THE POLITICAL-HISTORICAL ROOTS OF WEST EUROPEAN MODELS OF CITIZEN

Hakan Gürçan Sicakkan
Department of Comparative Politics
University of Bergen
Norway

1 Introduction

A clarification of the relationship between West European political history and present legal models of citizen is crucial to understanding better today's mechanisms and processes of new formations of social, economic, and political boundaries. The major hypothesis in this paper is that historical processes of state formation and nation building played a significant role in emergence of contemporary legal models of citizen. States generated diverse value systems and corresponding legal discourses framing phenomenon "citizen" while they opted for creating the "right" loyalties and identifications in order to secure continuity of their legitimacy. Stein Rokkan's typology of state formation and nation building in Europe is employed for delineating the variation in European political history across countries. Citizenship, immigration, and aliens' laws of eighteen West European countries are used as data sources for the variation in European legal conceptions of citizen. Charles Ragin's qualitative comparative method (QCA) is employed as the basic methodological tool for generating a synthetic, combinatorial solution to uncovering the systematic relationship between types of state formation and nation building, and contemporary citizenship laws.

2 Constructing Rokkanian Hypotheses

Rokkan's theory concerning the relationship between outcomes of state-building processes and membership / identity types is illustrated in Table I. Into this table of Rokkan, I have added arrows representing hypotheses concerning the effects of territories' cephality, religious / ethnic diversity previous to the onset of state formation, and of colonialism on the contemporary models of citizen. I have furthermore added suggestions about the relationships between Rokkan's identity-space categories and criterions for defining citizens.

Models of citizen are expressed only in terms of the strongest components of identity -such as "ius soli", "ius sanguinis", "ius soli dominant" or "ius sanguinis dominant" although more intricate combinations of these criterions are used in citizenship laws. Therefore, Table-I should be considered as a parsimonious summary of models of citizen in European citizenship laws. These criterions for distinguishing between individuals with and without natural ownership right on a polity can be used to determine countries' respective models of potential citizen. Potential citizens are those individuals who do not have to do anything more than being born for becoming actual citizens, and aliens are

---

1 This paper is based on author's earlier works (Sicakkan 1998, 1999). In this version, most of the theoretical discussion on
those individuals who meet obstacles laying different degrees of difficulty for their acquisition of citizenship. Criteria giving automatic access to citizenship without individuals' needing to apply for it are used to determine models of potential citizen in each polity. This definition of citizen excludes rules of citizenship acquisition by naturalization.

### Table I
Dimensions in Formation of Models of Citizen

<table>
<thead>
<tr>
<th>Space / Identity Characteristics</th>
<th>Territorial Space</th>
<th>Territorial + Strong Membership Space</th>
<th>Membership + Strong Territorial Space</th>
<th>Membership Space</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><em>Ius Soli</em></td>
<td><em>Ius Soli Dominant + Weak Ius Sanguinis</em></td>
<td><em>Ius Sanguinis Dominant + Weak Ius Soli</em></td>
<td><em>Ius Sanguinis</em></td>
</tr>
<tr>
<td><strong>Territorial Space</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>France</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Italy</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Portugal</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ireland</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Iceland</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Norway</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Denmark</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sweden</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Finland</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Greece</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Territorial + Strong Membership Space</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Former Imperial Peripheries</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ethnic Diversity + Colonialism</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Territorial borders cutting across myths of ancestral origin</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Former Imperial Peripheries + Homogeneous population</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Homogeneous Population</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Membership + Strong Territorial Space</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ethnic Sanguinis Dominant + Weak Ius Soli</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Membership Space</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Ius Sanguinis</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*The cursivated countries and the dimensions denoted by arrows are added.*

"Strategies of unification" is an elaboration of state-formation processes' outcome. Its four categorical values vary from political centers' most successful state formation (unitary state) to their least successful state formation (federalism). While unitary state formation can be regarded as political centers' successful state building attempts, federal state formation can be viewed as peripheries' successful state formation. Space / identity characteristics are outcomes of nation-building processes. Territorial space corresponds to states' successful nation building because states have managed in such polities to generate legitimacy by transforming local identifications and loyalties into larger citizenship based on political theory and political history in the earlier work is excluded.
territorial identification and loyalty. Territorial space also represents the unsuccessful peripheries. Membership space represents peripheries' successful nation building and states' unsuccessful nation building attempts.

Rokkan's strategies of unification show a high degree of congruence with his space / identity characteristics. The same correlation cannot be found between citizenship criterions and Rokkan's other two dimensions because there are other intervening macro-political factors, some of which are illustrated with arrows in Table I. These additional dimensions seem to have systematic impacts on the resultant models of citizen. Combination of colonialism and religious / ethnic diversity seems to lead from a *ius sanguinis* identification at the societal level to a *ius soli* based model of alien and potential citizen in the citizenship laws. On the other hand, when political-territorial boundaries cut across the already existing ancestral identification, the established *ius sanguinis* identification becomes modified by the state-imposed *ius soli* identification.

The aforementioned incongruency between Rokkan's theory and legal models of potential citizen and alien is due to two factors. First, this model has been designed in order to account for state-native relations rather than state-alien relations. Second, it includes only the dimensions pertaining to state-formation (i.e. strategies of unification) and the resultant identity spaces. At this point, one should include also conditions initial to state-formation. When they are added, one has a new list of determinants of citizen models, which is presented in Table II. Of these variables, only the

<table>
<thead>
<tr>
<th>Variable</th>
<th>Label</th>
<th>Value Assignment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CITALIEN</strong></td>
<td>Legal Model of Citizen and Alien</td>
<td><em>Ius Soli</em> Dominant</td>
</tr>
<tr>
<td><strong>PREMEDIE</strong></td>
<td>Premedieval Territorial Consolidation</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>RELIGHOM</strong></td>
<td>Pre-State Religious Composition</td>
<td>Homogeneous</td>
</tr>
<tr>
<td><strong>LINGUHOM</strong></td>
<td>Pre-State Linguistic Composition</td>
<td>Integrated</td>
</tr>
<tr>
<td><strong>MONOCEPH</strong></td>
<td>Pre-State Geopolitical Balances</td>
<td>Monocephalic</td>
</tr>
<tr>
<td><strong>TERANCST</strong></td>
<td>Territorial Borders Cutting Across Ancestral Identity</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>EUROPERI</strong></td>
<td>European Periphery Previous to State Formation</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>UNISTATE</strong></td>
<td>Strategies of Unification During State Formation</td>
<td>Unitary</td>
</tr>
<tr>
<td><strong>COLONIAL</strong></td>
<td>(Former) Colonial Metropol</td>
<td>Yes</td>
</tr>
</tbody>
</table>

The aforementioned incongruency between Rokkan's theory and legal models of potential citizen and alien is due to two factors. First, this model has been designed in order to account for state-native relations rather than state-alien relations. Second, it includes only the dimensions pertaining to state-formation (i.e. strategies of unification) and the resultant identity spaces. At this point, one should include also conditions initial to state-formation. When they are added, one has a new list of determinants of citizen models, which is presented in Table II. Of these variables, only the
colonialism factor is not to be found as a major dimension in the Rokkanian paradigm. We shall test these hypotheses with Charles Ragin's QCA method.

3 Qualitative Comparative Analysis of Legal Citizenship Principles

Table-III illustrates the truth table used in the QCA application. The analysis was done in three steps. The first step comprised a QCA application where the above truth table was minimized for the dependent variable’s value “1”. Results from this step gave configurations of the independent variables leading to a ius soli outcome. In the second step, the same truth table was minimized for the “0” values of the dependent variable. The results from this stage gave the causality configurations for the ius sanguinis outcome. In the third step, results from these analyses were interpreted and used for explaining how different models of citizen emerged.

---


3 Values of independent variables, except colonialism and premedieval consolidation, were extracted from Rokkan’s conceptual map of Europe. Case values of variable “premedieval territorial consolidation” were extracted from Millar (1967). Values of the dependent variable were assigned with respect to countries’ citizenship, immigration and aliens’ laws. Moreover, this information was validated and updated in January 1997 through telephone-interviews with law sections of countries’ embassies, ministries, and directorates of citizenship and immigration.
3.1 Political-Historical Roots of *Ius Soli*-Based Models of Citizen

As Table-IV shows, there are six possible explanations of emergence of the *ius soli* requirement as citizenship principle in European citizenship laws. These solutions are presented in each row of the table. Indeed, to account for our 18 cases, it is enough to choose only four of these solutions after analyzing each case thoroughly. However, letting this wait for a while, I will now present these solutions.

<table>
<thead>
<tr>
<th>QCA-SOLUTIONS</th>
<th>CASES ACCOUNTED FOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>COLONIAL</td>
<td>Belgium, France, Netherlands, Portugal, Spain, UK</td>
</tr>
<tr>
<td>RELIGHOM monoceph</td>
<td>Belgium, Italy, Portugal, Spain</td>
</tr>
<tr>
<td>One From the Following Group</td>
<td></td>
</tr>
<tr>
<td>linguhom TERANCST UNISTATE</td>
<td>Belgium, Ireland</td>
</tr>
<tr>
<td>RELIGHOM linguhom TERANCST</td>
<td>Belgium, Ireland</td>
</tr>
<tr>
<td>One From the Following Group</td>
<td></td>
</tr>
<tr>
<td>MONOCEPH TERANCST unistate</td>
<td>Austria</td>
</tr>
<tr>
<td>RELIGHOM TERANCST unistate</td>
<td>Austria</td>
</tr>
</tbody>
</table>

**NOTES**

1. Model: CITALIEN=PREMEDIE + RELIGHOM + LINGUHOM + MONOCEPH + TERANCST + EUROPERI + UNISTATE + COLONIAL
2. Outputs Minimized: 1 Using Don't Cares: L
3. Method: Quine-McCluskey (Minimal)
4. The addition signs (+) between variable configurations are to be read as logical operator "or". Variables within each configuration are connected to each other with the logical operator "and".
5. Lowercase = condition absent (0); uppercase= condition present (1).

There is one QCA-solution pertaining to France, the Netherlands, and the United Kingdom. With regard to these three countries, colonialism and the subsequent colonial immigration are the only possible explanation of the *ius soli* principle. Concerning Belgium, Portugal, and Spain, there are other possible explanations in addition to colonialism. In these countries, also pre-state religious homogeneity combined with a medieval polycephalic geopolitical structure, can be a reason. This set of conditions is the only explanation in the case of Italy. Furthermore, for Belgium there is a third and a fourth possible variable configuration that can explain emergence of the *ius soli*-principle. These are (1) unitary state formation in territories with linguistically heterogeneous populations, where the respective languages constitute the main language in neighboring countries. State formation in such contexts must necessarily promote a citizenship identity that is based on the territorial principle rather than ancestry and language because the latter two provide loyalty to the contesting neighbor political centers. (2) The second variable configuration comprises the conditions of religious homogeneity, absence of integrated language, and territorial borders cutting across myths of ancestral identification. State formation attempts in such a context, must necessarily opt for a citizenship requirement based
on territorial identity because of neighbor political centers contesting for the same population’s loyalty. These two sets of conditions exist also in Ireland’s political history. Similarly, two alternative combinations of explanatory variables account for the case of Austria. The first one is the presence of a monocephalic geopolitical structure combined with non-unitary state formation and other political centers contesting for the same population’s loyalty (Prussia).

Our findings in this subsection point strongly back to the hypotheses presented in Table-I. These hypotheses focus on the interactions on the macro level between territorial borders, language, religion, colonialism, and strategies of state formation. However, their relevance to each specific case must be shown, which we shall do in section four.

3.2 The Political-Historical Roots of Ius Sanguinis-Based Models of Citizen

Table V
QCA-Solutions from Minimization for Ius Sanguinis

<table>
<thead>
<tr>
<th>QCA-SOLUTIONS</th>
<th>CASES ACCOUNTED FOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>One From the Following Group</td>
<td></td>
</tr>
<tr>
<td>relighom colonial</td>
<td>Germany, Switzerland</td>
</tr>
<tr>
<td>premedie monoeph colonial</td>
<td>Germany, Switzerland</td>
</tr>
<tr>
<td>monoeaph unistate colonial</td>
<td>Germany, Switzerland</td>
</tr>
<tr>
<td>One From the Following Group</td>
<td></td>
</tr>
<tr>
<td>terancest colonial</td>
<td>Finland, Greece, Luxembourg</td>
</tr>
<tr>
<td>RELIGHOM MONOCEPH terancest</td>
<td>Finland, Greece, Luxembourg</td>
</tr>
<tr>
<td>One From the Following Group</td>
<td></td>
</tr>
<tr>
<td>RELIGHOM LINGUHOM MONOCEPH UNISTATE</td>
<td>Denmark, Norway, Sweden, Iceland</td>
</tr>
<tr>
<td>LINGUHOM MONOCEPH UNISTATE colonial</td>
<td>Denmark, Norway, Sweden, Iceland</td>
</tr>
<tr>
<td>Premedie LINGUHOM UNISTATE colonial</td>
<td>Denmark, Norway, Sweden, Iceland</td>
</tr>
</tbody>
</table>

NOTES (1) Model: CITALIEN= PREMEDIE + RELIGHOM + LINGUHOM + MONOCEPH + TERANCEST + EUROPERI + UNISTATE + COLONIAL
(2) Outputs Minimized: 0 Using Don’t Cares: L
(3) Method: Quine-McCluskey (Minimal)
(4) The addition signs (+) between variable configurations are to be read as logical operator "or". Variables within each configuration are connected to each other with the logical operator "and".
(5) Uppercase= condition present; (1) Lowercase = condition absent (0).

Table-V presents nine QCA-solutions for *ius sanguinis* based models of citizen in West European laws. Three of these solutions are enough to account for our 18 cases. However, following the procedure mentioned in 4.1, I will present these solutions and not exclude any one of them for the time being. In the fourth causal configuration, absence of colonial experience is combined with territorial borders that correspond to the existing myths of ancestral identity. In such contexts, there will be no need to emphasize populations’ difference to other political centers through territorial identity, i.e. the principle of *ius soli*; and the principle of *ius sanguinis* will thus be the most effective way of connecting the population to the political center. The fifth set of variables comprises religious
homogeneity, monocephality and territorial borders corresponding to existing myths of ancestral identity. This set of variables point to the significance of conditions initial to state formation: the interaction between religious composition of the population, myths of ancestral identity, and geopolitical structure. These three variable configurations account for the cases of Finland, Greece, and Luxembourg.

The last three configurations in Table-V account for the Nordic countries, except Finland. The first of these comprise conditions of unitary state formation strategy on monocephalic territories with highly homogeneous populations. The second configuration replaces the religious homogeneity condition in the aforementioned first set, with the absence of the colonialism factor. The third variable set comprises conditions of absent premedieval territorial identity formation, absent colonialism, linguistically homogeneous population, and unitary state formation strategy. All the three sets of conditions indicate in fact unitary state formation in territories with homogeneous populations where the state building elites do not necessarily need to generate a territorial identity. In such contexts, the most effective way of generating loyalty to the political center will be to expand the existing local ancestral identities to cover the whole population.

Also regarding the emergence of the *ius sanguinis* principle in West European laws, our hypotheses in Table-I seem to be valid. However, with these findings from a QCA-application on our data, the possibility of alternative explanation has increased.

4 Emergences of West European Models of Citizen

According to the QCA premises, the solutions found in tables IV and V are legitimate, and can be regarded as the necessary conditions for emergence of *ius soli* and *ius sanguinis* based models of citizen and alien. However, as pointed out, certain cases comprise more than one set of conditions. In order to find out which of these alternative conditions had an effect in each country, one must weigh the impact of these alternative sets of conditions with respect to each other in each context. This will be done in this section.

4.1 Development of the Rokkanian Citizen in Retrenched Empires: Emergence of *Ius Soli* Based Citizenship Laws

In polities with strong political centers where state formation came before nation building (i.e. seaward and landward nation states), one should expect to find laws based on the *ius soli* principle because such polities represent the strongest territorial-space identity traditions. That is, birth in the territory should give automatic access to legally residing aliens’ children. Indeed, most of these countries have developed a modified version of the *ius soli* principle, namely the *double ius soli* principle. According to this principle, those children who are born in the territory and one of whose alien parents is also born in the territory become automatically citizens of the respective polity. The crucial historical factors that led to this modified application of the *ius soli* principle are: (1)
colonialism, (2) religious / ethnic diversity before state formation, and (3) states’ strategies of unification. Countries with strong political centers that had extensive colonial affairs have typically developed the double ius soli principle in order both to close their borders against further immigration from colonies and to protect and regularize rights of the already arrived colonial immigrants. On the other hand, state-building elites opting for a unitary state in religiously / ethnically mixed territories also opted for the ius soli principle in order to undermine competition based on ius sanguinis and religious identifications within the territory. The modern period (1700-1914) expanded the citizenship identity in these European territories from its narrow traditional limits such as ancestors, local society, land, family and home\textsuperscript{4} to the broader framework of territorial-national citizenship as in France, and of state-subjecthood as in Austria, Portugal, Spain and the U.K. France, Spain and United Kingdom built their states in ethnically diverse territories, whereas Austria and Portugal had highly homogeneous populations after the collapse of their empires. These countries have gone far beyond the ius sanguinis principle and adapted different combinations of ius soli and ius domicili principles, wherein the ius soli component is dominant.

The emergence of the ius soli principle cannot be explained only with the factors of early unitary state formation and powerful states building nations in territories with heterogeneous populations. In the other aforementioned ius soli countries, one has both these Rokkanian factors and the factor of colonialism. Since Austria, which is without a colonial past and with an empire building history, has not developed the ius soli but the ius domicili principle, the crucial factor leading to a ius soli oriented development must be the presence of former colonial affairs alone. One can at this point speculate and assert that if United Kingdom, Spain, and France had not been colonizers, they would too develop the ius domicili principle. Furthermore, with respect to these dimensions, Portugal is different from the other ius soli cases in that it has a colonial past and a pre-state homogeneous population. Presence of a colonial past combined with absence of ethnic / religious diversity has placed Austria somewhere between ius soli and ius domicili principles, albeit closer to ius soli as in the case of Austria. Colonialism alone does not in all cases seem to lead to a pure ius soli model. As we see in the case of Portugal, where pre-state ethnic diversity is absent, it is likely that a mildened version of ius soli (combined ius soli and ius domicili) model emerges in colonial metropols. Based on features of our cases, there are two more arguments in this connection: First, historically, not all the colonizing states have been the well-centralized ones. The polycephalic city belt cases of Netherlands and Belgium with ius soli based citizenship laws represent such polities. Second, Sweden and Denmark are similar to Austria with respect to our three Rokkanian dimensions: imperial history, ethnic / religious homogeneity, and a non-colonial past. Albeit, Denmark and Sweden have developed a combination of ius soli and ius sanguinis principles. I shall come back to these four countries later.

\textsuperscript{4} The European expansion of identity beyond the male word took place in 1970s: Formerly, transfer of citizenship by ius sanguinis was only possible through the father’s citizenship. Ius sanguinis from both parents was introduced in Germany in
The retrenched empires, with the exception of Denmark and Sweden, developed *ius soli* based criterions. This type of politics of identity was a means for drawing into the political system and assimilating ethnic minorities and alien immigrants in order to create stable unitary states.

### 4.2 Development of the Rokkanian Citizen in City Belt Countries: Rise and Demise of *Ius Soli* Based Citizenship Laws

The fragmented European core was comprised of economically strong cities located in a broad trade-route-belt from the Mediterranean coast over the Alps to the Rhine and the Danube and as far as to the Baltic Sea. This set of polities developed into today's polyccephal federal states with membership-space type of identity. Empirical examples are today's territorially defined unitary states with territorial-space type of identity, which resulted in development of strong membership-space type of collective identity traditions. Switzerland is the perfect example to this. Other countries located in this trade belt were Belgium, Italy, Luxembourg, Netherlands, and West Germany. "In this core […] center formation was weak. The only successes were the consociational constructions of the Netherlands and Switzerland".\(^5\) Amongst these city-belt countries, Belgium, Italy, and Netherlands developed *ius soli* based criterions for distinguishing potential citizens and aliens like the seaward and landward nation states did. Germany and Switzerland developed *ius sanguinis* based traditions. Germany interpreted this principle ethnically and later transformed into a collectivized ancestral identification. Switzerland, on the other hand, attached the *ius sanguinis* principle to the territory and created a unique model of citizen.

The Netherlands has a combination of *ius soli* and *ius domicili* principles, which in practice has the effect of the *double ius soli* principle.\(^6\) In religiously divided and linguistically homogeneous Netherlands, *ius soli* functioned as a system of boundary maintenance against strong foreign centers’ exploitation of this religious division. The catholic and protestant sides had both strong economic resources, and Amsterdam could not opt for a religious standardization policy as London and Paris did. A politics of identity that encouraged and strengthened territorial identification and placed a secondary importance on religion, which -in the absence of a strong political center- was the only means for avoiding a probable social division along religious lines. The Netherlands has also been a colonial metropol. The *double ius soli* principle had the function of delimiting the demos against the colonial immigration.

Belgium is quite similar to Netherlands in this respect. A history of colonialism and identity cleavages, but this time along the linguistic dimension that overlapped with the territorial boundaries of the two languages: the Flemish and the French. In Belgium a membership principle based on individuals' territorial origins rather than their ancestral origins was the only way to justify and

---

\(^5\) Ibid:32.

legitimize the political power of the state elite. This initial to state-building combined with her colonial past led Belgium to develop a membership principle based on double ius soli principle like the aforementioned countries. That territorial space came to be more important in Belgium than in the Netherlands is due to factors: (1) The Belgian state-building elite opted for a unitary state by making French the only official language of the state in the beginning, and the Dutch State did not, (2) Unlike the Dutch religious division, the Belgian linguistic cleavage was territorially defined. With the ambition of creating a unitary state with French culture, they opted for creating a territory-based Belgianness (ius soli) that could serve as the common identity of Flemings and the Walloons; instead of a ius sanguinis identity that could threaten the legitimacy of the Belgian state.

Although she was a polycephalic city-belt polity with linguistically and religiously homogeneous population and without colonial past, Italy developed the double ius soli principle. Italy had a tradition of territory-based Ius Italicum (Italian Right) during and after the consolidation of the Roman Republic. This lasted from the consolidation of the Roman Republic in 510 BC until the Roman Emperor Caracalla removed the territorial principle from the citizenship law in 212 AC.\textsuperscript{7} Ius italicum gave automatically citizenship right to those who originated from Italy. It excluded all those other Latin-speakers from citizenship. The notion of ius italicum was significant in Italy's unification into a unitary state in 1860. Consequently, Italy developed a double ius soli tradition, which is very similar to her historical Italian Right tradition, the legacy of her pre-medieval imperial past.

A comparison of these three cases may generate more information about the impacts of our Rokkanian dimensions: Belgium and the Netherlands satisfy the condition of ethnic / religious diversity and colonialism on the one hand; and differ from each other in their strategies of state building on the other. The Netherlands has formed a consociational system through a union-state building strategy, whereas Belgium opted for a unitary state formation, though without success in her standardization phase. The combined presence of ethnic / religious diversity and colonialism factors led in these countries to the development of ius soli based citizenship laws. This difference in their strategies of unification can be the reason for the slight difference between their models of citizen. That is, between the Belgian double ius soli and the Netherlands' slightly more receptive combination of ius soli and double ius domicili that does not require parents are born in the territory. Furthermore, one has the polycephalic Italy with both a pre-medieval and a modern history of unitary state building strategy, which also has developed a combination of ius soli and double ius domicili. The Italian empirical input indicates that different combinations of these factors have led to the ius soli based citizenship laws in the city belt countries.

"Trade-belt Europe inherited strong linguistic standards from the ancient empires, but there was no corresponding development at the political level: national identity came first, political

\textsuperscript{7} Millar (1966).
unification came only much later”. However, as argued above, the factors of unification strategy, pre-medieval territorial consolidation, linguistic / religious cleavages and colonialism were still crucial in the city-belt countries; and they led to *ius soli* based principles for distinguishing potential citizens and aliens in Belgium, Italy and Netherlands. Germany and Switzerland developed principles that are utterly different from these three city-belt countries. Because of her polyccephalic power structure, citizenship was a local level issue in Germany until 1852. After 1852, Germany began to centrally exercise the authority to grant citizenship. In Switzerland, citizenship is still a cantonal level issue.

There were four historical macropolitical factors that played a crucial role in Germany's developing into a *ius sanguinis* country. First, Germany, together with Italy, was the latest state-building country in West Europe. However, she was different from Italy in that she had never experienced a larger territorial definition of *demos* in her history that was similar to the *ius italicum* of the Romans. Secondly, the German territorial identity overlapped with the German ancestral identity almost perfectly, with the exception of the German Jews; and the state's legitimacy could be maintained by an ancestral (*ius sanguinis*) limitation of the natural ownership right on the German polity. Thirdly, the German nation was built before the German State, which meant a popular construction of *demos* instead of an elite-led construction of it. Finally, the presence of a large catholic German minority in Bavaria made a *ius sanguinis* identification more plausible a unification strategy than the *ius soli* principle, since the Bavarian catholic identification was also territorially concentrated. Whereas the *ius sanguinis* identification undermined the religious (i.e. Bavaria) and inter-city economic cleavages during consolidation of Germany, it served to undermine the ideological cleavage during the coldwar period, and became an ideological justification of Germany's reunification goal. In line with all the ethnic Germans, also the citizens of GDR could automatically acquire citizenship upon immigration to the West. Thus, the *ius sanguinis* identification functioned as a uniting ideology in Germany.

Switzerland developed a non-ethnic *ius sanguinis* principle. The Swiss model is an incomparably different version of the pure *ius sanguinis* one combined with the *ius soli* principle. This is due to its political development with the presence of four different linguistic populations. Like the Netherlands, the Swiss Confederation was built against the external threats by the surrounding powerful territorial centers. Furthermore, they both had culturally diverse populations: Whereas the Dutch territory was merely religiously heterogeneous, the Swiss territory was both religiously and linguistically divided. Although one should on these premises expect them to develop the same sort of identification criterions, they went utterly in different ways. This difference is due to two things: (1) The presence in Netherlands of a colonial past and its absence in Switzerland, (2) The Swiss cultural diversity was more open to external threats than the Dutch one because the only languages spoken

---

there were the languages of the strong neighbor territorial centers. Therefore, whereas the Dutch
union-state could maintain its legitimacy through connecting the identity to its territory, it could
simultaneously eliminate the impact of the religious diversity. However, the Swiss polity had to relate
the Swiss identity both to territory and ancestry; in other words to the joint principles of, respectively,
\( \text{ius soli} \) and \( \text{ius sanguinis} \). The former principle was a means for distinguishing French, German and
Italian components of the Swiss citizenship identity from external identities that were closer to the
Swiss languages (those of France, Germany and Italy). The latter functioned as a tool to protect the
internal cultural diversity and to provide for non-mixing with the enormously large immigrant
population.

The demise of the \( \text{ius soli} \) principle occurred through other macropolitical processes in
Switzerland than in Germany. Although both are city belt countries with a polyccephalic territorial
structure, the Swiss population is highly diverse both in linguistic and religious terms, whereas the
German population is almost perfectly homogeneous in linguistic terms. Switzerland did not
experience a centralization attempt as Germany did. The Prussian attempt to create a common
territorial identification in Germany had to pursue and consequently resulted in a collectivization of
the societal level \( \text{ius sanguinis} \) identity, while the German polyccephalic territorial structure continued
to exist. A similar collectivization of the \( \text{ius sanguinis} \) identification in Switzerland was not possible
because of the prevailing religious and ethnic diversity. We cannot speak of the \( \text{ius sanguinis} \)
principle in Switzerland in ethnical terms as in Germany. For the Swiss \( \text{sanguine} \) comprise at least
four ethnic identities in linguistic terms. Thus, the Swiss model of citizen is based on a multi-ethnic
and thus non-ethnic \( \text{ius sanguinis} \) principle. The Swiss \( \text{ius sanguinis} \) principle functions as a means of
transferring citizenship from parents to children and not in order to enable one ethnic group to claim a
natural ownership right on the Swiss polity.

4.3 Absence of the Rokkanian Model of Citizen in European Peripheries:
Emergence of \( \text{Ius Sanguinis} \) Based Models of Alien

\( \text{Ius sanguinis} \) identification is not peculiar only to Germany and Switzerland. Some polities that were
European peripheries and that were not liberated before the XXth century also developed strong \( \text{ius sanguinis} \)
identification. These are Greece, Finland, Norway, and Ireland. Norway is analyzed in
subsection 4.4 together with the other Scandinavian countries. However, Ireland is an exception
amongst the European territories with its British-like model of citizen based on a combination of the
\( \text{ius soli} \) and double \( \text{ius domicili} \) principles.

Greece can be likened to Germany because the Greek national awareness was established
long before the Greek State became sovereign in the Greek peninsula. The more or less same outcome
was achieved in Greece through a different state-building process. Greece’s Ottoman past was crucial
in this respect. Ottomans’ indifference to the idea of standardizing the culture and religion at the
societal level, and to forming a common territorial identity, was a determinant of the resultant weaker
territorial identity in Greece. The fact that they were treated as an economically privileged group within the Ottoman *millet system* encouraged a territory-independent *ius sanguinis* identity amongst Greeks, who lived spread in Istanbul, the Black Sea costs and densely in the Greek peninsula. Their economically privileged and culturally strong position in the Empire, combined with their politically disadvantaged status, was an important determinant. The Modern Greek citizenship law transformed gradually into a more *ius sanguinis* oriented one. However, unlike Germany, she did not reach the level of defining ethnic Greeks that were citizens of other countries as her natural citizens until 1995. Until then, *ius sanguinis* principle was combined with *ius soli* principle. Only those Greeks born in Greece were considered as the natural Greek citizens, and ethnic Greeks were discouraged to immigrate into Greece. In 1995, Greece began to facilitate dual citizenship to ethnic Greeks residing elsewhere, although they may not intend to reside in Greece. "Greece cannot deny those people, who have kept their Greekness for 4000 years, the right to call themselves Greeks just because they happened to be born outside the territory of the Modern Greek State".  

The late coming of the *ius sanguinis* principle in the Greece is due to that the participation and redistribution phases in Greece have been belated by long periods of junta-regimes. The belatedness of the participation phase in Greece postponed the political manifest and projection onto the state level of the Ottoman-produced societal *ius sanguinis* perception of the collective self. Furthermore, compared with other *ius sanguinis* countries like Finland and Germany, the rather less advanced redistribution of territorial resources in Greece (i.e. development of welfare state) blocked the Greek awareness of their natural ownership right on their polity vis á vis aliens' sharing-in the Greek polity and territorial resources.

The Finnish Nationality Act of 1968 based the automatic acquisition of citizenship on *maternal ius sanguinis*. Through relationships of domination with Sweden, the Finnish ancestral identity had been strengthened and later was confirmed by the Finnish independence; in this respect Finland is very similar and can be paralleled to Greece. The outcome of the Swedish politics of identity in Finland was very similar to that of the Ottomans' *millet system*: Sweden simply encouraged the development of a strong Finnish identity. However, the reason why Swedes did so was utterly different from the Ottomans' motives. "While the position of the Swedish minority as a whole strengthened [...], the Swedish elite had a direct interest in the development of a broadly-based Finnish movement as an essential element in a strategy to protect the inherited structure of government against the Russian center". A *ius sanguinis* based identity prevailed in Finland at the societal level; and this identity was gradually projected onto the state level beginning from her independence in 1917. This process was parallel to and followed the development of mass political participation and of Finnish welfare state.

---

9 From telephone interview with the Greek Embassy in Oslo, January 1997.
10 Risto Alapuro, "Finland: An Interface Periphery" in Rokkan and Urwin (1982).
Among these European territories, Ireland has exceptionally developed a *ius soli* based model of alien. The present Irish citizenship law attributes automatically citizenship status to persons born in Ireland from legally resident alien parents. Compared with Greece and Finland, one should expect to find a *ius sanguinis* model also in Ireland. There were two factors crucial to this seemingly anomalous outcome. First, while the former two were encouraged to develop an ancestry-based identification by their respective territorial centers, London discouraged the latter to do so. Second, the Irish linguistic identification was crosscut by the religious identification. Under the British rule, the population of Ireland developed into two separate social entities that were defined in terms of religion: The Catholic Southern Ireland and a Northern Ireland with a protestant majority. This aspect undermined the significance of the *ius sanguinis* identification in Ireland because an ancestry-based motive for national mobilization proved to be implausible, as experienced after the Government of Ireland Law of 1920.\(^{11}\)

Whereas division of the Irish population along religious lines and London's strong imperial *ius soli* policies may to some extent account for why a *ius sanguinis* model did not emerge in Ireland, these factors fall short of explaining the emergence of *ius soli* model. Since a *ius sanguinis* possibility was implausible, there were two alternative models left for Ireland: *ius soli* and *ius domicili*. Ireland has no past as a colonial metropol; on the contrary, she was a periphery of Britain. Furthermore she is not an immigration country and she did not need to delimit her *demos* with restrictive means. Thus, the *ius domicili* principle was as plausible as the *ius soli* principle. However, the origins of the Irish citizenship law lie within the British citizenship law tradition, which has been dominantly *ius soli* oriented. The British and Irish citizenship laws were harmonized through a series of agreements between their respective governments in order to give reciprocal facilities and rights to each other's citizens residing in the United Kingdom and Ireland.

4.4 The Ambiguous Rokkanian Model of Citizen and Alien in Scandinavian Countries: The Reincarnation of the Ancient *Phylai* Model of Citizenship Law

Between pure *ius soli* and pure *ius sanguinis* models, are the Scandinavian countries. A two-stage process characterizes their history of state-formation and nation-building. First, an expansion of territory and territorial identity by the Danish and Swedish attempts to consolidate the Nordic territories. Second, their shrinkage through the Norwegian, Finnish and Icelandic territorial state-formations that resulted in the expanding centers' withdrawal to their core territories. The Danish and Swedish attempts at consolidation brought together large Nordic territories in different times, whose populations could -with extra effort- understand each other's languages. These two expansions

---

\(^{11}\) The Irish national movement that led to this law was Catholic in essence and did not get the support of the Irish Protestants. When the Northern Ireland expressed her wish to join the United Kingdom, a *ius sanguinis* based definition of the state-individual bonds became practically difficult in Ireland.
and the following territorial shrinkage were of utmost importance to the emergence of a territorial identity (*ius soli*) and undermining of an ancestral identity (*ius sanguinis*) in Scandinavia.

In contrast to Prussia that unified and centralized the city-state Germany and expanded the local level *ius sanguinis* identification into polity level *ius sanguinis* identification, the Nordic territories experienced a territory division, which made it practically implausible for the respective state-building elites to encourage a *ius sanguinis* identification based on the Scandinavian sanguine.\(^{12}\) This in turn transformed the identity in both *ius soli* and *ius sanguinis* dimensions, but undermining in the beginning the *ius sanguinis* component significantly. The XXth century Scandinavian countries’ collective identification can best be labeled with an ancient Greek concept: namely, the *phylai*, i.e. the soil and ancestry of Attika. Such identification made it possible for the Athenians to exclude and discriminate against those Greek speakers who originated from neighboring cities and who were almost like them.\(^{13}\) Similarly, the real Norwegians, Swedes, Danes and Icelanders are those who descend from their respective *phylai* and have the customs and dialects associated with their respective *phylai*. *Phylai* has been a means for distinguishing, discriminating against and for not sharing-in one’s territory with those who are the least other, or those who are almost us.

Norway and Iceland have one important common characteristic: In contrast to Denmark and Sweden, they do not have a history of Empire building in the near past. Similar historical factors in Greece and Finland were significant to the construction of a pure *ius sanguinis* based model of alien. Albeit, I presume, in this respect, the Scandinavian territorial division cutting across the Scandinavian ancestral identification has played much greater a role in formation of the Norwegian and Icelandic *phylai* models of citizen. In Greece and Finland, it sufficed to define the state-individual identification in terms of the *ius sanguinis* principle because they were linguistically and culturally much too different social entities from the conquering territorial centers. For Norway and Iceland the situation was different: In addition to their ancestry, they had to attach the state-individual bond also to the territory in order to mark their differences from their respective conquering centers more clearly. Although the principle of *ius sanguinis* existed in the Scandinavian laws in this sense, a *ius sanguinis* model of citizen as a tool for defining state-individual bonds was entirely absent in their laws until 1970s. The emphasis on the *ius sanguinis* principle started in the 1970s in these countries, namely after the impact of alien immigration became visible. While the *ius soli / ius domicili* principle was a consequence of the common Scandinavian cultural / ancestral heritage and of their wish to distinguish themselves from the least other, the emergence of the *ius sanguinis* principle was due to their coming into contact with the most other, i.e. aliens.

---

\(^{12}\) The Norwegian citizenship law of 1950 is indeed of a *ius domicili* character: If an alien had lived in Norway during five years from he was 16, he had the legal claim to become a citizen provided that he declared consent between the ages of 18 and 23. However, this was amended in 1979 in the direction of the *ius sanguinis* principle, a date which follows the immigration halt in West Europe.
5 Conclusions

The above discussion points to the significance of three factors leading to a *ius soli* based model of alien and citizen. The first factor is colonialism. All polities that have been colonial metropols have unexceptionally developed different combinations of *ius soli* and *ius domicili* principles that emphasize territorial bonds rather than ancestral bonds. The *ius soli* models have served in these polities as instruments of excluding the colonial immigrants who had not arrived before the decolonization started, at the same time as they protected the already arrived colonial immigrants from expulsion and state discrimination on the basis of their ancestral bonds. There is no exception from this conclusion within the category of colonial metropols -Belgium, France, Netherlands, Portugal, Spain, and United Kingdom.

The polities that have developed *ius soli* models although they had not been involved in colonialism are Austria, Italy, and Ireland. After her transition from empire-ness to state-ness, Austria's problem was to keep distance to Germany, which had the ambition of unifying all Germans. In Austria, a *ius sanguinis* model of citizen was implausible both because the Catholic character of the Austrian identity crosscut the larger German ancestral identity and because Austria preferred to remain as an independent state. This macropolitical context made it possible for the imperial traditions of *ius soli* to survive in Austria. In Italy, the *ius soli* principle instead of *ius sanguinis* came because of the long historical tradition of the Italian Right combined with a unitary state structure. As to Ireland; she is the only polity amongst the late-independent European peripheries that has developed a pure *ius soli* tradition. I argued the *ius sanguinis* model was implausible in Ireland because the religious character of the Irish nationalism crosscut the Irish ancestral identification. What made the emergence of the *ius soli* model instead possible in Ireland was the influence of the British law tradition and Ireland's historically close relations with the Great Britain.

The fact that the religious division crosscut the German ancestral identification in the whole central Europe combined with linguistic homogeneity left one unification strategy for the Prussian state-building elite: *ius sanguinis*. Later this citizen model became the German ideology during the cold war in order to achieve the reunification with the East Germany.

Although a polycephalic and polyethnic country, Switzerland did not develop a *ius soli* model of alien and citizen. This was because there was no successful territorial consolidation and centralization attempt, and thus there was no political center seeking legitimacy in the Swiss history through the *ius soli* model in order to undermine the impact of the cultural diversities.

The Scandinavian countries -Denmark, Iceland, Norway and Sweden- also developed *ius sanguinis* models. However, the processes leading to this outcome were different in Scandinavia than in Germany and Switzerland. The fact that territorial borders crosscut the Scandinavian *sanguine*

---

13 Bauböck (1994) has traced the *ius sanguinis* identity understood in terms of blood and kinship back to the ancient Polis. In my opinion, such a metaphor misses the territory-kinship interaction in formation of the citizenship identity in *Polis*. 
made it implausible to introduce in the beginning a *ius sanguinis* model in the Scandinavian countries. The Scandinavian citizen model, which I called the *phylai* model, is based on marking the distance to the least other, i.e. the other Scandinavians. Therefore, the territorial principle is as important in Scandinavia as the ancestral principle.

In contrast to Ireland, which was also a European periphery, Greece and Finland also developed *ius sanguinis* models. In these countries, the *ius sanguinis* principle came as a consequence of the imperial policies by the Swedish and Ottoman empires, which encouraged the *ius sanguinis* identification among Finns and Greeks in order to maintain the imperial system balances, which were fundamentally different in the two cases.

In this essay, I did an attempt to explain the variation in models of citizen in West European Laws. I did so by searching for a systematic relationship between West European political history and principles of citizenship in West European laws. Application of the QCA-analysis on historical data was fruitful and helped uncover this systematic relationship. The results found through our QCA applications were supportive of the Rokkanian hypotheses, and they constituted a feasible basis for structuring our political-history writing. Conclusively, the Rokkanian hypotheses presented in the beginning stand now stronger.

**Bibliography**


Gunhan, Atilla and Sicakkan, Hakan G. 1995, Neural Networks as an Alternative Model in System Identification Paradigm: A Comparison of Statistics, Qualitative Comparative Analysis (QCA 3.0) and Neural Networks as Tools of System Identification, *Reports in Information Science* (39), Department of Information Science, University of Bergen.


McRae, Kenneth D. 1983, Conflict and Compromise in Multilingual Societies, Wilfred Laurier University Press.


Ragin, Charles 1997, "Turning the Tables: How Case-Oriented Research Challenges Variable-Oriented Research", in Comparative Social Research, JAI Press.


