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- 1 Peter J. Spiro, *At Home in Two Countries: The Past and Future of Dual Citizenship*
- 2 New York: New York University Press, 2016. Pp. 191 (from the series "Citizenship and Migration in the Americas," ed. Ediberto Román) ISBN: 978081485829.
- 3 Joshua Parker
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⁵ U.S. law has never prohibited dual citizenship. Still, even as "a sense of hard, exclusive loyalty to the state began to dissipate" at the Cold War's close, legal scholar Peter Spiro writes, the "intense historical opprobrium trained on the status" has been "as much cultural as legal," and there remains on a popular understanding that it is somehow illegal (69). Spiro's book explains why a recent "explosion in the number of dual citizens has provoked so little controversy in the United States," how "barriers are falling elsewhere as well," and argues that dual citizenship is "good for America" (86). It traces the pitfalls and workings of dual nationality through historical individual cases (of which his own is a recent example) from the mid-nineteenth century through the First and Second World Wars, the Cold War, and the contemporary. What's revealed is a slow move

from executive branch decisions, to case-by-case judicial decisions, to congressional moves, back to federal judiciary decisions, and finally toward regulation by international tribunals.

⁶ While Spiro's work might have more thoroughly illuminated how such situations existed before his starting date of 1867, what's clear is that from the nineteenth century on, legal consideration of dual citizenship most often arose during international disagreements over military service obligations, particularly in times of war. This limited citizenship issues to male citizens, for whom dual citizenship was sometimes compared to polygamy or bigamy, was seen as an offense to nature.

⁷ In Europe before the French revolution, notions of "perpetual allegiance" to a sovereign were the norm. It was precisely this "feudal" notion of perpetual allegiance that generated the first dual nationals: those born in one land, then migrating to take citizenship in another. U.S. conflicts began as British ships began seizing American citizens at sea, pressing them into military service during the Napoleonic wars, as the Crown considered them British subjects by birth. Other complications arose as naturalized Euro-American citizens returned to the lands of their birth, where they might be pressed into military service there. Early on, such cases were dealt with through the U.S. Secretary of State. As one of the only nations in the world to consider anyone born within its borders an automatic citizen, regardless of parentage, the United States often had difficulties in making its cases even for second-generation citizens traveling to Europe. There were also concerns that U.S. citizens might return to the lands of their birth to take up arms against the United States in wartime, and that U.S. citizens convicted of crimes in the United States might flee to their birth nations to escape court decisions and avoid punishment.

⁸ Because it was a land of immigrant-citizens, the United States was a leader in negotiating such problems. Not until 1870 did Britain recognize the right of its citizens to expatriate (to reject their citizenship in favor of another). Other nations moved more slowly, and harmonization of international law remains incomplete. Questions of what jurisdiction the U.S. had over its citizens outside the U.S.—or what right it had to intervene on their behalf when they found themselves abroad—remained murky throughout the nineteenth and twentieth centuries. Spiro's work (with copious citations) illuminates some of the machinations laying the groundwork for notions of citizenship playing out

over the next century, as, the U.S. State Department suggested in 1910, “vast improvements in facilities for communication and transportation” and trade aligned with contributions foreign residence of U.S. citizens might make to “the wealth and strength, the prestige and the general welfare” of the United States. The status of U.S. citizens residing abroad remained ambiguous, however, left to such factors as their “mode” of child-raising, “general conduct,” and participation in the politics of the country of foreign residence. While voting in foreign elections did not cause U.S. citizens to lose U.S. citizenship, use of a foreign passport could incur at least temporary loss of the right “to recognition and protection” as a citizen of the United States (30).

⁹ Spiro outlines two models of citizenship in conflict during the nineteenth century (and still in play): that of *jus soli* (based on where one was born) and of *jus sanguinis* (parentage). Their interplay was to ground issues of dual citizenship into our own era. Because the United States considered almost anyone born within its borders to be a U.S. citizen, while most European nations based citizenship on that of a child’s parents, by 1920, Spiro writes, some half of all Americans may have held dual nationality, even if many were unaware of the fact (31). Complications arose again as eager U.S. men enrolled in Canadian or British forces to fight the Central Powers of Germany and Austria-Hungary before the U.S. itself had entered the First World War (their U.S. citizenship had later to be restored by special legislation).

¹⁰ Marriage was another early area of complication. Nineteenth-century law left women citizens of their husbands’ country on marrying, while termination of the marriage returned them to their original citizenship status. Spiro recounts the case of San Francisco suffragette Ethel Mackenzie. California had recognized women’s right to vote in 1911, but when Mackenzie registered to vote, she was rejected for having married a British citizen. Her case and others sparked a fight for legislation achieved in 1922, the Marital Women’s Independent Citizenship Act, effectively disjoining women’s citizenship from that of their spouses (though for American women living with foreign spouses abroad, this right wasn’t recognized for another decade). Spiro builds his case for dual citizenship as a human right from such movements toward gender equality.

¹¹ A darker period (for Spiro’s argument) followed the U.S.’s 1940 Nationality Act, a move to revoke the U.S. citizenship of those enlisting with foreign forces, taking

foreign citizenship or voting in foreign elections. The act had some grounds, as Spiro outlines: “The Hitler regime had paid expenses for several hundred German immigrants to the United States, many of them naturalized U.S. citizens, to travel home to cast ballots” in Germany’s referendum to annex the Saar (43). This was followed by a congressional act of 1952, under which any evidence of “political identification with another state triggered expatriation” (40). This, Spiro suggests, was unnecessary: logically, he writes, Americans engaged in international espionage would be those least likely to “maintain outward evidence of attachment to adversary states” (41).

¹²1967 was another legislative benchmark, as the U.S. Supreme Court examined the case of Polish-born artist Beys Afroyim, who moved to Israel in 1949, then attempted to repatriate to the United States in 1960, after having apparently entered an Israeli polling station to make illustrations. The Court denied the U.S. Congress powers to “take away an American citizen’s citizenship without his assent” (56). The decision was a turning point. Still, as Spiro points out, the U.S. State Department was, into the late 1980s, initiating an average annual 4,500 potential loss of U.S. citizenship cases per year (if only 600 of these resulted in involuntary loss of citizenship). In 1990, the State Department waived requirements for U.S. citizens to declare their intent to retain their citizenship before declaring allegiance to foreign states, serving in the armed services of foreign states not engaged in hostilities with the United States, or accepting non-policy level employment with foreign governments.

¹³Other countries had been moving in the same direction. The UK dropped restrictions on dual nationality in 1948. France did so in 1973, Canada in 1976 and Mexico in 1998, when some 200,000 Mexican-born U.S. citizens were retroactively conferred Mexican citizenship (1.5 million have followed since then, Spiro writes, “without much notice, on Capitol Hill or elsewhere” [73]). Italy, Ireland, Israel, Turkey, the Philippines, South Korea and several Central American nations followed suit throughout the 1990s and early 2000s.

¹⁴One result is a wave of U.S. citizens assuming political offices in foreign governments in recent years: as foreign ministers of Armenia and Bosnia, as the chief of Estonia’s army, of Ukraine’s finance ministry, as Somalia’s prime minister and the UK’s under-secretary of state for internet safety and security. Spiro concludes his chapter on “Turning the Corner on Dual Citizenship” with acknowledgement

that conflicts between *jus soli* and *jus sanguinis* are issues that will not disappear any time soon without international intervention. Children born in the U.S., whether of immigrant parents, or of visiting students on temporary visas, often have dual nationality (they range in the lower millions). The same situation attends children born of the some seven million U.S. citizens residing abroad. The situation is more complex for such children whose parents have dual nationality themselves, who may end up with four legal passports from different nations.

¹⁵It's in looking to the future, with passionate arguments for dual citizenship's general benefits, that Spiro's logic turns oddly circular. A nation's integration of new immigrants, he suggests, will not be hindered by their retaining their original citizenship status along with their new citizenship. Disallowing their naturalization if they retain their original citizenship risks weakening their sense of belonging in their new homes. Little empirical support is given to either claim. "Maintaining ties to the country of origin has always been seen to enrich the community as a whole," Spiro suggests, while new U.S. citizens "inculcated with American constitutional values" may also take those values back to their original countries to put them to work there. Allowing dual citizenship, he imagines, thus helps "enlarge global democracy" (85). Of course, detractors might argue just the opposite scenario might play out simultaneously: allowing dual citizenship for immigrants from less democratically-oriented nations may help spread those values in their newly-adopted countries. Spiro's stronger argument is that "A dual Mexican and American who advocates policies that benefit Mexico is little different from a Catholic who advocates policies endorsed by the Church or a member of Amnesty International who writes his congressman at the organization's behest" (85-86). Citizenship, he suggests, is "akin to membership in religions, clubs, non-governmental organizations and political parties" (116).

¹⁶Spiro's book opens with the quirky disclaimer that a main reason he, a U.S. citizen and son of a German-Jewish refugee, recently applied for German citizenship, was to receive discounted admission to European museums (along with a "vague sense" his children might benefit from access to EU graduate schools and work visas). And he admits dual citizenship results in inequality. For some of those with multiple passports, each "will have some meaning for the holder, like pictures on a family tree." For others, "passports will be more like credit cards, each offering

different interest rates or rewards programs" (150). He mentions the Argentines with Spanish or Italian ancestry who escaped grinding inflation and sinking incomes in the early years of our millennium because they were eligible to flee to better jobs in Europe. In this case, Spiro concedes, "mono-nationality without the EU tie comprised a kind of second-class citizenship" based on ethnicity or what might even be considered racial lines (148). Examples of other pitfalls include Russia's extension of citizenship to ethnic Russians in Georgia and Ukraine as an intentional means of encroachment into sovereign neighboring territories. In such cases, it's hard to see how, as Spiro insists, dual nationality "no longer implicates the kind of ideological conflicts that it did in a world of more diverse political systems" (81).

¹⁷What Spiro's book neglects to touch on are the more serious problems faced by those on our planet born or made stateless, with no citizenship at all. After all, he suggests, the question of how many passports one has and which are most valuable is mostly "a rich kid's problem." Whatever its benefits to societies or individuals, however much we should laud its toleration, Spiro concedes, dual citizenship, past, present and perhaps future, is finally just "another way in which transnational elites are privileged relative to their mono-national counterparts" (149).

¹⁸In terms of voting rights for overseas citizens and dual citizens, Spiro outlines two models. In places like France and Columbia, overseas citizens have a constitutional right not only to vote, but to separate representation in the upper chambers of national legislatures. The Tunisian parliament reserves ten seats for citizens residing in France, while Switzerland has seen a proposal to create a twenty-seventh canton to represent its citizens living abroad (96). U.S. citizens living abroad, meanwhile, vote the ballot of their most recent state of residence. Overseas voters, as a general rule, show much lower turnout than their home-bound compatriots.

¹⁹Some statistics Spiro lists (and there are many) may surprise: some seven percent of the Dutch hold dual citizenship, while the number of nations terminating citizenship upon naturalization in another country has dropped from fifty-five to thirty percent since 1960. Even in places where it is less prevalent, dual citizenship is "undermining state-based identities, reflecting and accelerating a postnational world" (131). Spiro sees this as positive, even if it implies a "loss of filial intensity" within national borders (135). National citizenship, he writes,

remains “an edifice on the global landscape” even as identity and power slowly migrate “to other forms of identity.”

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