men – by expanding emigration committee membership, establishing consular emigration committees abroad, and raising documentation requirements (Bayon Marine 1975; De Blas García 1965). These procedural changes effectively increased the cost of migration and, in combination with the Argentine measures discussed earlier, exerted downward pressure on emigration. The 1924 Law also recast the SCE as the National Directorate of Emigration under the Ministry of Work, Commerce and Industry, foreshadowing future policy approaches. The Spanish Civil War and its aftermath further increased official capacities to control migration by consolidating exit as a matter for police control. The carefully scripted operations of the Spanish Institute of Emigration beginning in the 1950s were only possible because of groundwork established in these earlier laws, official identification practices, and organizational structures.

In Italy, there was a similar sequence of migration, legal response, migrant adjustment and organizational extension, but official reactions were often delayed. Compared to Spain, Italian officials reluctantly regulated emigration and then only citing the need to protect emigrants from exploitation. Notwithstanding this reticence, the Italian government did respond to changes in the magnitude of migration with regulation (see Figure 4). After constant increases in migration in the 1860s, for instance, the Italian government issued two regulatory circulars. The Menabrea Circular instructed provincial governors and mayors to prevent would-be migrants from departing to Algeria or the Americas without a verifiable job offer or proof of sufficient means to subsist abroad (Virgilio 1868). Minister Lanza issued a similar circular in 1873 instructing mayors to “dissuade their subjects (amministrati) from expatriating [by] depicting the danger of falling in the hands of astute speculators” (Manzotti 1969:17). True to a pattern of softening previous regulation, a third circular derogated these provisions because they were causing Italians to board transatlantic vessels in foreign countries, removing them from state oversight, and hurting the national shipping industry. Alarmed by the scope of reported migration that year, however, Nicotera put out another circular exhorting provincial governors to ensure emigrants had the resources to travel abroad and to prevent departures induced by commercial agents.
After emigration reached unprecedented levels in 1876, political elites expressed some concern about emigrant exploitation by unscrupulous recruiting and shipping agents (Filipuzzi 1976), but no policy changes were made until 1888 when Parliament passed the Crispi Law, Italy’s first bona fide emigration law.27 The Law’s main purpose was to oversee and protect emigrants, and yet no practical steps were taken to enforce these provisions (Foerster [1919]1968: 477; Ostuni 2001: 311). Given that the emigration industry was by then well entrenched and not particularly agreeable to state regulation, migrants were left to fend for themselves before a powerful economic actor (Dore 1968).

Organizational development and associated paper controls happened at a slower pace in Italy than in Spain, but once initiated, the process advanced rapidly as the magnitude of emigration exceeded even liberal elites’ high threshold of tolerance. Between 1889 and 1901, emigration rose dramatically, from about 218,000 to 500,000 departures, among the highest rates in Europe (Figure 4). In 1901, the Italian parliament passed a new and comprehensive Law of Emigration.28 It not only took for granted the state’s right and even duty to control emigration, it systematically addressed all aspects of the phenomenon and created an integrated regulatory infrastructure under the General Emigration Commissary (GEC). The GEC’s inspectors coordinated work with mayors, provincial gover-

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Figure 4: Italian Emigration to the Americas and Related Legal Measures, 1876–1940.
Source: Annuario Statistico 1926
nors, and police personnel involved in regulating emigration. The agency oversaw the industry that had emerged around emigrant recruitment and transportation and took over some of its functions. For instance, major shipping firms in Genoa had kept ledgers tracking emigration before official enumeration of emigration became a state concern (Carpi 1874; Ferenczi and Willcox 1929; Virgilio 1868), but the GEC irrevocably established statistical primacy in this realm, and regularly published authoritative findings (Regno D’Italia 1926). As decrees, laws, regulations, instructions, and circulars multiplied and made emigration policy increasingly complex, the CGE assumed the role of compiler and clearinghouse.

A Royal Decree concerning passports accompanied the Law of Emigration. It more explicitly linked emigration control to the possession of a passport than in the past. Ostensibly, its purpose was to facilitate emigration, but it also created a concrete bureaucratic link with migrants and made possible their future administration. While people may have been identified as household members in previous extractive encounters with the state – for instance, in tax rolls or conscription lists – passports specified prospective migrants’ officially validated individual identity and membership in the Italian state often for the first time. The Instructions for the 1901 Passport Decree maintained that “the passport is not only a document intended to establish the identity of the person who exhibits it, but likewise supports the assumption that until proven otherwise this very person possesses Italian citizenship” (Regno D’Italia 1901: 169).

Once identified, migrants could be managed in the short- and medium-term. A personal dossier consisting primarily of nulla osta certificates contributed to the formation of a “system of files” (Weber 1978: 988) that, however imperfectly, allowed for the transmission of information pertaining to individual members of the Italian state. This information could facilitate emigration and the state’s protection to migrants abroad, but it could just as well condition or restrict a person’s departure. By making passport issuance a matter of police administration, Italian policymakers created the possibility of regulating the movement of particular categories of people – for example, women or the ideologically suspect.

Finally, the very process of acquiring a passport exposed many emigrants to more intensive contacts with the state than many had ever experienced. Obtaining the nulla osta to support a passport application meant securing a list of other papers which brought migrants into contact with a series of officials. Added to this were documentary controls before departure, en route, and on arrival abroad. These encounters and the associated documentary residue
made would-be migrants available for future management by state officials.

The legal, organizational, and identification mechanisms examined here carved out migration control as an accepted administrative domain, and increased Italy’s ability to control exit which in turn made possible the implementation of Great War restrictions. A series of measures passed before and during the War restricted the migration of military aged men and were not relaxed after 1919. Publication of Unified Code of Emigration (Regno D’Italia 1919) marked a turn both towards conservative nationalism and migratory restriction. Indeed, by the time the Code was recognized as law in 1925—three years into Mussolini’s fascist administration—official focus had shifted to limiting the types of jobs Italian women could do abroad, draconian measures against unauthorized border crossings, and fines levied on people who induced “clandestine” emigration.

In 1927, Benito Mussolini inaugurated a season of unprecedented restriction and control over would-be migrants and reversed almost seven decades of liberal emigration policy. As part of a plan to recast emigration as colonization and as an integral part of foreign policy, he dissolved the GEC, and transferred its functions, personnel, and resources to the newly minted General Office of Italians Abroad. He then issued a series of circulars directed to provincial governors and consuls that increased the number of documents required of emigrants, intensified control over their emission, increased the cost of emigration by doing away with subsidized train fares to major ports, standardized passports and closely regulated their emission. Mussolini also restricted migration to Argentina after a sharp disagreement with diplomats from that country over the naturalization of Italian emigrants and the nationality of their children (Glass 1936). A 42% drop in Italian migration to Argentina between 1927 and 1928, at a time when Spanish and European migration to that country was on the rise, signals the significance of these measures (see Figures 4 and 5).

Migration, The Management of Citizenship, and State Capacity

The movement of people between Spain, Italy, and Argentina raised questions about who belonged to which state and on what terms. These countries engaged in a long-term competition to maintain or forge citizenship ties with the same group of migrants and their children primarily by making legal claims on them. The bureaucratic negotiation of these claims subjected potential and actual citizens to encounters with state agents and, because these left a
paper trail in official archives, rendered migrants and their descendants available for future state administration. This represented an increase in states’ potential to control membership and future international migration.

The social process of migration, and the principles used to attribute and transmit citizenship fueled the competition among Italy, Spain, and Argentina. Migration posed a challenge to the common statist assumption of a close correspondence between a national territory and its population. When Italy became an independent state, political elites were already concerned about the magnitude of emigration and of Italian communities abroad (e.g. Virgilio 1868). Not only did political leaders face the prospect of making Italians of diverse people within its national borders, but increasingly of those abroad too (Gabaccia et al. 2007). Spanish political elites forged nationality policies in the aftermath of early nineteenth century independence movements and of relatively free exit after 1853. These historical events called into question Spain’s links to its nationals. For Italy and Spain, the task of maintaining legal ties to their migrants abroad was complicated by Argentina’s attempts to naturalize these same newcomers and to confer automatic citizenship to migrants’ children born in the receiving territory.

It is not surprising given these circumstances that Italian and Spanish lawmakers opted for *ius sanguinis* or right of descent as

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**Figure 5: Italian and Spanish Immigration as a Proportion of Total Argentine Immigration, 1857–1940.**
the principle for attributing and transmitting nationality. This sug-
gests that nationality law in these countries emerged from a con-
sideration of practical state-building interests, and was not solely
or even primarily based on ethnic conceptions of membership. The
Italian Civil Code of 1865 and the 1912 Citizenship Law, both
provided for the patrilineal transmission of Italian citizenship (Cook
Martin 2006a). The 1912 Law indirectly recognized the possibility of
dual nationality not acknowledged by the Civil Code and which had
become a prominent concern after 5 decades of mass migration.
Maintaining Italian citizenship or obtaining it for the children of
Italians born abroad required intensive contacts with consular
officials. The interactions left a documentary trail that determined
if a person maintained or could recover citizenship and if it could be
transmitted to subsequent generations.

Spanish law also enshrined right of descent as the principle of
citizenship attribution and transmission. In a series of treaties
signed with Latin American countries (Belgrano 1942), Spain had
already taken a relatively more pragmatic approach by recognizing
the possibility of dual-state affiliations among Spaniards living in the
American republics and their descendants. The 1889 Spanish Civil
Code – in force almost without interruption until revisions were
introduced in 2002 – maintained this recognition. However, the
vague provisions of the Code with respect to extra-territorial nation-
als set the stage for broad administrative discretion and a significant
role for the judiciary in its application (Moreno Fuentes 2001). A
nationality registry also filled the discretionary gap with its resolu-
tions. These made procedural demands that forced Spanish
migrants abroad into intensive contacts with consular officials. As in
the Italian case, the documentary residue generated by these
encounters conditioned future nationality procedures and thus gave
Spanish officials influence over compatriots and their children.

Argentina, intent on constructing a nation-state through immi-
gration, offered citizenship to newcomers on relatively liberal terms
and established *ius soli* or right of territory as the main criterion for
attributing nationality, a policy at odds with Spanish and Italian
claims on migrants and their children. The *1869 Law of Citizenship*
was designed to make naturalization attractive to migrants and
to automatically confer citizenship on any Argentine born child,
regardless of parental citizenship (República Argentina 1874; 1866;
1907). In practice, naturalization was a bureaucratically cumber-
some process, rife with opportunities for fraud, and subject to the
considerable discretion and arbitrariness of lower level magistrates
(Alvarez 1912). Securing the documentation required for natural-
ization by Argentine courts subjected applicants to administration
by their homeland states since the application procedure called for

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Journal of Historical Sociology Vol. 21 No. 1 March 2008
certificates of good conduct issued by state police in the country of origin and/or consular certificates attesting to the applicant’s good name. In brief, although contradictory in its implementation, Argentine policy directly challenged Spanish and Italian claims on migrants and their Argentine-born children and subjected them to contact with the bureaucracies of these very states. The conflicting claims made on the descendants of migrants were not fully resolved for several decades (Cook Martín 2006b), but efforts in this direction exposed applicants to additional state administration which left the habitual paper trail.

The Long Half-Life of State Capacity to Control Migration

A consequential paradox of states’ accumulated capacities to manage people’s movement and membership is that the very laws, organizations, and systems of files that have constituted these abilities have also placed migrants and their descendants in other states’ sphere of influence. This is ironic considering states’ claims to exclusive control over populations, but less of a paradox if one recalls that legitimate state capacity has developed in a competitive political field that has required strategic action, including negotiation and compromise. In this sense, the ability of a particular state to control migration has been interdependent with that of other states. Argentine efforts to carefully regulate migration and citizenship through increased documentary requirements in the interwar, for instance, forced migrants to seek papers from Italian and Spanish bureaucracies. When political and economic conditions in Argentina deteriorated significantly beginning in the late 1970s, Italian and Spanish emigrants and their descendants relied on Argentine government documents to support claims of ancestral homeland state citizenship.36 This development generated two noteworthy situations. First, a significant number of Argentines have applied for Spanish and Italian citizenship and migrated to Europe. In the Italian case alone, 277,000 Argentines acquired citizenship between 1998 and 2005 (Repubblica Italiana 1999–2006; Zincone 2006). A substantial drop in the number of Italians in Argentina suggests considerable migration (Repubblica Italiana 2002a: 71; 2006:143). Second, close to a half million registered Italians remain in Argentina. This figure is comparable to the number of Italians in Switzerland and second only to Germany’s Italian community. After passage of a law that allows Italian residents abroad to vote in national political elections and referenda (Repubblica Italiana 2002b) this became the largest political constituency of Italians outside of Europe. Thus, the long half-life of state capacity to control migration and membership has had some important unexpected effects.
Conclusion

In the competitive political and migratory field comprising Spain, Italy, and Argentina, legitimate state capacity to control migration has been the outcome of legal claims-making and related organizational growth driven by population flows and migrants’ circumvention of state regulatory measures. Governments gradually took over other entities with similar ends, modeled competing organizations, and integrated administrative arenas and levels to better achieve their regulatory ends. The outcome was an accepted regulatory capacity – an accumulation of organizational and symbolic resources as well as bureaucratic strategies – that these states began to use between both World Wars. Mechanisms of organizational extension had ironic implications for Italy, Spain, and Argentina. In the short run, the liberal era of free movement was also one in which governments perfected the means to control population movements that conservative regimes used in the 1930s. In the intermediate and long-term, rules, red-tape and paperwork affected these countries’ ability to manage people’s jurisdictional movement and political membership.

This article renders state capacity in broad strokes, but brings to the fore elements neglected by existing economic, political and institutional perspectives. Concrete interests motivate mobile workers, employers, transportation entrepreneurs and government officials, but laws, bureaucracies and administrative practices define and change these very motivations. Conflicts within and among Argentine ministries with competence over migration matters illustrates how this is the case. The organizational mobilization required to conscript individuals to serve in an army and to extract the money needed to maintain it accounts for state formation in specific realms; however, it does not explain how the resources amassed become effective in other administrative domains. The mechanisms described earlier show how legitimate state capacity translates across official spheres. The institutional perspective assumed in this essay shows that states develop in fields populated by comparable political organizations and with particular dynamics. State capacity and its legitimacy derive from interactions among states with similar, often conflicting ends. Relative to institutional scholarship with similar interests that emphasizes paradigmatic country cases and/or cross-national comparisons, I place more stress on interrelated historical sequences in countries linked by long-term migration. As a corrective to analyses that treat state capacity as a quantity knowable only through its impact on flows, I have illustrated the benefits of viewing it as a reservoir of organizational and cultural resources available for the execution of official duties.
The value-added of the systemic perspective advanced here may be assessed through several new lines of inquiry. A first could extend the current analysis by means of a methodical examination of other country players to which I only allude in passing. Substantial emigration from Italy to other European countries (primarily France and Germany), the United States, and Brazil, and from Spain to Cuba (after independence) suggest the need for a closer examination of state capacity to control migration in networks spanning these countries. The analytic challenge here is to delimit a particular sub-system within the international state system. A second line of inquiry could compare the development of legitimate state capacity to regulate migration in two or more systems; for instance, in North and South Atlantic migration systems and political fields or in these and in North and Southeast Asia (Mckeown 2004). This last comparison likely has the greatest theoretical potential since countries in these systems have developed distinct governance structures and state control mechanisms. A potential challenge to this comparative strategy is the extent to which subsystems are discrete. Legitimate state capacity to control migration is but one facet of states' penetration and administration of citizens. Therefore, a third and crucial line of inquiry would locate migration regulation in a broader context of state efforts to embrace and administer populations as well as citizen reactions to these advances. Conscription and taxation have been two crucial of state management, but education and welfare have been other domains where individuals have become of the state. Moreover, private organizations have pioneered and adopted population management regimes from state counterparts. Fairchild (2003) shows, for example, how U.S. and Argentine efforts to medically inspect immigrants and render them available for administration paralleled similar attempts by large industries to screen employees. Finally, the voice of individuals and the bureaucrats who make advances on their lives should figure more prominently in extensions of the systemic research program reflected by this article. It may be feeble and fragmented given data limitations, but it is worth discerning as a crucial element in the effort to link biography and history.

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Notes

1 For a cogent exception, see Castells (1975:53).
2 Although a full demonstration of this point is beyond its scope, this article suggests that state capacity in these other instances develops as political actors organize to manage problems like the movement of people across territorial borders associated with capitalist growth. The Argentine experience illustrates this alternative trajectory of state-organizational development (Adelman 1999; Lewis 2002).
3 Another recent and valuable contribution from the political science camp has been Tichenor’s (2002) study of how U.S. immigration policies unfolded over a 200 year period and the build-up of administrative capacity in the “exclusionary state”.
5 Consider historical and contemporary examples. Officials during the Bracero program overlooked potential migrants’ disregard for guest worker procedures if labor demand was high (Calavita 1992; Fitzgerald, forthcoming). Today, one agency of the U.S. government with considerable extractive capacities turns a blind eye to foreign contributors’ unauthorized status even as another raids meat processing plants in search of undocumented workers.
6 See discussions by Mabogunje (1970) and Zlotnik (1992). I extend these discussions by underscoring the competitive field implicit among nation-states included in a system or sub-system.
7 There has been a “return” migration from the U.S. and elsewhere to Ireland, but of a more modest scope (Corcoran 2002).
8 This complex was comparable in function to Ellis Island in the U.S., but was an integral part of the mainland port.
9 Officials logged arrivals in large, hard-bound ledgers, and beginning in 1900, general files. These ledgers noted date of arrival, name, age, sex, name of vessel, port of origin, travel class, civil status, occupation, literacy, marital status, and, after 1924, province of origin, languages spoken, health and previous stays in Argentina. General files included consular authorizations, a sworn affidavit by naval captains, passenger lists, a maritime inspection form, and a log documenting exceptions to existing immigration regulation (e.g. permits for the elderly). Inspectors kept special dossiers on immigrants when there was a question about their admission, usually because they fell into one of the categories described in Article 32 of the LIC concerning the sick, the insane, the poor and the elderly, or if they were suspected anarchists or communists. Dossiers included medical results, internal memos, petitions filed by immigrants and their relatives, supporting documentation, and administrative decisions. This summary draws on my review of records at the Museo del Inmigrante (housed on the Immigrant Hotel grounds), consultations with personnel at the Center for Latin American Migratory Studies (CEMLA), examination of files at the Archivo General de la Nación, and secondary sources (Devoto 2001; 2003).

Congressional debates of the LIC as well as subsequent discussions of proposed legislation show that policymakers were keenly aware of U.S. immigration and citizenship laws and administrative practices.

Moya (2004) notes that by the outbreak of World War I, Buenos Aires city was the second center of Anarchist activism after Barcelona.

Ley de Residencia del 22 de Noviembre de 1902, no. 4144.

Ley de Defensa Social del 28 de Junio de 1910, no. 7029.

Mayol (1903: cover) penned this cartoon after passage of the Ley de Residencia (#4144 of 11/22/1902). The caption reads as follows. [Argentine official, sieve in hand]: “I need immigrants, but from now on they must be sifted, because I don’t want agitators, revolutionaries, strikers, communists, socialists...” [European shopkeeper who deals in “emigrants”]: “Enough, I know what you want: an immigration made up purely of bankers and archbishops.”

Decreto Reglamentario del 31 de diciembre de 1923.

On the interdependence of migration policies in major immigration countries, see Timmer and Williamson (1998).

A December 1930 military decree imposed a consular fee of 10 pesos gold for stamping required health, good conduct and financial solvency certificates. A June 1931 decree exempted would-be settlers from the payment of consular fees. Citing as justification growing unemployment and the inefficacy of imposing higher consular fees, the Decreto del 26 November 1932 suspended all visa authorizations at the point of departure for people who did not have a work contract in hand and/or support from an authorized and financially solvent family member.


For example, see the discussion of passport control in early 19th century Lombardy-Veneto (Geselle 2001).

Real Orden Circular (ROC) de 16 de Septiembre de 1853 regularizando la emigración para las colonias españolas y para los Estados de América. A useful compilation of Spanish policy may be found in Reino de España, Instituto de Reformas Sociales (1905).

Real Orden (RO) de 11 de noviembre de 1883, ROC de 19 de enero de 1887, and RO de 5 de agosto de 1888.

ROC de 8 de mayo de 1888.

RO de 7 de octubre de 1902; RO de 7 de octubre de 1902 dando nueva publicidad a las reglas vigentes respecto a los documentos que deben presentarse por los individuos que, no habiendo cumplido con el servicio militar, salgan para el extranjero.

The passport was not the only or even the main document required for exit, as it was in the Italian case. On the use of internal and external passports in Spain see Castells Arteche (1974), Lloyd (2003), and Real Decreto de 12 de marzo de 1917.

The text shows particular interest in tightening control over men eligible for military service and women. The first concern is consistent with
Spain’s military interventions in Morocco and the second with a response to international agreements on traffic in women (Cook Martín 2006a; Limoncelli 2006).

27 Legge 30 dicembre 1888, n. 5866, named after then Prime Minister Francesco Crispi.

28 Legge 31 Gennaio 1901, n. 23 sull’Emigrazione.

29 Regio Decreto 31 Gennaio 1901, n. 36.

30 The nulla osta (literally “no impediment”) was a certificate attesting to the bearer’s freedom from legal encumbrances to departure.

31 Legge 17 aprile de 1925, n. 473.

32 Regio Decreto Legge 28 Aprile 1927, n. 628; Regio Decreto Legge 18 Giugno 1927, n. 1636; Regio Decreto Legge 23 Ottobre 1927, n. 2146; Regio Decreto Legge 21 Giugno, n. 1710. For a discussion of the broader context in which Mussolini imposed these changes see (Albònico and Rosoli 1994; Cannistraro and Rosoli 1979a; Glass [1940]1967: 221 ff.).

33 On the challenges of migration to nation-state projects and statist assumptions, see, inter alia, Brubaker (1989), and Joppke (1998).

34 The debates of jurists and legislators in Italy (Bussotti 2002) and Spain (Castro Y Casaleiz 1900) lend support to this point. Hansen and Weil (2001:3) make a similar argument, specifically, that massive postwar migration and the “need” to integrate a large number of third-country nationals have driven nationality law reform.

35 For a collection of Spanish case law on nationality see Puente Egido (1981) and for DGRN resolutions see Álvarez Rodríguez (1990).

36 On the reversal of fortunes experienced by these three countries see Schneider (2000) and Cook Martín (2006b).

37 Thanks to an anonymous reviewer for reminding me of this apt example.

References


Castro Y Casaleiz, Antonio De. 1900. *Estudios de derecho internacional privado Conflictos de nacionalidad; condición del extranjero;heimathlosat; naturalización y naturalizaciones criminales; libertad de expatriación ó de emigración; derecho de expulsión; doble nacionalidad; abusos de protección y derecho de protección en Oriente.* Madrid: Fé.


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*Journal of Historical Sociology* Vol. 21 No. 1 March 2008


———. 1926. *Annuario Statistico della Emigrazione Italiana dal 1876 al 1925. Con notizie sull’emigrazione negli anni 1869–1875*, Edited by
Commissariato Generale dell’Emigrazione. Rome: Edizione Del Commis-
sariato Generale dell’Emigrazione.
Reino De España. 1905. La emigración. Información legislativa y bibliográ-
ifica de la Sección primera técnico-administrativa. Edited by Instituto de
Reformas Sociales. Madrid: Imp. de la Sucesora de Minuesa de los
Ríos.
Reino De España. Instituto De Reformas Sociales. 1905. La emigración.
Información legislativa y bibliográfica de la Sección primera técnico-
administrativa. Madrid: Imp. de la Sucesora de Minuesa de los Ríos.
Reino De España. 1930. Disposiciones complementarias de las Leyes de
Indias. Edited by Ministerio de Trabajo y Previsión. Madrid: Publica-
ciones de la inspección de emigración. Imprenta Saez Hermanos.
———. 2002b. “Norme per l’esercizio del diritto di voto dei cittadini
italiani residenti all’ estero’ pubblicata sulla Gazzetta Ufficiale n. 4 del 5
Republica Argentina. 1860. “Constitución Política de la República Argen-
tina de 1853,” in Sancionada por el Congreso General Constituyente el 1
de mayo de 1853, reformada por la Convención Nacional “ad hoc” el 25
de septiembre de 1860 y con las reformas de las convenciones de 1866,
1898 y 1957, edited by Congreso General Constituyente.
———. 1874. “Diario de Sesiones de la Cámara de Diputados, Año 1869.”
Siglo (y de “La Verdad”).
———. 1876a. “Diario de Sesiones de la Cámara de Senadores, Sesión de
———. 1876b. “Diario de Sesiones de la Cámara de Senadores, Sesión de
Buenos Aires: Ministerio de Relaciones Exteriores y Culto.
Congreso Nacional.
———. 1925. “Resumen estadístico del movimiento migratorio en la
Argentina. 1857–1924.” Dirección General de Migraciones, Buenos
Aires.
———. 1876. “Diario de Sesiones de la Cámara de Diputados, Año
———. 1907. “Diario de Sesiones de la Cámara de Senadores, Período de
1869.” Pp. 385–396 in Sesión del 3 de julio de 1869. Buenos Aires:
Establecimiento Tipográfico “El Comercio”.

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Scalabrini, Giovanni Battista 1888. vol. 2. ed.: Piacenza, Tip. dell’Amico del popolo.


