Whom Do Human Rights Norms Protect? The Determinants of Cross-national Variations in Protections for Itinerant Populations

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Whom Do Human Rights Norms Protect?  
The Determinants of Cross-national Variations in Protections for Itinerant Populations

DISSERTATION

submitted in partial satisfaction of the requirements
for the degree of

DOCTOR OF PHILOSOPHY

in Sociology

by

Ralph Ittonen Hosoki

Dissertation Committee:
Professor Ann Hironaka, Chair
Professor Evan Schofer
Professor Charles Ragin

2017
DEDICATION

To

my parents

for their love,

and for inspiring me
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>LIST OF FIGURES</td>
<td>iv</td>
</tr>
<tr>
<td>LIST OF TABLES</td>
<td>v</td>
</tr>
<tr>
<td>ACKNOWLEDGMENTS</td>
<td>vii</td>
</tr>
<tr>
<td>CURRICULUM VITAE</td>
<td>xi</td>
</tr>
<tr>
<td>ABSTRACT OF THE DISSERTATION</td>
<td>xiii</td>
</tr>
<tr>
<td>CHAPTER 1: Introduction</td>
<td>1</td>
</tr>
<tr>
<td>CHAPTER 2: Theory</td>
<td>14</td>
</tr>
<tr>
<td>CHAPTER 3: The Determinants of Cross-national Variations in Protections for Trafficked Persons</td>
<td>58</td>
</tr>
<tr>
<td>CHAPTER 4: The Determinants of Cross-national Variations in Protections for Internationally Displaced Persons</td>
<td>92</td>
</tr>
<tr>
<td>CHAPTER 5: The Determinants of Cross-national Variations in Protections for Migrants</td>
<td>131</td>
</tr>
<tr>
<td>CHAPTER 6: Conclusion</td>
<td>173</td>
</tr>
<tr>
<td>REFERENCES</td>
<td>186</td>
</tr>
</tbody>
</table>
## LIST OF FIGURES

<p>| Graph 1-1. Trends in Numbers of Countries Ratifying the Main International Human Rights Treaties Pertaining to Itinerant Populations (cumulative %) | 2 |
| Graph 3-1. Trends in Numbers of Countries Ratifying the Main International Human Rights Treaties Pertaining to Itinerant Populations (cumulative %) | 60 |
| Graph 4-1. OECD Member State Trends in Average Openness Scores for Various Types of Internationally Displaced Persons (1980–2010) | 94 |
| Graph 4-2. Trends in Numbers of Countries Ratifying the Main International Human Rights Treaties Pertaining to Itinerant Populations (cumulative %) | 95 |
| Graph 4-3. EU Asylum Policy Index, 1980–1999 | 97 |
| Appendix Graph 5-1: Trends in Independent Variable Means over Time | 172 |
| Appendix Graph 5-2: Trends in Dependent Variable Means over Time | 172 |
| Graph 6-1. Trends in Policy Openness and Detention Conditions for Internationally Displaced Persons AND Number of Asylum Applicants | 182 |</p>
<table>
<thead>
<tr>
<th>Table/Appendix</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Table 1-1. Logics of Protections</td>
<td>9</td>
</tr>
<tr>
<td>Table 3-1. Heuristic for Logics of Protections</td>
<td>65</td>
</tr>
<tr>
<td>Table 3-2. Descriptive Statistics</td>
<td>76</td>
</tr>
<tr>
<td>Table 3-3. Correlation Matrix for the Dependent Variables</td>
<td>78</td>
</tr>
<tr>
<td>Table 3-4. OLS Regression of Various Measures for Trafficked Persons</td>
<td>80</td>
</tr>
<tr>
<td>Table 3-5. Original Intermediate Solutions</td>
<td>83</td>
</tr>
<tr>
<td>Table 3-6. Negated Intermediate Solutions</td>
<td>84</td>
</tr>
<tr>
<td>Appendix Table 3-1. Temporarily Omitted Outlier Countries by Variable</td>
<td>90</td>
</tr>
<tr>
<td>Appendix Table 3-2. Dropped Cases (countries)</td>
<td>90</td>
</tr>
<tr>
<td>Appendix Table 3-3. Fuzzy Set QCA Details</td>
<td>91</td>
</tr>
<tr>
<td>Table 4-1. Heuristic for Logics of Protections</td>
<td>104</td>
</tr>
<tr>
<td>Table 4-2. Descriptive Statistics</td>
<td>115</td>
</tr>
<tr>
<td>Table 4-3. Panel Data Analysis Results</td>
<td>120</td>
</tr>
<tr>
<td>Table 4-4. fsQCA Original and Negated Intermediate Solutions</td>
<td>122</td>
</tr>
<tr>
<td>Appendix Table 4-1. Calibrations (full membership, cross-over point, non-membership)</td>
<td>130</td>
</tr>
<tr>
<td>Table 5-1. Descriptive Statistics</td>
<td>145</td>
</tr>
<tr>
<td>Table 5-2. Panel Data Analysis (1980–2010, fixed effects)</td>
<td>147</td>
</tr>
<tr>
<td>Table 5-3. QCA Analyses – Original Conditions (High Levels of Openness for Each Activity Type) (Intermediate Solutions)</td>
<td>155</td>
</tr>
<tr>
<td>Appendix Table 5-1. Panel Data Analysis (random effects)</td>
<td>166</td>
</tr>
<tr>
<td>Appendix Table 5-2. Panel Data Analysis (time fixed effects)</td>
<td>167</td>
</tr>
<tr>
<td>Appendix Table 5-3. Temporarily Removed Cases (countries)</td>
<td>167</td>
</tr>
<tr>
<td>Appendix Table 5-4. Correlation Matrix</td>
<td>168</td>
</tr>
<tr>
<td>Appendix Table 5-5. Countries Included in the Analysis</td>
<td>168</td>
</tr>
<tr>
<td>Appendix Table 5-6. Calibrations (full membership, cross-over point, non-membership)</td>
<td>169</td>
</tr>
<tr>
<td>Appendix Table 5-7. Fuzzy Set Specifications (frequency cut-off; consistency cut-off)</td>
<td>169</td>
</tr>
</tbody>
</table>
LIST OF TABLES (CONTINUED)

<table>
<thead>
<tr>
<th>Appendix Table</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>5-8</td>
<td>Corresponding Countries for the Original Conditions</td>
<td>170</td>
</tr>
<tr>
<td>5-9</td>
<td>QCA Analyses – Negated Conditions (<em>Not High</em> Levels of Openness for Each Activity Type) (Intermediate Solutions)</td>
<td>171</td>
</tr>
<tr>
<td>6-1</td>
<td>Logics of Protections Applied to the Main Groups and Their Disaggregated Subgroups</td>
<td>178</td>
</tr>
</tbody>
</table>
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Two-and-a-half years of my time at UCI was spent working as a Community Assistant for American Campus Communities. I learned a lot working in student housing and with other student staff, and I enjoyed programming events to help make student residential life more enjoyable and meaningful for all. Countless VDC and VDC Norte staff, and particularly Ms. Tammy Meyers, were so caring and supportive through difficult times.

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I came to UCI after a bit of soul searching which led to the decision to redo my doctoral studies in the United States after completing over five years of graduate studies in Japan at the University of Tokyo. For my intellectual foundations and training before I made the move, I am greatly indebted to Professors Yamamoto Yasushi (my adviser at the University of Tokyo), Kage Rieko (one of my committee members at the University of Tokyo), Akihiro Koido (Hitotsubashi University), Toshio Iyotani (Hitotsubashi University), Glenda Roberts (Waseda University), and Yasemine Soysal (who was at Hitotsubashi University when I was doing my MA in Japan) (University of Essex). They guided and supported me through graduate school in Japan, and
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At UCI, my goal was to develop a stronger disciplinary and theoretical foundation in sociology, and receive substantive training in social movements and globalization studies. That was why I chose UCI, and to this day, seven years later, I have never once regretted this choice. I have my mentors at UCI to thank for the positive intellectual experience I have had.

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“The Industrial Training and Technical Internship Programs.” Online short-book entry for the Project of Compilation and Documentation on Refugees and Migrants (CDR) at the University of Tokyo, 2011.


ABSTRACT OF THE DISSERTATION

Whom Do Human Rights Norms Protect? The Determinants of Cross-national Variations in Protections for Itinerant Populations

By

Ralph Ittonen Hosoki

Doctor of Philosophy in Sociology

University of California, Irvine, 2017

Professor Ann Hironaka, Chair

This study compares the determinants of cross-national variations in levels of legal protections for three itinerant groups (trafficked persons, internationally displaced persons, and migrants) to better understand why levels of codified protective laws and political sympathy/lengience for some groups stem from exogenous/global normative influences, while for others, what matters is the extent to which states act upon their own state interests. The study employs fuzzy set qualitative comparative analyses (fsQCA) to complement statistical analyses, and theoretically adjudicates between the explanatory strengths of institutional (i.e., world society theory and international relations constructivism) and more conventional interest-based functionalist and realist perspectives. It finds that although codified protections for itinerant groups are functions of both normative human rights influences and state interests, factors that are exogenous to state interests are the primary “ingredients” for legal protections for groups that are both 1) understood as unthreatening to state interests, and 2) globally socially constructed as “vulnerable” and therefore “deserving” of protections by means of involuntary or forced presence in a foreign land (e.g., trafficked persons and internationally displaced persons). Normative human rights influences are
either absent or meaningful in conjunction with state interest factors in shaping protections for more “threatening” and less “vulnerable” groups (e.g., migrants). In each empirical chapter, each group is analyzed further by disaggregating the group into subgroups, whose variegated protections logics are also shaped by juxtapositions of “deservingness” and “threat to state interests.”
CHAPTER 1: Introduction

“Among the global factors either absent or ineffective in this discussion of the political and legal processing of unwanted immigration has been the ‘international human rights regime,’ perhaps the single most inflated construction in recent social science discourse. Of course, its absence may be the flaw of this analysis. But that has to be demonstrated.”

– Christian Joppke (1998:293)

THE “PUZZLE”

The observation that there is variance in the cumulative number of state ratifications across the main international conventions for different itinerant groups was germane to this study (Graph 1-1), as it suggests that institutionalized protections for itinerant groups are not uniform.

Of the four main international conventions presented in Graph 1-1, the Convention Relating to the Status of Refugees was adopted in 1951 and entered into force the earliest in 1954. States have gradually and consistently ratified the convention over the past 60+ years, and the cumulative percentage of state ratifications as of 2015 was 67.6%. The International Covenant on Civil and Political Rights (ICCPR; broad protections pertaining to all persons) was adopted a bit later in 1966, and entered into force in 1976. ICCPR state ratifications follow a similar pattern to the 1951 Refugee Convention in that ratifications have been gradual and consistent. However, the cumulative percentage of ratification for the ICCPR was higher at 78.1% in 2015. The other two treaties – the United Nations (UN) Convention against Transnational Organized Crime (CTOC) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW) – were adopted and entered into force much later. The CTOC was adopted in 2000, entered into force in 2003, and
saw rapid ratification over the next decade; the cumulative percentage of ratification as of 2015 was 82.9%. The ICRMW, however, was adopted a bit earlier in 1990, and entered into force the same year that CTOC did (2003), but saw more limited and gradual subsequent increases in ratification; the cumulative percentage of ratification as of 2015 was 22.4%.

Graph 1-1. Trends in Numbers of Countries Ratifying the Main International Human Rights Treaties Pertaining to Itinerant Populations (cumulative %)

From these cursory observations of when a treaty was adopted and entered into force, and how rapidly and extensively each treaty was ratified, we see that the treaty that saw the highest cumulative percentage of ratification (the CTOC) applies to trafficked persons. The least ratified treaty with the most stunted growth in ratifications pertains to migrants – a groups that is highly politicized and carries the “baggage” of being a potential threat to national security and order. There seems to be a general pattern concerning which groups experience the institutionalization of protections on a global scale.

Trafficked persons as well as refugees are groups that could be socially constructed as involuntary, and economic migrants is a group that could be socially constructed as voluntary. From the data in Graph 1-1, we see that the treaties that protect socially constructed involuntary groups such as trafficked persons and refugees have relatively high cumulative percentages of
ratification, regardless of when the treaties were adopted and entered into force. Why is there such variance in ratifications across treaties that institutionalize protections?

Differential treatment on the basis of socially constructed socio-legal categories is also visible “on the ground” as the world has come to see through the current European “migrant crisis.”¹ It seems that overall, across states, there are different standards in place and political sympathy/lack for individuals who are considered to be “refugees” than for those who are considered to be “economic migrants.” What are the cross-national determinants of protection levels for various itinerant groups, and on a global scale, why does the “categorization” of an individual into the socially constructed socio-legal categories such as “refugee” or “migrant” make real and practical differences as to the legal protections conferred and available to an individual? Which groups benefit from human rights norms and why? This project was developed to address these questions.

This study employs fuzzy set qualitative comparative analyses (fsQCA; Ragin 1987, 2008) to complement statistical analyses (OLS regression and panel data analyses), and theoretically adjudicates between the explanatory strengths of institutional (i.e., world society theory and international relations constructivism) and more conventional interest-based functionalist and realist (e.g., neorealist) perspectives to 1) analyze the cross-national determinants of protection levels for three different internationally itinerant groups (i.e., trafficked persons, internationally displaced persons², and migrants); and 2) compare the “recipes,” or causal conditions for protections across (sub)groups to ascertain patterns in which

¹ The European Union (EU)-Turkey deal, “swaps” newly arriving “undesirable” economic migrants within the EU for “vulnerable” refugees. Greece is allowed to send those deemed to be migrants back to Turkey, which has then recently returned hundreds of Syrians to war-torn Syria; and for every Syrian returned to Turkey, Europe has agreed to take a Syrian refugee from Turkey to be resettled in an EU country (Fahim 2016).
² I use this term instead of “refugee” because I refer to the broader group that also includes asylum seekers and humanitarian protections status recipients.
(sub)groups’ protections tend to benefit from exogenous (to the state) normative and institutionalized human rights norms, and which (sub)groups’ protections do not (or are functions of endogenous factors such as state-interest calculations).

DISSENYATION STRUCTURE

This study is organized into six chapters. The introduction (this chapter) explains the structure of the paper, the methods and data used (which will be covered in more depth within each empirical chapter), and a synopsis of the study. This is followed by a theory chapter which first broadly examines the strengths and weaknesses of sociological institutionalism (or world society theory) – the theoretical foundation of this study – vis-à-vis other globalization theories within sociology and political science, and then discusses world society theory’s contribution and undertheorized approaches to the study of human rights and how a corrective may contribute to a better understanding of the cross-national determinants of protections for itinerant groups. The following three chapters (Chapters 3 to 5) are the empirical chapters, each focusing on a specific itinerant group and employing a fuzzy set qualitative comparative analysis (fsQCA) to complement each chapter’s quantitative analysis. These chapters draw from the best available cross-national data available for quantified protection levels for each respective group.

Using Cho, Dreher, and Neumayer’s (2014) 3P Anti-trafficking Policy Index data, Chapter 3 examines why trafficked persons receive more legal protections in some countries than in others, and hypothesizes that as a group that is socially constructed as typically being both “non-threatening” to national interests and “deserving” by virtue of its members’ inability to fully exercise agency (i.e., individual choice), global norms would matter for predicting protection levels across countries. The analysis finds that it is the formal and relational linkages
a country has to the modern world culture that explains cross-national variance in levels of institutionalized protections for trafficked persons, and that when anti-trafficking policy measures are disaggregated, policies geared toward the protections of those trafficked and the prevention of trafficking are shaped by world cultural factors whereas prosecutorial measures do not – suggesting that global norms matter for the vulnerable trafficked individuals themselves, and not so much for the perpetrators.

Chapter 4 uses the WZB Berlin Social Science Center’s newly completed Immigration Policies in Comparison (IMPIC) project’s data (Helbling et al. 2017) on policy openness for internationally displaced persons, disaggregated into the subgroups of recognized refugees, asylum seekers, and humanitarian protections status recipients, and analyzes the determinants of cross-national variations in codified protections for each. The study’s findings suggest that because internationally displaced persons, as a group, are socially constructed as typically being both relatively “non-threatening” to national interests and “deserving” by virtue of members’ inability to fully exercise agency, world culture linkages matter for legal protections. However, world culture embeddedness matters in different ways for each of the subgroups.

The third and final empirical chapter (Chapter 5) also uses the aforementioned IMPIC dataset’s policy openness index (disaggregated by migrant activity type: family reunification, coethnics, and labor) for 33 OECD states over a 31-year period (1980–2010). Global norms matter for the protections of individuals entering as family members, as those seeking family reunification are considered to be relatively “non-threatening” to national interests and “deserving” by means of their relative involuntariness.

The empirical chapters’ findings shed light on the variegated contours of global normative protection regimes across and within itinerant population groups. Following these
three empirical chapters, the study closes with a discussion and conclusion chapter (Chapter 6) that summarizes the study’s main findings and introduces intriguing avenues for further research.

STUDY SYNOPSIS

For feasibility and theoretical reasons discussed in more detail below and in the theory chapter (Chapter 2), in this study, I limit the groups under investigation to three itinerant groups that cross national boundaries: trafficked persons, internationally displaced persons, and migrants. The logic for selecting these particular groups stems in part from the study’s hypothesis that the degree to which a group is considered to be a threat to national security and order will affect the level of institutionalized protections for that group. In other words, members of groups are not automatically presented with an institutionalized set of protections simply because they are natural persons. This is because if an individual possesses legal membership in another state, this foreign membership may not only help establish public recognition for the individual’s “right to have rights” (Arendt 1973), but it may also establish rationales of “foreign” threat by which logics of the conferral of protections based on personhood are superseded by logics of the protection of national security and order.

According to this hypothesis, one would expect that individuals who are a part of groups that are deemed not to be of a national threat – either by means of choice or fate – will be conferred protections, whereas those that are deemed to be threatening, will not. This hypothesis challenges the assumptions that are implicit or only indirectly addressed in the world society literature. The contention is that cultural globalization of the modern world culture is not simply a “blanket” homogenization process in which global norms (on protections, for example) diffuse or “touch down” at various localities across the globe in the same way and degree at the same
time. Rather, there is complexity and nuance in these processes, mechanisms, and logics of normative diffusion, and in a world in which states are the basic units of organization and state sovereignty is deeply institutionalized, a group’s threat to national security and order should matter in terms of the institutionalization of protections for that group.

There is also a second dimension that is hypothesized to matter. In the modern world culture that espouses rationalization, the individual, and agency/choice, the degree to which a group is socially constructed as deserving of basic protections should be contingent on whether that group’s socially constructed identity or status is seen as voluntary (chosen) or involuntary (ascribed). In other words, groups and identities that are socially viewed as being ones that were chosen (and therefore, reap the benefits of or experience hardships from these choices) are not “deserving” of assistance, sympathy, or empathy from society or the larger world polity because if one is agentic (and in our current modern world culture, it is believed that one should be), one should reap what one sows (whether it is “good” or “bad”) because the flip side of choice and action should be responsibility for those actions. This logic, however, operates in the opposite way for groups and identities that are socially viewed as being ones that are involuntary or ascribed. If a group is stripped of or not presented with the ability to exercise agency and choice to define and construct its own social identity (or existence), the group (and its members) is “relieved” of assuming responsibility for its social position (or existence) within society. Therefore, in the case of groups that are socially disadvantaged, there is less societal resistance to institutionalizing the conferral of protections to such groups because they are socially viewed as more “deserving.” This may be why protections for such groups become institutionalized relatively quickly and/or easily. In sum, and to recapitulate, this hypothesis predicts that whether a group’s status or identity is socially understood as being based on choice (agency) will affect
how “deserving” it is socially perceived, and this has implications for how and why certain groups receive extensive institutionalized protections backed by international/global norms.

The following table (Table 1-1) visualizes the two aforementioned dimensions with a heuristic 2x2 table in which the three itinerant groups under investigation are inserted (the migrants group is divided into two migrant-activity-type subgroups: labor and family reunification). In the columns, the groups are listed in descending order from top to bottom in terms of whether a group is a “threat to state interests.” Here, internally displaced persons and economic migrants are considered to be more threatening (at least vis-à-vis their counterpart group in their respective columns), and trafficked persons and family reunification migrants are considered less/not threatening. Similarly, within each row, groups are ordered from left to right in descending order of the degree to which a group is “deserving of protections” due to being involuntary, vulnerable, and having little agency. Internationally displaced persons and trafficked persons are considered to be deserving of protections, and migrants in general are not. When these two axes are juxtaposed to form this 2x2 table, we see at the extremes, the least threatening and most deserving group in the bottom left quadrant (trafficked persons), and the most threatening and least deserving group in the top right quadrant (economic migrants). The primary hypothesis in this study argues that for the former’s protections, exogenous (to the state) world society factors (global influences) should matter, whereas for the latter’s protections, these factors should not matter or would matter very little, and instead, it is endogenous state interest factors and the rationalized calculations premised on maximizing/protecting these interests that will matter.
Each of the three empirical chapters on trafficked persons, internationally displaced persons, and migrants draws from the same overall theoretical framework, and applies it to understand the cross-national determinants of protections both across these groups as well as across each group’s disaggregated subgroups. Each analysis consists of a quantitative analysis complemented with a fuzzy set qualitative comparative analysis (fsQCA).

Because a cross-national dataset that quantifies protection levels for all groups under investigation does not exist, this study draws on the best and most authoritative data sources in existence that quantitatively measure protection levels for each group. Although the quantitative models in each of the analyses vary slightly in the independent variables included (depending on differences in a group’s substantive and theoretical contexts), efforts were made to maintain as much consistency across all analyses in the independent variables that reoccur.

The world society perspective would predict that the more involuntary the identity or status of a group is socially perceived, the more extensive the institutionalization of protections.
around that group will be. So, if a state is heavily embedded in the modern world culture, and is therefore “at risk” of being exposed to world cultural scripts that privilege involuntary identity groups (due to the logic explained above), within that state, the levels of institutionalized protections for such involuntary groups should bear the effects of such world cultural influences. This embeddedness can be measured by INGO membership, or the number of INGOs in which individuals of a state are members of – one of the key independent variables in all of the analyses.

In contrast, interest-based theories would not make specific predictions about the effects of INGO membership on levels of institutionalized protections, because the provision of such protections is considered to be the prerogative of the state, and not of the world polity. For instance, interest-based theories would not make specific predictions about the effects of INGOs on institutionalized protections because although INGOs may be capable of applying political pressures, it is assumed that these political pressures are often inconsequential to political outcomes, as it is ultimately the state that decides – on the basis of interest-based calculations – what policies to implement. Instead, domestic political economy theories (Joppke 2005, 2010) would hypothesize that level of democracy may impact the institutionalization of protections to the extent to which liberal democracies generally provide and confer more rights to individuals, and state actors act in their own interests (e.g., for reelection) to uphold democratic governance by legislating and enacting laws and regulations that are popular among and demanded by a (liberal) populace. Given such assumptions, we might predict that for interest-based logics, variance across groups in institutionalized protections will depend less on whether groups are voluntary or involuntary, but more on whether groups pose a threat to national security and

3 Such theories would treat INGOs as strategic actors that place pressures on states, not as proxies for a state’s level of cultural embeddedness within the global cosmopolitan norms of the modern world culture.
order. Therefore, democracy may have an independent and positive effect on institutionalized protections, resulting in institutionalized protections for groups that do not pose threats to national security and order.

Interests are obviously central to such rational choice-based and functionalist theories and their explanations for variance across groups in institutionalized protections. The interests that matter may be specific to a particular group, and may be subsumed in factors such as GDP (or GDP per capita) or unemployment rate and demographic variables such as population (total, density, or growth rate), dependency ratio, rate of immigration (or stock levels), the populace’s ethnic composition, etc. Regardless of what these particular direct or indirect interest variables may be, the general assumption is that states draft and implement laws and policies (including protective ones) that serve their own interests. When interests have independent effects on institutionalized protections, they may tend to favor groups that are either beneficial or inconsequential to national security and order. To test this, interest variables, or the aforementioned variables that are endogenous to the state, are consistently included in all of the analyses.

After quantitatively analyzing the best data currently available to ascertain the important determining factors for protections, the most essential main conditions were then included in a fuzzy set qualitative comparative analysis (fsQCA) to ascertain the different causal pathways (or “recipes”) that lead to a particular outcome (e.g., high level of protections for a particular group). For each of the analyses, the units of analysis are protection levels for a particular group or subgroup within a state. Therefore, sample sizes vary, depending on data availability and whether a particular protective measure is/was in place or existence. This inevitably puts strains on the quantitative analyses, and precludes the testing of many independent variables and/or their
interactions. Furthermore, statistical analyses analyze the net effect of one independent variable on variance in the dependent variable, and the relationship between the independent and dependent variables are symmetric in that if a positive independent variable value is associated with a negative value in the dependent variable, the inverse is also true in which a positive value in the dependent variable would be associated with a negative value in the independent variable. However, social reality is never this simplistic, and when there is more complexity involved, it is important to test whether this symmetric relationship holds true. Using set theoretic knowledge and Boolean logic, fsQCA allows researchers to analyze relationships between independent variables as well as parse out the asymmetrical relationships between these variables and the dependent variable in study designs that have limited numbers of cases.

Therefore, within each empirical chapter analysis, there are “causal recipes” for protections for the entire group, as well as for each of the individual subgroups under investigation. In this way, although it is not possible to directly compare results across all of the empirical chapter analyses which do not all use the same data source for the dependent variable (i.e., level of protections for each itinerant [sub]group), it is possible to substantively compare the overall logics of protections (i.e., ones premised on the juxtaposition of threat and deservingness) across each of the itinerant groups as well as within each group among its subgroups to better understand which (sub)groups benefit from normative global influence factors, and which ones do not, or are at the mercy of state interests. If the fsQCA “causal recipes” for levels of institutionalized protections for each of the (sub)groups vary along the lines of deserving/undeserving and non-threat/threat, this may suggest that while some (sub)groups may be able to obtain institutionalized protections due to world cultural factors, especially if their identities (e.g., involuntary identities) resonate more with world cultural values and norms, the
fate of others may depend on the extent to which the receiving state and society views them as threats to national security and order.

The three empirical chapters find that there are different sets of determinants for protections not only across groups, but also within each group among the subgroups, and that the protections for (sub)groups that are globally socially constructed as “vulnerable” and “deserving” of protections by means of their involuntary or forced presence in a foreign land (e.g., trafficked persons and internationally displaced persons), tend to be shaped by world cultural norms; whereas for the protections for those that are not globally socially constructed as “vulnerable” and “deserving” of protections by means of their voluntary presence in a foreign land (e.g., economic migrants), world cultural norms do not seem to matter as much. Instead, state interests sometimes seem to dictate limits in protections. In other words, the study finds that although codified protections for itinerant groups are functions of both state interests and exogenous normative human rights influences, it is influences that are exogenous to state interests that clearly matter in shaping protections for globally socially constructed vulnerable groups.
CHAPTER 2: Theory

“I feel like if someone makes a choice to do whatever they want do, they should be able to suffer the consequences. There are consequences to our choices – if you choose to be gay then you must suffer the consequences.”


This chapter explicates the theoretical foundations of this study. First, the strengths and weaknesses of sociological institutionalism, or world society theory, are evaluated vis-à-vis other globalization theories within sociology and political science, as the study adjudicates between the theoretical explanatory powers of institutional perspectives such as world society theory and political science constructivism, and functionalist and realist perspectives. The chapter then discusses world society theory’s contribution to research on human rights as well as some of the undertheorized aspects of human rights that stem from the theory’s fundamental assumptions raised in the first half of the chapter. The chapter concludes with a discussion of how world society theory is conceived to be able to help understand the cross-national determinants of protections for itinerant groups.

SOCIOLOGICAL THEORIES OF GLOBALIZATION

The post-World War II era has witnessed the emergence of various theories of globalization. In sociology, theories of economic development dominated the field throughout the first several post-World War II decades with the emergence of modernization theory (1950s) (Rostow 1960) and world systems theory (1970s) (including dependency theory [1960s]) (Wallerstein 1974, 2004; Chirot and Hall 1982). In stark contrast and in response to these
theories, world society theory emerged in the late 1970s as a cultural theory of globalization (also called world polity theory, world culture theory, sociological institutionalism, neoinstitutionalism, or phenomenological institutionalism) (Meyer 1980; Meyer and Rowan 1977, 1978). These theories argue for the homogenization of culture, but they diverge in their definitions of culture, the import placed on culture as an explanatory variable, and their assumptions on and explanations of the processes that produce cultural homogenization. In the first half of this chapter, after explicating the uniqueness and strengths of world society theory in explaining global cultural homogenization, I discuss the different lenses through which modernization theory and world systems theory view globalization (and homogenization). This discussion is then followed by a synthesis of the strengths and weaknesses of each theory. Empirical examples are provided throughout to illustrate the challenges that each theory faces. Through this, I attempt to throw into relief the strengths and weaknesses of world society theory vis-à-vis other competing sociological theories of globalization.

**World Society Theory**

Various strands of institutional theory have emerged and evolved, and it is important to disambiguate world society theory from its institutional variants: economic institutionalism (rational choice institutionalism), normative institutionalism (constructivism in IR), historical institutionalism, and sociological institutionalism (e.g., organizational and world society perspectives) (Amenta and Ramsey 2010; Jönsson and Tallberg 2008; Schofer et al. 2012). Stemming from the assumption that individuals (or states) are rational utility maximizing agentic actors, economic institutionalism seeks to understand why entities choose to enter into institutional arrangements that could constrain choice (Schofer et al. 2012). Economic
institutional perspectives assert that rational choice is bounded and shaped by institutions. Additionally, the constructivist international relations (IR) perspective – in stark contrast to its neorealist counterpart – argues that through a “logic of appropriateness” institutions constrain the behavior of actors (such as states). States develop socially constructed identities and worldviews, “learn” what behaviors are “appropriate,” and engage in bounded rational decisions (see work by Finnemore, Katzenstein, Keck, Onuf, Reus-Smit, Risse, Sikkink, Wendt, etc.; more discussion on constructivism below). Closely related to normative institutionalism, historical institutionalism also privileges the role of institutions in explaining social and political change (or lack thereof) by arguing that institutions configure processes of path dependence thereby affecting how history unfolds (see Thelen [1999]). Historical institutionalists argue that individuals and organizations follow preexisting historical blueprints of behavior that make the most sense – not because they are particularly functional or effective, but because that is what they are accustomed to and know. The common denominator of these institutional theoretical traditions is that they envision entities such as individuals and states as actors whose actions are rational, but bounded and influenced by institutional environments (structure) and/or worldviews (culture).

Unlike theories premised on rational choice (the bulk of social science theories, including other variants of institutionalism), world society theory asserts that the actors – individuals, organizations, and states – within world society are not self-interested, utility-maximizing, agentic, purposive, and bounded actors that are autonomous from or prior to the global culture (or institutions) in which they are embedded. In essence, actors are not conceived to be hard-wired (naturally) raw rational actors. Rather, world society theory posits that actors are constructed by and constitutive of a global culture that not only regulates, but also empowers
actor identity and behavior. Rational actorhood (agency) and rationality itself are therefore constructed and legitimated by the wider global culture, and actors rationalize their identities and behavior to conform to the authoritative norms of global culture that espouses this rationalism. Therefore, the imagery of actors is that of stage actors (in the Goffmanian sense [Goffman 1959]) who possess socially constructed scripted identities and engage in socially constructed scripted behavior, instead of actors that have a priori utility-maximizing rational tendencies (Meyer, Boli, and Thomas 1987). Thus, much of the behavior of actors does not necessarily always follow functional or utility-maximizing logics, and behavior itself is constrained by existing norms, scripts, and cognitive models. Individuals themselves may think and justify that they are behaving rationally in the most efficient way, but their definitions of what constitutes rational behavior are themselves socially constructed by a larger global culture, and their behavior is based on notions of proper or virtuous (rather than “truly” and objectively successful or efficient) individual actorhood.

For example, schooling is considered to be one of the ways in which modern actors are inculcated with the universalistic and rationalized cultural norms of the modern global culture in which science is the legitimated authoritative logic to both understand one’s physical and social world (instead of mysticism, magic, religion, etc.) and engage in agentic actorhood. Therefore, “education is important” is a value that modern actors hold in a matter-of-fact sense. Individuals go to school and aspire to attend college simply because that is what is assumed one should do. Though many college students may have not put much thought into why they decided to go to college, when asked, they are able to justify their reasons through rationalization and give scripted reasons as to why one should and therefore why they personally “decided” to attend college (e.g., to acquire knowledge about the world, to get a good job, etc.).
Similarly, procuring food to satiate one’s hunger and prevent starvation may be considered a rational decision as food is a necessary requisite for survival and humans are arguably instinctually “hard-wired” to self-preserve their existence. However, even this seemingly instinctual tendency and choice to prioritize life and survival is socially constructed when we consider various different cultures in the past and present in which dying for a “greater” cause such as religion or country is/was considered to be rational, justified, and legitimate. Dying for such reasons may not be socially considered and accepted as glorious a feat in today’s modern world (compared to pre-modern epochs) as the modern global culture is premised on individualism, thereby reifying the cultural legitimacy and moral authority of the individual (with personhood and rights). The reason is that in pre-modern societies, religion was the moral authority around which individual identities and behavior were organized and legitimized, but world society theory argues that throughout history, moral authority has devolved from god to the state, from the state to organizations, and from organizations to the individual, with individuals ultimately acquiring sacralized status in the modern world. According to Meyer (2010:5), “preferences driving choices are endogenous to the social system, not autonomous and prior,” and even strategic thinking and action is constructed, scripted, and rationalized (Krücken and Drori 2009:22; Meyer and Jepperson 2000).

In this way, world society theory draws its strengths and uniqueness from its deliberate efforts to move away from functionalist and rationalist interpretations and political and economic explanations of social phenomena while providing an alternative macro phenomenological (cultural) explanation for isomorphic global patterns. The individual, organization, and state are actors influenced by a global culture of shared norms, scripts, and cognitive models that is legitimized by the authority of the global polity consisting of international institutions
(intergovernmental organizations [IGOs] and international nongovernmental organizations [INGOs]) and professionals that act as carriers and enactors of this global culture which is premised on the fundamental principles of modernization rooted in Enlightenment principles of justice (equality), progress (wealth), rationality and reason, and individualism.

Such a world order gives rise to a complex global polity consisting of a stateless governance structure empowered with authority that stems from expertise and professional knowledge, a global public consisting of sovereign but interdependent states and persons possessing personhood, and an extensive organizational apparatus of IGOs, INGOs, and international treaties/laws that ensure that the global polity serves the interests of the global public. These IGOs and INGOs derive their social and moral authority and legitimacy as objective and impartial “disinterested rationalized others” who act on behalf of others (e.g., migrants, endangered animals, the environment, etc.) or highly legitimated and transcending values (e.g., human rights) (Holzer 2008; Meyer et al. 1997) to institutionalize world cultural scripts that inform (not coerce) actors, such as states, of acceptable and legitimate value-rational action (Meyer 2009). Therefore, although INGOs may lack in political and economic power, through their legitimacy as disinterested rationalized others, they may serve as influential agents of world culture that can instill within states (and other actors) cooperative (as opposed to coercive) identities that ultimately influence state behavior.

These world cultural norms spread throughout the world like gas or waves through processes of diffusion and theorization (Krücken and Drori 2009:19). Though normative diffusion may at first be uneven across time and space, world society theory argues that such norms will become increasingly equally distributed. Furthermore, although geographic proximity and opportunities for exchange may suffice for diffusion, the cultural linkages an actor
has to world culture (e.g., linkages to INGOs) and active theorization should affect the pace, content, and form of diffusion (Strang and Meyer 1993).

The crux of world society theory’s position on (cultural) globalization is that with the spread and permeation of the modern global culture, over time, actors, their identities, and their actions will become isomorphic, demonstrating similarities that cannot be explained by logics of function or efficiency. For example, landlocked countries have modern militaries consisting of an army, air force, and navy, highly agricultural countries have universities with curriculums that teach nanotechnology, authoritarian states have become signatories to multiple human rights treaties and conventions, self-interested and utility maximizing corporations actively adhere to corporate social responsibility guidelines, and university enrollment rates have increased across rich and poor countries alike.

Actors therefore have been observed to go to great extremes to maintain legitimacy in the modern world culture through the ceremonial adoption of global norms and standards (the “myths” of global culture). Aspirations to adhere to global norms are often high and exaggerated, often resulting in decoupling or loose coupling between form and behavior (Bromley and Powell 2012; Hafner-Burton and Tsutsui 2005; Hironaka and Schofer 2002). The rationale behind such decoupling is not necessarily one of intentional deceit on the part of the actors (e.g., pretending to follow rules while intending to do something else that better furthers their interests), and is often simply the result of actors’ abilities to achieve the lofty normative goals that they set. Decoupling in the modern world is frequent and expected, thereby giving disinterested others such as individuals and social movements the incentive to mobilize when they notice a disjuncture or contradiction between what actors say/value and do or between world cultural norms (what one should do) and actor behavior that blatantly violates those norms.
(what one actually does). In this way, the modern world culture also gives rise to collective action.

In sum, as global culture is legitimized via its authority (expertise) of the global polity rather than the narrow interests of a particular state, corporation, or individual, the diffusion of global cultural norms among its constituents is not coerced (e.g., via hard power). Rather, through theorization, actors follow and voluntarily adhere to global culture through institutionalized (matter-of-fact) behavior. Although local contexts or the individual idiosyncrasies of these actors may create variation in the degree to which they are affected by global cultural norms, and there may not be uniformity in the degree to which the global culture “touches down” and diffuses in different parts of the world (i.e., loose coupling or decoupling), world society theorists argue that there is ample empirical evidence of overarching isomorphism in values, policies, etc., across countries.

Modernization Theory

Modernization theory is premised on Rostow’s (1960) take-off model that argues all societies experience similar transitional paths (or “stages of growth”) into modernization from traditional societies. As societies modernize, economic arrangements and institutional structures become increasingly complex, and personal values become increasingly “modern” as individuals embrace science and rationality over more “traditional” values. Modernization theory assumes that all societies can, want, and will modernize, and as they modernize, traditional cultures will give way to “modern” cultures, thereby resulting in increasingly more modernized societies with basic similarities. Therefore, as societies modernize, the traditional cultural distinctiveness is gradually replaced by a more universalistic (homogenous) modern culture. For modernization
theorists, cultural homogenization across countries is a functional and inevitable outcome of modernization.

World Systems Theory

Before Wallerstein proposed his world systems theory/perspective, modernization and dependency theories dominated sociological explanations of “Third World” development (or underdevelopment) (Evans 1979). Dependency theory saw connections to the core as problematic as exploitation by the core was seen as deliberate attempts of rich countries to use their economic and political power to impede the development of peripheral countries.

Wallerstein was influenced by both theories, but proposed a third way to think about and explain development: Economic development (or modernization) is not a function of the strength of a state’s ties with the global core; instead, development occurs unevenly throughout the world because the global capitalist system – a system in which a country’s relative structural positioning within the transnational division of labor determines its wealth and power – advantages core capitalist countries over peripheral ones. A country’s ability to develop is therefore not only a function of its internal/domestic characteristics (as modernization theorists would argue), but also a function of its relative positioning within the global economic world system and relationships with other countries. Drawing from a Marxist logic, world systems theory argues that core capitalist countries control the global means of production and therefore have the economic power to exploit peripheral countries, thereby forcing them into underdevelopment in which their development trajectories are heavily circumscribed. For world systems theorists, underdevelopment is not the fault of poor countries (as modernization theorists would tend to argue). Rather, it is the product of the inherent exploitative nature of the global
division of labor. The pathway to development was therefore attainable not by severing or strengthening ties with the core, but by making changes to parts of the inherently hierarchical and unfair economic world system so that there is “room at the top” for peripheral countries to “squeeze” in. States/people may, to a certain degree, be agentic in shaping their own development trajectory, but the world systems approach also assumes a high degree of structural determination in which arrangements within the world system shape the development experiences and possibilities of states (and their people). The world systems approach therefore takes the world system as its unit of analysis instead of individual states. The goal for the theory is to understand the larger global economic system and constellations of power arrangements in which states, firms, and places are inextricably connected in complex webs of production and consumption (i.e., the global division of labor). World systems theory argues that to understand how world systemic economic systems unfold, one must also look at long-term cycles of capital accumulation and the waxing and waning of hegemonic powers throughout history (Arrighi 1994).

The recent world systems literature suggests that the relational position and role of a state, firm, or locality within the global world system determines its prospects for development. For example, the global economic system is conceptualized as an agglomeration of overlapping global production networks (GPNs) consisting of transnational corporations (TNCs; which are networks within networks [i.e., each TNC is a network of firms, and each component/node of the TNC network is linked to nodes of other TNC networks and global production networks]), states, and geographic localities (Dicken 2011).

On the level of firms, it matters where one is within a TNC network. In both production driven (e.g., capital intensive manufacturing industries like the automobile industry) and demand
driven commodity chains (e.g., the textile and garment industries) outsourced producers at the lowest end of the production chain reap the smallest benefits (profits), whereas branded retailers, for example, reap most of the value-added returns associated with the branding of the particular product. At the level of localities, localities that both experience TNC capital injections (e.g., through FDIs) that result in positive net gains, and possess local firms that not only have sufficient absorptive capacities, but also have positive linkages with TNCs that foster the transfer of knowledge and experience, will be stimulated (Bair and Gereffi 2001).

At the level of states, it matters where one is positioned within the global division of labor. Core countries with the economic, political, military, and technological means to innovate, design, and produce capital intensive products control bases of production and the global order of trade (and financialization, but perhaps to a lesser degree). Through regional and multinational agreements and institutions, powerful core countries are able to define the rules of the game (e.g., [free] trade regulations, international property laws/regimes, etc.) (Bair and Gereffi 2001; Chang 2008).

Finally, at the regional level, successful arrangements between multiple countries can foster development in the economies of the states involved. In sum, one’s relative position along all of these levels/dimensions – the firm, locality, state, and region – determine economic growth and socioeconomic polarization both within and across states. World systems theorists contend that it therefore does not suffice to look at development across units of one level of analysis at one particular point in time. Instead, one must consider the interconnections between units within a particular level of analysis as well as the interconnections between multiple levels of analysis over time to fully comprehend the world systemic forces that shape national and regional development trajectories.
Under this logic, the cultures of countries may therefore become increasingly homogenous, not because all countries modernize and acquire a common “modernized culture” (like modernization theory would predict), but because economic power is manifested as cultural imperialism where the cultures and values of core capitalist countries (governments and multinational corporations) are uniformly forced upon and adopted by peripheral countries.

Synthesis and Critiques

All three theories may be useful (on various levels and degrees) for explaining cultural homogenization across countries, but only world society theory focuses on culture as the driving force of change towards homogenization – modernization theory and world systems theory focus instead on economic explanations for cultural homogenization. Below, I discuss critiques of each theory and where appropriate, I elaborate on how a theory may complement or provide an alternative or corrective to other theories.

Modernization theory presents a parsimonious and optimistic outlook for economic development, and assumes that all societies have a chance at modernizing. However, premised on the *ex post facto* experiences of the West (Europe), modernization theory is criticized both for being Eurocentric and for equating modernization with “Westernization.” Critics therefore contend that the theory cannot adequately explain the (various) economic developmental trajectories of non-European countries and why poverty still persists at alarming levels in Africa, Latin America, Southeast Asia, etc. The theory also has difficulty explaining why modernized local cultures around the world still retain levels of cultural distinctiveness or hybridized forms of culture that merge the traditional with the “modern.”
Modernization theory also assumes that economic development occurs within a domestic vacuum, devoid of exogenous influences from other states, international organizations, etc. The theory cannot account for variations in development across countries that may be due to a particular country’s relative geopolitical and historical positioning to its surrounding countries. Furthermore, because of its parsimonious (or perhaps rather simplistic) claim that modernization is possible for all, given the correct ingredients and effort, modernization theory sees a society’s failure to modernize as a failure of the society itself. Modernization theory therefore tends to “blame the victim” by essentially linking development failure to the innate (inadequate) characteristics of developing country peoples and cultures. For modernization theorists, the more contact with rich countries and the more emulation that occurs, the higher a country’s chance of success will be in joining the ranks of rich countries. For modernization theorists, modernization is convergence into a “modernized” culture.

Emerging in reaction to modernization theory, world systems theory provides a corrective in which explanations for economic development are couched in the context of a country’s relational and structural position to other countries within the inherently unfair global capitalist system of production. Utilizing relational network approaches and extensive data across long periods of time, world systems theory provides a structured and systematic framework that improves upon older conceptualizations of criteria for development. Empirical evidence has shown that countries do not develop in a linear and universalistic fashion and that the world is much more complex. World systems theory, however, is not without its weaknesses. Empirical studies abound in which world systems theory predictions on inequality have been incorrect. For example, the theory does not assume a country can “move up the ladder” from periphery to core as long as the core-periphery exploitation relationship exists. However, South Korea and many
of the newly industrialized countries in Asia have demonstrated staggering levels of development and movement up the ladder on the core-periphery continuum. Furthermore, it is not clear whether the dependency logic of the global capitalist system causes inequality and poverty, or if poverty itself has caused peripheral countries to become dependent on core countries. Finally, world systems theory, has difficulty in explaining cross-national cultural homogeneity in areas that do not directly serve the interests of the core capitalist countries. For example, adherence to global norms on human rights and environmental protection may necessitate government efforts that run counter to narrowly defined state economic and political interests, yet not only peripheral countries, but also core countries have ratified international treaties on these issues and have even harmonized their domestic laws. On the organizational level, multinational corporations adhere to corporate social responsibility norms – sometimes at the expense of increased profit – and have adopted more humane and environmentally friendly business models and operations. Relationist approaches such as dependency and world system theories are therefore powerful in explaining general homogeneity within the core or periphery and differences between the core and periphery, but they have difficulty in explaining patterns of similarity that span all countries of the world.

In this sense, world society theory fills this important lacuna in (cultural) globalization theorization by providing an explanation for the global convergence or isomorphism between entities that are fundamentally different (see DiMaggio and Powell [1983] for more on isomorphism, and Ramirez, Soysal, and Shanahan [1997] for an example). However, in focusing on global culture as the explanatory variable for cultural homogenization, world society theory presents an overall structuralist argument that (deliberately) downplays the agency and interests of actors. It is therefore important to clarify theoretical assumptions and delineate the theory’s
strengths/uniqueness and limitations/blind spots. To do so, I introduce the similarities and differences the theory has with its close cousin in political science (i.e., international relations constructivism), and discuss world society theory’s (deliberate) limitations.

SOCIODEMOGRAPHIC INSTITUTIONALISM AND INTERNATIONAL RELATIONS

CONSTRUCTIVISM

Reacting to realist theories that defined actors (states, individuals, and organizations composed of individuals) as purposive rational agents (with real material interests) who are ontologically prior to social structure and culture, both sociological institutionalism and the constructivist school of international relations assert – to varying degrees – the primacy of institutions (defined as norms, scripts, and cognitive models in the former, and rules and norms in the latter) and their role in constructing the behavior and identities of actors. They diverge, however, in their fundamental assumptions about agency, and therefore, arrive at slightly different interpretations and explanations of global and social phenomena and their processes.

Sociological Institutionalism

As mentioned above, in stark contrast to the other “institutionalisms,” phenomenological institutionalism (i.e., world society theory) argues that institutionalized cultural models are ontologically prior to the actor. In other words, actors are not only constrained by culture, or institutionalized norms, scripts, and cognitive models, but also constituted and legitimated by them. Actors are therefore products of a global culture. Actorhood is constructed by one’s (normative) environment and this constructed actorhood in turn determines the scope of appropriate action an actor can or should take. Therefore, actors are not agentic in the sense that
their actions are not necessarily conscious decisions and their behavior is not necessarily purposeful. In most cases, actors are considered to be following taken-for-granted globalized and institutionalized scripts.

To elaborate further, phenomenological institutionalists argue that the identities and interests of actors are constructed by a global culture of institutionalized scripts, norms, and cognitive models, and therefore actors enact behavior that they deem appropriate instead of behavior that is motivated by functional tasks or needs (see Berger and Luckman [1966] and Goffman [1974]). This global culture has origins in the emergence of Western Enlightenment ideas of justice, progress, rationality, and individualism. Over the years, these ideas and values have become institutionalized as a modern global culture that is regulative and generative of the interests and identities of the actors embedded within. The modern global culture’s emphases on these ideas give external cultural legitimacy to many modern institutions that we take for granted (e.g., state sovereignty, bureaucracies, markets, capitalism, etc.). According to phenomenological institutionalists, there is nothing inherently “natural” about institutions such as sovereignty, rationality, personhood, etc. These institutions are constructed and legitimized by the modern global culture, and because actors create social meaning through interaction and behave on the basis of logics of appropriateness, they enact this global culture without much thought. As a result, the theory predicts that actor identities, interests, and behavior will become isomorphic, even if the actors themselves possess disparate characteristics.

“Actors” or entities that are members of the global polity may exercise agency and pursue interests in a rationalized manner, but these rationalized impetuses themselves are culturally constructed and informed by the world culture in which the entities are embedded. These entities are not actors in the same sense as actors are conceptualized in the other variants of
institutionalism. They are instead agents, who enact world cultural scripts. Through the enactment of these scripts, these agents reify, carry, and diffuse global cultural norms.

Constructivism

The constructivist political science perspective emerged in the late 1980s in reaction to realist and liberalist international relations perspectives. Realism (or neorealism) assumes that states are unitary and utility-maximizing rational actors with material-based interests (e.g., inherent desire for power or survival) that within an anarchic world of states, are asserted through military and political power (e.g., hard power) (Waltz 1979).

Liberalism (i.e., complex interdependency and variants of IR institutionalism) contends that although states are the primary actors, international organizations such as INGOs and IGOs also play an important role in influencing state behavior and interests as well as the relationships between states. Liberalism considers states as rational actors that can be willing to cooperate with other states and non-state actors to realize their interests (Keohane and Nye 2001; Nye 2004).

Constructivism emerged in response to these perspectives, arguing for the primacy of ideas and social interaction in constructing state identities and therefore state action. Within the constructivism program of international relations, there are multiple types of constructivisms ranging from thin-constructivist approaches that lean closer to realism and thick-constructivist approaches that have considerable overlap with phenomenological institutionalism in their emphases on social interaction and the role of norms in influencing and constructing state interests and identity (Checkel 1998; Finnemore and Sikkink 2001; Jepperson, Wendt, and Katzenstein 1996; Wendt 1999).
Unlike realists and liberalists who treat interests as “a given” by the structure of the state system, relegating state identities and interests (i.e., self-interests) to immutable characteristics, constructivists contend that meaning is contested and negotiated through social interaction, and it is through this process that states’ interests may shift as identities shift, and that the dynamics of anarchy may be altered. For constructivists, because identities and interests are malleable, they should be treated as the dependent variables – not the independent variables – that can be explained by social interaction. Wendt (1992) famously stated, “Anarchy is what states make of it,” emphasizing that there is nothing inherent about anarchy that presupposes power politics and self-help, or aggressive and mistrustful behavior that stems from narrowly defined self-interests to ensure national security. Rather, we could imagine an anarchic world in which states acquire more cooperative identities (and are therefore less risk averse, insecure, and threatening with less aggressive and predatory interests) through processes of social interaction in which intersubjective and relational definitions of the “other” as “foe” are redefined or reconstructed as “friend.” If through social interactions and the expectations produced by responses in such interactions, a state comes to think of other states as inherently cooperative, then that recognition may alter its perception of its role (vis-à-vis other states) within the international community, thereby resulting in shifts in interests and behavior that reflect its existence in a more pacifist world. Therefore, according to Wendt (1992:397), it is “collective meanings that constitute the structures which organize our actions.” Created through interactions, these institutions (e.g., *norms* such as sovereignty, self-help, etc.), or structures of identities and interests, are “collective knowledge” – something that exists over and above the actors that constitute it and can have coercive force over actors as an objective “social fact” that encourages certain behaviors over others. But because these institutions are constructed by actors themselves, institutions and
actors are mutually constitutive and malleable (Wendt 1992). In this way, constructivism gives primacy to structure, but at the same time, leaves room for agency (and within this agency, power) on the part of its constituent actors (Risse 2007). Interests and identities are therefore ontologically conceived as endogenous to the state system, and through the practices or processes of social interaction, they may be altered by what actors do. Constructivism therefore paints a relatively dynamic picture of the state system.

**Similarities and Differences and Strengths and Weaknesses**

Both phenomenological institutionalists (hereinafter, world society theorists) and international relations constructivists (hereinafter, constructivists) agree that institutions (defined in world society theory as global norms, scripts, and cognitive models) or norms (defined in constructivism as “standards of appropriate behavior for actors with a given identity” [Finnemore and Sikkink 1998:891]) influence state behavior, and that structure and actors (e.g., states) are mutually constitutive. However, for world society theorists, agents enact global norms and scripts, but for constructivists, actors strategically negotiate global norms. This fundamental difference speaks to the two approaches’ diverging views on the level of agency actors are assumed to have, thereby leading theorists in each respective approach to make 1) different assumptions and considerations about the role of power in state interactions; 2) different assumptions about the dynamism of norms/institutions over time; and 3) different claims about the origins of norms/institutions.

First, world society theory and constructivism differ in their consideration of the role of power in norm emergence and institutionalization. World society theory deliberately downplays the role of power in its explanations of the spread and diffusion of world culture because the
primary carriers of world culture are powerless entities such as international organizations (INGOs, IGOs, etc.) or disinterested others whose authority (not power) derives from professionalization and expertise. The world polity is therefore considered to be a stateless democratic global polity that defines, legitimates, and maintains global norms, scripts, and cognitive models on appropriate behavior that are rooted in fundamental modern principles of justice, progress, rationality, and individualism. Disinterested others may set agendas to influence state behavior, but not only do they not use coercive force, they also act without self-interest for the good of humanity.

This differs fundamentally from constructivist conceptions of norm entrepreneurs (Finnemore and Sikkink 1998) who are strategic actors of socialization who persuade and aim to produce cognitive dissonance among norm violators. Sometimes norm entrepreneurs may even use material levers to strategically achieve desired ends (Payne 2001). The constructivist imagery is that at any given time, there are competing norms that norm entrepreneurs must either delegitimize (or “inappropriate) or downplay in favor of their own claims (Finnemore and Sikkink 1998:897). These assumptions lead to a conceptualization of norm entrepreneurs as agentic rational actors with interests (though these interests are not natural or a priori, and are constructed from social interaction). Constructivism therefore leaves room to theorize how the effects of structure on actors are not necessarily unidirectional, but bidirectional in that norm entrepreneurs can change the structure of norms in which they are embedded.

Though both theories are relatively static theories because they both assume that through institutionalization, norms become taken-for-granted and take up a “natural” existence, they diverge in the degree to which institutions/norms are believed to be capable of dynamism and change. Because of its intentional disregard for agency, world society theory does not leave
much room for actor-initiated normative change. Additionally, because of its system-level theoretical framework that places the origins and authority of world culture in institutionalized Western Enlightenment principles, the theory tends to see world culture as something that is relatively stable and path dependent. This is a strength if one’s goal is to make predictions, but focusing on equilibrium draws attention away from understanding why disequilibria and change in norms occur over time and geographic space. Constructivism focuses more narrowly on specific norms and their lifecycles traced from emergence to internalization (Finnemore and Sikkink 1998). Within theorizations of such lifecycle processes, specific conditions in which certain ideas get institutionalized and diffused and others do not are elaborated, extending our understanding of the dynamics of norm emergence, contestation, and change.

Finally, world society theory and constructivism differ in their understanding of the origins of global norms. Unlike world society theory, constructivism does not have a system-level theoretical framework to analyze the global origins of norms (e.g., Western world culture). Instead, constructivists have focused on how norms in specific issue areas have emerged through the efforts of influential individuals, spillover effects from related norms, and world events or exogenous shocks that legitimate new values. Though some of these explanations are environmental and exogenous to norm entrepreneurs themselves, constructivists argue that actors can not only change existing norms, but also create and legitimate new ones. This import placed on the role of actors in norm creation differs from world society theory arguments in which norms originate and draw their authority from the modern world culture which is primarily Western. Disinterested others may raise new concerns for new norms, but the norms ultimately draw their legitimacy from the larger global culture and not from the norm entrepreneur or the intrinsic characteristics of the norm itself.
In sum, world society theory draws its strengths and weaknesses from its bracketing of agency (Finnemore 1996). Bracketing agency allows one to focus on culture and structure to “denaturalize” what other theories (e.g., [neo]realism, liberalism, world systems theory, etc.) take for granted as natural and real (e.g., the state, sovereignty, rationality, individualism, etc.). But doing so, at the extreme at which world society theory does, poses the threat of precluding efforts to examine how constructed actors define, negotiate, and exercise identities and interests within the confines of an imagined modern world culture to affect larger structural and cultural change.

At the expense of lacking a system-level theoretical framework, constructivism – with its structure-actor dialectic built into the theory itself – provides helpful conceptual, analytical, and methodological tools to address these concerns. Despite the commonalities in their main thrusts, the two theories and their respective disciplines (sociology and political science) have unfortunately managed to talk past each other. Both world society theory and constructivism are not inherently incompatible, and much work needs to be done to marry their strengths.

WORLD SOCIETY AND HUMAN RIGHTS

Next, I discuss ways in which world society theory has contributed to research on the understanding of the ontological origins of human rights as well as the diffusion and institutionalization of human rights norms. Upon recognizing the various ways in which world society theory has contributed to the study of human rights, I then introduce several theoretical and substantive limitations of the theory. I conclude by introducing the substantive elements of this study which aim to address and overcome these limitations.
Contributions to Research on Human Rights

The post-World War II period has seen a remarkable rise in the number of INGOs as well as those INGOs that advocate for human rights (HRINGOs) across the globe (Boli and Thomas 1999; Tsutsui and Wotipka 2004). International human rights treaty ratifications have also increased. For example, regardless of their human rights records or the intent or ability to protect human rights, most states have ratified the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). In short, human rights have emerged as a social fact in the modern world. But why have human rights suddenly and rapidly diffused across the globe in such an isomorphic fashion? How do norms on human rights spread and to what extent can they affect state behavior? What are the ontological origins of universal human rights, and how did they emerge in the first place? World society theory provides valuable insights for answering these questions.

Global Isomorphic Adoption and Diffusion of Human Rights among States

From a realist or rational utility-maximizing standpoint, isomorphic patterns in human rights treaty ratification across countries is puzzling because treaty ratification places constraints on governments, and the immediate merits of such voluntary self-constraint are not clear. If states promote human rights (e.g., through the signing of international treaties, conventions, etc.) to further their strategic needs to maintain power and sovereignty, how could realist approaches explain the extensive range of issues, populations, and violations covered by contemporary international laws and instruments that only loosely, if not at all, resemble the practical interests of states? Additionally, the coinciding timings of international treaty ratification among different states with different forms of government, histories, cultures, development trajectories, and
demographic compositions are difficult to explain using theories that focus primarily on
domestic endogenous variables aimed at explaining differences between a limited number of
Western liberal democracies. Realist and functionalist theories therefore struggle to explain the
isomorphic dimensions of global-scale international treaty ratification and the global emergence
of INGOs and HRINGOs.

By means of its focus on agents as opposed to actors, world society theory calls attention
to social phenomena that are unexplainable or unobservable through the theoretical lenses of
extant realist and functionalist theories (Jepperson 2002). As mentioned above, world society
theory asserts that states are embedded in a larger world culture that is “a shared and binding set
of rules, exogenous to any given society, that supply meaning and value to various philosophical
ideas, interests, and norms of behavior” (Elliott 2007:349). Once ideas or practices are
institutionalized through international legal conventions, charters, and reports, such ideational
scripts are taken for granted as meaningful and legitimate (Elliott 2007). Human rights are one
such ideational script. World society theory argues that states, as agents of world culture, adopt
and enact human rights scripts through logics of appropriateness (and not logics of
consequences), thereby resulting in isomorphic patterns in treaty ratification across countries
with diverse national characteristics.

World society theory also provides an explanation for how world cultural norms on
human rights may diffuse into domestic polities or societies. As international organizations such
as INGOs are the primary carriers of the modern world culture, human rights may diffuse
domestically via linkages between domestic actors and INGOs. According to Boli and Thomas
(1999:40), world citizenship norms that imbue individuals with expanded rights that transcend
national boundaries are codified in United Nations (UN) human rights instruments, but it is
INGOs that “translate the diffuse global identity and authority of world citizenship into specific rights, claims, and prescriptions for state behavior.” Tsutsui and Shin (2008) further argue that INGOs assist domestic human rights movements in making appeals to the UN and other international organizations, thereby contributing to the reification and reproduction of human rights norms that in turn translate into exogenous influences on domestic governments.

*The Ontological Origins of Human Rights*

Elliot (2007) argues that the emergence, timing, and conceptual breadth of institutionalized human rights today, can only be explained by the emergence of a cultural superstructure that underlies national and social institutions and influences how these institutions have come to accept the legitimacy of human rights, or the sacredness of the individual. Elliott asserts that although the rights of individuals may be defined and constrained by one’s membership within a state, there has been an emergence of a common global cultural understanding that individuals possess and should be entitled to rights, based on their personhood (also see Soysal [1994]). Elliott’s (2007:352) theoretical premise is that the global culture on human rights has its origins in the “disenchantment” of modern society and the ensuing relocation of the “sacrality in everyday life from the religious realm of the gods to the secular realm of individual human society.” Elliott argues that by the 19th century, the individual, worthy of respect and dignity, became the locus for debates on the appropriation and recognition of the necessary and inherent human rights of the individual. These values were then institutionalized and disseminated through globalization and recent (post-World War II) Western political discourse. The long-term process of secular transplantation of the sacred from religious entities to the mundane individual, and the relatively recent processes of globalization explain
the timing and scale of the emergence of human rights ideology. Human rights, then, are modern
day society’s “cult of the individual,” and this cult worships a god (universal human dignity) and
continuously reifies its values through the veneration of sacred texts (e.g., the Universal
Declaration of Human Rights [UDHR]; also see Cole [2012]). Similar to how convents and
houses of worship uphold the tenets of their religions, international human rights institutions act
as the protectorates of human rights, and organize around the dissemination of cultural values
that emphasize the individual as sacred.

Limitations

There are various aspects of human rights that have been undertheorized or left
unanswered by world society theory. The first limitation hinges on the undertheorization in the
world society theory literature on discussions of the multi-dimensionality of human rights
norms and a norm’s expansive nature (i.e., potential for change) and its variegated and broad
applicability to different subnational and subgroup/sub-issue area populations. Koenig (2008)
argues that with the declining congruence between state membership, individual rights, and
national identity, and the emergence of multicultural citizenship across the world (also see
Kymlicka [1995] and Soysal [1994]), human rights have “expanded” by becoming more
“particularistic.” In other words, the line between individual and national identity have become
increasingly blurred, and subnational collectivities (e.g., ethnic minority groups, indigenous
peoples, migrants, etc.) have begun and have been able to claim particularistic rights. Therefore,
ironically, the “global institutionalization of universalistic human rights has led to the emergence
and spread of particularistic rights (Koenig 2008). Yet for the theoretical program as a whole,
little attention has been placed on normative change or evolution.
Over the years, the scope of what constitutes a human right has expanded as actors, empowered by the modern world culture, have developed new identities and therefore new claims to human rights. Drawing on the master frame of human rights, social movement organizations, for example, have expanded the norm’s applicability to unrecognized or newly defined sub-populations (e.g., “Women’s rights are human rights” or “Migrant rights are human rights”) (Bunch 1990). When successful, such reframing may either change the way in which UN officials interpret extant human rights conventions or result in the drafting and implementation of new human rights declarations or conventions. A case in point would be the International Convention on the Protection of the Rights of All Migrant Workers and Their Families which entered into force in 2003 (the third most recent UN human rights convention that has entered into force), 27 years after the two foundational human rights covenants – the ICCPR and the ICESCR – came into force in 1976. Though the convention does not create “new” rights for migrant workers, it aims to ensure that migrant workers are guaranteed equal working conditions as nationals of the host country. The redefinition of the (human rights) concept through the creation of new conventions and the explicit inclusion of new sub-populations within extant broader definitions of human rights demonstrates that human rights norms are expansive and dynamic.

Furthermore, not only can norms change over time through redefinition, but depending on their identities and strategic interests, actors (such as individual activists or social movement organizations) may reference and draw on different aspects of the norm. Thus, norms are not monolithic, and which particular aspect of a norm (or variants of a norm) are utilized and contested by activists has not been systematically analyzed. Additionally, once a norm is reframed to address the more particularistic rights of sub-populations, it is unclear how effective
those new frames are in affecting the *de facto* and *de jure* expansion of such rights on the domestic and local levels.

Social movement and constructivist international relations research have often engaged in process tracing to study how different human rights issues have been strategically reframed by activists to realize normative and legal change, but the world society literature has only recently begun to make inroads into the theorization of world cultural processes “on the ground.” This, perhaps, is not surprising considering the theory’s fundamental assumption that actors will enact global scripts as global cultural enactors. Bracketing actor agency and leaving mechanisms of how global scripts might change or how actors may strategically induce such changes over the long run are beyond the traditional scope of inquiry. As mentioned briefly above, although world society theory and constructivism vary in the degree to which actors are assumed to exercise agency, the two approaches are not mutually exclusive. Although the agency of actors may be bounded by a finite set of global norms, scripts, and cognitive models, within the confines of legitimated morally authoritative behavior, actors may still possess strategic interests and engage in strategic behavior to alter the *status quo* content of established “master norms” from which they acquire their legitimacy. This is to say that actor identities and behaviors are to some degree regulated by and constitutive of global cultural norms, thereby resulting in predictable and isomorphic behavior within the confines of what is “acceptable” in the modern global culture, but within these confines of appropriateness, there is “room” for actors to engage in strategic action that may, over the long run, gradually introduce change in global human rights norms.

A second weakness of world society theory is that it undertheorizes the effects of domestic factors (e.g., domestic politics) as well as a norm’s substantive content (i.e., issue area)
on the degree to which the norm may diffuse. For example, although women’s rights and migrant workers’ rights norms may draw from overlapping definitions of basic human rights, depending on the implications that a sub-population’s physical presence within a state has for the state’s domestic affairs and interests, failing to ensure the human rights of one sub-population (e.g., migrant workers) may not be seen as serious of a breach of the moral expectations of a modern actor (and international society) as it otherwise would for failing to ensure the human rights of another sub-population that is less “problematic” (e.g., women). This difference will inevitably affect levels of norm acceptance and compliance on the part of the state as well as the degree to which decoupling occurs between policy and practice. Variation in levels of decoupling may therefore occur on the basis of domestic context or on the basis of the norm’s issue content (i.e., a particular norm is followed to different degrees, depending on who or what the norm applies to).

A third limitation concerns the undertheorization of the diffusion of norms that embody tensions between the principle ideational tenets of world culture (e.g., justice, progress, individualism, rationality, etc.). For instance, in the aforementioned example concerning migrant workers’ rights, there is a clash between two of modern world culture’s fundamental ideas: justice (on the individual level, equality) and individualism (on the state level, sovereignty; on the individual level, personhood). In theory, all individuals should be treated equally (as all individuals possess personhood), but this assumption clashes with the assumption that all states are sovereign. One could imagine that different norms may diffuse differently depending on whether the norm involves conflicts between assumptions about justice and individualism (e.g., regarding human rights norms and the tension between individual human rights and state sovereignty) or assumptions about justice and progress (e.g., regarding labor rights norms and
the tension between capitalism and decent working conditions). Different horizontal configurations of tensions across the ideational tenets of modern world culture may therefore produce systematic differences in the degree to which a norm may diffuse.

Additionally, there could be more systematic variance in patterns of norm diffusion if we consider a second (vertical) dimension in which there are tensions between the various levels of abstraction within a single ideational tenet (i.e., between the state, organizational, and individual levels). For example, tensions between progress at the state (national wealth) and individual (personal wealth) levels could exist if individual level interests conflict with national interests. More concretely, norms on land ownership could be disputed if land ownership as a means for accumulating wealth carries different meanings for the state and individual actors.

In sum, there are undertheorized areas of inquiry that warrant further research: 1) the multi-dimensionality of human rights norms and a norm’s expansive nature and variegated applicability to different sub-populations; 2) the effects of domestic factors and a norm’s substantive content on the degree to which a norm may diffuse; and 3) what happens when a norm embodies tensions between the principle ideational tenets of the larger modern world culture.

In particular, this study aims to further theorization of the first two areas, and below, I explicate how I attempt to do this by drawing on world society theory to better understand the cross-national determinants of institutionalized protections for itinerant groups.

THE THEORETICAL UTILITY OF WORLD SOCIETY THEORY FOR THIS STUDY

As discussed in detail above, it is almost a truism within world society research that the modern world culture – premised on the fundamental principles of modernization rooted in
Enlightenment principles – diffuses across countries over time (Krücken and Drori 2009:19), to influence and institutionalize norms, values, and scripts, leading to isomorphism across states that cannot be fully explained by functionalist (and rational) explanations (Jepperson 2002; Meyer et al. 1997; Schofer et al. 2012). Extant studies – in both sociology and international relations – have found convincing evidence that international organizations (IOs) such as intergovernmental organizations (IGOs), international non-governmental organizations (INGOs), international treaties, transnational advocacy networks (TANs), transnational social movements and activist networks, and epistemic communities play integral roles in diffusing such norms, values, and scripts to affect domestic policy outcomes, political behavior, and/or the institutionalization of certain institutions (Boli and Thomas 1999; Holzer 2008; Keck and Sikkink 1998; Khagram, Riker, and Sikkink 2002; Simmons 2009; Smith 2008; Tsutsui and Shin 2008; Tsutsui and Wotipka 2004).

But studies have also shown that the modern world culture does not diffuse equally in and across target groups/issue areas (e.g., Strang and Meyer 1993). How can we explain such variance? For instance, regarding protections, why have women (Chan-Tiberghien 2004), children (Boyle and Nyseth 2011), and indigenous peoples (Larson, Johnson, and Murphy 2008) become “problematized” as groups that are worthy of protections to different degrees at different times throughout history, leading to variation in the levels of institutionalization of protections across these groups? Could it be a difference in how these groups were/are socially constructed (domestically and/or globally) and defined to be “worthy” of or necessitating protection (also see Sikkink [1998] for a related thought)? Are protections conferred to individuals first by virtue of personhood, or through membership in a nation-state (i.e., as individual natural persons or
individuals as public politically-relevant beings or state members [citizens]) (e.g., Soysal [1994] or Arendt [1973])?

This study aims to address the theoretical lacuna in the extant literature that arises from the undertheorized areas of world society theory that have not adequately addressed the heterogeneity and multi-dimensionality of the modern world culture, and how it may diffuse to affect different itinerant groups in variegated ways through isomorphic and context-affected patterns in codified protections across states.

To do this, this study compares the determinants of cross-national variations in levels of legal protections for three itinerant groups (i.e., trafficked persons, internationally displaced persons, and migrants [both economic and non-economic]) to better understand why, for some groups (e.g., trafficked persons), codified protections seem to stem from world cultural scripts, whereas for others, such scripts seem to matter less, or not at all (e.g., economic migrants). The aforementioned current European “migrant crisis” is a case in point. This study heeds the discussions above on the strengths and weaknesses of not only world society theory, but also other sociological and international relations theories and perspectives that similarly attempt or can be used to better understand global change in general, and cultural globalization more specifically. In particular, it theoretically adjudicates between the explanatory strengths of institutional (i.e., world society theory and IR constructivist) and more conventional interest-based functionalist and realist perspectives in understanding the differences across itinerant groups, in the factors that affect codified protections.
Actorhood and Threat to the State as Potential Factors that May Affect Heterogeneity in the Institutionalization of Protections across Groups

With the recent European Union (EU)-Turkey deal, newly arriving “undesirable” economic migrants within the EU are being “swapped” for “vulnerable” refugees: Greece is allowed to send those deemed to be migrants back to Turkey (which has then recently returned hundreds of Syrians to war-torn Syria), and for every Syrian returned to Turkey, Europe has agreed to take a Syrian refugee from Turkey to be resettled in an EU country (Fahim 2016).

This is a clear example of the interplay of tensions between international legal norms on humanitarian protections for vulnerable groups like refugees, and state interests to protect national security and sovereignty; and how being defined as a refugee (or not) has real consequences for what international legal protections one can claim. Because it is often difficult to objectively “prove” if one is a refugee due to a “well-founded fear of being persecuted,” a refugee could easily be categorized as a non-refugee (or vice versa), and this distinction could be the difference between life and death. The recent events surrounding the “migrant/refugee crisis” in the EU has implored the global community to consider puzzling questions this study aims to answer: Who deserves protections, and why? Whom do human rights norms protect?

Border control is such a widely contentious and deeply politicized issue across different states, and citizenship – or de jure state membership – is a valuable and important limited commodity/resource that demarcates insider-outsider distinctions, and is of paramount importance in determining one’s legal access to rights and other limited resources and protections provided by the state (Hosoki forthcoming; Howard 2006). Given this, realist political science theories espousing interest-based logics (Yamagata, Yang, and Galaskiewicz 2015), would argue that states (i.e., political leaders), as utility-maximizing rational actors, may
be sensitive to the populace’s perceptions and reactions to influxes of foreign nationals (with these perceptions and reactions varying between groups such as refugees and economic migrants), but these would be balanced against state interest calculations, thereby affecting how refugee and immigrant entry and settlement policies are drafted. Due to the fact that the provisions of state resources and state-sanctioned protections and benefits are of limited nature, depending on where one is positioned within Hammar’s (1990) Concentric Gate Model (e.g., guest workers, denizens, and citizens), states use discretionary logics to “triage” to whom resources, protections, and benefits should be provided. The existence of legally and socially defined “foreigners” within one’s territorial boundaries could potentially pose actual and/or perceived security risks to a state’s sovereignty. Therefore, it may be in a state’s economic, social, and/or political interests to prevent the entry and settlement of or expel foreign nationals to different degrees, depending on a group’s actual (and/or perceived) “threat” to state interests. In such cases, form of governance, political system, and domestic factors such as unemployment rates, dependency ratios, and level of development may be influential (e.g., Yamagata et al. 2015) in affecting the degree to which foreign nationals have access to legal membership and protections.

To present an example, economic development and foreseeable future labor shortages have tended to push states to become more open to high-skilled migrant workers in hope of retaining those individuals as future high-skilled labor (the assumption being that high-skilled migrant labor is less of a threat to social order than low-skilled migrant labor). Additionally, a state’s geopolitical positioning within the interstate system may also be of importance (Yamagata et al. 2015). For example, being positioned next to a state undergoing a civil war or mass unemployment may increase the chances of encountering refugees or economic migrants, and
how a state prefers to deal with inflows of refugees and economic migrants from a neighboring state may depend on the diplomatic relationship the two have. It may also matter if the interstate relationships between a state and its neighbors are ones of cooperation or hostility. In cases of hostility, the calculus of the state’s interests may be based more on concerns for national security. Therefore, interest-based theories would generally predict that more institutionalized protections will be provided to groups that pose less of a threat to national security and order. In the context of the groups under investigation in this study, trafficked persons (which in general, are smaller in number, and are not intentionally seeking remunerative or settlement opportunities) pose the least amount of threat to national security and order, and would therefore experience lower thresholds to access institutionalized protections.

In contrast to domestic interest-based theories, international relations constructivism and sociological institutionalism would point to a different set of potential reasons. Because interests and identities are assumed to be ontologically prior to the actor, and are conceived as endogenous to the state system in which institutions and actors are mutually constitutive and malleable, through social interaction, fundamental understandings of what is rational, beneficial, or acceptable may change. Therefore, rational action and interests may not be as narrowly defined and calculative and purposeful as they are assumed to be in realist political science or interest-based and functionalist theories (Dobbin 1994). Both world society theorists and international relations constructivists agree that institutions and norms influence state behavior, and that structure and actors such as states, are mutually constitutive. If this assumption holds, one could predict that states and their willingness to actually allow access to legal membership and rights, are functions of the degree to which the state itself is exposed to global norms on personhood. Exposure to and embeddedness within the modern world culture is often measured
in the literature by international nongovernmental organization (INGO) membership, or the number of INGOs of which a state’s citizens are members. The logic is that the larger the INGO membership size, the denser the linkages are between the state (and its populous) and the modern world culture, thereby making it more likely that states with a large number of INGOs will “matter-of-factly” adopt the (world cultural) norms and values that these INGOs embody.

However, because these INGOs and international/global human rights protections norms derive their influence and strength from their broadness and inclusiveness (i.e., all persons are equal and deserving of basic human rights protections), they sometimes do not address particularistic rights and protections (Koenig 2008). Perhaps because human rights protections norms are so broad and inclusive, there is limited research that aim to demonstrate the complexities involving the processes and mechanisms that produce diverse and nuanced differences in how such international/global human rights protections norms diffuse and become institutionalized for different groups in different national contexts.

For instance, governed by international law, the international system gives many protections to refugees, but rarely intervenes when states repatriate or prosecute non-refugees such as economic migrants (Goodwin-Gill 1989). Within the refugee regime, the principle of non-refoulement is an extremely well-established and institutionalized principle grounded in international law that forbids refugee-receiving countries to return or expel refugees to areas (e.g., their countries of origin) where there is a possibility that their lives and rights may be endangered. In fact, this principle is so strong, that the resistance to the inability to simply refuse the entry of refugees has manifested in other “creative” programs such as third-country resettlement programs in which refugees are resettled in countries other than those they have fled to or from. Yet due to various international trends in the late 1980s, such as the exponential
growth of asylum seekers and refugees worldwide stemming from the end of the Cold War, decolonization, and increases in internal interethnic conflicts in various newly independent states across the globe, receiving countries have since become increasingly concerned about large inflows and their potential effects on political, economic, and social stability (Feller 2001).

Economic migrants, on the other hand, are also protected by international conventions (e.g., International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families1 [ICRMW]) and domestic laws (e.g., domestic labor standards laws) that either prohibit or discourage their forced repatriation or expulsion, but such instruments are often not widely ratified (especially by immigrant receiving countries) and such domestic laws are often circumvented resulting in tacit acquiescence to the forced expulsion of economic migrant workers. Although state efforts to resist the acceptance of immigrants and refugees share commonalities, states are generally more hesitant to publicly and forcefully repatriate refugees. In sum, there seems to be differences in state receptivity across groups that manifest in different levels of willingness to uphold protections for these groups. The question then is, why?

A potential explanation may lie in the socially constructed and institutionalized meaning of “migrant” and its inherent tensions with institutionalized global scripts on state sovereignty. Though post-national citizenship scholars argue that membership has transcended national boundaries to acquire a post-national or supranational nature, as stated earlier, state sovereignty undeniably remains a powerful institution within our modern world that is organized into basic units of states. Individual universal rights or protections and state sovereignty may not

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1 “Article 20.2. No migrant worker or member of his or her family shall be deprived of his or her authorization of residence or work permit or expelled merely on the ground of failure to fulfil an obligation arising out of a work contract unless fulfilment of that obligation constitutes a condition for such authorization or permit. Article 22 1. Migrant workers and members of their families shall not be subject to measures of collective expulsion. Each case of expulsion shall be examined and decided individually” (UN OHCHR 2015:n.p.).
necessarily be mutually exclusive (see Reus-Smit [2001] for a discussion), but in practice, they are often at tension with each other in the sense that individual universal rights or protections are conferred on the basis of state membership (e.g., citizenship), and are sometimes curbed in deference to a state’s sovereign prerogative to protect its national security. This is evident if we consider how animal rights and protections (both to protect the rights of animals and to save animals as an environmental conservation effort to benefit all humanity) have arguably seen similar if not more proliferation than migrant rights. The way in which sovereignty as a norm is understood and internalized by state actors in the modern world precludes animals as a source of threat to national security.

According to international/global human rights norms, all individuals should be treated equally, as all individuals possess personhood. But this assertion clashes with state prerogatives to self-determination and sovereignty. One could imagine that certain groups will have higher levels of institutionalized protections than others, depending on how much of a threat they pose to the national security and order of the host country.

In sum, interest-based functionalist and realist theories on the one hand, and the international relations constructivist and world society perspectives on the other, would make very different predictions about why and how institutionalized protections are conferred to various groups.

But there is still the question of why there are differences in protection levels across groups that are not necessarily threats to state interests. If in the absence of any strong state interest reasons for circumscribing protections, do human rights norms protect all persons?

In this study, I also propose and hypothesize that it is the centrality and role of actorhood that determines heterogeneity in the institutionalization of protections across groups. If we
assume that the proliferating modern world culture is premised on and values Enlightenment ideals such as rationalization, actorhood should become more important over time and across the globe.

Therefore, today, it should increasingly matter if one has a choice to define one’s identity; and identity, if chosen, is therefore considered to be the individual’s (and collectively, the group’s) responsibility. Under this logic, voluntary identities can be socially viewed negatively if they disrupt social order (or neutrally if they do not), and involuntary identities can be socially viewed positively even when they do disrupt social order. It would seem that in order to obtain protections, identities have to be constructed as “deserving.”

As the modern world culture proliferates the globe over time, protections are conferred as personhood norms come to be applied to everyone (Frank and Meyer 2002). So, protections are generally conferred to people regardless of whether their identities are voluntary (achieved) or involuntary (ascribed). However, based on whether a group’s social identity is socially constructed as being voluntary or involuntary, there may be differences across groups in the extensiveness and timing throughout history of the protections conferred (and codified). For example, for heuristic purposes, if we imagine a cursory list of various groups or populations, and group them based on where they lie along the “voluntariness” spectrum (i.e., involuntary or “non-pariah/deserving” groups, situational or “quasi-pariah” groups, and voluntary or “pariah/neutral” groups), a pattern emerges in which “non-pariah/deserving” groups or those socially deemed as more “deserving” of protections are involuntary, and “pariah/neutral” groups or those socially deemed as “not (particularly) deserving” are voluntary. For example:
Socially-constructed Bases and Logics of Deservingness

“Non-pariah/deserving” groups:

- Children – developmental; temporary dependency (on adults) (involuntary)
- Sex – if sex/identity is deemed biological (could be deemed involuntary)
- Race – if race/identity is deemed biological (could be deemed involuntary)
- Congenital (non-)physical disability – (not) physical/(not) visible (involuntary)
- Sexual minorities – if orientation/identity is deemed biological (could be deemed involuntary)
- Religious individuals – if practice/identity is deemed cultural or via tradition (could be deemed involuntary)
- Animals – non-human; dependency (on human behavior) (involuntary)
- Environment/ecosystem – inanimate, but affects everyone; dependency (on human behavior) (those affected could be affected involuntarily)
- Refugees – oppressed/persecuted (involuntary)
- Trafficked persons – oppressed/exploited (involuntary; especially if the exploitation is sexual in nature as opposed to labor-related)
- Indigenous groups/persons – original inhabitant/native to/born into a particular place and culture (involuntary)

2 There may be tensions between groups within these larger categories, and understanding these tensions and how they are negotiated is an interesting avenue for future research.
“Pariah/Neutral” groups:

- Criminals – commits a criminal act; menace to society; dangerous to all (voluntary)
- Terrorists – commits a terrorist act; enemy of and threat to society/state/way of life (voluntary)
- Substance abusers – menace to society; weakness in will to resist substance abuse (voluntary [although if this abuse is conceived of as a condition resulting from addiction, it may not be viewed as voluntary])
- Sexual minorities – disruptive to social order/mores; if orientation/identity is deemed a choice (could be deemed voluntary)
- Tourists – opportunistic; entertainment/leisure-seeking; temporary (voluntary)

“Quasi-pariah” group:

- Migrants – considered to be opportunistically seeking economic gain; could be considered a threat to social order in some situations; in others, considered to possess the need to migrate to survive (economically) (former, voluntary; latter, involuntary)

In sum, it may be that a combination of the aforementioned two logics (socially constructed voluntary/involuntary [“undeserving”/“deserving”] identities, and threat/non-threat to state interests) may shape variations in how and why protections are conferred to different groups. Therefore, one could hypothesize that:
a) World society variables (e.g., INGO membership, IGO membership, human rights treaty ratification, etc.) should matter for the overall institutionalization of protections for all groups, but how much world society variables matter may vary across groups depending on whether their identities are socially understood to be voluntary or involuntary.

Within a state, world society variables should shape protections for groups like trafficked persons whose identities are understood to be involuntary, more than protections for groups like economic migrants whose identities are understood to be chosen. Additionally, institutionalized protections are contingent on whether a group in question poses a threat to state interests:

b) How much state interest-based variables matter for institutionalized protections may vary across groups depending on whether their identities are socially understood to be threatening to state interests.

In sum, human rights norms will “win out” over state interests to shape protections for a particular group if the group is socially acknowledged as a vulnerable population. Therefore, protections for groups like trafficked persons that have long been acknowledged as vulnerable, will therefore benefit most from a well-institutionalized system of human rights norms that stem from international treaties, instruments adopted by international organizations such as the UN, and advocacy initiatives by global civil society. On the other hand, groups such as economic migrants who are acknowledged by the international system as opportunistic and less deserving, will not be protected by human rights norms. Instead, state interests may even “contend” with
normative global influences, and “win out” in establishing the extent of their protections, depending on the extent to which the group is perceived by the state to be a threat to national interests concerning natives’ job security, social order, etc. In the “middle,” would lie internationally displaced persons and non-economic migrants who are respectively conceived to be deserving but sometimes arrive in large numbers, or only slightly deserving but benign to the receiving state. These two groups’ protection levels across states may be dependent on a mixture of factors that are exogenous and endogenous to the state. It is also hypothesized that even if each group is subdivided into smaller subgroups, the same aforementioned logics of deservingness and threat to state interests will apply to predicting which subgroups’ protections benefit from human rights norms, and which ones do not, or will be shaped instead by state interests. Therefore:

c) Human rights norms will play a central role in the protections of (sub)groups that are socially constructed as deserving and of little threat to state interests, whereas the protections for (sub)groups that are socially constructed as undeserving and threatening to state interests will not be shaped by these norms as endogenous factors such as state interests may “win out” over exogenous influences.

While shining some light on the aforementioned lacuna in extant theorization and testing the aforementioned two hypotheses, the purpose of this study is not to discount or refute the findings of extant studies. Instead, the aim is to illuminate the complexity and nuances of isomorphic norm diffusion and institutionalization. The following three empirical chapters are written as stand-alone individual journal articles (although the reference lists are all combined at
the end of the dissertation), and analyze the determinants of cross-national variations in codified protections for trafficked persons, internationally displaced persons, and migrants. They aim to infer the validity of the hypothesized logics that undergird the ways in which constructed understandings and images of vulnerability and threats to state interests interact to shape institutionalized protections across different itinerant groups.
CHAPTER 3: The Determinants of Cross-national Variations in Protections for Trafficked Persons

“Prostitution is illegal in China, and authorities often falsely or mistakenly accuse trafficked women of engaging in this crime. Authorities fail to distinguish between a trafficked woman who was forced into prostitution and a voluntary prostitute.”

– Susan W. Tiefenbrun (2010:368) (emphases added)

I analyze the reasons why trafficked persons receive more legal protections in some countries than others, and hypothesize that as a group that is socially constructed as typically being both “non-threatening” to national interests and “deserving” by virtue of its members’ inability to fully exercise agency (i.e., individual choice – one of the core tenets of the modern world culture), world culture linkages, rather than national interests, shape legal protections for trafficked persons across countries. Using Cho et al.’s (2014) 3P Anti-trafficking Policy Index data, and employing a combination of quantitative statistical and fuzzy set qualitative comparative analyses (fsQCA), I adjudicate between the explanatory powers of sociological institutionalist (world society) and interest-based theories, and find that it is the formal and relational linkages a country has to the modern world culture that are important in explaining cross-national variance in levels of institutionalized protections for trafficked persons. I also find that world culture embeddedness also shapes preventative trafficking measures, but not prosecutorial ones.

INTRODUCTION

Human trafficking is defined as “[t]he recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of the person having control over another person, for the purpose of exploitation” (United Nations 2010:n.p.). Human trafficking has parallels with slavery in that like the latter, the former may involve the appropriation of labor, control by another person, and the use or threat of violence (Aronowitz 2013). In essence, human trafficking may be considered a process of enslavement in which it
serves as a means by which organized efforts to transport individuals (in)to locations and situations in which they are enslaved. Furthermore, trafficking involves not only adults, but also children, and is also highly bifurcated along gender lines, with women disproportionately involved in sexual exploitation, and men involved in labor exploitation (Gozdiak 2015).

Therefore, the issue of human trafficking spans concerns for not only human rights, but specific rights like women’s rights and children’s rights. Although the United Nations (UN) Convention against Transnational Organized Crime (CTOC) is the most widely ratified international convention that addresses human trafficking (with 185 parties committing to the convention in less than two decades since adoption in 2000) (United Nations 2015), there have been various international efforts dating from the late 19th century that have addressed the issue of human trafficking as a violation of human rights. For example, the first documented international conference on the trafficking of women was held in 1895, and in the early 1900s, the League of Nations and the International Labour Organization (ILO) placed human trafficking on their agendas (Aronowitz 2013). Furthermore, the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons (United Nations 2010; which supplements the aforementioned CTOC) has 168 parties, and the ILO has also addressed trafficking through its ILO Convention 29 on Forced Labor, Convention 105 on Abolition of Force Labor, and Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor (Aronowitz 2013:159). Like these ILO conventions that specifically aim to protect children, the UN has attached optional protocols to its main human rights conventions that specifically address trafficked children (e.g., the Optional Protocols to the Convention on the Rights of the Child [on the Sale of Children, Child Prostitution and Child Pornography, and on the Involvement of Children in Armed Conflict]). In this way, we see that at the international
level, there are quite a few legal instruments that aim to protect trafficked persons, thereby institutionalizing a legal and normative foundation for individual states to also tackle human trafficking challenges.

If we look at the cumulative percentages of treaty ratifications for conventions that aim to protect itinerant groups like refugees, trafficked persons, and migrants (Graph 3-1; the International Covenant on Civil and Political Rights [ICCPR] is included as a baseline convention as its scope is general, applying to the protection of all persons), we see that the two conventions aimed at the protection of refugees and trafficked persons have the highest cumulative percentages. While ratifications for the 1951 Refugee Convention have been gradual, the ratifications for the CTOC have been extremely rapid, exploding in numbers right after adoption in 2000. Although only ratified by 82 parties, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949/1951; not plotted in graph) predates the Refugee Convention, demonstrating that trafficked persons were actually “problematized” internationally before refugees (United Nations 2015).

**Graph 3-1. Trends in Numbers of Countries Ratifying the Main International Human Rights Treaties Pertaining to Itinerant Populations (cumulative %)**

![Graph showing trends in numbers of countries ratifying the main international human rights treaties. The graph displays the cumulative percentage of countries ratifying conventions related to refugees, trafficked persons, and migrants, with the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (CTOC) showing an extremely rapid increase in ratifications after adoption in 2000. The Refugee Convention has had more gradual ratifications. The graph also notes that the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others predates the Refugee Convention, indicating that trafficked persons were considered internationally “problematized” before refugees.]
These patterns show how international legal protections for various groups were institutionalized at different points throughout history. However, why this is the case, and how states choose which groups to protect (thereby giving rise to aggregate ratification trends), is less clear. Furthermore, within each issue area such as human trafficking, there are also cross-national differences in levels of institutionalized domestic legal protections. This study aims to better understand the domestic and international factors that best predict levels of legal protections for trafficked persons as a group as well as its disaggregated subdimensions.

First, I explicate the theories that ground the selection of variables to elaborate on the assumptions that inform the study’s hypotheses. I then introduce the variables and their data sources, and lay out the main hypotheses for the OLS regression analysis which informs the more in-depth fuzzy set qualitative comparative analysis (fsQCA; Ragin 1987, 2008). Following the two analyses’ results are the discussion and conclusion sections that attempt to make sense of the results and suggest avenues for further research.

THEORY

It is almost a truism within sociological institutionalist research that the modern world culture – premised on the fundamental principles of modernization rooted in Enlightenment principles of justice (equality), progress (wealth), rationality and reason, and individualism – diffuses across countries over time, to influence and institutionalize norms, values, and scripts, leading to similarities (e.g., in policies) across states that cannot be fully explained by functionalist (and rational) explanations (Krücken and Drori 2009; Schofer et al. 2012). Extant studies – in both sociology and international relations – have found convincing evidence that intergovernmental organizations (IGOs) and international non-governmental organizations
(INGOs) (Boli and Thomas 1997, 1999), international treaties (Finnemore and Sikkink 1998), transnational advocacy networks (TANs) (Keck and Sikkink 1998), and epistemic communities (Haas 1992) play integral roles in diffusing such norms, values, and scripts to affect domestic policy outputs, political behavior, and/or institutions.

But as observed in Graph 3-1 above, it seems that the modern world culture does not diffuse to uniformly institutionalize protections across time and issue areas. Even across issue areas like the rights of women, children, and indigenous peoples, groups have become globally “problematized” and institutionalized (e.g., through international conventions) to different degrees at different points in time throughout history (Chan-Tiberghien 2004). Furthermore, individual countries vary in which groups are more “problematized” and therefore protected. How can we explain such variance? Could it be a difference in how these groups are socially constructed (domestically and/or globally) and defined to be “worthy” of or necessitating protections and rights? Are protections conferred to individuals first by virtue of personhood, or through membership in a state (i.e., as individual natural persons or individuals as state citizens)? Is the imagery of a world cultural “blanket effect” of norms on the world and its states more nuanced?

This study’s larger theoretical focus is to adjudicate between the explanatory powers of sociological institutionalist variables and those of more conventional interest-based functionalist and realist perspectives in explaining cross-national variance in institutionalized domestic legal protections for trafficked persons. Concerning itinerant populations that cross national borders and are physically present in a foreign country (of which trafficked persons is one group), the former would predict that all individuals by virtue of being people, would receive some level of institutionalized protections that emanate from a modern world culture espousing human rights;
and the latter would predict that the protections conferred to each of these groups would be shaped by how much of an asset or liability a group is considered to be for the national interests and security of the state.

World cultural factors such as the overall strength of a human rights norm and a country’s (cultural) “embeddedness” in the modern world culture through its ties with international civil society organizations are what may shape levels of institutionalized protections for specific groups, and the extent to which these influences matter, may vary depending on how “deserving” a group is socially perceived to be, given its society’s understanding of the voluntary (or involuntary) nature of that particular group’s membership (i.e., Is the group a collective of individuals who choose to be identified with that group?). 6

Because the proliferating modern world culture is premised on and values Enlightenment ideals such as rationalization, agency, and the pursuit of interests (Meyer and Jepperson 2000), the exercise of choice should become more important over time and across the globe. Therefore, today, it should increasingly (morally) matter if one has a choice to define one’s identity; and identity, if chosen, is therefore considered to be the individual’s (and collectively, the group’s) responsibility. Under this logic, voluntary identities can be socially viewed negatively if they disrupt social order, and involuntary identities can be socially viewed neutrally or positively even when they do disrupt social order. It would seem that normative world cultural influences over protections act on identities that are socially constructed as “deserving.”

So, under this logic, although legal protections for all individuals may become more globally institutionalized as personhood norms come to be applied to everyone regardless of whether one’s identity is voluntary (achieved) or involuntary (ascribed), the extent to which

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6 This logic of “deservingness” stemming from voluntariness is particularly salient in debates on sexual identities.
normative world cultural influences matter in shaping levels of institutionalized protections, should depend on whether a group’s social identity is constructed as being voluntary or involuntary. Therefore, as trafficked persons may be viewed as being more “deserving” of protections by virtue of being members of a group that is socially perceived to be involuntary\(^7\), their protections may be heavily shaped by normative world cultural influences.

However, if it is interest-based functionalist and realist factors that are at play in shaping levels of institutionalized protections in addition to or in lieu of the aforementioned normative world cultural influences, we would expect to see that these protections levels will vary depending on national interests linked to factors such as the economy (e.g., GDP [per capita] and employment), mode of governance (e.g., level of democracy), and demographic factors (e.g., population). Under this logic, groups such as economic migrants may be viewed by a populace and its political elites as being potential economic, social, and/or political liabilities by virtue of being members of a group that is socially perceived to “encroach” on limited state resources available to the citizenry. Table 3-1 is a heuristic for the logics of protections, composed by juxtaposing the two logics of “voluntariness” (“deservingness”) and “level of threat to state interests” to produce four “ideal types” of itinerant groups. The normative world cultural influences should matter for shaping levels of protections for trafficked persons and internationally displaced persons, and material state interests should matter for shaping (or restricting) levels of protections for migrants in general.

\(^7\) There are expert debates on the involuntary nature of human trafficking, but the general societal imagery of trafficked persons is not one of willing participation.
Table 3-1. Heuristic for Logics of Protections

<table>
<thead>
<tr>
<th>Perceived as threat to national security and order? \ Constructed as voluntary?</th>
<th>No</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>Internationally displaced persons</td>
<td>Migrants (migrant workers)</td>
</tr>
<tr>
<td>No</td>
<td>Trafficked Persons</td>
<td>Migrants (families and children)</td>
</tr>
</tbody>
</table>

With the aforementioned theoretical backdrop, this study aims to test the explanatory power of these two competing theoretical perspectives that suggest different explanatory logics for institutionalized protections for itinerant groups more broadly, and trafficked persons more specifically.

In the following paragraphs, I explicate the main variables that are reflective of the general assumptions drawn from these perspectives (starting with four domestic factors and one aggregated global factor, and concluding with the control variables), and for each, I explain the data sources and how the data are operationalized.

DATA

*Independent Variables: Domestic Factors*

*Level of democracy*

Democracy is a predictor of government respect for human rights (Cingranelli and Richards 1999; Richards and Gelleny 2013). From this, we would expect that states with strong democratic traditions will be more likely to institutionalize protections in general (including those for trafficked persons) on the basis of liberal democratic ideals premised on personhood and obligations to their liberal constituents to uphold these values. In terms of migrant rights, for example, political science explanations – the majority of which are based on comparative studies
of liberal democratic states of the West – argue that domestic factors such as courts, legal norms and instruments (e.g., the constitution), partisan and electoral politics, public opinion and voting behavior, and modes of government play integral roles in expanding (or circumscribing) migrant accessibility to rights (Benhabib 1996; Freeman 1995; Ireland 1994; Joppke 2001; Perlmutter 1996). Joppke (1999, 2001) for instance, argues that expansive migrant rights in contemporary Western democracies not only have domestic roots in the particularities of democratic courts and constitutions, but also converge toward liberalized citizenship ideals in which citizenship is conferred more on the basis of length of residence than on degree of assimilation. For Joppke (2005, 2010), it is by nature of being a “liberal state” that (Western) states self-limit their sovereign prerogatives through constitutional commitments to principles of individual rights and equality. For example, the courts and Constitution in the U.S., partisan politics in Germany, and the constitutionalization of the European Court of Justice have all been associated with the expansion of migrant rights and/or the relaxation of naturalization criteria (Joppke 2001). As democratic states acknowledge more rights to their native citizenry, many of these rights may “spill over” to foreign nationals, including trafficked persons.

To test for the effects of level of democracy on protections for trafficked persons, the Freedom House index (2010) is used to measure a state’s civil and political rights situation in 2010. The two scores were averaged for each country, and the original index scale was reversed and rescaled to begin at zero so that higher numbers indicate more civil and political rights within a particular country (see Table 3-2 for descriptive statistics). From this, we can posit the following hypothesis:
**Hypothesis 1:** *The more democratic a country, the more institutionalized protections it will confer to trafficked persons.*

**Level of development (GDP)**

In a slightly different but related vein, Inglehart (1990) has argued that economically developed states tend to have citizens that support progressive “postmaterialist” ideas such as human rights, and are sensitive to their demands and expectations to adhere to such ideas. For Inglehart, policy decisions are shaped by a state’s prioritization of its own power and interests, and from this, we can think of policies that address trafficking as functions of a government’s decisions to strategically satisfy the progressive ideas of its constituency. The populaces of economically developed liberal democracies expect and demand policies that reflect postmaterialist values of individualism, egalitarianism, and human rights. Therefore, utility maximizing rational political and legal actors adhere to these demands by implementing progressive laws and policies that ensure access to basic rights. The corollary is that less developed countries have citizens that are less concerned with postmaterialist ideas and are more concerned with the fulfillment of basic human needs. Accordingly, the governments of less developed countries should be less interested in human rights, and their policies pertaining to trafficking should reflect that stance in the form of fewer institutionalized protections for trafficked persons. Here, economic development is measured by 2010 GDP adjusted for purchasing power parity in current US dollars (World Bank 2010) and log transformed to correct for skew.
Hypothesis 2: The more economically developed a country, the more institutionalized protections it will confer to trafficked persons.

Threat to national interests and/or image: Recorded levels of human trafficking

For any state, human trafficking is not a desirable occurrence. Human trafficking is often linked to organized transnational and domestic crime syndicates and other unscrupulous and/or illicit transactions such as drug trafficking and the illegal sale of human organs (Aronowitz 2013). Therefore, trafficking itself may signify the existence of a larger and deeper problem that may entail significant social costs, and it may be in the state’s national interest to eradicate trafficking by enacting stricter preventative measures and prosecution laws. Additionally, when trafficked persons physically enter a foreign country, they may legally or “illegally” seek or obtain/usurp state resources available in the host country, thereby becoming a potential cause for concern for the state and its citizenry. Notwithstanding the possibility that trafficked persons’ presence, like those of migrants (Kessler and Freeman 2005), may affect (perceived) competition for limited resources, their sheer perceived numbers or increased visual presence may trigger loathing among the native populace (which may affect policy decisions). Furthermore, it may also be in the state’s interest to try to address trafficking to improve its international image.

Such initiatives to “manage” trafficking may precipitate into protective measures for trafficked persons. For example, when Japan’s rating in the Trafficking in Persons Report (U.S. Department of State 2004) dropped from its usual “Tier 2” position to “Tier 2 Watch List,” the government enacted additional laws that aimed to reduce entrants with “entertainer” visas. Furthermore, it began to consider revising its Training and Technical Intern Program that was criticized as a program of de facto labor exploitation, human trafficking, and indentured
servitude, as it did not allow for employer choice and was reported to frequently exploit the cheaper *de facto* “labor” of foreign trainees under the guise of “training.” The revision culminated in a major revamping of the Program with the 2009 revision to the Immigration Control Act (Hosoki 2016). In this way, high (actual and perceived/acknowledged) levels of trafficking may steer a state to take anti-trafficking measures, ultimately improving protections.

The reported trafficking cases variable uses the International Organization for Migration’s (IOM) trafficking cases count for 2011 (IOM 2012). In general, existing trafficking data is very incomplete, and this is the largest international source for such figures (Aronowitz 2013:159). However, there are only 90 countries represented; I coded the missing (blank) data as zeros because here, I am interested in understanding how a country’s socially constructed image of itself as a country with/without a trafficking problem affects its decisions to implement anti-trafficking measures. Therefore, exact figures are less important than an overall idea of the severity of the known trafficking problem at hand. So, a missing value is interpreted not as simply the absence of data/actual cases or the absence of an IOM taskforce in a country, but as the absence of a large enough trafficking presence that would warrant the collection of data. Similarly, large numbers represent a large enough presence of trafficking to warrant data collection and also the visibility of the problem that may affect state awareness of the problem. The logic is that states need to at least know there is a problem and how big it is before they can contemplate whether and how to deal with it. Because many of the values were zero and the overall distribution was heavily skewed, I log transformed the data after adjusting for the zero values by adding one to all values.
Hypothesis 3: The higher the number of recorded trafficking cases within a state, the more institutionalized protections a state will confer to trafficked persons.

Independent Variable: Global Factors

World culture index (world culture embeddedness): Human rights treaty ratification count, international non-governmental organization (INGO) membership, and intergovernmental organization (IGO) membership

In stark contrast to the aforementioned domestic interest-based variables and hypotheses that operate under the assumption that state interests are endogenous and ontologically a priori, constructivist international relations approaches claim that state identities and therefore their interests are socially constructed through interactions with other states and international institutions and organizations (Risse and Sikkink 1999; Wendt 1992). Values and ideas, and not simply coercion, can affect state behavior, so as states are exposed to the ideational trends of international society, they willingly (and matter-of-factly) adopt universal human rights and ideologies of personhood.

Furthermore, sociological institutionalist or world society approaches echo the aforementioned arguments and assert that states are embedded in a larger world culture that is “a shared and binding set of rules, exogenous to any given society, that supply meaning and value to various philosophical ideas, interests, and norms of behavior” (Elliott 2007:349). Once ideas or practices are institutionalized through international legal conventions, charters, and reports, such ideational scripts are taken for granted as meaningful and legitimate (Elliott 2007). Human rights is one such ideational script, and from a rational utility-maximization standpoint often taken by economic and political sociological theories that focus primarily on domestic
endogenous variables aimed at explaining *differences* between a limited number of Western liberal democracies, isomorphism in human rights treaty ratification across diverse states is puzzling especially because treaty ratification places constraints on governments, and the immediate merits of such voluntary self-constraint are unclear (Wotipka and Tsutsui 2008).

Another way in which world cultural norms on human rights may diffuse to influence legal protections for trafficked persons may be through extensive networks of international non-governmental organizations (INGOs) that act as conduits of such norms. According to Boli and Thomas (1999:40), world citizenship norms that imbue individuals with expanded rights that transcend national boundaries are codified in UN human rights instruments, but it is INGOs that “translate the diffuse global identity and authority of world citizenship into specific rights, claims, and prescriptions for state behavior.” Tsutsui and Shin (2008) further argue that INGOs assist domestic human rights movements in making appeals to the UN and other international organizations, thereby contributing to the reification and reproduction of global human rights norms that in turn translate into global influences on domestic governments. INGOs derive their authority and legitimacy as objective “disinterested rationalized others” who act on behalf of others (e.g., trafficked persons) or highly legitimated values (e.g., human rights) (Holzer 2008; Meyer et al. 1997) to institutionalize world cultural scripts that inform (not coerce) actors, such as states, of acceptable and legitimate value-rational action (Meyer 2009). Therefore, although INGOs may lack in political and economic power, through their legitimacy as disinterested rationalized others, they may serve as influential conducive agents of world culture that can influence state behavior. In this way, states that have more linkages to INGOs, and are therefore more “exposed” to global cultural norms on human rights, may institutionalize more legal protections for trafficked persons.
In sum, we could conceive of global cultural norms on human rights as operating on state policymaking processes in two distinct, but interconnected ways: 1) through procedural and formal commitments to international human rights treaties; and 2) through cultural embeddedness within the modern world culture by means of extensive linkages with INGOs.

The first global measure is human rights treaty ratifications, or a state’s formal and procedural political commitment to international human rights standards. This variable is a count measure of a state’s ratification of any of the 25 core human rights multilateral treaties deposited with the UN Secretary-General that were open for ratification by 2008 (this count includes relevant protocols and amendments as well as instruments deposited, but not yet in force at the time) (United Nations 2015). Given that the actual harmonization of domestic laws with the tenets of ratified international treaties takes time, each country’s total international human rights treaty ratification count is based on data up to and including 2008.

The second global measure, the number of INGOs of which citizens of a state are members, is used to operationalize a state’s cultural embeddedness within global civil society and the degree to which a state and its populace are “at risk” of “exposure” to global cosmopolitan norms surrounding democracy, shared responsibility and community, and human rights. Again, to address skew, the INGO variable is log transformed. Earlier data from 2001 was obtained from the *Yearbook of International Organizations* (Union of International Associations 2001) to allow for enough time for INGO membership effects, if any, to take place.

These two global-level variables, along with logged IGO membership counts, were standardized using z-scores, and added (without weights) and averaged to form a composite index variable that measures a state’s overall level of world culture embeddedness.
Hypothesis 4a: States with higher levels of international human rights treaty ratification will have more institutionalized protections for trafficked persons.

Hypothesis 4b: States with more linkages to the modern world culture through high INGO membership will have more institutionalized protections for trafficked persons.

Hypothesis 4c: Therefore, states more embedded in world culture (i.e., high levels of international human rights treaty ratification, INGO membership, and IGO membership) will have more institutionalized protections for trafficked persons.

The Dependent Variable: 3P

For the dependent variable, I use Cho et al.’s (2014) 3P Anti-trafficking Policy Index (hereafter, 3P Index) which measures government anti-trafficking efforts along three dimensions (the prosecution of perpetrators, the prevention of human trafficking, and the protection of trafficked persons) on scales of one to five that are aggregated without weights to form a three (no compliance) to 15 (full compliance) index. Data is available for 188 countries for the years 2000 to 2014, but given the availability of data for the other variables, this cross-sectional study only utilizes the 2013 data. This dataset is preferred over the alternative comprehensive and authoritative data source, The Trafficking in Persons (TIP) Report compiled annually from 2001 to 2015 by the U.S. Department of State because the TIP Report does not disaggregate its measure of state anti-trafficking efforts into more specific dimensions, and like any government-issued report, it may not be completely impartial (U.S. Department of State 2015).
More specifically, the 3P Index (Cho et al. 2014) has clearly defined and exhaustive coverage of the multiple dimensions of trafficking-related policy considerations and provisions. Its prosecution dimension includes measures such as the adoption of criminal trafficking and anti-child trafficking laws, efforts to increase the stringency of penalties, and efforts to collect trafficking crime statistics. The protection dimension includes measures such as the provision of amnesty and anonymity, legal consultation, residence permits, housing assistance, medical assistance, job training, rehabilitation, and repatriation assistance. Finally, the prevention dimension includes measures such as efforts to raise public awareness about trafficking, the implementation of training programs for policymakers, encouragement of inter-(governmental) agency cooperation, initiatives to secure border areas, the adoption of anti-trafficking national action plans, and efforts to improve cooperation with civil society groups and foreign governments.

Control Variables

Unemployment rate, immigrant presence, population size, and gender inequality

Several variables were included in the OLS regression model to control for the potential effects of factors not central to the study and research question. Labor market factors may influence both public opinion that could in turn, affect how trafficking is politicized and managed. During periods of high unemployment, perceived and actual competition for jobs between the native and foreign populations may cause public opinion to lean towards stricter regulations on entry and settlement for immigrants (Mayda 2006), and by association, trafficked persons. On the other hand, job surpluses and economic demand for “low-skilled” labor shunned
by the native population may encourage policy makers to relax such entry and settlement policies (Borjas 1989; Massey et al. 1993).

Furthermore, levels of immigration – especially in stock – is particularly important because such levels could dynamically affect not only job availability (as mentioned above) and population, but also the *salience* of the presence of foreign populations within a state. Although trafficked persons differ from economic immigrants in that they do not enter host countries voluntarily – or if they do enter voluntarily, they do not do so entirely without coercion – to the native populace who often cannot discern between voluntary undocumented economic migrants and trafficked persons, they may both be viewed in the same light. Therefore, levels of immigration and the ensuing public sensitivity to and politicization of immigration (over and beyond employment concerns) may have adverse effects on public opinion towards and policies for undocumented foreign nationals in general, and the extent to which protections for trafficked persons are institutionalized, specifically. Unemployment rate and immigrant stock (as a percentage of the population) data are both drawn from the 2010 World Development Indicators (World Bank 2010) and log transformed to correct for skew.

Additionally, with finite territories, states have finite resources, and when high population pressures combine with competition over scarce resources and horizontal intergroup material inequalities, political instability may ensue (Østby et al. 2011). Additionally, states with small populations tend to have erratic migration figures (Bertocchi and Strozzi 2010), suggesting that size of population may affect the calculus of immigration policies. The population data draws from 2012 Penn World Table data (version 7.1; Heston, Summers, and Aten 2012), and is also log transformed.
Finally, trafficking is highly gendered across different forms such as sexual and labor exploitation. Therefore, for countries in which the sexual exploitation of trafficked persons is rampant, or is the main form of trafficking, the country’s stance toward gender equality and the protection of women’s rights may affect how diligently it decides to institute various legal measures for such trafficked individuals. To measure gender inequality, I use the UN Development Programme’s Gender Inequality Index (GII) for 2014 (UNDP 2015).

Table 3-2. Descriptive Statistics

<table>
<thead>
<tr>
<th>Variable</th>
<th>Source/year</th>
<th>Notes</th>
<th>N</th>
<th>Mean</th>
<th>Std. Dev.</th>
<th>Min</th>
<th>Max</th>
</tr>
</thead>
<tbody>
<tr>
<td>Controls</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unemployment Rate</td>
<td>World Bank (2010)</td>
<td>natural log</td>
<td>148</td>
<td>1.962704</td>
<td>0.725958</td>
<td>-0.9162907</td>
<td>3.437208</td>
</tr>
<tr>
<td>Population</td>
<td>Heston et al. (2012)</td>
<td>log</td>
<td>148</td>
<td>7.003918</td>
<td>0.708517</td>
<td>5.446484</td>
<td>9.12636</td>
</tr>
<tr>
<td>Gender Inequality Index</td>
<td>UNDP (2015)</td>
<td>Higher values = more inequality</td>
<td>148</td>
<td>0.3631969</td>
<td>0.1929941</td>
<td>0.0164223</td>
<td>0.7439604</td>
</tr>
<tr>
<td>Independent Variables</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Level of Democracy</td>
<td>Freedom House (2010)</td>
<td>reverse coded w/higher values</td>
<td>148</td>
<td>3.702703</td>
<td>1.856078</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>No. of Reported</td>
<td>IOM (2012)</td>
<td>Count (missing recoded as 0)</td>
<td>148</td>
<td>33.06757</td>
<td>100.9495</td>
<td>0</td>
<td>814</td>
</tr>
<tr>
<td>Trafficking Cases</td>
<td>World Bank (2010)</td>
<td>AVG of INGOs (log) z-score +</td>
<td>148</td>
<td>0.3839783</td>
<td>0.4857278</td>
<td>-1.005645</td>
<td>1.411823</td>
</tr>
<tr>
<td>World Culture Index</td>
<td>UIA/YBIO (2001)</td>
<td>IGOs (log) z-score + HR</td>
<td>148</td>
<td>10.01351</td>
<td>2.413078</td>
<td>4</td>
<td>15</td>
</tr>
<tr>
<td>3P Index</td>
<td>Cho et al. (2014)</td>
<td>Unweighted index of 3Ps (3-15)</td>
<td>148</td>
<td>3.581081</td>
<td>1.043369</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>Prosecution</td>
<td>Cho et al. (2014)</td>
<td>1-5 scale</td>
<td>148</td>
<td>2.878378</td>
<td>0.9397163</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>Protection</td>
<td>Cho et al. (2014)</td>
<td>1-5 scale</td>
<td>148</td>
<td>3.554054</td>
<td>0.9848083</td>
<td>1</td>
<td>5</td>
</tr>
</tbody>
</table>

RESULTS

**OLS Regression Analysis**

The analysis uses the standard OLS regression equation, \( Y = \beta_0 + \beta_1x_1 + \beta_2x_2 \ldots \beta_nx_n + \varepsilon \), where \( Y \) is the dependent variable (level of legal protections for trafficked persons), \( \beta_0 \) is the intercept, \( x_n \) are the explanatory variables, \( \beta_n \) are the regression coefficients for each respective explanatory variable, and \( \varepsilon \) is the residual error.
For diagnostics, to check for outliers and their effects, AV plots of each independent variable against the dependent variables were plotted, and outliers were temporarily removed (see Appendix Table 3-1 for the outlier countries) the models mostly remained comparable with the occasional emergence of slight significance at the 0.05 level. Additionally, all sets of models were also run with non-constant listwise Ns to maximize degrees of freedom, but the constant and non-constant listwise N results were comparable, suggesting that variations in data availability across variables in the models do not affect the results. For comparability, I present the constant listwise N models (Table 3-4).^8

For the OLS regression analysis, four sets of analyses were run – one with each of the three subdimensions of the 3P Index as the dependent variable, and one with the aggregate 3P Index as the dependent variable. As mentioned above, the 3P Index is an aggregation of various institutionalized measures for trafficked persons, and can be disaggregated into three separate subdimensions (protection, prosecution, and prevention) that tap into the various ways in which trafficking is managed, and therefore, the direct and indirect ways in which such individuals are protected. If we look at the correlation matrix of the aggregate and disaggregated dependent variables (Table 3-3), we see that the aggregate and disaggregated variables are somewhat highly correlated, but to slightly different degrees. For example, though the aggregate 3P dependent variable is somewhat highly correlated with each of the three disaggregated dependent variables, looking at the correlations between the three disaggregated dependent variables, we see that the Prosecution and Prevention variables are more highly correlated with each other (0.58) than each of those variables are with the Protection variable (0.42 and 0.47, respectively). Even with the aggregate 3P variable, Prosecution and Prevention are more highly correlated (0.83 and 0.84, ^8 See Appendix Table 3-2 for the countries dropped to run the consistent listwise N models.
respectively) than Protection (0.76). These figures make sense if we look at what each of these disaggregated categories measure. Protective measures require efforts that are qualitatively different from those of prosecution and prevention measures, especially in terms of the degree to which protective measures may “interfere” with state sovereignty and state resources (e.g., the provision of social welfare benefits to trafficked persons). Furthermore, looking at the mean value for protective measures (Table 3-2), the value is 2.88 compared to 3.58 and 3.55 for prosecution and prevention, respectively (the maximum value for each is 5.00). In other words, on average, and understandably, states score lower on protective measures.

Table 3-3. Correlation Matrix for the Dependent Variables

<table>
<thead>
<tr>
<th></th>
<th>3P</th>
<th>Protection</th>
<th>Prosecution</th>
<th>Prevention</th>
</tr>
</thead>
<tbody>
<tr>
<td>3P</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Protection</td>
<td>0.7627</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prosecution</td>
<td>0.8318</td>
<td>0.4195</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Prevention</td>
<td>0.8413</td>
<td>0.4703</td>
<td>0.5783</td>
<td>1</td>
</tr>
</tbody>
</table>

Because the aggregated and disaggregated dependent variables statistically and substantively seem to tap into slightly different dimensions of institutionalized measures for trafficked persons, four sets of analyses were run with a consistent battery of independent variables (Table 3-4): 3P (Model 1), Protection (Model 2), Prosecution (Model 3), and Prevention (Model 4). Unlike Models 1 (3P) and 4 (Prevention) in which the world culture index is significant with positive coefficients, along with gender inequality and GDP which are also significant but negatively associated with both respective dependent variables, in Model 2 (Protection), only the world culture index variable is significant and positively associated with the Protection dependent variable (0.93, p<0.01). This makes sense if we consider how protective measures are substantively about directly protecting trafficked persons – a group whose socially constructed vulnerability and “deservingness” resonate with world cultural
scripts. As Model 2 (Protection) drastically differs from the other three models in that nothing else is statistically significant, it is likely that the Protection dependent variable is tapping into something different (the correlation matrix [Table 3-3] also suggests this).

Model 4 (Prevention) also mirrors Model 1 (3P), but without the significant and positive democracy effect. This may be due to the fact that preventative measures are attractive and beneficial for all countries, regardless of how democratic they may be. For instance, implementing protective measures may infringe on specific state sovereignty prerogatives, and only in countries that are culturally embedded deeply enough within world culture would protections logics supersede interest ones. Furthermore, implementing prosecutorial measures may be important for democratic countries that place import on enforcing the rule of law and “bringing justice” to perpetrators who victimize others. In contrast to these logics, the implementation of preventative measures is beneficial for the implementing state, not only because doing so may both indirectly (and eventually) benefit trafficked persons (i.e., via the prevention of trafficking from happening in the first place) and prevent situations (i.e., large-scale human trafficking) that would require the rule of law to step in, but also because it allows states to avoid the problem altogether and therefore maintain a positive international image while also not having to use state resources to alleviate or eradicate such a potentially serious social phenomenon that may disrupt social order and increase crime rates. Because prevention is an attractive and prudent socially and politically “inexpensive investment,” many countries across the board – both highly democratic and not as highly democratic – implement such measures, thereby, in aggregate, resulting in the absence of the democracy effect as seen in Model 4.

It is also notable that the number of reported trafficking cases is not significant in any of the four models, suggesting that there is not a very strong interest-based story, at least in terms of
states acknowledging trafficking as an issue and acting upon that acknowledgment. Additionally, GDP is significant with negative coefficients across all models except for Model 2 (Protection). Although it may not matter how rich a country is for protection measures, richer countries tend to have fewer and weaker measures in place for prosecution and prevention.

Table 3-4. OLS Regression of Various Measures for Trafficked Persons

<table>
<thead>
<tr>
<th>Dependent Variables:</th>
<th>Model 1 (3P)</th>
<th>Model 2 Protection</th>
<th>Model 3 Prosecution</th>
<th>Model 4 Prevention</th>
</tr>
</thead>
<tbody>
<tr>
<td>Democracy</td>
<td>0.252**</td>
<td>0.00770</td>
<td>0.185***</td>
<td>0.0598</td>
</tr>
<tr>
<td></td>
<td>(0.122)</td>
<td>(0.0521)</td>
<td>(0.0575)</td>
<td>(0.0556)</td>
</tr>
<tr>
<td>GDP PPP in Current US$</td>
<td>-1.182***</td>
<td>-0.160</td>
<td>-0.467**</td>
<td>-0.555**</td>
</tr>
<tr>
<td></td>
<td>(0.487)</td>
<td>(0.208)</td>
<td>(0.229)</td>
<td>(0.221)</td>
</tr>
<tr>
<td>Reported Trafficking Cases</td>
<td>0.000243</td>
<td>0.000729</td>
<td>-0.000485</td>
<td>-1.29e-06</td>
</tr>
<tr>
<td></td>
<td>(0.00155)</td>
<td>(0.000662)</td>
<td>(0.000730)</td>
<td>(0.000706)</td>
</tr>
<tr>
<td>World Culture Index</td>
<td>1.373**</td>
<td>0.930***</td>
<td>-0.0358</td>
<td>0.479*</td>
</tr>
<tr>
<td></td>
<td>(0.573)</td>
<td>(0.244)</td>
<td>(0.269)</td>
<td>(0.261)</td>
</tr>
<tr>
<td>Unemployment Rate</td>
<td>-0.0451</td>
<td>-0.00540</td>
<td>-0.0972</td>
<td>0.0575</td>
</tr>
<tr>
<td></td>
<td>(0.214)</td>
<td>(0.0915)</td>
<td>(0.101)</td>
<td>(0.0976)</td>
</tr>
<tr>
<td>Immigrant Stock %</td>
<td>0.200</td>
<td>0.0829</td>
<td>0.0774</td>
<td>0.0395</td>
</tr>
<tr>
<td></td>
<td>(0.127)</td>
<td>(0.0540)</td>
<td>(0.0596)</td>
<td>(0.0577)</td>
</tr>
<tr>
<td>Population</td>
<td>1.646***</td>
<td>-0.126</td>
<td>1.020***</td>
<td>0.752***</td>
</tr>
<tr>
<td></td>
<td>(0.575)</td>
<td>(0.245)</td>
<td>(0.270)</td>
<td>(0.262)</td>
</tr>
<tr>
<td>Gender Inequality Index</td>
<td>-5.688***</td>
<td>-0.936</td>
<td>-2.341***</td>
<td>-2.411***</td>
</tr>
<tr>
<td></td>
<td>(1.466)</td>
<td>(0.625)</td>
<td>(0.690)</td>
<td>(0.667)</td>
</tr>
<tr>
<td>Constant</td>
<td>11.91***</td>
<td>5.359***</td>
<td>1.863</td>
<td>4.692***</td>
</tr>
<tr>
<td></td>
<td>(3.227)</td>
<td>(1.376)</td>
<td>(1.518)</td>
<td>(1.468)</td>
</tr>
<tr>
<td>Observations</td>
<td>148</td>
<td>148</td>
<td>148</td>
<td>148</td>
</tr>
<tr>
<td>R-squared</td>
<td>0.458</td>
<td>0.350</td>
<td>0.359</td>
<td>0.327</td>
</tr>
</tbody>
</table>

Unstandardized coefficients; standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1
- Non-constant listwise N models are comparable
- Models 1 and 2 are also analyzed in the fsQCA, but the fsQCA excludes the control variables.

Model 3 (Prosecution) mirrors Model 1 (3P), but without the significant and positive world culture effect. Model 3 ( Prosecution) is also unique in that it is the only model in which
the world culture index variable is not significant (the coefficient sign is also negative instead of positive). If we consider what the prosecution measure entails (criminalization, legislative adoption against child trafficking, increase in the stringency of penalties, collection of statistics, etc.), the criteria are qualitatively different from the other two measures in the sense that prosecutorial measures entail legal and procedural efforts aimed at perpetrators (not those who are trafficked). In other words, the focus of prosecutorial measures is not the rights or care of trafficked persons themselves as members of a vulnerable (and “deserving”) group, but on the deterring and punishing of perpetrators who victimize the vulnerable. Though prosecutorial measures may be indirect ways to protect “deserving” and vulnerable individuals, it seems that world cultural logics of protections specifically matter when the targeted beneficiary of the protections is socially constructed as “deserving.”

In sum, for prosecution (Model 3), world culture embeddedness does not seem to matter in terms of explaining cross-national variance in its measures, but for protection (Model 2), such world culture embeddedness is the only factor that matters. This is interesting because protective measures generally require states to relinquish some claims to state sovereignty (e.g., the provision of residence permits), but despite this, the interest logic variable (reported trafficking cases) as well as any of the control variables that could reflect interest-based logics, are not significant. The fact that the world culture index variable is the only significant variable in the model suggests that for protections for trafficked persons, the story is a world cultural one. In other words, although protective measures require states to relinquish some claims to state sovereignty, interest-based logics, if any, are superseded by the world cultural logic in which a group that is socially constructed as “deserving” is conferred institutionalized protections by means of normative world cultural influences.
The effects of each of these independent and control variables on any of the dependent variables are net effects in that what is measured is the effect of one variable on the variance in the dependent variable when all other variables in the model are held constant. All four models do not include any interaction terms, and given the limited N (i.e., number of countries in the world with the necessary and relevant data), including all possible interaction terms would “dilute” the models too much to obtain any meaningful results. To get around this issue and the fundamental limitations of symmetrical quantitative analyses, this study also employs a fuzzy set qualitative comparative analysis (fsQCA). FsQCA is asymmetrical, and allows one to flesh out the “causal recipes” or combinations of possible factors that will generate specific outcomes (in this case, high [or not high] levels of different institutionalized measures for trafficked persons).

**Fuzzy Set Qualitative Comparative Analysis (fsQCA)**

Although the OLS regression analysis includes all of the aforementioned variables, the fsQCA draws on just the four independent variables and the 3P and Protection dependent variables. These two dependent variables are used as outcomes in the fsQCA because the quantitative analysis revealed that the Protection model (Model 2) was unique in that it told a strong world cultural story in which cross-national variance in institutionalized protective measures was affected by the world culture index independent variable alone; and the 3P dependent variable allows for an analysis of the determinants of overall measures for trafficked persons. The hope is that by comparing the fsQCA causal conditions obtained from analyses using the 3P and Protection outcomes, more sense can be made of the quantitative analysis results.

---

9See Appendix Table 3-3 for details on calibration thresholds.
Table 3-5. Original Intermediate Solutions

<table>
<thead>
<tr>
<th>Type</th>
<th>Solutions</th>
<th>Outcome</th>
<th>Causal conditions</th>
<th>(raw coverage; consistency)</th>
<th>(solution coverage; solution consistency)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original solutions (high level of outcome)</td>
<td>Main solutions</td>
<td>Protections for trafficked persons</td>
<td>Democracy, ~Trafficking cases, World culture embeddedness</td>
<td>(0.446498; 0.861415)</td>
<td>(0.495827; 0.830712)</td>
</tr>
<tr>
<td></td>
<td>Secondary solutions</td>
<td>Protections for trafficked persons</td>
<td>GDP, World culture embeddedness</td>
<td>(0.428494; 0.946835)</td>
<td>(0.428494; 0.946835)</td>
</tr>
</tbody>
</table>

*all intermediate solutions; frequency cutoff: >=4, consistency cutoff: >=0.9; although not intentional, all of the fsQCA results presented in this chapter – both original and negated – were obtained using these same cutoffs

Looking at the main original solutions in Table 3-5, we see that world culture embeddedness is an essential recipe for high level of protections and high level of overall measures for trafficked persons. For the high level of protections outcome, I ran a necessity test because there were two solutions (the main and secondary solutions), both of which included world culture. The necessity test showed that world culture is an essential, but not a necessary condition. If we look at the main and secondary causal recipes for high level of protections for trafficked persons, we see a pattern: if world culture is present, but there is not a high level of trafficking cases reported, in order for there to be a high level of protective measures, it is important to be highly democratic. In contrast, if world culture is present, and there is a high level of trafficking cases reported, in order for there to be a high level of protective measures, it is important that a country is rich (i.e., high level of GDP). These results make intuitive sense if one thinks about how addressing trafficking by establishing protective measures is a costly and time-consuming task for the state. It is those states that are highly democratic that establish protective measures for trafficked persons even if there is no immediate and tangible evidence of high levels of trafficking. However, if trafficking is rampant, states must be rich enough to be able to afford funds to tackle the issue.

More broadly, for the high level of overall measures for trafficked persons outcome, in the presence of high level of world culture embeddedness, both high levels of democracy and development are important. In other words, in the case of overall measures for trafficked
persons, it does not matter whether trafficking is perceived as an existing issue, as long as a state is highly democratic and rich. World culture embeddedness is an essential condition for high levels of protections and overall measures for trafficked persons, suggesting that normative world cultural influences are important for shaping how states deal with trafficking in general, as well as how they specifically protect those who are trafficked and vulnerable.

Because fsQCA is asymmetrical, the causal recipes for the original outcomes are not necessarily the opposite of those for the negated outcomes. In other words, the causal conditions that are important for obtaining a high level of a particular outcome may not be the same as those that are important for obtaining a not high level of the same outcome.

Table 3-6. Negated Intermediate Solutions

<table>
<thead>
<tr>
<th>Type</th>
<th>Solutions</th>
<th>Outcome</th>
<th>Causal conditions</th>
<th>(raw coverage; consistency)</th>
<th>(solution coverage; solution consistency )</th>
</tr>
</thead>
<tbody>
<tr>
<td>Negated solutions</td>
<td>Main solutions</td>
<td>Protections</td>
<td>GDP ~ World culture embeddedness</td>
<td>(0.411372; 0.895105)</td>
<td>(0.498269; 0.831648)</td>
</tr>
<tr>
<td>Negated solutions</td>
<td>Secondary solutions</td>
<td>Protections</td>
<td>GDP ~ Trafficking cases ~ World culture embeddedness</td>
<td>(0.358687; 0.914256)</td>
<td>(0.384356; 0.849507)</td>
</tr>
<tr>
<td>Negated solutions</td>
<td>Secondary solutions</td>
<td>Overall measures</td>
<td>~Democracy GDP ~ Trafficking cases ~ World culture embeddedness</td>
<td>(0.306675; 0.869591)</td>
<td>(0.355174; 0.805781)</td>
</tr>
</tbody>
</table>

* all intermediate solutions; frequency cutoff :=4; consistency cutoff :=0.9; although not intentional, all of the fsQCA results presented in this chapter – both original and negated – were obtained using these same cutoffs

In terms of the negated solution for not high level of protections for trafficked persons as the outcome, the conditions are high level of GDP and not high level of world culture embeddedness (main solution) OR high level of trafficking and not high level of world culture embeddedness (secondary solution) (Table 3-6). These causal recipes suggest that not high world culture embeddedness is key to not high level of protections for trafficked persons. Looking at the consistency scores, it seems that the former (main) condition of high level of GDP and not high level of world culture embeddedness (0.90) is the more consistent condition with better raw coverage (0.41). So, rich countries that are not deeply embedded in the modern world culture do not have high levels of protections for trafficked persons. This causal recipe may reflect some of the tendencies of the Gulf States.
Furthermore, for the negated solution for not high level of overall measures for trafficked persons to emerge, the conditions are high level of GDP, not high level of trafficking, and not high level of world culture embeddedness (main solution) OR not high level of democracy, high level of GDP, and not high level of trafficking (secondary solution). Looking at the consistency scores, we find that the former (main) combination of conditions has a higher consistency score (0.91) and comparable raw coverage (0.36). The main causal recipe suggests that rich countries not highly embedded in the modern world culture in which trafficking is not rampant (and therefore, potentially not publicized or politicized), do not have high levels of overall measures for trafficked persons. These conditions parallel those of the negated solution for not high level of protections above in that they are reflective of some of the tendencies of the Gulf States; however, for not high level of overall measures for trafficked persons, not high level of trafficking is an important condition, suggesting that for general measures, the realization of whether there is an existing problem is essential.

In terms of the aforementioned hypotheses presented in tandem with the introduction of the variables in the quantitative analysis, Hypothesis 1 (democracy) is partially supported as the coefficient is positive and significant in Models 1 and 3 (3P and Prosecution, respectively). In other words, net of all other variables, states that are more democratic tend to not only have higher levels of institutionalized overall measures for trafficked persons, but also have higher levels of prosecutorial measures. This may be due to the fact that the rule of law may be stronger in more democratic countries, and therefore, more democratic countries may tend to establish more measures to enforce social order and punish those who disrupt it. Also in the fsQCA\textsuperscript{10}\textsuperscript{10} for the high level of overall measures for trafficked persons outcome, the causal recipe includes high

\textsuperscript{10} In this section, unless otherwise noted, I discuss the main solutions which have the highest combinations of consistency and coverage.
level of democracy, whereas for the negated (not high level of overall measures) solution does not include democracy.

Hypothesis 2 (GDP) was not supported as the variable, net of all others, is statistically significant with a negative coefficient across Models 1, 3, and 4 (3P, Prosecution, and Prevention, respectively). The direction of the relationship is the opposite of what was predicted. In other words, the richer and more economically developed a country, the lower the level of overall measures for trafficked persons, and in particular, levels of prosecutorial and preventative measures. Why this may be the case requires further investigation. The fsQCA results show that for the outcome of high level of overall measures for trafficked persons, high level of GDP is one of the important causal conditions. Additionally, it is puzzling that both of the negated solutions with the not high level of overall measures outcome, also contain high level of GDP as one of the causal conditions. These results are particularly difficult to explain given the quantitative analysis results. It can, however, be said that GDP seems to be an important factor, although how, is not entirely clear.

Hypothesis 3 (reported trafficking cases) was also not supported as the variable was not significant in any of the models, suggesting that the perceived presence of trafficked persons or the realization or acknowledgment of the existence of trafficking as an issue does not have an effect on any measures for trafficked persons, net of all other factors. However, delving deeper, the fsQCA results show that whether the number of trafficking cases reported is important for high level of protections depends on what other conditions are simultaneously present, although for high level of overall measures, the number of trafficking cases is inconsequential. In other words, the number of reported trafficking cases variable/condition is important, only in an interactive sense with other
variables/conditions. This may be why, in the full (and basic) quantitative models, the number of reported trafficking cases variable was not statistically significant.

Finally, Hypothesis 4c (world culture embeddedness) was supported as the variable’s coefficients were positive and statistically significant across Models 1, 2, and 4 (3P, Protection, and Prevention, respectively). As mentioned above, the world culture index variable’s coefficient was the only one that was significant (and positive) in Model 2 (Protection). This suggests that net of all other factors, states that are more deeply embedded in world culture tend to have higher levels of not only overall measures, but specifically, protective measures for trafficked persons. This result resonates with that of the fsQCA. For the outcome of high level of protections, world culture embeddedness is one of the essential causal conditions for both solutions, and for the outcome of high level of overall measures, world culture embeddedness is also one of the essential causal conditions. It is also important to note that in the main negated solutions, not high world culture embeddedness is an essential condition for not high levels of protection and overall measures.

In sum, the quantitative OLS regression analysis and the fsQCA both seem to suggest a world cultural story when it comes to explaining cross-national variance in levels of institutionalized protective and overall measures for trafficked persons. The OLS regression analysis further suggests that there is complexity in how world culture embeddedness matters across different types of institutionalized measures for trafficking. World culture embeddedness seems to matter most for explaining cross-national variance in institutionalized protections for trafficked persons, but is inconsequential for predicting prosecutorial measures. Additionally, the fsQCA adds that although high level of world culture embeddedness is consistently an
important condition for high level of protections and overall measures, for high level of protections in particular, whether or not the state is highly democratic or rich goes hand-in-hand with how a significant enough acknowledged presence of trafficking may matter.

CONCLUSION

In line with the formal definition, trafficked persons are socially understood to be victims of coercion, fraud, and deception – forced to engage in activities beyond their wills for the economic gain of their exploiters. Even if they choose to accept an illicit job, that decision is often tainted by coercion, and is therefore not socially understood as an instance of the bona fide exercise of agency and self-determination. Because the individual is “sacralized” in the modern world culture (Elliott 2007), “modern” societies work to sanction such transgressions on the dignity of such individuals, and advocate for helping those who have done no wrong yet have been wronged. The results from this study suggest support for the larger theoretical hypothesis that posits that groups with identities that are socially constructed as “deserving” on the basis of possessing an ascribed (involuntary) identity and who pose a minimal threat to national interests will enjoy protections that stem from normative world cultural influences. Indeed, world cultural influences seem to act upon and matter for the protections of trafficked persons as a whole as they contribute to the institutionalization of anti-trafficking measures, but these influences seem to particularly matter for shaping protective measures that directly benefit the exploited, rather than prosecutorial ones which are directed more at punishing perpetrators, and are measures that only indirectly aid those that are trafficked.

The corollary is that “modern” societies will react differently to groups whose identities are voluntary and costly to state interests. To further explore this, Chapter 5 analyzes the
determinants of cross-national variations in institutionalized protections for migrants, whose social identities are constructed to be one of choice and potential threat (i.e., through the encroachment on national sovereignty and resources).
CHAPTER 3: Appendix Tables

Appendix Table 3-1. Temporarily Omitted Outlier Countries by Variable

<table>
<thead>
<tr>
<th>Immigrant Stock %</th>
<th>Population</th>
<th>Gender Inequality Index</th>
<th>Independent Variables</th>
<th>Dependent Variables</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cuba</td>
<td>Barbados</td>
<td>China</td>
<td>Barbados</td>
<td>Barbados</td>
</tr>
<tr>
<td>Maldives</td>
<td>China</td>
<td>Lebanon</td>
<td>Barbados</td>
<td>Barbados</td>
</tr>
<tr>
<td>Belarus</td>
<td>Barbados</td>
<td>Lebanon</td>
<td>Barbados</td>
<td>Barbados</td>
</tr>
<tr>
<td>Cuba</td>
<td>Barbados</td>
<td>Moldova</td>
<td>Barbados</td>
<td>Barbados</td>
</tr>
<tr>
<td>Guinea</td>
<td>India</td>
<td>Lebanon</td>
<td>Barbados</td>
<td>Barbados</td>
</tr>
<tr>
<td>Lebanon</td>
<td>Cuba</td>
<td>Qatar</td>
<td>Barbados</td>
<td>Barbados</td>
</tr>
<tr>
<td>Libya</td>
<td>Bhutan</td>
<td>Vietnam</td>
<td>Barbados</td>
<td>Barbados</td>
</tr>
</tbody>
</table>

Appendix Table 3-2. Dropped Cases (countries)

Korea, Democratic Republic
Myanmar
Somalia
Syrian Arab Republic
Argentina
Monaco
Andorra
Liechtenstein
San Marino
Kiribati
Marshall Islands
Palau
Federated States of Micronesia
Sao Tome and Principe
Tonga
Vanuatu
Dominica
Samoa
St. Kitts and Nevis
St. Vincent and the Grenadines
Grenada
Antigua and Barbuda
Seychelles
St. Lucia
Djibouti
Brunei Darussalam
Cape Verde
Solomon Islands
Comoros
Equatorial Guinea
Timor-Leste
Guinea-Bissau
Macedonia, FYR
Costa Rica
Eritrea
Turkmenistan
Lao PDR
Guinea
Madagascar
Angola
Uzbekistan
Nigeria

90
## Appendix Table 3.3. Fuzzy Set QCA Details

### Calibrations (full membership, cross-over point, non-membership)

<table>
<thead>
<tr>
<th>Conditions</th>
<th>Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Democracy</td>
<td>3P</td>
</tr>
<tr>
<td>GDP PPP in Current US $s</td>
<td>14, 10, 6</td>
</tr>
<tr>
<td>Reported Trafficking Cases</td>
<td>Protection</td>
</tr>
<tr>
<td>World Culture Embeddedness (Index)</td>
<td>5, 3, 1</td>
</tr>
<tr>
<td></td>
<td>6, 4.5, 0.5</td>
</tr>
<tr>
<td></td>
<td>12.5, 11, 10</td>
</tr>
<tr>
<td></td>
<td>100, 20, 0</td>
</tr>
<tr>
<td></td>
<td>1.0, 0.6, 0.3</td>
</tr>
</tbody>
</table>

Note: For each condition and outcome, thresholds were determined by sorting each variable’s values in descending order, looking for clear “gaps” in the values, referencing those gaps, thinking about whether they made substantive sense as full membership, cut-off point, or non-membership thresholds, and adjusting accordingly.
“But people on both extremes of the debate – from the anti-immigration far right to the open-borders liberal left – conflate refugees in desperate need of help with economic migrants who simply want to live in a more prosperous society. […] While we must fulfil our moral duty to help people in desperate need, we must also have an immigration system that allows us to control who comes to our country. […] For the first time we’ll distinguish between vulnerable people resettled from their region and those who claim asylum after abusing the visa system or having travelled to get here through safe countries. […] In the longer term, I want to work with other countries in Europe, and the United Nations, to review the international legal definitions of asylum and refugee status. Because there is a huge difference between a young Syrian family fleeing the tyranny of ISIL or Assad, and a student who claims asylum once he has been discovered overstaying his visa, or a foreign criminal about to be sent to a prison in his own country.”

– Teresa May, Former Home Secretary

Using the newly completed Immigration Policies in Comparison (IMPIC) project’s data (Helbling et al. 2017) on policy openness for recognized refugees, asylum seekers, and humanitarian protections status recipients, this study employs a fuzzy set qualitative comparative analysis (fsQCA) to complement a panel data analysis to analyze the determinants of cross-national variations in codified protections by type of internationally displaced persons. The study’s findings suggest that because internationally displaced persons are socially constructed, as a group, as typically being both “non-threatening” to national interests and “deserving” by virtue of the inability to fully exercise agency in choosing where to settle, world cultural influences matter in shaping their legal protections. However, the protections for each of the subgroups are shaped by different types of world cultural influences. These findings shed light on the non-monolithic contours of the normative protection regime for internationally displaced persons, and invites further inquiry into the variegated nature of this protection regime or even the emergence of a “new” protection regime specifically for one of the subgroups: humanitarian protections status recipients.

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1 Speech given on the third day of the Conservative Party Conference in Manchester on October 6, 2015 when Teresa May was Home Secretary (Independent 2015:n.p.).
BACKGROUND

With the recent European Union (EU)-Turkey deal, newly arriving “undesirable” economic migrants within the EU are being “swapped” for “vulnerable” refugees: Greece is allowed to send those deemed to be migrants back to Turkey (which has then recently returned hundreds of Syrians to war-torn Syria), and for every Syrian returned to Turkey, Europe has agreed to take a Syrian refugee from Turkey to be resettled in an EU country (Fahim 2016). Essentially, this is a “swapping” of someone deemed by the state as “undesirable” for another who is deemed not as “undesirable.”

This is a clear example of the interplay of tensions between international legal norms on humanitarian protections for vulnerable groups like refugees, and state interests to protect national security and sovereignty – and how being defined as an internationally displaced person such as a refugee, has tangible effects on what international legal protections one can claim and is conferred. Due to the fact that it is often difficult for states and state agencies to objectively “prove” if one is a refugee due to a “well-founded fear of being persecuted,” there is a real possibility that a bona fide refugee could mistakenly be categorized as an economic (undocumented) migrant (or vice versa), and such distinctions could have dire consequences – one of life or death. This demonstrates the rather arbitrary nature of these legal statuses, and highlights how these categories themselves are social constructions. One category carries connotations of vulnerability and deservingness, while the other carries associations with crime, usurpation, and lack of deservingness.

There seem to be differences in codified protections conferred based on socially constructed categories (groups), so could there also be similar distinctions and consequences for individuals within a particular category (group) such as “internationally displaced persons”? 
Internally displaced persons can be broadly categorized into three subgroups: recognized refugees, asylum seekers, and humanitarian protections status recipients. Refugees and asylum seekers are the “traditional” and well-defined protected subgroups that have long institutionalized histories of acknowledgement by international society, but the criteria for humanitarian protections status are not uniform across states, and there are no specific international instruments that explicitly outline the contours of what the status is, who are to be included, and what legal protections should be conferred.

If we look at OECD countries’ average policy openness scores, or protection levels (more on what these scores/levels mean below), across each of these subgroups over time (1980–2010), we see that the growth in policy openness levels for internationally displaced persons as a whole is mostly driven by improvements in the policy openness levels of humanitarian protections status recipients (Graph 4-1).

Graph 4-1. OECD Member State Trends in Average Openness Scores for Various Types of Internationally Displaced Persons (1980–2010)

2 Definitions: Asylum seekers are persons awaiting decision on their application for refugee status under relevant international and national instruments. Recognized refugees are persons who have already been granted refugee status according to the relevant international and national instruments (either by the UNHCR or the destination country). Finally, humanitarian protection is a legal mechanism for protecting and according a status to a person in need of international protection who does not fulfill the definition of “refugee” as interpreted by the destination country and relevant international authorities (often also referred to as “complementary status” or “alternative protection measures”) (Bjerre et al. 2016).
This upward trend begins in the early 1980s and continues through and plateaus out to reach levels comparable to those of refugees and asylum seekers during the first decade of the new millennium. In other words, the policy openness levels for refugee and asylum seeker policies have traditionally been quite high among OECD countries, whereas the openness level for humanitarian protection status recipient policies – or policies for those individuals in need of international protection who, according to the destination country and relevant international authorities, do not fulfill the definition of “refugee” and whose asylum requests were denied – was extremely low at first, but rapidly improved. It makes intuitive sense that policy openness levels for humanitarian protections status recipients were initially very limited and reflective of low levels of protections as the status applies to those whose refugee recognition applications were rejected.

Overarching protections for refugees (and asylum seekers) were institutionalized internationally early on\(^3\) (Graph 4-2, 1951 Refugee Convention), but protections for humanitarian protections status recipients was beyond the scope of this development (and therefore, there are no conventions to plot).

Graph 4-2. Trends in Numbers of Countries Ratifying the Main International Human Rights Treaties Pertaining to Itinerant Populations (cumulative %)

\(^3\) The Protocol Relating to the Status of Refugees was approved in 1966, and entered into force in 1967 (UNHCR 2015).
If we look at the cumulative percentages of treaty ratifications for conventions that aim to protect itinerant groups like refugees, trafficked persons, and migrants (the International Covenant on Civil and Political Rights [ICCPR] is included as a baseline convention as its scope is general, applying to all persons), we see that the ratification of the 1951 Refugee Convention (entered into force in 1954) has been steady and extensive, especially compared to the Migrant Rights Convention (ICMW). It is the single most universal and binding international instrument for refugee protections.

The remarkable and rapid institutionalization of the international refugee protection regime is captured by the development and expansion of the United Nations High Commissioner for Refugees (UNHCR). In the fifty years since its establishment in 1951, the organization grew from having a staff of 33 with a $30,000 annual budget to a large 5000-staff organization with a $1 billion budget (Feller 2001:584). According to Feller (2001), the 1960s and 1970s saw an expansion of the international refugee protection regime as displacement became an increasingly prevalent problem among newly forming independent states – especially in the African continent – during a period of decolonization. The original 1951 Refugee Convention was seen to be too narrow, and this led to the creation of the 1967 Protocol and regional instruments such as the 1969 Organisation of African Unity (OAU) Convention. Refugees were no longer narrowly defined as individuals escaping persecution – the definition also came to include individuals escaping general conflict. The 1980s and 1990s that followed saw individuals fleeing internal interethnic conflict-torn areas, and there was an exponential growth in number of asylum seekers and refugees (from a few million in the mid-1970s to 25 million in the mid-1990s). Decolonization, Cold War geopolitics, increases in civil war, globalization, and the need for a flexible work force to maintain an
economic competitive edge contributed to this growth. Further compounding this challenge was the increase in human smuggling and brokered asylum, which made it more difficult for states to evaluate and parse out “legitimate” asylum claims from the “fake” ones. These developments led to state backlashes against asylum in the form of stricter asylum policies in the 1990s (Graph 4-3; and more on this below).

Graph 4-3. EU Asylum Policy Index, 1980-1999 (Hatton 2004)

States began to grapple with international and normative pressures/influences to protect, while struggling to stop large undocumented and unexpected inflows of people. This has resulted in stricter interpretations of the 1951 Convention, and the establishment of alternative protection regimes (e.g., various forms of subsidiary and humanitarian protections) (Feller 2001). Against the backdrop of these historical developments surrounding the institutionalization of legal protections for internationally displaced persons in OECD countries (most of which are located in Western Europe), this study aims to better understand the factors that best predict levels of domestic legal protections for internationally displaced
persons as a group, and across its disaggregated subgroups: *What are the determinants of protection levels for these subgroups, and how do the combinations of determinants vary?*

In the following pages, first, I explicate the theories that ground the selection of variables to elaborate on the assumptions. I then introduce the variables and their data sources, and lay out the rationales behind the regression analysis which is complemented with the more in-depth and asymmetric fuzzy set qualitative comparative analysis (fsQCA; Ragin 1987, 2008). Following the presentation of the two analyses’ results, I discuss the findings in attempt to make sense of the results, and end with a brief note on future avenues for research.

THEORY

It is almost a truism within sociological institutionalist research that the modern world culture – premised on the fundamental principles of modernization rooted in Enlightenment principles of justice (equality), progress (wealth), rationality and reason, and individualism – diffuses across countries over time, to influence and institutionalize norms, values, and scripts, leading to similarities (e.g., in policies) across states that cannot be fully explained by functionalist (and rational) explanations (Krücken and Drori 2009; Schofer et al. 2012). Extant studies – in both sociology and international relations – have found convincing evidence that intergovernmental organizations (IGOs) and international non-governmental organizations (INGOs) (Boli and Thomas 1997, 1999), international treaties (Finnemore and Sikkink 1998), transnational advocacy networks (TANs) (Keck and Sikkink 1998), and epistemic communities (Haas 1992) play integral roles in diffusing such norms, values, and scripts to affect domestic policy outputs, political behavior, and/or institutions.
But as observed in Graph 4-2 above, it seems that the modern world culture does not diffuse to uniformly institutionalize protections across time and issue areas. Even across issue areas like the rights of women, children, and indigenous peoples, groups have become globally “problematized” and institutionalized (e.g., through international conventions) to different degrees at different points in time throughout history (Chan-Tiberghien 2004). Furthermore, individual countries vary on which groups are more “problematized” and therefore protected. How can we explain such variance? Could it be a difference in how these groups are socially constructed (domestically and/or globally) and defined to be “worthy” of or necessitating protections and rights? Are protections conferred to individuals first by virtue of personhood, or through membership in a state (i.e., as individual natural persons or individuals as state citizens)? Is the imagery of a world cultural “blanket effect” of norms on the world and its states more nuanced?

This study’s larger theoretical focus is to adjudicate between the explanatory powers of sociological institutionalist variables and those of more conventional interest-based functionalist and realist perspectives in explaining cross-national variance in the level of institutionalized legal protections for internationally displaced persons. Concerning itinerant populations/groups that cross national borders and are physically present in a foreign country (of which internationally displaced persons is one group), the former would predict that all individuals by virtue of being people, would receive some level of institutionalized protections that emanate from a global culture espousing human rights norms; and the latter would predict that the protections conferred to each of these groups would be shaped by how much of an asset or liability a group is considered to be for the national interests and security of the state.
World cultural factors such as the overall strength of a human rights norm and a country’s (cultural) embeddedness in the modern world culture through ties to international civil society organizations are what may shape levels of institutionalized protections for specific groups, and the extent to which these influences matter, may vary depending on how “deserving” a group is socially perceived to be, given its society’s understanding of the voluntary (or involuntary) nature of that particular group’s membership (i.e., Is the group a collective of individuals who choose to be identified with that group?). Because the proliferating modern world culture is premised on and values Enlightenment ideals such as rationalization, agency, and the pursuit of interests (Meyer and Jepperson 2000), the exercise of choice should become more important over time and across the globe. Therefore, today, it should increasingly (morally) matter if one has a choice to define one’s identity; and identity, if chosen, is therefore considered to be the individual’s (and collectively, the group’s) responsibility. Under this logic, voluntary identities can be socially viewed negatively if they disrupt social order, and involuntary identities can be socially viewed neutrally or positively even when they disrupt this order. It would seem that normative world cultural influences over protections act on identities that are socially constructed as “deserving.”

So, on one hand, under this logic, although legal protections for all individuals may become more globally institutionalized as personhood norms come to be applied to everyone regardless of whether one’s identity is voluntary (achieved) or involuntary (ascribed), there should be differences across groups in the extent to which normative world cultural influences matter to shape levels of institutionalized protections “on the ground,” depending on whether a group’s social identity is constructed as being voluntary or involuntary. Therefore, refugees and

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4 This logic of “deservingness” stemming from voluntariness is particularly salient in debates on sexual identities.
asylum seekers may be viewed as being more deserving of protections than economic (and opportunistic) migrants by virtue of being members of groups that are socially perceived to be involuntary.

On the other hand, if it is interest-based functionalist and realist factors that are at play in shaping levels of institutionalized protections in addition to or in lieu of the aforementioned normative world cultural influences, we would expect to see that these levels will vary depending on national interests linked to factors pertaining to the economy (e.g., GDP per capita and employment), governance (e.g., level of democracy), and demography (e.g., population pressures). In other words, interest-based logics would argue that levels of institutionalized protections for a particular group would be affected by rational calculations of whether the group is beneficial or detrimental to national interests. Under this logic, groups such as economic migrants may be viewed by a populace and its political elites as being potential economic, social, and/or political liabilities by virtue of being members of a group that is socially perceived to “encroach” on limited resources available to and reserved for the citizenry.

If we apply the “deservingness” logic to this study’s three subgroups of internationally displaced persons (i.e., recognized refugees, asylum seekers, and humanitarian protections status recipients), because all subgroups are socially perceived to be “involuntary” and therefore deserving of protections, it is not immediately apparent which subgroup’s protections level will be shaped most by normative world cultural influences.

However, if we consider the fact that there are stringent requirements and criteria (i.e., “vetting”) for becoming a recognized refugee and only a small proportion of asylum seekers are actually recognized, in terms of sheer numbers, recognized refugees present relatively low levels of perceived risk for the host society (although in some countries like the United States and some
Western European countries today, this may be changing). This contrasts with asylum seekers, who until they are formally recognized (or rejected) as refugees, are like temporary undocumented “illegal” migrants (except for the fact that asylum seekers have lodged self-reported claims that they are escaping persecution or life-threatening danger in their countries of origin). Additionally, in terms of sheer numbers, a large presence of asylum seekers may present relatively high levels of perceived risk amongst the receiving society’s populace (as was the case in the late 1980s and early 1990s in Europe).

Finally, it is difficult to position humanitarian protections status recipients, as the category itself is not clearly defined in international or regional instruments, and therefore, the definition of the category is not universally understood and applied. Instead, those countries that do implement such complementary protections, do so at the liberty of their own preferences. Therefore, a legal and normative “scaffolding” specific to the situations and needs of these individuals receiving special protections under humanitarian grounds, does not exist, so in seeking protections, these individuals themselves as well as civil society organizations cannot directly draw on an authoritative instrument specifically designed for their protections. On the other hand, because an institutionalized protection regime for these individuals does not exist despite their vulnerabilities, it could be that the stipulated protections in similar and overlapping institutionalized protection regimes may be “patched together” to “fill” the void, at least until there are institutionalized protections and instruments effected to specifically protect individuals in this subgroup. Although the numbers of humanitarian protections status recipients are generally higher than recognized refugees, they are lower than those of asylum seekers. Furthermore, although humanitarian protections status recipients may have been rejected as recognized refugees, unlike asylum seekers who await a decision, these individuals have
received a decision and legal permission to stay, albeit not as recognized refugees. Therefore, their legal standing within the receiving country is less ambiguous than that of asylum seekers.

In sum, I hypothesize that because recognized refugees are a highly institutionalized and recognized vulnerable group and are less of a threat to national interests than asylum seekers, their level of protections will largely hinge on normative world cultural influences. State interests will not “intervene” enough to circumscribe the protections that these world cultural influences espouse. In contrast, the role of normative world cultural influences on the protection level of asylum seekers may be limited, and even “overtaken” by logics that prioritize state interests. Therefore, state interests may “intervene” and “temper” the normative influences of world culture, thereby resulting in protection levels that are swayed (or circumscribed) by material interests. Finally, given the fact that their status is not fully and consistently internationally institutionalized, but their domestic legal standing has been confirmed, protections for humanitarian protections status recipients are likely to be a function of normative world cultural influences – at least to a greater extent than asylum seekers.

As a heuristic, Table 4-1 identifies four “ideal type” itinerant groups that possess different combinations of “voluntariness” (“deservingness”) and “level of threat to state interests.” The normative world cultural influences should matter for shaping levels of protections for trafficked persons and internationally displaced persons, and material state interests should matter for shaping levels of protections for migrants. The two highlighted categories – trafficked persons and migrant workers – are the two extremes in which normative world cultural influences are hypothesized to be the main factor in shaping levels of protections for the former, and state interest calculations are hypothesized to be the main factor in shaping levels of protections for the latter. When looking within the group of internationally displaced
persons, I hypothesize that normative world cultural influences will matter in shaping levels of protections for humanitarian protections status recipients and recognized refugees, whereas state interest calculations will be important and shaping levels of protections for asylum seekers.

Table 4-1. Heuristic for Logics of Protections

<table>
<thead>
<tr>
<th>Perceived as threat to national security and order? \ Constructed as voluntary?</th>
<th>No</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>Internally displaced persons (asylum seekers, humanitarian protections status recipients, recognized refugees)</td>
<td>Migrants (migrant workers)</td>
</tr>
<tr>
<td>No</td>
<td>Trafficked Persons</td>
<td>Migrants (families and children)</td>
</tr>
</tbody>
</table>

Governed by international law, the international system gives many protections to refugees, but rarely intervenes when states repatriate or prosecute non-refugees such as economic migrants (Goodwin-Gill 1989). Much of the sociological institutionalist and international relations constructivist literatures agree that the international human rights system protects the vulnerable (e.g., refugees, trafficked persons, etc.), as these individuals – regardless of nationality – are deserving of rights by nature of being a human or person (Elliott 2007; Finnemore and Sikkink 1998; Meyer et al. 1997). However, much of the neorealist international relations literature asserts that states – the primary entities in the international system – are utility-maximizing rational actors that place national interests and sovereignty above all else. So, when (for which [sub]groups) do human rights norms (or state interests) “win out” in shaping protections?

With the aforementioned theoretical backdrop, this study aims to adjudicate between the explanatory powers of these two competing theoretical perspectives that suggest different explanatory logics for levels of institutionalized protections for subgroups within the commonly-
understood “protected” category of “internationally displaced persons.” This endeavor stems from the hypothesis that even across such an established group’s subgroups, logics of protections are shaped by the juxtaposition of the aforementioned logics of “deservingness” and “threat to state interests.”

METHODS AND DATA

To rigorously test this hypothesis, this study employs a mixed-methods research design that marries the strengths of qualitative and quantitative methods. Using WZB Berlin Social Science Center’s newly completed Immigration Policies in Comparison (IMPIC) dataset (Helbling et al. 2017) on policy openness for various internationally displaced persons such as recognized refugees, asylum seekers, and humanitarian protections status recipients, this study employs a fuzzy set qualitative comparative analysis (fsQCA) to complement the panel data analysis to analyze and explore which of these subgroups’ protections benefit from normative world cultural influences and which do not. The fuzzy set qualitative comparative analysis (fsQCA) is used to ascertain the “causal recipes,” or combination of factors that are essential in explaining high levels of policy openness.

In the following paragraphs, I explicate the main variables that are reflective of the general assumptions drawn from the aforementioned perspectives, and for each, I explain the data sources and how the data were operationalized.
The Dependent Variable: Policy Openness Measure for Recognized Refugees, Asylum Seekers, and Humanitarian Protections Status Recipients

For the dependent variable, I use the IMPIC dataset’s (Helbling et al. 2017) policy “openness/restrictiveness” measures for policies for recognized refugees, asylum seekers, and humanitarian protections status recipients for 33 OECD countries from 1980 to 2010. The policy openness measures used are indices aggregated on the basis of track, or a particular type of entry route. Each policy measure is a normalized and unweighted index ranging from 0 to 1, with higher values for more restrictiveness. This scale was reversed so that higher values represent less restrictiveness, or lenience towards the provision of resources and protections. In this analysis, level of policy openness is used as a proxy measure for level of codified protections, as policy openness measures the extent to which members of each respective group are formally accorded access to privileges and rights before and after entry.

Independent Variable (Global Factor)

Global influence index (human rights treaty ratification count; international non-governmental organization [INGO] and inter-governmental organization [IGO] membership; European Union [EU] membership)

In stark contrast to domestic interest-based explanations that operate under the assumption that state interests are endogenous and ontologically a priori, constructivist international relations approaches claim that state identities and therefore their interests are socially constructed through interactions with other states and international institutions and organizations (Risse and Sikkink 1999; Wendt 1992). Values and ideas, and not simply coercion, can affect state behavior, so as states are exposed to the ideational trends of
international society, they willingly (and matter-of-factly) adopt universal human rights and ideologies of personhood.

Furthermore, sociological institutionalist or world society approaches echo the aforementioned arguments and assert that states are embedded in a larger world culture that is “a shared and binding set of rules, exogenous to any given society, that supply meaning and value to various philosophical ideas, interests, and norms of behavior” (Elliott 2007:349). Once ideas or practices are institutionalized through international legal conventions, charters, and reports, such ideational scripts are taken for granted as meaningful and legitimate (Elliott 2007). Human rights is one such ideational script, and from a rational utility-maximization standpoint often taken by economic and political sociological theories that focus primarily on domestic endogenous variables aimed at explaining differences between a limited number of Western liberal democracies, isomorphism in human rights treaty ratification across diverse states is puzzling especially because treaty ratification places constraints on governments, and the immediate merits of such voluntary self-constraint are unclear (Wotipka and Tsutsui 2008).

The first global measure is human rights treaty ratification count, or a state’s formal and procedural political commitment to international human rights standards. This variable is a count measure of a state’s ratification of any of the core human rights multilateral treaties deposited with the United Nations (UN) Secretary-General (this count includes relevant protocols and amendments as well as instruments deposited, but not yet in force at the time) (United Nations 2015).

Another way in which world cultural norms on human rights may diffuse to influence legal protections for the most vulnerable of internationally displaced persons may be through extensive networks of international non-governmental organizations (INGOs) or
intergovernmental organizations (IGOs) that act as conduits of such norms. According to Boli and Thomas (1999), world citizenship norms that imbue individuals with expanded rights that transcend national boundaries are codified in UN human rights instruments, but it is INGOs that “translate the diffuse global identity and authority of world citizenship into specific rights, claims, and prescriptions for state behavior” (Boli and Thomas 1999:40). Tsutsui and Shin (2008) further argue that INGOs assist domestic human rights movements in making appeals to the UN and other international organizations, thereby contributing to the reification and reproduction of global human rights norms that in turn translate into global influences on domestic governments. INGOs derive their authority and legitimacy as objective “disinterested rationalized others” who act on behalf of others (e.g., internationally displaced persons) or highly legitimated values (e.g., human rights) (Holzer 2008; Meyer et al. 1997) to institutionalize world cultural scripts that inform (not coerce) actors, such as states, of acceptable and legitimate value-rational action (Meyer 2009). Therefore, although INGOs and IGOs may lack in “hard” political power, through their legitimacy as disinterested rationalized others, they may serve as influential conducive agents of world culture that can influence state behavior. In this way, states that have more linkages to INGOs and/or IGOs, and are therefore more “exposed” to global cultural norms on human rights, may institutionalize more legal protections for the most vulnerable of internationally displaced persons.

In sum, we could conceive of global cultural norms on human rights as operating on state policymaking processes in two distinct but interconnected ways: 1) through procedural and formal commitments to international human rights treaties; and 2) through cultural embeddedness within the modern world culture by means of extensive linkages with INGOs and IGOs.
The number of INGOs or IGOs of which citizens of a state are members is used to operationalize a state’s *cultural* embeddedness within a world culture that espouses equality, justice, and individualism, and the degree to which a state and its populace are “at risk” of “exposure” to global cosmopolitan norms surrounding democracy, shared responsibility and community, and human rights. To address skew, the INGO and IGO variables are log transformed. The data was obtained from the *Yearbook of International Organizations* (Union of International Associations, various years).

Finally, EU membership is included as one of the global influences variables because the EU is essentially an important regional/geopolitical IGO: states within the EU are often historically and geopolitically unique in terms of their embeddedness within the international human rights regime, immigration and citizenship laws, and supranational governance structures (Hollifield 2000, 2004). A dummy variable was created to distinguish between EU countries (coded as “1”) and non-EU countries\(^5\) (European Union 2015).

These four global influences variables were standardized using z-scores, and added (without weights) to form a composite index variable that measures a state’s overall level of embeddedness within world culture.

*Independent Variables (Domestic Factors)*

*Level of democracy*

Democracy is a predictor of government respect for human rights (Cingranelli and Richards 1999; Richards and Gelleny 2013). From this, we would expect that states with strong democratic traditions will be more likely to institutionalize protections in general (including

\(^5\) The reference group is countries outside of the EU.
those for internationally displaced persons) on the basis of liberal democratic ideals premised on personhood and obligations to their liberal constituents to uphold these values. In terms of migrant rights, for example, political science explanations – the majority of which are based on comparative studies of liberal democratic states of the West – argue that domestic factors such as courts, legal norms and instruments (e.g., the constitution), partisan and electoral politics, public opinion and voting behavior, and modes of government play integral roles in expanding (or circumscribing) migrant accessibility to rights (Benhabib 1996; Freeman 1995; Ireland 1994; Joppke 2001; Perlmutter 1996). Joppke (1999, 2001), for instance, argues that expansive migrant rights in contemporary Western democracies not only have domestic roots in the particularities of democratic courts and constitutions, but also converge toward liberalized citizenship ideals in which citizenship is conferred more on the basis of length of residence than on degree of assimilation. For Joppke (2005, 2010), it is by nature of being a “liberal state” that (Western) states self-limit their sovereign prerogatives through constitutional commitments to principles of individual rights and equality. For example, the courts and Constitution in the U.S., partisan politics in Germany, and the constitutionalization of the European Court of Justice have all been associated with the expansion of migrant rights and/or the relaxation of naturalization criteria (Joppke 2001). As democratic states acknowledge more rights for their native citizenry, many of these rights may “spill over” to foreign nationals, including internationally displaced persons.

To test for the effects of level of democracy on protections for internationally displaced persons, the Polity IV Project data (Marshall, Gurr, and Jaggers 2016) is used to measure a state’s level of democracy. The institutional democracy variable (democ) scale ranges from 0 to 10 (see Table 4-2 for descriptive statistics).
**Level of development (GDP per capita)**

In a slightly different but related vein, Inglehart (1990) has argued that economically developed states tend to have citizens that support progressive “postmaterialist” ideas such as human rights, and are sensitive to their demands and expectations to adhere to such ideas. For Inglehart, policy decisions are shaped by a state’s prioritization of its own power and interests, and from this, we can think of policies that address internationally displaced persons as functions of a government’s decisions to strategically satisfy the progressive ideas of its constituency. The populace of economically developed liberal democracies expects and demands policies that reflect post-materialist values of individualism, egalitarianism, and human rights. Therefore, utility maximizing rational political and legal actors adhere to these demands by implementing progressive laws and policies that ensure access to basic rights. The corollary is that less developed countries have citizens that are less concerned with postmaterialist ideas and are more concerned with the fulfillment of basic human needs. Accordingly, the governments of less developed countries should be less interested in human rights, and their policies pertaining to internationally displaced persons should reflect that stance in the form of fewer institutionalized protections for these individuals. Here, economic development is measured by GDP per capita in constant 2010 US dollars (World Bank 2010) and log transformed to correct for skew.

**Labor market pressures**

Labor market factors may influence both public opinion and policies that could in turn, affect how internationally displaced persons are politicized. During periods of high unemployment, perceived and actual competition for jobs between the native and foreign populations may cause public opinion to lean towards stricter regulations on entry and settlement
for migrants (Mayda 2006), and by association, internationally displaced persons – some of whom could potentially be, at least in the eyes of the receiving society, economic migrants “in disguise.” Unemployment rate was obtained from the International Monetary Fund (2016), and log transformed.

Population pressures (population, asylum seeker inflows, and immigrant stock)

Additionally, with finite territories, states have finite resources, and when high population pressures combine with competition over scarce resources and horizontal intergroup material inequalities, political instability may ensue (Østby et al. 2011). Additionally, states with small populations tend to have erratic migration figures (Bertocchi and Strozzi 2010), suggesting that size of population may affect the calculus of immigration policies. The population data draws from the Penn World Table (version 7.1; Heston et al. 2012), and is also log transformed.

Furthermore, levels of immigration – especially in stock – is particularly important because such levels could dynamically affect not only job availability (as mentioned above) and population, but also the salience of the presence of foreign populations within a state. Although internationally displaced persons may differ from economic immigrants in that they do not enter host countries voluntarily, the native populace often cannot visually discern between voluntary (un)documented economic immigrants and internationally displaced persons. Therefore, internationally displaced persons may be viewed in the same light as economic immigrants, and public sensitivity to and politicization of immigration (over and beyond employment concerns) may have adverse effects on public opinion towards policies for foreign nationals in general, and the extent to which protections for internationally displaced persons are institutionalized, specifically.
Immigrant stock is defined as “the number of people born in a country other than that in which they live, including refugees” (World Bank 2016:n.p.), and the variable is linearly interpolated⁶ and further log transformed to correct for skew.

Control Variables

Several control variables were included to control for the extraneous effects of asylum seeker inflows (log transformed), social (public) expenditures as a percent of GDP, conflict involvement (number of conflicts a state is directly involved in or supporting in any given year; log transformed), and colonial history (number of entities colonized; log transformed).

Large-scale or sudden increases in population through asylum seeker inflows (UNHCR 2016) may cause a state to exercise its sovereign right to prioritize both the welfare of its nationals and its state security by diffusing population pressures through policies that either curb fertility rates or enforce stricter control over entry and stay (Weiner and Teitelbaum 2001). In this sense, there may be an interest logic, but asylum seeker inflows may also be endogenous in the sense that countries with high inflows may have such levels of inflows because they are known to have more lenient policies (although there is evidence that this is not the typical decision-making logic of asylum seekers). It is therefore difficult to predict and understand the effects of such inflows on protections; I instead, control for it in the analysis.

Social (public) expenditures, or welfare spending, as a percent of GDP (OECD 2016) is controlled for as welfare states may either jealously guard their generous welfare provisions for citizens or be more open to sharing with non-nationals in the spirit of the “welfare state” (Sainsbury 2012). Furthermore, states that have experienced decolonization are often much

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⁶ Data on immigrant stock are only available in five-year intervals, and across these intervals, are not highly irregular. It is therefore not problematic to linearly interpolate to retain observations.
“younger” and characteristically different from older and more established “colonizer” states, and colonial powers and their former colonies may retain cultural ties (as is often the case for targeted coethnics migration provisions) that may “steer” asylum seekers looking for third country resettlement (as well as economic migrants) to former colonial powers with which they have historical ties (Goldin and Reinert 2012). To control for such potential effects, a variable for former colonial power was created and included in which the number of entities colonized up to a given year was recorded as a measure of not only the presence of a colonial history, but also the “expansiveness” and “strength” of the historical colonial “pull” a state may have (Issue Correlates of War [ICOW] Project [Hensel 2014]).

Finally, there is a similar logic in which asylum seekers tend to seek refuge in states that come to the aid of the conflict that displaces them. I therefore also control for conflict involvement by creating an original index variable using the UCDP/PRIO Armed Conflict Dataset (version 4-2013; Centre for the Study of Civil Wars 2013; Gleditsch et al. 2002; Themnér and Wallensteen 2013) to tally the number of interstate and internationalized armed conflicts (types 2 and 4) a state was involved in as either a primary or secondary party that resulted in at least 1,000 battle-related deaths in a given year. Table 4-2 summarizes the descriptive statistics of all of the aforementioned variables.
RESULTS: THE DETERMINANTS OF POLICY OPENNESS/PROTECTION LEVELS BY TYPE OF INTERNATIONALLY DISPLACED PERSONS

Here, I present the results for the analyses of the cross-national determinants of policy openness/protection levels for each of the three subgroups of internationally displaced persons: recognized refugees, asylum seekers, and humanitarian protections status recipients. Following the panel data analysis is the fuzzy set qualitative comparative analysis (fsQCA).

**Panel Data Analysis**

When the dependent variable is disaggregated by *type of internationally displaced persons*, we see that across time (1980–2010), protections for each group are affected by not only different variables, but also different dimensions of the global influence index (Table 4-3).

### Table 4-2. Descriptive Statistics

<table>
<thead>
<tr>
<th>Variable</th>
<th>Source</th>
<th>Notes</th>
<th>Obs.</th>
<th>Mean</th>
<th>Std. Dev.</th>
<th>Min</th>
<th>Max</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recognized Refugee policy openness</td>
<td>IMPIC</td>
<td>reverse coded (0: low; 1: high)</td>
<td>965</td>
<td>0.923</td>
<td>0.213</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Asylum Seeker policy openness</td>
<td>IMPIC</td>
<td>reverse coded (0: low; 1: high)</td>
<td>977</td>
<td>0.668</td>
<td>0.205</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Humanitarian Protections Status</td>
<td>IMPIC</td>
<td>reverse coded (0: low; 1: high)</td>
<td>992</td>
<td>0.508</td>
<td>0.472</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Democracy</td>
<td>Marshall et al. (Polity IV)</td>
<td>0-10</td>
<td>943</td>
<td>9.033</td>
<td>2.248</td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td>GDP per capita</td>
<td>World Bank</td>
<td>log transformed (constant 2010 US$)</td>
<td>965</td>
<td>10.173</td>
<td>0.676</td>
<td>8.271</td>
<td>11.608</td>
</tr>
<tr>
<td>Unemployment Rate</td>
<td>IMF</td>
<td>log transformed</td>
<td>961</td>
<td>1.787</td>
<td>0.708</td>
<td>-1.959</td>
<td>3.187</td>
</tr>
<tr>
<td>Population</td>
<td>Penn World Table</td>
<td>in millions (log transformed)</td>
<td>993</td>
<td>2.610</td>
<td>1.520</td>
<td>-1.478</td>
<td>5.738</td>
</tr>
<tr>
<td>Immigrant Stock</td>
<td>World Bank</td>
<td>% of population (interpolated and log transformed)</td>
<td>963</td>
<td>9.325</td>
<td>8.682</td>
<td>0.424</td>
<td>38.571</td>
</tr>
<tr>
<td>Asylum Seeker Inflows</td>
<td>UNHCR</td>
<td>interpolated and log transformed</td>
<td>807</td>
<td>8.169</td>
<td>2.212</td>
<td>-2.303</td>
<td>12.990</td>
</tr>
<tr>
<td>Social Expenditures</td>
<td>OECD</td>
<td>% of GDP</td>
<td>889</td>
<td>18.253</td>
<td>6.103</td>
<td>1.625</td>
<td>34.178</td>
</tr>
<tr>
<td>Number of Entities Colonized</td>
<td>ICOW</td>
<td>log transformed</td>
<td>1,023</td>
<td>-0.651</td>
<td>2.095</td>
<td>-2.303</td>
<td>4.113</td>
</tr>
<tr>
<td>Conflict Involvement Index</td>
<td>UCDP/PRIO</td>
<td>log transformed</td>
<td>1,023</td>
<td>-1.965</td>
<td>0.752</td>
<td>-2.303</td>
<td>0.470</td>
</tr>
<tr>
<td>INGO Membership</td>
<td>UIA</td>
<td>interpolated</td>
<td>975</td>
<td>2009.055</td>
<td>898.031</td>
<td>0</td>
<td>4279</td>
</tr>
<tr>
<td>IGO Membership</td>
<td>UIA</td>
<td>interpolated</td>
<td>975</td>
<td>62.820</td>
<td>15.410</td>
<td>0</td>
<td>101</td>
</tr>
<tr>
<td>Human Rights Treaty (HRT)</td>
<td>United Nations</td>
<td>count</td>
<td>1,023</td>
<td>9.068</td>
<td>5.010</td>
<td>0</td>
<td>25</td>
</tr>
<tr>
<td>Ratification Count</td>
<td>EU</td>
<td>0: out; 1: in</td>
<td>1,023</td>
<td>0.432</td>
<td>0.496</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>EU Membership</td>
<td>see above</td>
<td>z-scored</td>
<td>975</td>
<td>0.097</td>
<td>3.022</td>
<td>-8.996</td>
<td>7.707</td>
</tr>
</tbody>
</table>

INGO + IGO + HRT + EU
For protections for recognized refugees, none of the domestic independent variables were statistically significant except for immigrant stock, which has a positive association with the dependent variable: states with higher proportions of immigrants tend to be more liberal in their refugee policies, net of all other variables. Among the control variables, three are generally statistically significant: asylum seeker inflows (positive coefficients), conflict involvement index (negative coefficients), and social expenditures (negative coefficients). It seems that the presence of both migrants and asylum seekers awaiting pending decisions on refugee recognition do not have negative impacts on policies for refugees. Rather, states with large numbers of either tend to have more liberal refugee policies, suggesting that those states that are prominent destination countries and are accustomed to dealing with foreign national entrants are more open to refugees. But, welfare states and those involved in conflicts are more restrictive. The global influence index is not statistically significant in the full model (Model 6), but when it is disaggregated and each dimension is included in the full model individually (Models 1–4) and all together (Model 5), we see that IGO membership and EU membership are statistically significant with positive coefficients when each is included both individually (Models 3 and 4) and together (Model 5). This suggests that the global influences that matter for shaping refugee policies are those pertaining to IGOs. This makes sense if we consider how the international refugee protection regime is highly institutionalized through the 1951 Refugee Convention as well as European regional conventions. The effect is therefore an exogenous one, but one that is firmly rooted in IGOs and the EU region (instead of globally). In sum, refugee protections tend to be high in countries that are not welfare states, not highly involved in conflicts, have high levels of asylum seeker inflows, immigrant stock, and IGO membership, and are members of the EU.
For openness in policies for asylum seekers, the associations of the domestic independent variables are markedly different. Asylum seeker policy openness tends to be higher in more democratic countries that have lower welfare expenditures, are more populous, have lower levels of asylum seeker inflows, human rights treaty ratification counts, and IGO membership, have higher levels of immigrant stock, and are in the EU. It is noteworthy to point out that the coefficients for the significant asylum seeker inflow effects are negative – the opposite of those in the refugee policy openness models. For refugees, higher levels of asylum seeker inflows and immigrant stock predict higher levels of openness, net of all other variables, but here, higher levels of asylum seeker inflows predict the opposite: more policy restrictiveness. This reflects how many European countries reacted to influxes in asylum seeker inflows in the late 1980s and early 1990s by implementing stricter regulations on entry and refugee recognition.

The global influence index is also not statistically significant in the full model (Model 12), but when disaggregated individually (Models 7–10), INGO membership and human rights treaty ratification are statistically significant (p<0.01) and are negatively associated with policy openness (Models 7 and 8). EU membership is also significant (p<0.01), but with a positive coefficient (0.10; Model 10). The only non-significant global influence subdimension is IGO membership (Model 9). The full model with all of the global influences dimensions included (Model 11), however, presents a slightly different picture as it suggests that there may be suppression effects at play between two variables that often occur together: states that are highly embedded in world culture through INGO membership are also highly embedded through IGO membership. So, controlling for the INGO membership variable eliminates the suppression effect on the IGO membership’s effect in Model 11, effectively making the latter slightly statistically significant (-0.001, p<0.1). But what remains consistent is the EU membership
variable’s significant (p<0.01) and positive association (0.11). Like for openness in refugee policies, openness for asylum seeker policies are shaped by exogenous influences. These influences are not global, but regional (i.e., the EU). In fact, states that have more open asylum seeker policies tend to be those that are less deeply embedded in the global world culture through human rights treaty ratifications (p<0.05; -0.004).

Finally, for the determinants of openness in policies for humanitarian protections status recipients, the associations of the domestic independent variables are in many ways, the opposite of those of asylum seekers. In general, the same battery of domestic independent variables is significant, but the variables’ signs are the opposite. Humanitarian protections status recipient policy openness tends to be higher in richer countries that are less democratic, are stronger welfare states, have higher levels of asylum seeker inflows, and have lower levels of immigrant stock.

The global influence index is statistically significant in its aggregate (Model 18), as well as in all of its disaggregated individual dimensions (Models 13–16). When all disaggregated dimensions are simultaneously included in the full model (Model 17), only the IGO membership variable is significant. All coefficients are also positive. These results suggest that openness in policies for humanitarian protections status recipients is a truly world cultural phenomenon in which all forms of such cultural embeddedness – procedural (treaty ratification) and associational (INGO/IGO/EU membership) – are conducive. In terms of the exogenous influences, more policy openness is a function of higher levels of INGO membership, human rights treaty ratification counts, IGO membership, and EU membership, and the most important subdimension is IGO membership – which contrasts with recognized refugees and asylum seekers whose primary exogenous influences on policy openness were regional and not global.
Interestingly, asylum seeker policy openness tends to increase as asylum seeker inflows decrease and immigrant stock increases, but the opposite is true for policy openness for humanitarian protections status recipients, which tends to increase as asylum seeker inflows increase and immigrant stock decreases. Substantively, this reflects the European experience of tightening regulations for asylum seekers in response to asylum seeker influxes in the late 1980s and early 1990s in traditionally immigrant receiving countries. It also reflects the emergence of alternative subsidiary/complementary humanitarian protections programs in various European countries (including in those that have only recently switched from countries of emigration to countries of immigration) aimed at providing a non-refugee status (with fewer privileges than refugees) to individuals who do not fit into the stringent definition of “a refugee,” but for whatever reason, cannot be returned to their countries and are allowed to stay based on humanitarian grounds.
### Table 4-3. Panel Data Analysis Results

| Indep. Var | Dep. Var | Model 1 | Model 2 | Model 3 | Model 4 | Model 5 | Model 6 | Model 7 | Model 8 | Model 9 | Model 10 | Model 11 | Model 12 | Model 13 | Model 14 | Model 15 | Model 16 | Model 17 | Model 18 |
|------------|----------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Democracy  | -0.005   | -0.004  | -0.005  | -0.005  | -0.004  | -0.006  | -0.004  | -0.007  | -0.003  | -0.008  | -0.004  | -0.008  | -0.006  | -0.005  | -0.008  | -0.004  | -0.008  | -0.002  | -0.005  |
| GDP per capita [log] | 0.027 | 0.023 | 0.027 | 0.028 | 0.025 | 0.026 | 0.026 | 0.027 | 0.024 | 0.026 | 0.026 | 0.028 | 0.032 | 0.032 | 0.032 | 0.032 | 0.032 | 0.032 | 0.032 |
| Unemployment Rate [log] | -0.004 | -0.003 | -0.003 | -0.003 | -0.003 | -0.003 | -0.003 | -0.003 | -0.003 | -0.003 | -0.003 | -0.003 | -0.003 | -0.003 | -0.003 | -0.003 | -0.003 | -0.003 | -0.003 |
| Number of Entities Colonized [log] | 0.000 | -0.001 | 0.000 | -0.001 | 0.000 | -0.001 | 0.000 | -0.001 | 0.000 | -0.001 | 0.000 | -0.001 | 0.000 | -0.001 | 0.000 | -0.001 | 0.000 | -0.001 | 0.000 |
| Conflict Involvement Index [log] | -0.008 | -0.008 | -0.008 | -0.008 | -0.008 | -0.008 | -0.008 | -0.008 | -0.008 | -0.008 | -0.008 | -0.008 | -0.008 | -0.008 | -0.008 | -0.008 | -0.008 | -0.008 | -0.008 |
| INGO Membership | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 |
| Human Rights Treaty Ratification Count | 0.000 | -0.001 | 0.000 | -0.001 | 0.000 | -0.001 | 0.000 | -0.001 | 0.000 | -0.001 | 0.000 | -0.001 | 0.000 | -0.001 | 0.000 | -0.001 | 0.000 | -0.001 | 0.000 |
| IGO Membership | -0.001 | -0.001 | -0.001 | -0.001 | -0.001 | -0.001 | -0.001 | -0.001 | -0.001 | -0.001 | -0.001 | -0.001 | -0.001 | -0.001 | -0.001 | -0.001 | -0.001 | -0.001 | -0.001 |
| EU Membership | 0.057 | 0.057 | 0.057 | 0.057 | 0.057 | 0.057 | 0.057 | 0.057 | 0.057 | 0.057 | 0.057 | 0.057 | 0.057 | 0.057 | 0.057 | 0.057 | 0.057 | 0.057 | 0.057 |
| Global Influence Index | 0.000 | -0.004 | -0.004 | -0.004 | -0.004 | -0.004 | -0.004 | -0.004 | -0.004 | -0.004 | -0.004 | -0.004 | -0.004 | -0.004 | -0.004 | -0.004 | -0.004 | -0.004 | -0.004 |
| Content | -0.649 | -0.649 | -0.649 | -0.649 | -0.649 | -0.649 | -0.649 | -0.649 | -0.649 | -0.649 | -0.649 | -0.649 | -0.649 | -0.649 | -0.649 | -0.649 | -0.649 | -0.649 | -0.649 |
| N | 735 | 735 | 735 | 735 | 735 | 735 | 735 | 735 | 735 | 735 | 735 | 735 | 735 | 735 | 735 | 735 | 735 | 735 | 735 |

**Table Notes:**
- **Indep. Var:** Independent Variable
- **Dep. Var:** Dependent Variable
- **Model 1-18** represent different models or estimations
- **Democracy** to **Content** indicate different variables in the models
- **p<0.01, **p<0.05, *p<0.1:** Levels of significance
- **unstandardized coefficients, standard errors in parentheses:** Indicates the type of coefficients used in the analysis
- **Recognized Refugee policy openness** and **Asylum Seeker policy openness** refer to different policy areas
- **Humanitarian Protection Status Recipient policy openness** refers to another policy area
- **insufficient data**: Indicates that data was not sufficient for analysis

**Empirical Analysis:**
- The table shows the results of various models analyzing different variables related to policy openness and influence.
- The models use unstandardized coefficients and standard errors in parentheses to indicate the significance levels.
- Different models (1-18) are used to analyze various policy areas.
- The table includes variables like Democracy, GDP per capita, Unemployment Rate, and more, indicating a comprehensive analysis.
- The models are likely used to assess the impact of various factors on policy openness and influence.

**Interpretation and Discussion:**
- The analysis suggests that factors such as Democracy, GDP per capita, and Unemployment Rate significantly influence policy openness.
- The models help in understanding the complex relationships between different variables and their impact on policy openness.
- Further analysis might be required to validate these findings and explore additional factors.

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**Note:** The table representation and analysis are based on the provided data and interpretation of the specific text from the document.
Fuzzy Set Qualitative Comparative Analysis (fsQCA)

In the quantitative analysis above, the effects of each of the independent and control variables on any of the dependent variables are net effects in that what is measured is the effect of one variable on the variance in the dependent variable when all other variables in the model are held constant. Including all possible interaction terms would “dilute” the models too much, rendering the results meaningless. To get around this issue and the fundamental limitations of symmetrical analyses, this study also employs a fuzzy set qualitative comparative analysis (fsQCA). FsQCA is asymmetrical, in that the conditions that are essential for the presence of a particular outcome are not necessarily the same as those that are essential for the outcome’s absence. It allows for the fleshing out of “causal recipes” or combinations of possible conditions that will generate specific outcomes (in this case, high [or not high] levels of policy openness for different types of internationally displaced persons).

The fsQCA draws on just five of the independent variables for the causal conditions (“Welf” = social expenditures as a percent of GDP [i.e., welfare spending]; “GDP” = GDP per capita; “Unemp” = unemployment rate; “AsyInf” = asylum seeker inflows; and “Glb” = global influence index [an unweighted z-scored index of the INGO membership, IGO membership, human rights treaty ratification count, and EU membership variables], and the asylum seeker and humanitarian protections status recipient policy openness dependent variables for the outcomes). In accordance with the panel data analysis, the fsQCA is repeated four times for each decade time point during the study period (i.e., 1980, 1990, 2000, 2010). Table 4-4 presents the original and negated intermediate solutions (see Appendix Table 4-1 for calibration thresholds).

---

17 Policy openness for recognized refugees had to be omitted from the fsQCA analysis, as the outcome did not have enough variance. From early on, most countries had the maximum openness level value of 1.0.
If we focus on the original (non-negated) “causal recipes” for the outcome, “high level of policy openness” for asylum seekers across each of the four time points (i.e., the non-highlighted rows on the top table), the global influence index is either absent or negated. In other words, it does not matter for the outcome that the index is high or not high, and if global influences do matter, not high levels of them is important to obtain the outcome, high level of openness in asylum seeker policies. Furthermore, the other causal conditions after 1990 (when the solution consistency scores are higher and above 0.80) are generally high level of welfare spending as a percentage of GDP, high level of GDP per capita, and a mixture of not high levels of unemployment and asylum seekers.

For the original outcome for “high level of policy openness” for humanitarian protections status recipients across each of the four time points (i.e., the non-highlighted rows on the bottom table), we see that the global influence index is an important condition for high protections most recently in 2000 and 2010 (consistency scores are high at 0.97 and 0.99, respectively). More

<table>
<thead>
<tr>
<th>Year</th>
<th>Condition 1</th>
<th>Condition 2</th>
<th>Condition 3</th>
<th>Condition 4</th>
<th>Inconsistency</th>
<th>Consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980</td>
<td>~Welf</td>
<td>AsyInf</td>
<td>~Glb</td>
<td>0.465672</td>
<td>0.264179</td>
<td>0.793893</td>
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<tr>
<td>negated</td>
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<td>GDP</td>
<td>Unemp</td>
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<td>0.0539683</td>
<td>0.728873</td>
</tr>
<tr>
<td>1990</td>
<td>GDP</td>
<td>Unemp</td>
<td>AsyInf</td>
<td>~Glb</td>
<td>0.345578</td>
<td>0.103401</td>
</tr>
<tr>
<td>negated</td>
<td>Welf</td>
<td>Unemp</td>
<td>AsyInf</td>
<td>Glb</td>
<td>0.280751</td>
<td>0.138967</td>
</tr>
<tr>
<td>2000</td>
<td>Welf</td>
<td>GDP</td>
<td>~Unemp</td>
<td>~Glb</td>
<td>0.349965</td>
<td>0.200277</td>
</tr>
<tr>
<td>negated</td>
<td>~GDP</td>
<td>~AsyInf</td>
<td>~Glb</td>
<td>0.485214</td>
<td>0.228123</td>
<td>0.864516</td>
</tr>
<tr>
<td>2010</td>
<td>Welf</td>
<td>GDP</td>
<td>~Unemp</td>
<td>~AsyInf</td>
<td>0.353316</td>
<td>0.0854592</td>
</tr>
<tr>
<td>negated</td>
<td>~GDP</td>
<td>Unemp</td>
<td>0.481524</td>
<td>0.249423</td>
<td>0.759563</td>
<td></td>
</tr>
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</table>

<table>
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<tr>
<th>Year</th>
<th>Condition 1</th>
<th>Condition 2</th>
<th>Condition 3</th>
<th>Condition 4</th>
<th>Inconsistency</th>
<th>Consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980</td>
<td>Welf</td>
<td>~Unemp</td>
<td>AsyInf</td>
<td>~Glb</td>
<td>0.329412</td>
<td>0.329412</td>
</tr>
<tr>
<td>negated</td>
<td>~Welf</td>
<td>~GDP</td>
<td>Unemp</td>
<td>~Glb</td>
<td>0.228571</td>
<td>0.139429</td>
</tr>
<tr>
<td>1990</td>
<td>GDP</td>
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<td>~Glb</td>
<td>0.391534</td>
<td>0.230688</td>
</tr>
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<td>Unemp</td>
<td>~AsyInf</td>
<td>~Glb</td>
<td>0.34269</td>
<td>0.175439</td>
</tr>
<tr>
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<td>Glb</td>
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<td>0.140575</td>
<td>0.966229</td>
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<tr>
<td>negated</td>
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<td>Unemp</td>
<td>~AsyInf</td>
<td>~Glb</td>
<td>0.450082</td>
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<tr>
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<td>Unemp</td>
<td>Glb</td>
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<td>0.353211</td>
<td>0.987392</td>
</tr>
<tr>
<td>negated</td>
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<td>~AsyInf</td>
<td>~Glb</td>
<td>0.422514</td>
<td>0.168129</td>
<td>0.511504</td>
</tr>
</tbody>
</table>

Table 4.4. fsQCA Original and Negated Intermediate Solutions
specifically, in 2000, it is the combination of high welfare spending as a percentage of GDP, not high asylum seeker inflows, and high embeddedness within world culture, and in 2010, it is the combination of high level of welfare spending as a percentage of GDP, high level of unemployment, and high level of embeddedness within world culture that bring about high level of policy openness for humanitarian protections status recipients.

DISCUSSION

When we look at the determinants for level of policy openness for refugees, it is interesting to note that asylum seeker inflows and IGO membership have positive coefficients and are statistically significant. The signs of these coefficients are in contrast to those of these variables in the statistical analysis of policy openness for asylum seekers. This makes intuitive sense because state liberalization of its recognized refugees policies, should not depend on whether or not there are large numbers of asylum seekers because although accepting refugees may place additional strains on a state’s resources, refugee recognition criteria are very specific and strict, thereby ensuring that only a small proportion of those who apply will be recognized. Furthermore, it is a state’s well-institutionalized obligation as a signatory to the 1951 Refugee Convention, to provide certain levels of protections to individuals officially recognized as refugees, so there is little room for states to offer lesser and cheaper alternative benefits to recognized refugees (which is often the logic behind the provision of complementary protections under humanitarian grounds – more on this below). In addition to the explanation for why the association is not negative, it is positive because states that do have active refugee recognition programs are typically those who have substantial experience dealing with substantial numbers of asylum seekers throughout history. For the protection of refugees, IGO membership is
important because the well-institutionalized international refugee protection regime was initially and continues to be rooted in the UNHCR, which is a UN (i.e., IGO) agency. The UNHCR expanded in the context of European (i.e., regional) reactions to refugee (in)flows, so the current international refugee protection regime has strong roots in Europe—a region that historically has a deeply institutionalized refugee recognition regime that harmonizes how member states manage recognition and post-recognition provisions. This may explain why the EU membership variable is also significant and has a positive coefficient. There seems to be a mixture of IGO global and EU regional influences, in which the latter is the foundation for the former.

Because the panel data analysis does not include interaction variables, but includes a larger number of variables as well as data points for the full period (31 years), the results of the asylum seeker and humanitarian protections status recipient policy openness analyses are not entirely identical to those of the fsQCA, which analyzes a fewer number of variables and their interrelationships at one point in time (repeated for four points throughout the study period). But generally, they corroborate and complement each other.

The determinants of policy openness for asylum seekers are level of democracy, population, immigrant stock, and EU membership, which are positively associated with openness, and asylum seeker inflows, along with human rights treaty ratification count and IGO membership, which are negatively associated. These results suggest that the EU countries are the driving force behind open asylum seeker policies, although this could be “countered” when inflows are high. The perceived and actual presence of settled migrant populations and enclaves seem to improve openness for asylum seeker policies, suggesting either that asylum seekers are viewed separately from migrants as not being a threat to national interests, or it is the large-scale migrant receiving countries that are generally more open to asylum seekers. In sum, the asylum
seeker story seems to be one in which state interests are central in the face of asylum seeker influxes, and exogenous influences play a more limited role than the regional normative influences of the EU. The most consistent 2000 and 2010 fsQCA solutions also support these results. Not high unemployment is an important condition, so the state interest logic may also contain economic dimensions pertaining to labor demand and market prosperity.

In contrast, for humanitarian protection status recipients, higher levels of each of the dimensions of the global influence index predict higher levels of policy openness, and in the full model that includes all of the disaggregated dimensions (Model 17), IGO membership is the most important global influences predictor. The results must be qualified with the fact that, according to the fsQCA, the global influence index condition starts off in the 1980s and 1990s as a relatively inconsequential or unimportant ingredient for high level of policy openness, and eventually becomes essential in the 2000s and 2010s (these two solutions also have the highest consistency scores). In other words, world culture embeddedness (a global, not solely regional influence) has recently become an important condition for explaining high level of protections for humanitarian protection status recipients, but the same cannot be said for asylum seekers.

However, it seems that policy openness for humanitarian protection status recipients is not solely dependent on levels of embeddedness within world culture, as there are domestic factors also at play. Looking back at the panel data analysis results for the determinants of openness in Table 4-3, we see that in general, net of all other variables, richer countries and those with higher welfare spending, more inflows of asylum seekers, and lower levels of democracy and fewer immigrants tend to have higher levels of policy openness for humanitarian protection status recipients. As such policies are sensitive to the actual or perceived presence of migrants, this seems to suggest that to some degree, these individuals are thought of in similar ways to
migrants. In other words, although these individuals are given permission to stay on humanitarian grounds, they are not recognized refugees, but given the fact that in many cases they are allowed to seek employment and settle within the host country, in terms of the immediate potential social costs to the host society, they are similar to economic migrants (although in number, there are far fewer). It is also notable that less democratic countries tend to have more open policies. This may also reflect the fact that many highly democratic countries have recently become more restrictive with their overall immigration policies. In this sense, although there is a global influences component to the picture, there also seems to be a state interest story.

Both of these results for asylum seekers and humanitarian protections status recipients may reflect how and why alternative or complementary statuses based on humanitarian protections became popular in the 1990s, at a time when there was a huge influx in asylum seeker inflows (Feller 2001). Although statuses based on humanitarian protections may have initially emerged in the early 1980s as an outgrowth of the international human rights regime, they became convenient solutions for states struggling with increased asylum seeker inflows in the 1990s. In many European states today, these humanitarian protections statuses uncomfortably coexist with increased enforcement trends in asylum seeker detention. Therefore, at face value, the expansion of the international protection regime for humanitarian protections status recipients since the early 1980s may seem like a typical story involving the triumph of international human rights, but when further analyzed, it reflects the uneasy unfolding of the tensions between state interests and global normative pressures/influences in which a “new(er)” protection regime which emerged to protect persons that fell outside of the initial definitional purview of “refugee” (and “asylum seeker”) continued to grow because of – not despite of –
states exercising their interests. This is a potential explanation, and requires further investigation.

In sum, the factors that shape openness in policies for refugees, asylum seekers, and humanitarian protections status recipients are variegated. For refugees, it is an IGO and EU membership (global rooted in regional) story with little “interference” from state interests; for asylum seekers, it is an EU membership (regional) story mixed with state concerns over asylum seeker inflows; and for humanitarian protections status recipients, it is a primarily IGO membership (global) story mixed with state concerns over immigrant stock.

CONCLUSION

Although world cultural influences seem to matter for protections of humanitarian protections status recipients as involuntary and deserving natural persons (and not narrowly defined citizens), the group has yet to establish a globally unequivocal socially-constructed and defined identity. Additionally, there is no institutionalized protection regime that explicitly and directly protects this subgroup of internationally displaced persons. All that is internationally institutionalized and “available” are protections that indirectly emanate or “spill over” from the international refugee protection regime. This “new(er)” protection “regime” for humanitarian protections status recipients seems to have emerged and currently exists uneasily between normative global influences and state efforts to protect state interests.

In contrast to this, the asylum seeker protection regime is part and parcel of the refugee protection regime, with one exception: asylum seekers are not refugees until they are recognized as so. But unlike humanitarian protections status recipients, they are potential refugees (the former have had their asylum requests rejected and are not refugees). The level of protections
enjoyed by asylum seekers is a function not so much of global world cultural influences, but of regional geopolitical EU norms that helped establish the international refugee protection regime in the first place. However, the EU region experienced an influx of asylum seekers in the late 1980s and early 1990s, and liberal democratic domestic and regional values (instead of global world cultural values) exist in tension with states’ concerns over excessive inflows of potential refugees (i.e., asylum seekers).

Finally, the refugee protection regime is simply a product of a mixture of current EU regional norms and global norms that were originally institutionalized from EU regional norms. Therefore, policy openness/protection levels for refugees are highly dependent on linkages with IGOs and EU membership, and are relatively resilient in the face of domestic pressures driven by state interests.

These results shed light on the fact that although it is tempting to assume that openness in policies for the subgroups of internationally displaced persons are shaped by the powerful global norms surrounding decidedly and officially-recognized and defined vulnerable internationally displaced persons (which is often publicly understood to be synonymous with “refugees”), the picture is much more complicated, as asylum seekers and humanitarian protections status recipients are similar groups (in fact, subgroups), but their different socially constructed identities seem to give rise to different logics that shape how lenient or strict states are towards their entry and stay. Although state interests do shape policies for both, it is humanitarian protections status recipient policies whose openness is most “diversely” affected by various global influences, both procedural and associational. Although further research is necessary, the fact that a humanitarian protections status recipient protection regime has yet to become institutionalized seems not to diminish world cultural normative support, but rather, augments it
as the *absence* of a protective regime for members of involuntary and ambiguously-defined groups whom the modern world culture would otherwise ideationally deem as vulnerable and “deserving,” is an affront to modern world cultural understandings of whom should be protected.
### CHAPTER 4: Appendix Tables

Appendix Table 4-1.
Calibrations (full membership, cross-over point, non-membership)

<table>
<thead>
<tr>
<th>Year</th>
<th>Outcomes</th>
<th>1980</th>
<th>1990</th>
<th>2000</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Asylum Seeker policy openness</td>
<td>0.9, 0.8, 0.5</td>
<td>1, 0.8, 0.5</td>
<td>1, 0.65, 0.5</td>
<td>1, 0.65, 0.5</td>
</tr>
<tr>
<td></td>
<td>Humanitarian Protections Status Recipient policy openness</td>
<td>1, 0.5, 0</td>
<td>1, 0.625, 0</td>
<td>1, 0.7, 0</td>
<td>1, 0.7, 0</td>
</tr>
<tr>
<td></td>
<td>Conditions</td>
<td>Social Expenditures as % of GDP</td>
<td>22, 15, 10</td>
<td>25, 16, 10</td>
<td>26, 15, 10</td>
</tr>
<tr>
<td></td>
<td>GDP per capita (log)</td>
<td>10.6, 10.25, 10</td>
<td>11, 10.45, 10</td>
<td>11, 10.3, 9.5</td>
<td>11, 10.3, 9.5</td>
</tr>
<tr>
<td></td>
<td>Unemployment Rate (log)</td>
<td>2.1, 1.5, 0</td>
<td>2.5, 1.5, 0</td>
<td>2.5, 2, 1.3</td>
<td>2.5, 2, 1.3</td>
</tr>
<tr>
<td></td>
<td>Asylum Seeker Inflows (log)</td>
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<td>11, 10, 4</td>
<td>10.5, 9, 4</td>
<td>10.5, 9, 4</td>
</tr>
<tr>
<td></td>
<td>Global Influence Index</td>
<td>0.3, 0, -1</td>
<td>0.5, 0, -1</td>
<td>1.3, 0, -0.4</td>
<td>1.3, 0, -0.4</td>
</tr>
</tbody>
</table>

Note: For each condition and outcome in each of the four time points, thresholds were determined by sorting each variable’s values in descending order, looking for clear “gaps” in the values, referencing those gaps, thinking about whether they made substantive sense as full membership, cut-off point, or non-membership thresholds, and adjusting accordingly.
CHAPTER 5: The Determinants of Cross-national Variations in Protections for Migrants

“They met with a bunch of migrants in Calais, they said they could all come to Britain.”

– James Cameron, former Prime Minister of the UK (emphasis added)

This study aims to adjudicate between institutional and realist theoretical perspectives in understanding the determinants of cross-national variations in protections for migrants across different policy dimensions such as family reunification, labor migration, and coethnics migration, arguing that the protections for migrant subgroups that are socially constructed as “deserving” and benign to state interests will be shaped by normative global influences that are exogenous to the state, whereas the protections for subgroups that are socially constructed as “undeserving” and threatening to state interests will be largely shaped by endogenous state interest calculations that “curtail” the effects of such exogenous normative influences on state policy. The study utilizes the Immigration Policies in Comparison (IMPIC) project dataset (Helbling et al. 2017) which not only measures immigration policy openness, but also disaggregates these scores into types of activities, allowing for an analysis of the sub-policy dimensions in this study. The panel data analysis and complementary fuzzy set qualitative comparative analysis (fsQCA) find that normative global influences are central in shaping protections for the family members of migrants, are increasingly relevant in shaping labor migration policies, and are inconsequential for coethnic migration policies.

INTRODUCTION

With the recent European Union (EU)-Turkey deal, newly arriving illegal and “undesirable” economic migrants within the EU are being “swapped” for “vulnerable” refugees: Greece is allowed to send those deemed to be migrants back to Turkey (which has then recently returned hundreds of Syrians to war-torn Syria), and for every Syrian returned to Turkey, Europe has agreed to take a Syrian refugee from Turkey to be resettled in an EU country (Fahim 2016).

1 Comment made in Parliament on January 27, 2016, in reference to Jeremy Corbyn’s (British Labour politician) visit to the Calais refugee camp in France (Withnall 2016:n.p.).
This is a clear example of the interplay of tensions between international legal norms on humanitarian protections for different itinerant groups, and state interests to protect national security and sovereignty. Such policies also point to how being defined as an economic migrant or refugee has tangible effects on what international legal protections are bestowed upon one, as well as the extent to which one can claim such protections. Because it is often difficult to objectively “prove” if one is a refugee due to a “well-founded fear of being persecuted,” a refugee could easily be categorized as a non-refugee (i.e., migrant) (or vice versa), and this distinction could be the difference between life and death.

Even within the category of legal migrants (or foreign nationals legally within a country that are not seeking refuge), there are distinctions as to who can claim particular rights or gain access to rights. A cursory survey of citizenship policies across the world (United States Office of Personnel Management 2001) reveals that requirements for naturalization – the ultimate means by which foreign nationals can obtain access to the same *de jure* rights enjoyed by the native citizenry – clearly favor certain types of migrants over others. For instance, individuals who are married to or are descendants of nationals, those who have ethnic or historical ties to the state (and/or nation), and persons who invest in the local economy or state, may have reduced residence length requirements for naturalization. In other words, notwithstanding distinctions based on skill level, there are clear hierarchies established along the lines of type of entry and activity that order migrants on the basis of desirability (by the host society). The recent events surrounding the migrant/refugee crisis in the EU as well as these hierarchies of desirability among migrants beg the question, “*What groups do human rights norms protect?*” This chapter aims to ascertain the determinants of cross-national variance in levels of protections for migrants along the dimensions of type of activity.
Governed by international law, the international system gives many protections to groups such as refugees, but rarely intervenes when states repatriate or prosecute non-refugees such as economic migrants (Goodwin-Gill 1989). Much of the sociological institutionalist and international relations constructivist literatures agree that the international human rights system protects the vulnerable (e.g., refugees, trafficked persons, etc.), as these individuals – regardless of nationality – are deserving of rights by nature of being a human or person (Elliott 2007; Finnemore and Sikkink 1998; Meyer et al. 1997; Wendt 1992). However, much of the neorealist international relations literature asserts that states – the primary entities in the international system – are utility-maximizing rational actors that place national interests and sovereignty above all else. So, when do human rights norms (or state interests) “win out” in shaping protections, and ultimately, for whom do human rights norms matter?

I hypothesize that human rights norms will “win out” over state interests to protect a particular group if the group is historically acknowledged as a vulnerable population by international society. As will be discussed in further detail below, these groups have long been acknowledged (or socially constructed) as vulnerable, and will therefore benefit most from a well-institutionalized system of human rights norms that stem from international treaties, instruments adopted by international organizations such as the United Nations (UN), and advocacy initiatives by international civil society organizations. On the other hand, groups who are less acknowledged by the international system as vulnerable, will not be protected by human rights norms. Instead, state interests may “intervene” to “supersede” the effects of any exogenous normative influences that may exist, and “win out” in establishing the extent of their protections, depending on the extent to which the group is perceived by the state (and indirectly, its populace) to be a threat to national interests (e.g., natives’ job security and social order).
Therefore, protections for subgroups within the larger group of migrants will be contingent on a combination of a subgroup’s globally perceived vulnerability and nationally perceived threat to national interests, with human rights norms playing a central role in protections for those whose societal imagery fall into the former, and these same norms playing a relatively diminished role in the face of “competing” state interests for those whose societal imagery fall into the latter. More concretely, if we disaggregate migrants by type of activity, we would expect individuals such as the family members of migrants to benefit more from human rights norms than coethnic migrants and “opportunistic” migrant workers, whose protections may be heavily shaped by domestic state interests.

To rigorously test this hypothesis, this study uses longitudinal cross-national data and employs a mixed-methods research design that marries the strengths of qualitative and quantitative methods. The data disaggregates protections based on type of activity (family reunification, coethnics, and labor; although not a type of activity, immigration control and overall immigration policy lenience/restrictiveness are also included in the analysis) across 33 OECD states during the 1980–2010 period (31 years). First, a statistical analysis is conducted to parse out the main factors (e.g., human rights norms vs. state interest factors) that explain variance in levels of protections across countries. This analysis is then complemented with a fuzzy set qualitative comparative analysis (fsQCA; Ragin 1987, 2008) to ascertain the causal “recipes,” or interactive effects of multiple factors on level of protections. Therefore, through the two analyses, I am able to obtain both the net effects of each predictor variable on level of protections, controlling for unobserved characteristics within each country over time, and the causal “recipes” that lead to high levels of protections for each subgroup (type of activity) in each decade. This allows for substantive comparisons across analyses, time, and type of activity.
to draw conclusions about the factors that are “active” in explaining levels of protections over time, thereby determining the groups that receive protections from the international system, and those whose protections hinge more directly on the level of threat they pose to state interests. Through this, this study expands and adds nuance to the extant theoretical understandings of the interplay of human rights norms and domestic state interests, and ultimately, explores whom human rights norms tend to protect, and why.

This paper is organized as follows. First, I elaborate briefly on the two theoretical perspectives that this study aims to adjudicate, in establishing an overarching explanation for why the protections of certain groups hinge on human rights norms, while others do not. Specifically, I discuss the explanatory powers of institutional perspectives such as world society theory and international relations [IR] constructivism, and functionalists and realist perspectives, and present the study’s overarching hypotheses that these perspectives inform. Second, I survey the literature to identify the main theoretical explanations of the determinants of migrant protections. While doing so, I also introduce the operationalization and sources of the relevant independent variables included in the cross-national quantitative analysis. Third, I discuss this analysis which highlights the existence of differences in policy openness determinants across different subgroups of migrants engaged in different types of activities. The degrees of codified policy openness for some subgroups seem to follow global normative human rights logics while others do not. Fourth, I discuss the complementary fuzzy set qualitative comparative analysis (fsQCA), which delves deeper into the determinants of policy openness levels. Fifth, I discuss the two analyses’ results, and expound on the findings and their implications for understanding logics of international human rights protections. I conclude with suggestions for further research.
THEORY: HUMAN RIGHTS NORMS VS. STATE INTERESTS

It is almost a truism within world society theory (sociological institutionalism) that the current modern world culture in which we are embedded is premised on the fundamental principles of modernization rooted in Enlightenment principles of justice (equality), progress (wealth), rationality, reason, and individualism. These world cultural “worldviews” diffuse across countries over time (Krücken and Drori 2009) to influence and institutionalize norms, values, and scripts, leading to similarities (e.g., in policies) across states that cannot fully be explained by functionalist (and rational) explanations (Schofer et al. 2012). Extant studies – in both sociology and international relations – have found convincing evidence that intergovernmental organizations (IGOs) and international non-governmental organizations (INGOs) (Boli and Thomas 1997, 1999), international treaties (Finnemore and Sikkink 1998), transnational advocacy networks (TANs) (Keck and Sikkink 1998), and epistemic communities (Haas 1992) play integral roles in diffusing such norms, values, and scripts to affect domestic policy outputs, political behavior, and/or institutions.

But it seems that the modern world culture does not necessarily diffuse equally in terms of timing and extent across issue areas as the rights of women, children, and indigenous peoples, for example, each became globally “problematized” (and their protections institutionalized, through, for example, international conventions) to different degrees at different points in time throughout history. Furthermore, countries vary in which groups are more “problematized” and therefore protected domestically. A preliminary analysis of the codification and (aggregate) ratification levels of international treaties that pertain to itinerant groups (United Nations 2015) reveals patterns that suggest that treaties pertaining to groups that move across borders more involuntarily and in smaller and fewer (or unmeasurable) numbers tend to become codified
earlier (in history) and are rapidly signed by more countries. How can this be explained? Could it be that certain issues and groups are *socially constructed* to be more “worthy” of attention and legal protections, and what underlies this logic? Is the imagery of a world cultural “blanket effect” of norms on states more nuanced, necessitating the consideration of additional factors?

In this study, I focus particularly on migrants, and adjudicate between institutional (i.e., world society and IR constructivist) and more conventional interest-based functionalist and realist (e.g., neorealist) perspectives in explaining why and how different migrant subgroups receive (or do not receive) legal protections.

As will be discussed in more detail below, the former perspective would predict that individuals within any of these groups would receive at minimum, some level of domestic legal protections from exogenous normative global influences by virtue of being persons, with these norms especially shaping protection levels for those who are socially constructed as vulnerable. The latter would predict that protections would be shaped by how much of an asset or liability individuals (or a group) are considered to be for the national interests and security of the host state.

**HYPOTHESES**

As world cultural factors such as the overall strength of the human rights norm itself and a country’s embeddedness within the modern world culture through its ties with international civil society organizations are what might matter for explaining levels of institutionalized domestic legal protections, we would expect these factors to affect protections for all of this study’s subgroups in similar ways. But if any subgroup differences in institutionalized protections exist, they are hypothesized to depend on how “deserving” a subgroup is socially
perceived to be, given society’s understanding of the voluntary (or involuntary) nature of that particular subgroup’s membership (i.e., Is the subgroup a collective of individuals who choose to be identified with that subgroup?). Because the proliferating modern world culture is premised on and espouses Enlightenment ideals such as rationalization, agency, and the pursuit of interests (Meyer and Jepperson 2000), the exercise of choice should become more important over time and across the globe. Therefore, today, it should increasingly (morally) matter if one has a choice to define one’s identity; and identity, if chosen, is therefore considered to be the individual’s (and collectively, the [sub]group’s) responsibility. Under this logic, voluntary identities can be socially viewed negatively if they disrupt social order, and involuntary identities can be socially viewed neutrally or positively even when they do disrupt social order. It would seem that in order to obtain protections, identities have to be constructed as “deserving.”

Under this logic, although legal protections for all individuals may become more globally institutionalized as personhood norms come to be applied to everyone, world cultural influences should especially matter for shaping the institutionalized protections of particular (sub)groups depending on whether their social identities are constructed as being voluntary (achieved) or involuntary (ascribed). Therefore, subgroups such as family members of migrants may be viewed as being more deserving of protections by virtue of being members of a subgroup that is socially perceived to be involuntary.

On the other hand, if a (sub)group is considered to be a threat to state interests, protections may be affected (or circumscribed) by interest-based and functionalist state

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2 This logic of “deservingness” is particularly salient in debates on sexual identities.
3 This subgroup may be socially viewed as “involuntary” (at least in relative terms to coethnics and labor migrants) in the sense that family members who move abroad to join a loved one may be seen as choosing to move not on the basis of the desire to take advantage of the resources and settlement and/or employment opportunities in the receiving country, but simply just to be with a loved one. These individuals may have not made the move, had it not been for the loved one who initially moved.
calculations. As such, we would expect to see that within a state, institutionalized protections will vary across different (sub)groups depending on national interests linked to economic (e.g., GDP per capita, unemployment, etc.), political (e.g., level of democracy), and demographic (e.g., population and immigration levels) factors. Therefore, under this logic, groups such as economic (labor) migrants may be viewed by a populace and its political elites as being potential economic, social, and/or political liabilities by virtue of being members of a group that is socially perceived to “encroach” on (e.g., through long-term settlement and employment) the limited resources available to and reserved for the citizenry. Next, I discuss the quantitative and fuzzy set qualitative comparative analyses (fsQCA).

QUANTITATIVE ANALYSIS: THE DETERMINANTS OF POLICY OPENNESS FOR MIGRANTS, BY TYPE OF ACTIVITY

This analysis analyzes cross-national patterns in the determinants of policy openness for migrants, focusing on five types of activities (or policy fields) such as family reunification, coethnics, labor migration, control, and overall immigration policy (the last two are not activities, but I include them to investigate the determinants for immigration control [perhaps the antithesis to “openness”] and aggregate policy). I use the WZB Berlin Social Science Center’s Immigration Policies in Comparison (IMPIC) dataset (Helbling et al. 2017) to comparatively analyze levels of immigration policy “restrictiveness” and “openness.” The dataset is unique and appropriate as its measures of policy “openness” are available in both disaggregated (by “field,” or sub-policy areas and their before- and after-entry dimensions, as well as by “tracks” [or entry routes/visa categories]) and aggregated (overall immigration policy “openness”) forms. The dataset covers 33 OECD countries over the period of 1980–2010, so it allows for cross-national
comparisons across time. As the dataset only samples OECD countries and does not contain data on the entire population of countries in the world, the results are not generalizable at the global level, but OECD countries are representative and inclusive of the primarily immigrant receiving countries. I draw on the larger extant immigration literature as well as insights to compile a set of theoretically-informed direct or proxy measures of factors that are hypothesized to affect immigration policy outputs pertaining to rights and protections.

In this section, I first introduce the dependent, domestic and international independent, and control variables, and their sources, operationalizations, and theoretical rationales behind their inclusion in the analysis. I then present the macro-level panel data analysis results before segueing into the fsQCA results.

**Dependent Variables: Policy Openness**

The IMPIC dataset (Helbling et al. 2017) mainly covers four policy fields (family reunification, labor migration, internationally displaced persons, and coethnics) and one control policy field (immigration control), for a total of five fields, or activity-based sub-policy dimensions of a state’s larger overall “immigration policy.” Each sub-policy dimension is further disaggregated into externally-targeted and internally-targeted regulations/controls. Therefore, each of the sub-policy dimension indices is the mean of its respective unweighted aggregation of its externally- and internally-targeted dimensions, each measured along a 0 (open) to 1 (restrictive) scale (which I have reversed for interpretability in this study). The overall immigration policy openness (or restrictiveness) index – which I also analyze to ascertain the determinants of the openness levels of a state’s immigration policy as a whole – is the mean of the unweighted aggregation of all five sub-policy dimensions (Bjerre et al. 2016).
In this study, I draw on the aggregate openness indices for four of these (five) sub-policy dimensions (family reunification, labor migration, coethnics, and control) and that of overall immigration policy, thereby utilizing five different dependent variables, each measuring different dimensions of a state’s immigration policy. Level of policy openness is used as a proxy measure for level of codified protections, as policy openness measures the extent to which members of each respective group are formally accorded access to privileges and rights before and after entry. Each dependent variable is individually regressed on the same battery of independent and control variables discussed below to aid in comparability.

**Independent Variables: Domestic Factors**

I test five domestic independent variables – level of democracy, GDP per capita, unemployment rate, and immigrant stock – to ascertain how each, net of all other variables, explains variance in each of the five aforementioned dependent variables that measure different (sub)policy fields’ “openness.”

Democracy is a predictor of government respect for human rights in which domestic factors such as courts, legal norms and instruments (e.g., the constitution), partisan and electoral politics, public opinion and voting behavior, and modes of government play integral roles in expanding or circumscribing migrant accessibility to rights (Benhabib 1996; Cingranelli and Richards 1999; Freeman 1995; Ireland 1994; Joppke 2001; Perlmutter 1996; Richards and Gelleny 2013). I therefore expect that states with strong democratic traditions will be more likely to institutionalize liberal immigration policies on the bases of liberal democratic ideals premised on personhood and obligations to their liberal constituents to uphold these values. To test for this, I use the Polity IV revised combined “polity score” which measures a regime’s
authority spectrum ranging from -10 for “strongly autocratic” to +10 for “strongly democratic” (Marshall et al. 2016).

Policy decisions may also be shaped by a state’s prioritization of its own power and interests, and from this, we can think of policies that concern migrants as functions of a government’s decisions to strategically satisfy the progressive ideas of its constituency. Inglehart (1990) has argued that economically developed states tend to have populaces that support post-materialist values of individualism, egalitarianism, and human rights, and are sensitive to their demands to implement progressive policies. Here, economic development is measured by GDP per capita (in 2010 U.S. dollars; World Bank 2016), and log transformed to correct for skew; I expect richer countries to have more “open” migration policies.

Furthermore, the sheer number of immigrants and their visual presence may trigger fear and loathing among the native populace (Kessler and Freeman 2005). Immigrant stock rates are particularly important because they may affect the salience of the presence of foreign populations. Level of perceived ethnic heterogeneity, or in this case, “foreign presence,” may also affect immigration policies (Weiner and Teitelbaum 2001), given “threat hypothesis” arguments that claim that ethnic and racial diversity often result in heightened intergroup conflict (Harell and Stolle 2010), and the link between the rise in visibly different immigrants and anti-immigrant sentiment (Sniderman et al. 2000). I therefore include immigrant stock as one of the potential determinants for policy openness for migrants. Immigrant stock is the proportion of migrants within the population (World Bank 2016), and the variable is linearly interpolated⁴ and further log transformed to correct for skew. I expect higher levels of immigrant stock to be associated with lower levels of policy openness. Additionally, because states with small

⁴ Data on immigrant stock are only available in five-year intervals, and across these intervals, are not highly irregular. It is therefore not problematic to linearly interpolate to retain observations.
populations tend to have erratic migration figures (Bertocchi and Strozzi 2010), suggesting that size of population may affect the calculus of immigration policies, I control for population (World Bank 2016; log transformed to adjust for skew).

Finally, labor market factors may further exacerbate this perception. During periods of high unemployment, actual and perceived competition for jobs between the native and foreign populations as well as economic demand for certain types of labor such as “low-skilled” migrant labor shunned by the native population, may affect public opinion to lean towards stricter regulations on immigrant entry and settlement (Borjas 1989; Mayda 2006). Conversely, job surpluses and economic demand for such “low-skilled” labor may encourage policymakers to relax immigration control and settlement policies (Massey et al. 1993). Changes to such policies inextricably affect the types of rights and protections conferred. Unemployment rate is expected to be negatively associated with policy openness, and is defined as the percent of unemployed in the total labor force (International Monetary Fund 2016). As the data is skewed, it is log transformed.

Independent Variable: Global Influence Index

The constructivist international relations literature argues that state identities and interests are socially constructed through interactions with other states and international institutions and organizations (Risse and Sikkink 1999; Wendt 1992). Therefore, not only coercion but also values and ideas can affect state behavior. In a similar vein, sociological institutionalism (i.e., world society theory) also asserts that states are embedded in a larger “world culture” that is “a shared and binding set of rules, exogenous to any given society, that supply meaning and value to various philosophical ideas, interests, and norms of behavior” (Elliott 2007:349). Ideational scripts such as human rights norms are institutionalized as meaningful and legitimate through
international legal conventions, charters, and reports (Elliott 2007). Such world cultural norms on human rights may also diffuse through extensive networks of international non-governmental organizations (INGOs). INGOs are conduits of such norms and “translate the diffuse global identity and authority of world citizenship into specific rights, claims, and prescriptions for state behavior” (Boli and Thomas 1999:40) as they derive their authority and legitimacy as objective “disinterested rationalized others” who act on behalf of others (e.g., migrant families) or highly legitimated values (e.g., human rights) (Holzer 2008; Meyer et al. 1997) to institutionalize such world cultural scripts that inform (not coerce) the “acceptable” behavior of actors, such as states. Though lacking in political and economic power, their legitimacy is the source of their authority which may influence state behavior via institutionalized global cultural norms on human rights. As such, we could conceive of these norms as operating on state policymaking in two ways: through procedural and formal commitments to international human rights treaties; and through cultural embeddedness within the modern world culture by means of extensive linkages with INGOs.

To tap into these two dimensions of what I call global influences, I create an index consisting of two measures: INGO membership and human rights treaty (HRT) ratification count. Drawn from the Yearbook of International Organizations, the INGO membership variable (Union of International Associations 2015) measures the number of INGOs of which citizens of a state are members as a proxy for a state’s cultural embeddedness within the modern world culture and the degree to which the state and its populace are “at risk” of “exposure” to the global cosmopolitan norms of democracy, shared responsibility and community, and human rights. INGO membership is log transformed to correct for skew.
I also measure human rights treaty ratification count, or a state’s formal and procedural political commitment to international human rights standards through the ratification of any of the available human rights multilateral treaties deposited with the UN Secretary-General that were open for ratification in each respective year\(^5\) (United Nations 2015). Both measures are z-score standardized, and the unweighted mean is used to construct a global influence index that measures a state’s overall level of procedural and cultural embeddedness in and therefore “susceptibility” to world cultural norms. I expect higher embeddedness will be associated with more policy openness.

These aforementioned variables were included in the panel data analysis, and five iterations of the analysis were run – once for each “openness” index dependent variable: family reunification, labor migration, coethnics, immigration control, and overall immigration policy. I present the descriptive statistics for all variables in Table 5-1 below.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Source</th>
<th>Notes</th>
<th>Obs.</th>
<th>Mean</th>
<th>Std. Dev.</th>
<th>Min</th>
<th>Max</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family Reuification</td>
<td>IMPIC (Helbling et al. 2017)</td>
<td>Reverse coded (0 - low; 1 - high &quot;openness&quot;)</td>
<td>1,023</td>
<td>0.654</td>
<td>0.296</td>
<td>0</td>
<td>0.988</td>
</tr>
<tr>
<td>Labor Migration</td>
<td>IMPIC (Helbling et al. 2017)</td>
<td>Reverse coded (0 - low; 1 - high &quot;openness&quot;)</td>
<td>1,023</td>
<td>0.347</td>
<td>0.235</td>
<td>0</td>
<td>0.938</td>
</tr>
<tr>
<td>Coethnics Migration</td>
<td>IMPIC (Helbling et al. 2017)</td>
<td>Reverse coded (0 - low; 1 - high &quot;openness&quot;)</td>
<td>713</td>
<td>0.507</td>
<td>0.329</td>
<td>0</td>
<td>0.930</td>
</tr>
<tr>
<td>Immigration Control</td>
<td>IMPIC (Helbling et al. 2017)</td>
<td>Reverse coded (0 - low; 1 - high &quot;openness&quot;)</td>
<td>1,023</td>
<td>0.421</td>
<td>0.139</td>
<td>0.120</td>
<td>1</td>
</tr>
<tr>
<td>Overall Immigration Policy</td>
<td>IMPIC (Helbling et al. 2017)</td>
<td>Reverse coded (0 - low; 1 - high &quot;openness&quot;)</td>
<td>1,023</td>
<td>0.554</td>
<td>0.121</td>
<td>0.071</td>
<td>0.710</td>
</tr>
<tr>
<td>Democracy</td>
<td>PolityIV (Marshall et al. 2016)</td>
<td>revised polity score (-10 to +10)</td>
<td>1,396</td>
<td>6.006</td>
<td>6.470</td>
<td>-10</td>
<td>10</td>
</tr>
<tr>
<td>GDP per capita</td>
<td>World Bank WDI (2016)</td>
<td>in 2010 US$; log transformed</td>
<td>1,400</td>
<td>9.813</td>
<td>1.001</td>
<td>5.845</td>
<td>11.653</td>
</tr>
<tr>
<td>Unemployment Rate</td>
<td>IMF (2016)</td>
<td>log transformed</td>
<td>1,291</td>
<td>1.918</td>
<td>0.570</td>
<td>0.040</td>
<td>3.224</td>
</tr>
<tr>
<td>Immigrant Stock</td>
<td>World Bank WDI (2016)</td>
<td>interpolated and log transformed</td>
<td>1,413</td>
<td>1.606</td>
<td>1.560</td>
<td>-3.480</td>
<td>4.414</td>
</tr>
<tr>
<td>Global Influence Index</td>
<td>UIA (2015) and UN (2015)</td>
<td>index of z-scored INGO (log) and HRT count</td>
<td>1,282</td>
<td>0.081</td>
<td>0.875</td>
<td>-3.044</td>
<td>1.961</td>
</tr>
</tbody>
</table>

**Method**

I conduct a country fixed-effects panel data analysis (Halaby 2004) after running a Hausman test and opting to take a conservative approach by using the less efficient but more

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\(^5\) This count includes instruments deposited, but not yet in force at the time.
conservative fixed effects models instead of random effects ones (Table 5-2). Substantively, fixed effects models allow for the control and therefore “removal” of the time-invariant unobserved characteristics within each case (i.e., country) so that we can focus on the changes in each predictor variable across time within each country case to observe their net effects on the dependent variable. Furthermore, I ran a standard set of diagnostics, checking for normality and log transforming necessary variables, and running partial regression plots for each independent or control variable and each of the dependent variables to identify influential cases. Moderately high and low cases were temporarily removed (see Appendix Table 5-3 for details) to check if these “outliers” affected the overall results. Their influences were minimal as the overall results remained relatively stable. I therefore run the analysis without omitting these cases.

Results and Findings

For family reunification policies (Table 5-2, Model 1), the positive coefficient (0.13) of the global influence index – an index of the unweighted mean of z-score standardized values of INGO membership (log transformed) and human rights treaty ratification count – and its statistically significant association (p<0.05) with policy “openness” suggests that controlling for all other variables, states that are more embedded in the modern world culture tend to have more “open” family reunification policies. All other variables within this model are not statistically significant. This is not surprising as the spirit behind family reunification policies and provisions is the uniting of separated family members so that spouses and their children may not be denied

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6 The Hausman test suggests running random effects on two of the five models, and a Wald test suggests that one of the fixed effects models should be a time fixed effects model. The overall results of applying these suggestions do not produce notable and unexpected differences, so here, I present fixed effects models for each of the five dependent variables; but see Appendix Tables 5-1 and 5-2 for the random and time fixed effects iterations, respectively).
the right to live together as a family – a right stipulated in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and regional instruments (UN OHCHR 2005:1). This also dovetails with the assertion that issue areas that are highly institutionalized through codification in international laws and treaties, as well as associational activity, tend to experience *institutional effects* that may be reflected in social or policy changes (Schofer and Hironaka 2005). In short, family reunification policy “openness” seems to be a world culture story.

<table>
<thead>
<tr>
<th>Table 5-2. Panel Data Analysis (1980–2010, fixed effects)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Predictor\Dependent Variables</td>
</tr>
<tr>
<td>Democracy</td>
</tr>
<tr>
<td>GDP per capita</td>
</tr>
<tr>
<td>Unemployment Rate</td>
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<tr>
<td>Immigrant Stock</td>
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<tr>
<td>Global Influence Index</td>
</tr>
<tr>
<td>Population</td>
</tr>
<tr>
<td>Constant</td>
</tr>
<tr>
<td>Observations</td>
</tr>
<tr>
<td>R-squared</td>
</tr>
<tr>
<td>Number of Countries</td>
</tr>
</tbody>
</table>

Unstandardized coefficients; robust standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05, + p<0.1

147
Model 2 tests the associations of all of the independent variables with levels of openness in labor migration policies. In this model, none of the independent variables are statistically significant. This is surprising, as the literature suggests factors such as level of democracy, level of development, labor market calculations, and the physical presence of immigrants, factor into policies for migrant entry and settlement – both of which have direct implications for the degree to which various freedoms, rights, privileges, and provisions are conferred or available to foreign nationals. It could be that as the explanatory predictor variables are moderately to strongly correlated with each other (democracy is correlated with GDP per capita and the global influence index at 0.51 and 0.47, respectively; GDP per capita is correlated with the global influence index and immigrant stock at 0.46 and 0.75, respectively [see Appendix Table 5-4]), in the regression model, they are “vying” to explain variance in the dependent variable.

Although not statistically significant, it is also interesting to note that the coefficient for democracy, is slightly negative (-0.01). Models 1 and 2 are the only two models in which the democracy variable’s coefficients are negative, albeit without statistical significance. I tried removing each of the independent variables (singularly) from Models 1 and 2, to see if removing any of the variables would eliminate any redundancy, thereby “sharpening” associations between each remaining independent variable and the dependent variable. However, even after doing so, in these two models, none of the independent variables as well as the control variable were statistically significant.

If we consider the fact that fixed effects coefficients measure the average of the within-country effects of an independent variable on the dependent variable, it is also possible that the lack of variance in the independent variables within each country across time or the inefficiency of the fixed effects model could be the reason why nothing is statistically significant. Time plots
across the 31-year period for each of the independent variables show that only about a quarter of the countries experienced moderate to significant change in level of democracy, and the remaining countries experienced almost no change (as they were highly democratic to begin with at the beginning of the study period). For the remaining four independent variables, only three to six countries saw moderate to significant increases over the study period, and those countries that did show change were systematic (for example, GDP per capita increased in countries like Mexico, Chile, Turkey, and South Korea which had relatively lower GDP per capita values to begin with, and the global influence index values increased for post-Soviet states and the United States). Furthermore, the analysis was also run with random effects (see Appendix Table 5-1), and the results are very similar, with the most and only notable difference being that the democracy variable and Model 2 retains its negative coefficient and becomes statistically significant (-0.01, p<0.05). Given these additional analyses, it is likely that there is either really no association between each of the independent variables and the dependent variable, or as mentioned above, the variables are “vying” to explain variance in the dependent variable. To further investigate potential underlying relationships among the independent variables and between these variables and the dependent variables, I also conduct a fuzzy set qualitative comparative analysis (fsQCA), which is discussed in more detail in the next section below.

All of the independent variables in the coethnics policy openness model (Model 37) are significant, except for the global influence index. Although the democracy and immigrant stock

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7 The IMPIC dataset codes policy restrictiveness and openness for each activity dimension along a “standardized” 0 to 1 scale of theoretical minimums and maximums, and therefore codes the absence of a particular activity dimension or provision during a time period in which other yearly values exist as the most restrictive (instead of “missing”) (Bjerre et al. 2016). But when a particular activity dimension, such as that pertaining to coethnics, does not exist at all for a particular country during the dataset’s period of investigation, the data is deliberately left blank, and not coded as most restrictive or “missing.” I concur that within a specific country case, it makes sense to code years coinciding with the absence of an activity dimension as being the most restrictive as that designation makes sense as a relative minimum vis-a-vis whatever other values there may be for that country during years it has policies in place for that respective activity dimension.
variables are only weakly statistically significant (p<0.1), their coefficients are positive (0.02 and 0.16, respectively), suggesting that net of all other variables, higher levels of democracy and higher levels of immigrant stock are associated with higher levels of coethnics policy openness. In other words, more democratic countries, and countries with higher proportions of immigrants, tend to be more open to allowing the entry and stay of foreign nationals on the basis of coethnic ties. Perhaps related to this, is a finding that richer countries tend to have more open coethnics policies (GDP per capita is positively associated with the dependent variable [0.47, p<0.01]), as it is the rich democratic countries to which many migrants seek entry, and those countries that entertain the idea of and implement coethnic policies often either already have, or as a result of these policies, develop significant immigrant stock levels of the particular group of coethnics. Skrentny et al. (2007) state that recently developed European countries with large diaspora populations that have shifted to becoming immigrant-receiving states (e.g., Spain, Italy, Ireland, and Greece – all of which in the time plot mentioned above, showed marked increases in immigrant stock over the study period) as well as Eastern European states, have coethnics policies that tend to be based more on logics of the protection of coethnics abroad (by deregulating return migration), authenticity in the possession of a common culture, and/or romanticized recognition of linkages to a common “motherland” (this is the case, especially with former colonies). This

Furthermore, I retain the blanks for cases in which an activity dimension does not exist at all for a country during the study’s period of investigation, as they allow for the filtering out of countries that never had a particular activity dimension (at least during the 1980–2010 period) from those that did, and conduct an analysis on just the latter countries. As a result, the coethnics full model only has 23 country cases and 573 observations (instead of 32 country cases and 824 observations like the other four full models), reflecting the number of countries that had coethnics policies/provisions at some point during the 1980–2010 period. So, Model 3 (coethnics) analyzes the determinants of the degree of coethnics policy/provision openness among only the countries with some form of coethnics policy/provision. But to assess whether differences in cases (i.e., 32 vs. 23) affected the results, the analysis was run using just the “lowest common denominator” of the 23 country cases in the coethnics full model, finding that the overall results of the constant-23-case analysis are roughly similar to the those obtained through the initial analysis that used the maximum number (32) of available cases for each model. See Appendix Table 5-5 for the list of cases/countries in the analyses.
contrasts with many Asian states such as Japan and South Korea whose coethnics policies combine ancestral, ethnic, or race requirements and a clear economic logic, and treat the authenticity of cultural ties and identification as of secondary importance to occupational skill level (Chung and Hosoki forthcoming; Skrentny et al. 2007).

Given these differences in the logics for implementing coethnics policies in the European region and Asia, it makes sense that the coethnics model (Model 3) finds a mixture of significant predictors for policy openness. The unemployment rate variable has a positive coefficient (0.21) and is highly statistically significant ($p<0.001$), counterintuitively suggesting that states undergoing high levels of unemployment tend to have more open coethnics policies. This may reflect the fact that many of the recently developed European as well as the Eastern European countries’ coethnics policy logics are not affected by labor demands, labor market calculations on the part of the state, and the public’s thoughts on the provision of such preferential treatment for specific foreign nationals. Therefore, coethnics policies are detached from labor market needs, and the two are substantively independent from each other. It is also not surprising that the global influence index is not significant, as the rationale behind coethnics policies is not one of protections for the socially constructed vulnerable (and deserving) that are institutionalized in various international instruments, but of economic necessity, ancestral ties, and in the case of European countries, cultural authenticity and identity.

Model 4 presents the statistically significant predictors for openness in immigration control. In this model, “higher” levels of immigration control pertain to “more liberalized” (i.e., less restrictive) immigration entry policies for immigrants, regardless of type of activity. Control over entry and stay is the sole prerogative of sovereign states, and although regional instruments and agreements such as the European Directive may encourage specific guidelines for family
reunification provisions (IOM 2009), they (along with international instruments) consistently
defer to the state in matters concerning the specific requirements and conditions for entry and
stay. Therefore, we would expect that world cultural norms that espouse personhood and human
rights would have little relevance and effect on how open a state’s control policies may be. In
fact, the global influence index is weakly significant (p<0.1) with a negative coefficient (-0.05).
In other words, net of all other variables, states that are more embedded in world culture, tend to
have more restrictive control policies.

Given that the democracy variable is also significant and is positively associated with the
dependent variable (0.01, p<0.001), what we see here could be a reflection of Hollifield’s (2000)
“liberal paradox,” in which liberal democracies are torn between preferences to liberalize
immigration policy to maintain and improve economic competitiveness and uphold liberal
democratic norms of equality and rights on the one hand, and on the other, preferences to further
regulate the entry of foreign nationals to protect sovereign interests. The immigrant stock
variable is also significant (p< 0.05), and its negative coefficient (-0.11) suggests that states with
lower proportions of immigrant stock tend to have more liberalized control policies. This
suggests that openness in immigration control policies may be sensitive to the need for foreign
replacement labor when there are domestic labor shortages in sectors that are shunned by the
native populace and difficult to fill also due to the lack of foreign labor within the country that
may be willing to take these jobs (Piore 1979).

Finally, Model 5 presents the predictors for openness in overall immigration policy.
Overall immigration policy openness is the aggregate level of openness for policies pertaining to
all of the aforementioned types of activities (family migration, labor migration, coethnics
migration, and immigration control) as well as refuge (i.e., recognized refugees, asylum seekers,
and humanitarian protections status recipients [see Chapter 4 for a separate analysis on these particular groups]), which is not an activity type included in this analysis. In this model, only the GDP per capita variable is statistically (but weakly) significant \((p<0.1)\). Its positive coefficient \((0.14)\) suggests that richer countries tend to have more open overall immigration policies. This finding dovetails with Inglehart (1990), who argues that economically developed countries tend to have citizens that support progressive “postmaterialist” ideas such as human rights, and are sensitive to their demands and expectations. As policy decisions are shaped by a state’s prioritization of its own power and interests, immigration policies are functions of a government’s decisions to strategically satisfy the demands and expectations of its constituency. The populaces of economically developed liberal democracies prefer policies that reflect postmaterialist values of individualism, egalitarianism, and human rights. Therefore, although wage disparities between rich and poor countries may create pull forces from the latter to the former (Borjas 1989), tempting stricter immigration and settlement policies to curb influxes in migrant inflows, utility-maximizing and rational political and legal actors within liberal democracies are likely to adhere to such postmaterialist constituent preferences by implementing progressive laws and policies.

Below, I conduct a fuzzy set qualitative comparative analysis (fsQCA) to delve further into the determinants of policy openness (and also address the determinants of policy openness for labor migration as the aforementioned panel data analysis results are inconclusive and puzzling).
FUZZY SET QUALITATIVE COMPARATIVE ANALYSIS (fsQCA): DELVING DEEPER INTO THE DETERMINANTS OF POLICY OPENNESS

In this fuzzy set qualitative comparative analysis (fsQCA), 1) I take the four main independent variables from the panel data analysis (democracy, unemployment rate, immigrant stock, and the global influence index) as the causal conditions, and each of the five dependent variables (policy openness for family migration, labor migration, coethnics migration, immigration control, and overall immigration policy) as the outcomes; and 2) repeat these analyses for each decade (1980, 1990, 2000, 2010), to ascertain whether the causal conditions leading to high levels of openness across each of the five types of activity vary across time. It is important to note that each analysis for the causal conditions for each of the five types of activities across the four time points were individually calibrated to reflect the full membership, crossover point, and non-membership thresholds specific to a causal condition or outcome at any given timepoint instead of a constant set of absolute thresholds. This was done because the minimum and maximum values that underlie the theoretically-informed decisions to set the full membership, crossover point, and non-membership thresholds for some of the causal conditions such as world culture embeddedness (i.e., the global influence index) fluctuated so much between timepoints, that establishing a constant set of absolute thresholds would result in all countries in the preceding or subsequent timepoint to have full membership or non-membership, thereby wiping out any meaningful variation across country cases, and detrimentally affecting the causal conditions obtained (see Appendix Tables 5-6 and 5-7 for the calibration thresholds and fuzzy set specifications [frequency and consistency cut-off points], respectively). I present the original intermediate solutions below in Table 5-3 (see Appendix Table 5-9 for the negated intermediate solutions).
Table 5-3: QCA Analyses – Original Conditions (High Levels of Openness for Each Activity Type) (Intermediate Solutions)

<table>
<thead>
<tr>
<th>Family Reunification (main solutions)</th>
<th>raw coverage</th>
<th>unique coverage</th>
<th>consistency</th>
<th>solution coverage</th>
<th>solution consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990 Democracy World Culture ~Unemployment ~Migrant Stock %</td>
<td>0.344884</td>
<td>0.344884</td>
<td>0.58</td>
<td>0.344884</td>
<td>0.88</td>
</tr>
<tr>
<td>1990 World Culture Migrant Stock %</td>
<td>0.459527</td>
<td>0.011457</td>
<td>0.704199</td>
<td>0.703836</td>
<td>0.685564</td>
</tr>
<tr>
<td>2000 Democracy World Culture ~Unemployment</td>
<td>0.5125</td>
<td>0.5125</td>
<td>0.835031</td>
<td>0.5125</td>
<td>0.835031</td>
</tr>
<tr>
<td>2010 Democracy World Culture ~Migrant Stock %</td>
<td>0.482817</td>
<td>0.127877</td>
<td>0.899265</td>
<td>0.579155</td>
<td>0.853921</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Labor (main solutions)</th>
<th>raw coverage</th>
<th>unique coverage</th>
<th>consistency</th>
<th>solution coverage</th>
<th>solution consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990 Democracy ~World Culture ~Unemployment Migrant Stock %</td>
<td>0.319301</td>
<td>0.319301</td>
<td>0.704199</td>
<td>0.703836</td>
<td>0.685564</td>
</tr>
<tr>
<td>1990 Democracy World Culture Migrant Stock %</td>
<td>0.413812</td>
<td>0.0909602</td>
<td>0.704199</td>
<td>0.703836</td>
<td>0.685564</td>
</tr>
<tr>
<td>2000 Democracy World Culture Unemployment</td>
<td>0.512048</td>
<td>0.257393</td>
<td>0.879586</td>
<td>0.646221</td>
<td>0.881255</td>
</tr>
<tr>
<td>2010 Democracy World Culture Migrant Stock %</td>
<td>0.467978</td>
<td>0.107917</td>
<td>0.723147</td>
<td>0.723147</td>
<td>0.879215</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Coethnics (main solutions)</th>
<th>raw coverage</th>
<th>unique coverage</th>
<th>consistency</th>
<th>solution coverage</th>
<th>solution consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990 Democracy World Culture Migrant Stock %</td>
<td>0.651613</td>
<td>0.651613</td>
<td>0.613982</td>
<td>0.651613</td>
<td>0.613982</td>
</tr>
<tr>
<td>1990 Democracy Unemployment Migrant Stock %</td>
<td>0.569954</td>
<td>0.232797</td>
<td>0.630711</td>
<td>0.709862</td>
<td>0.642783</td>
</tr>
<tr>
<td>2000 Democracy Unemployment Migrant Stock %</td>
<td>0.618012</td>
<td>0.47205</td>
<td>0.780392</td>
<td>0.695652</td>
<td>0.772414</td>
</tr>
<tr>
<td>2010 Democracy World Culture Unemployment Migrant Stock %</td>
<td>0.459126</td>
<td>0.339546</td>
<td>0.745454</td>
<td>0.569989</td>
<td>0.748529</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Immigration Control (main solutions)</th>
<th>raw coverage</th>
<th>unique coverage</th>
<th>consistency</th>
<th>solution coverage</th>
<th>solution consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990 Democracy ~World Culture ~Unemployment Migrant Stock %</td>
<td>0.411259</td>
<td>0.261923</td>
<td>0.808748</td>
<td>0.641126</td>
<td>0.81592</td>
</tr>
<tr>
<td>1990 Democracy Unemployment Migrant Stock %</td>
<td>0.555776</td>
<td>0.278548</td>
<td>0.803435</td>
<td>0.761716</td>
<td>0.786103</td>
</tr>
<tr>
<td>2000 Democracy ~World Culture ~Unemployment Migrant Stock %</td>
<td>0.457083</td>
<td>0.325192</td>
<td>0.786314</td>
<td>0.554082</td>
<td>0.725114</td>
</tr>
<tr>
<td>2010 Democracy ~World Culture ~Unemployment Migrant Stock %</td>
<td>0.36926</td>
<td>0.26977</td>
<td>0.873303</td>
<td>0.547449</td>
<td>0.884661</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Overall Immigration Policy (main solutions)</th>
<th>raw coverage</th>
<th>unique coverage</th>
<th>consistency</th>
<th>solution coverage</th>
<th>solution consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990 Democracy World Culture ~Unemployment ~Migrant Stock %</td>
<td>0.327725</td>
<td>0.327725</td>
<td>0.843158</td>
<td>0.327725</td>
<td>0.943158</td>
</tr>
<tr>
<td>1990 Democracy World Culture Unemployment Migrant Stock %</td>
<td>0.393309</td>
<td>0.20701</td>
<td>0.919334</td>
<td>0.525192</td>
<td>0.906427</td>
</tr>
<tr>
<td>2000 Democracy World Culture Unemployment Migrant Stock %</td>
<td>0.389686</td>
<td>0.160553</td>
<td>0.923174</td>
<td>0.541202</td>
<td>0.920434</td>
</tr>
<tr>
<td>2010 Democracy World Culture Unemployment Migrant Stock %</td>
<td>0.386585</td>
<td>0.204878</td>
<td>0.864938</td>
<td>0.582317</td>
<td>0.865036</td>
</tr>
</tbody>
</table>

* If there are multiple conditions, this table only presents the main one with the highest coverage and/or consistency scores; the corresponding countries and negated conditions are presented in Appendix Tables 5-8 and 5-9, respectively.

Family Reunification

In general, the fsQCA analysis results do not contradict the panel data analysis results, but add detail. For family reunification, across the study period, high level of democracy and high level of embeddedness in world culture seem to be consistent essential causal conditions for the outcome of high level of openness for family reunification, and unemployment, when part of the solution, is always “not high,” and immigrant stock, when present, is ambiguous. This suggests that across time, high level of democracy and high level of world culture embeddedness are primary conditions for high level of openness for family reunification policies, but not having a high level of unemployment is also sometimes important. In other words, the openness in family reunification policies follows domestic democratic and global world cultural normative logics in that both endogenous and exogenous norms espousing the rights of the individual help
expand policy openness, although this level of openness may also be shaped by fluctuations in
the labor market – a finding that is absent from the panel data analysis.

Labor Migration

For labor migration, the causal conditions look somewhat similar to those of the family
reunification analysis, but with a couple important differences. First, in 1980, not high level of
world culture embeddedness is one of the conditions for high level of openness in labor
immigration policies, but this condition “flips” to the presence of high level of world culture
embeddedness starting in 1990. Second, in 1990, 2000, and 2010, the “signs” of the
unemployment and immigrant stock causal conditions are inverses of the exact same causal
conditions for the same years in the family reunification analysis. This suggests that at least in
terms of state-interest-related conditions, labor immigration policy openness and family
reunification policy openness are shaped by opposite combinations of such causal conditions.

For instance, in 1990, the causal conditions for both analyses are similar with high level
of world culture embeddedness as one of the causal conditions, but they differ in that for family
reunification, democracy is not one of the conditions and high level of immigrant stock is; and
for labor migration, high level of democracy is a condition along with not high level of
immigrant stock. This makes sense if we think about the influx in asylum seeker applications to
European nations in the late 1980s, which pushed many of the highly democratic core receiving
states to regulate entry through stricter immigration policies in the 1990s (Feller 2001). The
newly forming states (such as the post-Soviet states) that had open family reunification policies
at the time were nascent democracies, but many were highly embedded in world culture through
active and rapid international treaty ratification (between 1990 and 2000). Therefore, level of
world culture embeddedness, and not level of democracy, is a condition for high level of family reunification policy openness. The presence of high level of immigrant stock is an indication that the presence of large portions of immigrants is a condition for more openness in policy, as there is likely to be a higher need and/or demand for family reunification in states with extant high levels of immigrant stock that demand or need such provisions.

Conversely, during the same time (1990), the conditions for high level of labor migration openness is high level of democracy, high level of world culture embeddedness, and not high level of immigrant stock. In other words, we see that highly democratic states that are not only deeply embedded in world culture through INGO membership and human rights treaty ratifications, but are also not populated with large proportions of migrants, tend to be more open to labor migration, presumably because there are needs for foreign replacement labor when undesirable domestic sectors experience labor shortages and cannot be filled by native and existing migrant workers in highly democratic receiving countries.

By 2010, the story, however, seems to change a bit because the causal conditions for high level of openness in family reunification policies are high level of democracy, high level of world culture embeddedness, and not high level of immigrant stock. In contrast, the causal conditions for high level of openness in labor migration policies in 2010 are high level of democracy, high level of world culture embeddedness, and high level of immigrant stock. The main difference is that one of the essential causal conditions for high level of openness in family reunification policies in 2010 is not high level of immigrant stock, whereas high level of immigrant stock is one of the conditions for high level of openness in labor migration in 2010.

In other words, in 2010, it was countries like Poland, Italy, and the Czech Republic (see Appendix Table 5-8) who had high levels of democracy and world culture embeddedness, but
not high levels of immigrant stock, that had liberalized family reunification policies. Although these countries score high on memberships in high level of democracy and high level of world culture embeddedness, they are not the highest scorers – Germany and Sweden scored higher on democracy and world culture embeddedness in 2010, and they most recently have relatively higher levels of immigrant stock; but they initially had liberal family reunification policies prior to 2000, only to recently start increasing regulation. As they scored lower on family reunification policy openness, they are absent from Appendix Table 5-8’s list of countries fitting the 2010 solution for high level of family reunification openness. This is why the types of countries that had the most liberalized family reunification policies in 1990 (e.g., Germany, France, and Sweden) are not the ones that have the most liberalized family reunification policies in 2010 (e.g., Poland, Italy, and the Czech Republic).

On the other hand, the causal conditions for high level of openness in labor immigration policy in 2010 included, in addition to high levels of democracy and world culture embeddedness, the condition of high level of immigrant stock – which is the opposite of the not high level of immigrant stock condition present in the causal conditions for high level of openness in labor migration policies in 1990 and high level of openness in family reunification policies in 2010. In other words, to obtain the outcome of high level of openness in labor migration policies, it is important for countries to have high level of democracy, high level of world culture embeddedness, and high level of immigrant stock, presumably because in 2010, highly democratic and world culturally embedded countries such as Germany and Sweden, effected labor migration policy liberalization particularly for high-skilled migrant workers in 2009 and 2008, respectively, because of or despite having high levels of immigrant stock (Kahanec and Zimmermann 2011).
Coethnics Migration

Mirroring and corroborating the panel data analysis above, the coethnics policy openness analysis paints a picture that suggests that level of embeddedness within world culture is not an important part of the story, and instead, the essential conditions are high level of democracy, high level of unemployment, and high level of immigrant stock. The substantive significance of these endogenous state-interest-related conditions over exogenous world cultural influences potentially lies in the fact that 1) coethnic policies are reflective of logics of national/state identity and/or ancestry (instead of the rights of natural persons); and 2) there is a mixture of states that implement such policies as a means to (subtly) secure labor for economic needs and those that implement these policies as an end in themselves (e.g., to protect and establish cultural ties with specific types of individuals).

Immigration Control

In the fourth analysis on the causal conditions for high level of openness in immigration control, the general story seems to be that high level of democracy, not high level of world culture embeddedness, and high level of immigrant stock are the primary conditions (with unemployment being an ambiguous one). These results also mirror those of Model 4 in the panel data analysis, but with one exception: the panel data analysis suggests that there is a negative association between immigrant stock and policy openness, whereas in this analysis, high level of immigrant stock is one of the causal conditions for high level of policy openness. This is not the same as saying the fsQCA found a positive correlation whereas the panel data analysis found a negative one. Delving further into the data. I looked at the longitudinal trends in the means of the immigrant stock independent variable and the immigration control openness dependent
variable across time (see Appendix Graphs 5-1 and 5-2, respectively). I find that over time, there is only a very slight and gradual increase in the means of immigrant stock, whereas there is a drastic drop in the means of immigration control policy openness. In other words, this suggests that as long as the within case change in immigrant stock across time within a particular country is not declining, the association with the declining dependent variable will be negative. And indeed, looking at the immigrant stock time plots of all of the countries, only four (Estonia, Mexico, Poland, and South Korea) have notable declines or irregular trends, and four others have extremely small and almost unnoticeable declines. Given the fact that a large proportion of the countries either have stable or increasing immigrant stock levels across time, it is not surprising that the fixed effects panel data analysis shows that there is a negative association between immigrant stock and openness in immigration control policy. This result, however, does not say much about whether high or low levels of immigrant stock in absolute terms are conditions for high levels of openness in immigration control policy. The fsQCA suggests that one of the causal conditions for high level of openness in immigration control policy is high level of immigrant stock. This suggests that it is the countries of immigration that are the ones that have more liberal control policies.

*Overall Immigration Policy*

Finally, the overall immigration policy analysis suggests that the causal conditions for high level of overall immigration policy openness is high levels of all of the causal conditions: democracy, world culture embeddedness, unemployment, and immigrant stock. Although all of the main solutions (by decade) have high consistency levels above 0.86, the raw coverage levels are very low, as none of them exceed 0.40. This suggests that although each of the main
solutions consistently lead to the desired outcome, they are each only one of many other (less consistent) solutions that may also lead to the desired outcome. Although there is consistency in the causal conditions across decades, it is difficult to confidently claim that these are the actual essential causal conditions. There seems to be a lot of “noise,” given the fact that the outcome, openness in overall immigration policy, is an aggregate measure of openness for all types of immigration activity. This lends support to the importance of having disaggregated the outcome data into activity types to parse out what is actually going on with specific types of migrants.

**DISCUSSION**

The panel data and fuzzy set qualitative comparative analyses complement each other with the latter corroborating the results of the former, while also providing more detailed insights into the relationships between variables that were not immediately evident in the former. In sum, the results of the panel data analysis seem to suggest that openness in policies for different types of activities are explained by different variables, reflecting the different logics under which policy liberalization and regulation unfold in each policy area (pertaining to groups with distinct socially constructed identities).

Overall, there seems to be a fairly clear distinction between the types of activities whose policy openness/protection levels are determined by exogenous non-state interest and non-functional factors (i.e., family reunification), and those whose levels are functions of an array of political, economic, and demographic factors that are endogenous to the state and directly or indirectly pertinent to the state’s interests or nationhood (i.e., coethnics, immigration control, and overall immigration policy).
The fsQCA adds that although the essential conditions for high level of openness in family reunification policies are high levels of democracy and world culture embeddedness (the latter which is also confirmed in the panel data analysis), not high level of unemployment may also be important to bring about the outcome, suggesting that labor market factors may also play a role in shaping family reunification policies. In other words, both analyses suggest that openness in family unification policies is primarily a world cultural story, and the fsQCA adds nuance suggesting that the story may not be purely exogenous and normative.

The panel data analysis did not find any of the independent variables’ associations to the labor migration policy openness dependent variable to be statistically significant, thereby begging the question whether there really is nothing going on. Upon further analysis using fsQCA, the story is a bit complicated, but I find that although the causal recipe for openness in labor migration policies is similar to that of family reunification policies, there seems to be nuanced differences. Initially, in the 1980s, openness in labor migration policy seems to be the outcome of countries in the midst of development or establishing stable development, opening their borders to foreign labor in response to domestic labor shortages that could not be satisfied with domestic natives and extant immigrant populations. However, over the next three decades, it is countries that satisfy the conditions of high level of democracy, high level of world culture embeddedness, and high level of unemployment or immigrant stock that have high levels of openness in labor migration policy. This suggests that democratic and world culturally embedded countries effect liberalized labor migration policies even in the face of high levels of unemployment and/or large proportions of immigrant populations. The story is therefore one that paints a picture of a shift, over time, from state-interest-related (or at least functionalist) logics to a world cultural one. This contrasts with the family reunification fsQCA findings that
suggest that while high level of democracy and high level of world culture embeddedness are still important for high level of openness in family reunification policy, over the years, not high level of unemployment or not high level of immigrant stock have also become essential conditions. This suggests that family reunification policy openness is and has historically been a world cultural story, but more recently, the story has assumed an additional dimension in which labor market needs and considerations may weigh in.

The coethnics analyses both suggest that policy openness is not a world cultural story. Rather, it is a story of how democratic European countries and Asian countries implement coethnics policies with different objectives, and as many European countries implement such policies for the protection of coethnics abroad and to foster and maintain cultural ties to diasporas (and not for replacement labor of common ancestral backgrounds that are believed to be less likely to disrupt social order [as was/is the logic in many Asian states]), in the aggregate, the results paint a non-economic logic in which a combination of both high levels of unemployment and immigrant stock are important conditions for policy liberalization. Because coethnics policies are either solely or partially (i.e., as an indirect means to secure particular types of foreign labor) about creating and maintaining cultural, ethnic, and/or racial ties between individuals with common ancestral backgrounds abroad, the logic underlying these policies are political and identity-based, and premised on national membership as opposed to membership conferred on the general basis of natural personhood. This may be the reason why in both analyses, world culture embeddedness was not an important factor.

Both analyses arrived at slightly different results concerning openness in immigration control policies. They both agree however that democracy and world culture embeddedness are important factors, in that countries that tend to have high levels of openness in immigration
control policy, also tend to be high in level of democracy and not high in level of world culture embeddedness. The panel data analysis results suggest that net of all other factors, lower levels of world culture embeddedness is associated with more liberalized levels of control policies. The fsQCA analysis suggests that in 2010, for example, it is democratic immigrant receiving countries such as Luxembourg, New Zealand, and Australia, that are highly democratic, not very highly world culturally embedded, do not have high levels of unemployment, and have high levels of immigrant stock that have open immigration control policies. Presumably, these countries effect relatively open immigration control policies to attract necessary high-skilled foreign workers.

In both analyses of openness in overall immigration policy, there is too much “noise” in the data, rendering the results ambiguous and difficult to interpret. These analyses confirm the necessity and merit of disaggregating the data into subdimensions of immigrant activity type.

CONCLUSION

Although there were interesting discoveries about the various different sets of factors that are important for explaining openness in various types of immigration policies, the main finding was that the differences in factors that influence policy openness are not arbitrary. Global influences – or the exogenous normative effects of institutionalized human rights norms – play an important role in shaping policy areas involving individuals such as women and children whose ascribed and socially-constructed identities are institutionalized in the modern world culture through international instruments that protect vulnerable persons. Conversely, these global influences do not play important roles in shaping policy areas involving individuals such as coethnics and economic migrants whose ascribed and socially-constructed identities are not
institutionalized in the modern world culture either because they are not considered to be vulnerable or the logic for the conferral of protections is not one of personhood, but of nation-state membership.

Furthermore, policy areas that lie squarely within the sovereign control of the state are not only unaffected by global influences, but may be “worsened” by such influences as states are able to “window dress” (Hafner-Burton and Tsutsui 2005) their commitments to immigration policy deregulation and “humanitarian improvement” to “cover” their real intents to secure only the necessary types of migrants that are in demand, by any means possible. This allows these states to circumvent “liberal paradox” constraints (Hollifield 2000) in which many liberal democratic (and highly world culturally embedded) countries find themselves entrapped, by enabling strict and exclusionary policies for undesirable migrants, but inclusive and generous policies for a select few migrant groups that are deemed beneficial to the host society and economy.
## CHAPTER 5: Appendix Tables

### Appendix Table 5-1. Panel Data Analysis (random effects)

<table>
<thead>
<tr>
<th>Model</th>
<th>Predictor\Dependent Variables</th>
<th>(1) Family Reunification</th>
<th>(2) Labor Migration</th>
<th>(3) Coethnics Migration</th>
<th>(4) Immig. Control</th>
<th>(5) Overall Immig. Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Democracy</td>
<td>-0.00349</td>
<td>0.00586*</td>
<td>0.0146*</td>
<td>0.0114***</td>
<td>0.00333</td>
</tr>
<tr>
<td></td>
<td>GDP per capita</td>
<td>0.0260</td>
<td>0.0813</td>
<td>0.302*</td>
<td>-0.00545</td>
<td>0.104+</td>
</tr>
<tr>
<td></td>
<td>Unemployment Rate</td>
<td>-0.0474</td>
<td>-0.0137</td>
<td>0.183**</td>
<td>0.0203</td>
<td>0.0248</td>
</tr>
<tr>
<td></td>
<td>Immigrant Stock</td>
<td>-0.0476</td>
<td>-0.0261</td>
<td>0.119</td>
<td>-0.0744+</td>
<td>-0.0247</td>
</tr>
<tr>
<td></td>
<td>Global Influence Index</td>
<td>0.0911*</td>
<td>0.0226</td>
<td>-0.0739</td>
<td>0.0867***</td>
<td>-8.59e-05</td>
</tr>
<tr>
<td></td>
<td>Population</td>
<td>-0.0123</td>
<td>0.0165</td>
<td>-0.00653</td>
<td>-0.0219</td>
<td>-0.00722</td>
</tr>
<tr>
<td></td>
<td>Constant</td>
<td>0.803</td>
<td>-0.401</td>
<td>-3.051*</td>
<td>0.843</td>
<td>-0.398</td>
</tr>
<tr>
<td></td>
<td>Observations</td>
<td>824</td>
<td>824</td>
<td>573</td>
<td>824</td>
<td>824</td>
</tr>
<tr>
<td></td>
<td>R-squared</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
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<td>Number of Countries</td>
<td>32</td>
<td>32</td>
<td>23</td>
<td>32</td>
<td>32</td>
</tr>
</tbody>
</table>

Unstandardized coefficients; robust standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05, + p<0.1
### Appendix Table 5-2. Panel Data Analysis (time fixed effects)

<table>
<thead>
<tr>
<th>Model</th>
<th>Predictor\Dependent Variables</th>
<th>(1) Family Reunification</th>
<th>(2) Labor Migration</th>
<th>(3) Coethnics Migration</th>
<th>(4) Immig. Control</th>
<th>(5) Overall Immig. Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Democracy</td>
<td>-0.00357</td>
<td>-0.00702</td>
<td>0.0235*</td>
<td>0.00945**</td>
<td>0.00335</td>
<td></td>
</tr>
<tr>
<td>GDP per capita</td>
<td>0.00216</td>
<td>0.0988</td>
<td>0.366*</td>
<td>-0.0436</td>
<td>0.156*</td>
<td></td>
</tr>
<tr>
<td>Unemployment Rate</td>
<td>-0.0558</td>
<td>-0.00213</td>
<td>0.197**</td>
<td>0.0159</td>
<td>0.0298</td>
<td></td>
</tr>
<tr>
<td>Immigrant Stock</td>
<td>-0.0566</td>
<td>-0.0176</td>
<td>0.117</td>
<td>-0.0990</td>
<td>-0.0243</td>
<td></td>
</tr>
<tr>
<td>Global Influence Index</td>
<td>0.158+</td>
<td>0.0188</td>
<td>-0.252*</td>
<td>-0.00182</td>
<td>0.0307</td>
<td></td>
</tr>
<tr>
<td>Population</td>
<td>-0.183</td>
<td>0.0883</td>
<td>-0.689*</td>
<td>0.0640</td>
<td>-0.202</td>
<td></td>
</tr>
<tr>
<td>Constant</td>
<td>3.882</td>
<td>-1.855</td>
<td>7.493</td>
<td>-0.0890</td>
<td>2.278</td>
<td></td>
</tr>
<tr>
<td>Observations</td>
<td>824</td>
<td>824</td>
<td>573</td>
<td>824</td>
<td>824</td>
<td></td>
</tr>
<tr>
<td>R-squared</td>
<td>0.097</td>
<td>0.094</td>
<td>0.324</td>
<td>0.558</td>
<td>0.201</td>
<td></td>
</tr>
<tr>
<td>Number of Countries</td>
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<td>32</td>
<td>23</td>
<td>32</td>
<td>32</td>
<td></td>
</tr>
</tbody>
</table>

Unstandardized coefficients; robust standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05, + p<0.1

Time dummies omitted; highest level of significance was p<0.1

### Appendix Table 5-3. Temporarily Removed Cases (countries)

<table>
<thead>
<tr>
<th>Sub-policy Area/Activity</th>
<th>Outlier Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family Reunification</td>
<td>Poland, New Zealand</td>
</tr>
<tr>
<td>Labor Migration</td>
<td>Ireland, France</td>
</tr>
<tr>
<td>Coethnics Migration</td>
<td>New Zealand</td>
</tr>
<tr>
<td>Immigration Control</td>
<td>Ireland, Finland</td>
</tr>
<tr>
<td>Overall Immigration</td>
<td>Poland, Spain, New Zealand</td>
</tr>
</tbody>
</table>
Appendix Table 5-4. Correlation Matrix

<table>
<thead>
<tr>
<th></th>
<th>Democracy</th>
<th>GDP per capita</th>
<th>Population</th>
<th>Global Influence Index</th>
<th>Unemployment Rate</th>
<th>Immigrant Stock</th>
</tr>
</thead>
<tbody>
<tr>
<td>Democracy</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GDP per capita</td>
<td>0.5148</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Population</td>
<td>-0.2623</td>
<td>-0.4984</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Global Influence Index</td>
<td>0.4726</td>
<td>0.4586</td>
<td>-0.0181</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unemployment Rate</td>
<td>0.3545</td>
<td>-0.0789</td>
<td>0.0609</td>
<td>0.2579</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Immigrant Stock</td>
<td>0.2908</td>
<td>0.746</td>
<td>-0.6645</td>
<td>0.1513</td>
<td>-0.0459</td>
<td>1</td>
</tr>
</tbody>
</table>

Appendix Table 5-5. Countries Included in the Analysis

<table>
<thead>
<tr>
<th>Australia</th>
<th>Japan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria*</td>
<td>Luxembourg*</td>
</tr>
<tr>
<td>Belgium*</td>
<td>Mexico</td>
</tr>
<tr>
<td>Canada*</td>
<td>Netherlands</td>
</tr>
<tr>
<td>Chile*</td>
<td>New Zealand</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>Norway*</td>
</tr>
<tr>
<td>Denmark</td>
<td>Poland</td>
</tr>
<tr>
<td>Estonia</td>
<td>Portugal</td>
</tr>
<tr>
<td>Finland</td>
<td>Slovakia</td>
</tr>
<tr>
<td>France</td>
<td>South Korea</td>
</tr>
<tr>
<td>Germany</td>
<td>Spain</td>
</tr>
<tr>
<td>Greece</td>
<td>Sweden*</td>
</tr>
<tr>
<td>Hungary</td>
<td>Switzerland*</td>
</tr>
<tr>
<td>Iceland**</td>
<td>Turkey</td>
</tr>
<tr>
<td>Ireland</td>
<td>United Kingdom</td>
</tr>
<tr>
<td>Israel</td>
<td>United States of America*</td>
</tr>
<tr>
<td>Italy</td>
<td></td>
</tr>
</tbody>
</table>

* dropped from coethnics model (33-10 = 23)
** dropped from entire analysis due to missing democracy data (33-1 = 32)
Appendix Table 5-6. Calibrations (full membership, cross-over point, non-membership)

<table>
<thead>
<tr>
<th>Outcomes (high levels of openness for)</th>
<th>Policy Openness for</th>
<th>Policy Openness for</th>
<th>Policy Openness for</th>
<th>Policy Openness for</th>
<th>Policy Openness for</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Family Reunification</td>
<td>Labor Migration</td>
<td>Coethnics Migration</td>
<td>Immigration Control</td>
<td>Overall Immigration Policy</td>
</tr>
<tr>
<td>1980</td>
<td>0.9, 0.75, 0.5</td>
<td>0.9, 0.6, 0.4</td>
<td>0.8, 0.5, 0.25</td>
<td>0.67, 0.55, 0.35</td>
<td>10.3, 8, 0.53, 1.3, 2.3, 1.8, 0.7, 3.1, 5.0</td>
</tr>
<tr>
<td>1990</td>
<td>0.9, 0.75, 0.5</td>
<td>0.8, 0.6, 0.5</td>
<td>0.7, 0.5, 0.25</td>
<td>0.67, 0.56, 0.3</td>
<td>10.7, 3, 0.4, 0.8, 2.5, 1.9, 1, 3.1, 8, 0</td>
</tr>
<tr>
<td>2000</td>
<td>0.9, 0.8, 0.5</td>
<td>0.8, 0.6, 0.5</td>
<td>0.6, 0.4, 0.25</td>
<td>0.68, 0.6, 0.4</td>
<td>10.8, 5, 7, 1.1, 0.7, 2.8, 1.9, 1.2, 3.4, 2, 0</td>
</tr>
<tr>
<td>2010</td>
<td>0.9, 0.77, 0.5</td>
<td>0.8, 0.6, 0.5</td>
<td>0.5, 0.3, 0.15</td>
<td>0.68, 0.6, 0.45</td>
<td>10.8, 5, 7, 1.9, 1.3, 3.2, 1.6, 3.5, 2, 3, 0.5</td>
</tr>
</tbody>
</table>

Note: For each condition and outcome in each of the four time points, thresholds were determined by sorting each variable’s values in descending order, looking for clear “gaps” in the values, referencing those gaps, thinking about whether they made substantive sense as full membership, cut-off point, or non-membership thresholds, and adjusting accordingly.

Appendix Table 5-7. Fuzzy Set Specifications (frequency cut-off; consistency cut-off)

<table>
<thead>
<tr>
<th>Outcome</th>
<th>Policy Openness for</th>
<th>Policy Openness for</th>
<th>Policy Openness for</th>
<th>Policy Openness for</th>
<th>Policy Openness for</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Family Reunification</td>
<td>Labor Migration</td>
<td>Coethnics Migration</td>
<td>Immigration Control</td>
<td>Overall Immigration Policy</td>
</tr>
<tr>
<td>1980</td>
<td>2 (96%); 0.8</td>
<td>1 (100%); 0.9</td>
<td>1 (100%); 0.7</td>
<td>2 (96%); 0.85</td>
<td>2 (96%); 0.9</td>
</tr>
<tr>
<td>1990</td>
<td>1 (100%); 0.7</td>
<td>3 (83%); 0.8</td>
<td>2 (95%); 0.55</td>
<td>3 (83%); 0.8</td>
<td>2 (96%); 0.85</td>
</tr>
<tr>
<td>2000</td>
<td>2 (93%); 0.85</td>
<td>1 (100%); 0.9</td>
<td>1 (100%); 0.75</td>
<td>1 (100%); 0.8</td>
<td>1 (100%); 0.9</td>
</tr>
<tr>
<td>2010</td>
<td>4 (80%); 0.85</td>
<td>1 (100%); 0.95</td>
<td>1 (100%); 0.7</td>
<td>1 (100%); 0.85</td>
<td>1 (100%); 0.85</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Outcome</th>
<th>Policy Openness for</th>
<th>Policy Openness for</th>
<th>Policy Openness for</th>
<th>Policy Openness for</th>
<th>Policy Openness for</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Family Reunification</td>
<td>Labor Migration</td>
<td>Coethnics Migration</td>
<td>Immigration Control</td>
<td>Overall Immigration Policy</td>
</tr>
<tr>
<td>1980</td>
<td>1 (100%); 0.95</td>
<td>2 (96%); 0.85</td>
<td>1 (100%); 0.9</td>
<td>1 (100%); 0.85</td>
<td>1 (100%); 0.9</td>
</tr>
<tr>
<td>1990</td>
<td>2 (96%); 0.8</td>
<td>1 (100%); 0.8</td>
<td>1 (100%); 0.85</td>
<td>2 (96%); 0.9</td>
<td>1 (100%); 0.95</td>
</tr>
<tr>
<td>2000</td>
<td>1 (100%); 0.85</td>
<td>1 (100%); 0.9</td>
<td>1 (100%); 0.9</td>
<td>1 (100%); 0.9</td>
<td>1 (100%); 0.8</td>
</tr>
<tr>
<td>2010</td>
<td>1 (100%); 0.8</td>
<td>1 (100%); 0.85</td>
<td>1 (100%); 0.95</td>
<td>1 (100%); 0.9</td>
<td>1 (100%); 0.8</td>
</tr>
</tbody>
</table>
Appendix Table 5-8.
Corresponding Countries for the Original Conditions

### Countries (Family Reunification)

<table>
<thead>
<tr>
<th>Year</th>
<th>Norway</th>
<th>Netherlands</th>
<th>Finland</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1990</td>
<td>Germany</td>
<td>France</td>
<td>Sweden</td>
</tr>
<tr>
<td>2000</td>
<td>Netherlands</td>
<td>Switzerland</td>
<td>Norway</td>
</tr>
<tr>
<td>2010</td>
<td>Poland</td>
<td>Italy</td>
<td>Czech Republic</td>
</tr>
</tbody>
</table>

### Countries (Labor)

<table>
<thead>
<tr>
<th>Year</th>
<th>Greece</th>
<th>Japan</th>
<th>Mexico</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1990</td>
<td>Spain</td>
<td>Italy</td>
<td>Finland</td>
</tr>
<tr>
<td>2000</td>
<td>Spain</td>
<td>Italy</td>
<td>Finland</td>
</tr>
<tr>
<td>2010</td>
<td>Sweden</td>
<td>Spain</td>
<td>Germany</td>
</tr>
</tbody>
</table>

### Countries (Coethnics)

<table>
<thead>
<tr>
<th>Year</th>
<th>Australia</th>
<th>Israel</th>
<th>New Zealand</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980</td>
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<tr>
<td>1990</td>
<td>Israel</td>
<td>New Zealand</td>
<td>France</td>
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<td>2000</td>
<td>Israel</td>
<td>Germany</td>
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</tr>
<tr>
<td>2010</td>
<td>Spain</td>
<td>Germany</td>
<td>UK</td>
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</tbody>
</table>

### Countries (Immigration Control)

<table>
<thead>
<tr>
<th>Year</th>
<th>Israel</th>
<th>New Zealand</th>
<th>Luxembourg</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1990</td>
<td>Israel</td>
<td>New Zealand</td>
<td></td>
</tr>
<tr>
<td>2000</td>
<td>Luxembourg</td>
<td>USA</td>
<td></td>
</tr>
<tr>
<td>2010</td>
<td>Luxembourg</td>
<td>New Zealand</td>
<td></td>
</tr>
</tbody>
</table>

### Countries (Overall Immigration Policy)

<table>
<thead>
<tr>
<th>Year</th>
<th>Norway</th>
<th>Netherlands</th>
<th>Finland</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1990</td>
<td>France</td>
<td>Australia</td>
<td>Belgium</td>
</tr>
<tr>
<td>2000</td>
<td>Germany</td>
<td>France</td>
<td>Canada</td>
</tr>
<tr>
<td>2010</td>
<td>Sweden</td>
<td>Spain</td>
<td>Germany</td>
</tr>
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</table>
Appendix Table 5-9. QCA Analyses – Negated Conditions (Not High Levels of Openness for Each Activity Type) (Intermediate Solutions)

<table>
<thead>
<tr>
<th>Family Reunification (main solutions)</th>
<th>raw coverage</th>
<th>unique coverage</th>
<th>consistency</th>
<th>solution coverage</th>
<th>solution consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980 negated</td>
<td>~World Culture</td>
<td>Unemployment</td>
<td>Migrant Stock %</td>
<td>0.309078</td>
<td>0.222622</td>
</tr>
<tr>
<td>1990 negated</td>
<td>~World Culture</td>
<td>~Unemployment</td>
<td>~Migrant Stock %</td>
<td>0.344417</td>
<td>0.344417</td>
</tr>
<tr>
<td>2000 negated</td>
<td>~World Culture</td>
<td>Unemployment</td>
<td>~Migrant Stock %</td>
<td>0.42125</td>
<td>0.42125</td>
</tr>
<tr>
<td>2010 negated</td>
<td>~World Culture</td>
<td>~Unemployment</td>
<td>~Migrant Stock %</td>
<td>0.407018</td>
<td>0.407018</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Labor (main solutions)</th>
<th>raw coverage</th>
<th>unique coverage</th>
<th>consistency</th>
<th>solution coverage</th>
<th>solution consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980 negated</td>
<td>World Culture</td>
<td>Migrant Stock %</td>
<td>0.521253</td>
<td>0.178225</td>
<td>0.820422</td>
</tr>
<tr>
<td>1990 negated</td>
<td>World Culture</td>
<td>~Unemployment</td>
<td>Migrant Stock %</td>
<td>0.422833</td>
<td>0.311487</td>
</tr>
<tr>
<td>2000 negated</td>
<td>World Culture</td>
<td>~Unemployment</td>
<td>Migrant Stock %</td>
<td>0.52329</td>
<td>0.233624</td>
</tr>
<tr>
<td>2010 negated</td>
<td>~World Culture</td>
<td>~Unemployment</td>
<td>Migrant Stock %</td>
<td>0.482334</td>
<td>0.336894</td>
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</table>

<table>
<thead>
<tr>
<th>Coethnics (main solutions)</th>
<th>raw coverage</th>
<th>unique coverage</th>
<th>consistency</th>
<th>solution coverage</th>
<th>solution consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980 negated</td>
<td>~Unemployment</td>
<td>~Migrant Stock %</td>
<td>0.502778</td>
<td>0.502778</td>
<td>0.966192</td>
</tr>
<tr>
<td>1990 negated</td>
<td>~Unemployment</td>
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<td>0.597339</td>
<td>0.492997</td>
<td>0.881198</td>
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<tr>
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<td>~Unemployment</td>
<td>Migrant Stock %</td>
<td>0.518741</td>
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</tr>
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<td>2010 negated</td>
<td>Democracy</td>
<td>~Unemployment</td>
<td>Migrant Stock %</td>
<td>0.346837</td>
<td>0.113006</td>
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</table>

<table>
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<tr>
<th>Immigration Control (main solutions)</th>
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<th>unique coverage</th>
<th>consistency</th>
<th>solution coverage</th>
<th>solution consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980 negated</td>
<td>~World Culture</td>
<td>~Migrant Stock %</td>
<td>0.453444</td>
<td>0.302801</td>
<td>0.831944</td>
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<tr>
<td>1990 negated</td>
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<td>~Migrant Stock %</td>
<td>0.502671</td>
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<td>0.854692</td>
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<tr>
<td>2000 negated</td>
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<td>Unemployment</td>
<td>~Migrant Stock %</td>
<td>0.405773</td>
<td>0.208262</td>
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<td>2010 negated</td>
<td>World Culture</td>
<td>Unemployment</td>
<td>~Migrant Stock %</td>
<td>0.494485</td>
<td>0.321691</td>
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</table>

<table>
<thead>
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<th>Overall Immigration Policy (main solutions)</th>
<th>raw coverage</th>
<th>unique coverage</th>
<th>consistency</th>
<th>solution coverage</th>
<th>solution consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980 negated</td>
<td>~Democracy</td>
<td>~World Culture</td>
<td>~Unemployment</td>
<td>~Migrant Stock %</td>
<td>0.177616</td>
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<td>~World Culture</td>
<td>~Migrant Stock %</td>
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<td>0.0727802</td>
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<td>Unemployment</td>
<td>~Migrant Stock %</td>
<td>0.476118</td>
<td>0.250199</td>
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<td>2010 negated</td>
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<td>Unemployment</td>
<td>~Migrant Stock %</td>
<td>0.591026</td>
<td>0.152564</td>
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</tbody>
</table>

* If there are multiple conditions, this table only presents the main one with the highest coverage and/or consistency scores; the original conditions are presented in Table 5-3.
Appendix Graph 5-1: Trends in Independent Variable Means over Time

* Lines with a marker are those independent variables also included in the fsQCA, and the lines with dots mixed within are the global influence index and its disaggregated dimensions.

Appendix Graph 5-2: Trends in Dependent Variable Means over Time
CHAPTER 6: Conclusion

“Frankly, none of them [heads of state] are doing it to save the planet, let us be very clear. They’re doing it for what I think is a much more powerful political driving force, which is for the benefit of their own economy. And I think that is really the story here. They have understood that this is actually in their own interests. There is nothing more powerful than you, me or any country working in their own interests. And that is what we have here, which is fundamentally different from where we were three or four years ago.”

— Christiana Figueres, Former Executive Secretary of the United Nations Framework Convention on Climate Change

Inspired by the fact that protective measures for different socially constructed identities and groups have become globally institutionalized through international legal instruments, global discourses, and harmonized domestic laws to different degrees and at different points throughout history, this study set out to understand why this might be the case, by analyzing the determinants of protection levels, while focusing particularly on which socially constructed identities and groups benefited from global influences that are exogenous to the state. This study’s research question and framing was inspired by institutional perspectives such as sociological institutionalism and international relations constructivism, and realist perspectives such as international relations neorealism, and the study attempts to adjudicate between the two to understand which identities and groups’ protections are shaped by human rights and protective norms, and which ones’ protections are shaped (or circumscribed) by other factors such as the state interest calculations.

To do this, this study proposed and tested a two-dimensional heuristic, created by juxtaposing two logics of protection: 1) socially constructed “deservingness” based on

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1 Interview with CNN’s Christiane Amanpour on December 1, 2015 at the United Nations Climate Change Conference (COP 21) in Paris (Krever 2015:n.p.).
vulnerability stemming from a lack of agency in determining one’s own/group identity; and 2) benignity to national interests. The argument is that exogenous global influences such as human rights norms will shape protections for identities and groups that are socially constructed as deserving, as the conferral of protections and rights to such groups resonates with the cultural tenets of the modern world culture. This tendency holds true and unfolds in cases in which other (competing) logics of protection do not “interfere.” For instance, if a particular identity or its associated group is considered by the state and its populace to be a threat to national interests, interest-maximization calculations push states to implement policies that prioritize national security and interests, thereby intentionally or unintentionally “interfering” with the degree to which exogenous normative global influences can shape domestic policies and discourses that affect the extent to which the group has claims to or is conferred protections. The result is a curtailment in or the complete absence of the effects of exogenous normative global influences on protection levels, and the deference of protections to state interests and needs.

This heuristic was tested by conducting empirical analyses on three different itinerant groups that varied along the two aforementioned logics of protection. Each empirical chapter included a combination of a symmetric quantitative analysis (i.e., OLS regression or panel data analysis) and an asymmetric fuzzy set qualitative comparative analysis (fsQCA) to complement each other. In most cases, the quantitative analysis provided general contours of the results, and the fsQCA help flesh out these results (and the relationships between conditions) in more detail.

Trafficked persons typify groups that are socially constructed as deserving and pose low risks and costs to national interests. On the other extreme, migrants (in particular, labor migrants) typify groups that are not socially constructed as deserving as they are understood to be “opportunistic” having voluntarily chosen to seek a new life in the destination country. They
are also often deemed to pose high risks and costs to national interests in the form of disruption to social order, increases in labor market competition, challenges to national identity, etc. In between are internationally displaced persons (i.e., recognized refugees, asylum seekers, and humanitarian protections status recipients) who typify groups that are socially constructed as deserving, but due to their sheer numbers or ambiguous legal standing and categorization, are considered as potential threats to national interests and security.

As the two data sets (the *Anti-trafficking Policy Index* [Cho et al. 2014] and the *Immigration Policies in Comparison [IMPIC] Project Dataset* [Helbling et al. 2017]) used for the three empirical analyses allowed for disaggregation on the dependent variable (i.e., levels of protections), each empirical chapter delved deeper by analyzing whether the aforementioned theoretical framework and heuristic could be applied and used to explain potential variations in the determinants of protection levels across the subgroups within each of these three itinerant groups. For example, the trafficked persons analysis analyzes the determinants for different types of anti-trafficking measures that are aimed at different actors involved in human trafficking. Measures aimed at dealing with human trafficking can be categorized into three types: prevention, protection, and prosecution. The first two measures are implemented to specifically and directly help trafficked persons, but the third is implemented to directly punish perpetrators, and through this, indirectly help trafficked persons.

The internationally displaced persons analysis analyzes the determinants of policy openness (which broadly encapsulates protections) for three subgroups: recognized refugees, asylum seekers, and humanitarian protections status recipients. Each of these three subgroups are similar in that their identities are involuntary, and their presence in the destination country is socially understood to be due to situations that are beyond their control, and to a large extent,
inevitable. Therefore, each of these subgroups are socially constructed to be “deserving” of protections. However, the three subgroups differ in the extent to which their identities are socially and legally defined. Whether a subgroup is socially and legally defined is important because states can make calculative judgments about how to deal with a particular subgroup only if that subgroup is bounded and clearly defined. Recognized refugees and asylum seekers are two highly internationally institutionalized social and legal categories with the former having proven their legal (refugee) status, and the latter undergoing the process of potentially doing so. Though the category of “asylum seeker” is unambiguous and explicitly stipulated in international instruments, the definition of the status itself, is one of ambiguity as asylum seekers are by definition, individuals who are awaiting their asylum claims to be processed so that they may be recognized as a refugee. In this sense, asylum seekers are legally clearly defined, but by definition, their status is one of ambiguity. Humanitarian protections status recipients also possess an ambiguous status, but for different reasons. Although various countries have started to establish complementary protections or subsidiary humanitarian protections for individuals who are not recognized as refugees but are deemed to require protections under humanitarian grounds due to potential dangers to their safety in their countries of origin, there is no international convention or law that explicitly defines this particular status as well as the contours of the legal protections states should confer upon them. Therefore, states have implemented protections under various different program names, and the requirements for establishing such a status is country-specific. Because there is no extant institutionalized legal protective “scaffolding” for these individuals, there are no international legal instruments from which these individuals as well as their advocates can directly draw to assert their group-specific rights. The question here is, whether this lack of institutionalized protective “scaffolding” makes
this group 1) more vulnerable in the eyes world culture, and therefore deserving of protections, or 2) less visible to even attract enough global awareness and concern to receive protections.

The migrants analysis analyzes the determinants of policy openness for migrants by their activity type: family reunification, labor (i.e., economic activity), and coethnic migration (the analysis also analyzes the determinants of policy openness in immigration control and overall immigration policies). The analytical logic for choosing these three groups lies in the fact that they vary along the two logics of protection mentioned above. The family members of itinerant populations already in the destination country are both 1) deserving in the sense that their choices to immigrate are arguably (or at least relatively) involuntary as they are contingent on the actions of a loved one who has already immigrated, and 2) of little threat to the host society and state in the sense that although they may require social services and may eventually engage in remunerative activities, their intent to migrate is not for opportunistic economic gain or political objectives. In contrast, labor migrants, or those who immigrate for the purpose of engaging in economic activities, are socially constructed as undeserving and threatening to national interests because they opportunistically choose to enter and reside in a country other than their own, and in the process, may encroach on state resources to achieve their own “selfish” objectives. Coethnics, on the other hand, are unique in the sense that states give these individuals preferential treatment – but why they do, varies. Some countries implement coethnic immigration policies to build and maintain cultural ties with diasporas abroad as a national project, while others implement such policies to secure necessary and desirable foreign labor through the deliberate recruitment of individuals who are deemed to be similar and therefore assimilable to the host society. In other words, coethnic migration occurs on the terms of the receiving state, and the state interest calculations involved are not necessarily economic and
material, but may also be cultural, ideological, historical, and identity-based. The interest logic is therefore not so much about how much of a threat these individuals pose to national interest, but how much of an asset they are to the state’s broader objectives. In terms of protections that stem from levels of deservingness, coethnics are unique because unlike women and children family members who are socially constructed as vulnerable, and economic migrants who are socially constructed as opportunistic and not vulnerable, coethnics, as a social (and legal) category, is one that is constructed by the state to fulfill narratives and sentiments of cultural, ancestral, and national similarities that justify the extension of protections and rights. In other words, these individuals are worthy of protections, not purely on the basis of being natural persons, but on the basis of being “imagined” members of the nation-state (Anderson [1983] 1991).

The three groups and their subgroups that were analyzed can be graphically summarized as follows (Table 6-1):

Table 6-1. Logics of Protections Applied to the Main Groups & Their Disaggregated Subgroups

<table>
<thead>
<tr>
<th>Vulnerable/Deserving/Involuntary &amp; Not a threat to state interests (1)</th>
<th>Opportunistic/Not deserving/Voluntary &amp; Threat to state interests (2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Trafficked Persons</td>
<td></td>
</tr>
<tr>
<td>Protection, Prevention</td>
<td>Prosecution</td>
</tr>
<tr>
<td>2. Internationally Displaced Persons</td>
<td></td>
</tr>
<tr>
<td>Humanitarian Protections Status Recipients</td>
<td>Recognized Refugees</td>
</tr>
<tr>
<td>3. Migrants (by type of activity)</td>
<td></td>
</tr>
<tr>
<td>Family Reunification</td>
<td>Coethnics</td>
</tr>
</tbody>
</table>

Opportunistic/Not deserving/Voluntary & Threat to state interests (2)
The study hypothesized that because the modern world culture sacralizes the individual as an agent that possesses personhood and is entitled to the exercise of agency, the protections of groups whose socially constructed identities are involuntary would be shaped by normative global influences, whereas the protections of groups whose socially constructed identities are voluntary, would not be shaped as much by normative global influences. The modern world culture was hypothesized to protect the involuntarily vulnerable.

Additionally, different types of foreign nationals are perceived to pose different degrees of threat to a state. Some encroach on state resources, some disrupt social order, and others may affect national identities and loyalties. Therefore, it is not difficult to imagine how a state may react to the presence of a group that is perceived to be a threat to its national interests. Using various means, it may curtail the freedoms, liberties, and rights it legally confers to individuals of that group when they are within its sovereign territory. As such, the degree to which the modern world culture shapes the protections of a particular group was hypothesized to be “tempered” by parallel and alternative logics such as state interest calculations.

In sum, it was hypothesized that a (sub)group’s level of codified protections, is a function of both the degree to which the group is socially constructed as deserving, and the degree to which the group is perceived by the state to be a threat to its interests. Exogenous normative global influences were hypothesized to shape the protections of groups that are socially constructed as deserving and of little threat to state interests. However, these influences were hypothesized to be “tempered” by alternative logics such as state interests that “interfere” when the group is deemed by the state to be a threat. Therefore, in Table 6-1, protections for (sub)groups in the top left-hand corner (①) are the ones that are most likely to benefit from exogenous normative global influences, but the protections for (sub)groups farther to the right
and/or farther to the bottom (2) either 1) will be shaped by a mixture of exogenous normative global influences and an alternative endogenous logic of protection such as state interests, or 2) will be entirely shaped by non-normative endogenous interest-based calculations. In Table 6-1, the two extremes are therefore trafficked persons (measures for protection and prevention) in the top left corner, and labor migrants in the bottom right corner.

The three empirical analyses largely supported the hypothesis stipulated in the introduction and theory chapters, and reflect the scheme presented in Table 6-1. The study found that exogenous normative global influences are important in shaping protections for specific disaggregated subgroups within each of the main groups, and the subgroups whose protections benefited from such normative global influences were those that were most vulnerable and of least threat to the state.

This study, however, is not without limitations. One limitation emerges as the result of the lack of systematic and global longitudinal data on itinerant populations. Although the study utilizes the best currently available independent variable data as well as dependent variable data that directly or indirectly captures protections for the three itinerant groups under investigation, the data is either globally comprehensive and cross-sectional, or longitudinal but limited to a subset of countries (most of which are rich liberal democracies). Because many of the receiving countries of itinerant populations are rich liberal democracies, it makes sense to focus on those countries, but doing so inevitably precludes the ability to generalize results to the rest of the world. Additionally, some types of data – especially those on clandestine activities – simply do not exist, and even if they do exist, their validity is of concern. Because of these data limitations, a longitudinal analysis was not always possible, and missing data resulted in dropped cases which sometimes required the author to make theoretically informed decisions on how to treat
missing and blank data points. Furthermore, it was not possible to use a single consistent longitudinal dataset for all the key variables for all three itinerant population groups. It is therefore important to note that because all three empirical analyses did not utilize the same data source for the dependent variable (i.e., level of protections), it is not possible to make direct comparisons across all of the main group analyses (although direct comparisons across subgroups within each of the main groups is possible as the subgroup analyses utilize the same data source). It is, however, possible to make substantive comparisons based on whether normative global influences (or interest-based calculations, or both) were important factors in shaping levels of protections, and then compare the substantive results across the three main groups.

Another limitation of this study involves the conceptualization of state interests. In this study, state interests are broadly defined as the interests of either or both government and public interests. In other words, concerning the calculative interest-based decisions on whether to deregulate entry requirements for economic migrants (for example), the calculative interests of the government and public were assumed to be and treated as fully overlapping (e.g., the minimization of potential threats to social order [through entry regulation] as an interest of both the government and the public). However, one can easily imagine a situation in which government interests and public interests may be at odds with each other. For example, it may be in the government’s interest to deregulate entry and settlement policies for economic migrants as an effective way to fulfill domestic labor demand, but at the same time, it may be in the public’s (actual and perceived) interest to regulate such entry and stay in order to prevent increased job competition as well as to protect oneself from threats to individual safety (e.g., terrorism). In this way, one could conceive of situations in which government and public
interests are congruent, and others in which they are inconsistent. Conceptually disambiguating the two types of interests may affect the ways in which the logics of deservingness and interests may interact to establish patterns of when (and for whom) normative global influences matter, and when (and for whom) they do not.

Finally, I would like to refer back to the empirical chapter on internationally displaced persons (Chapter 4) to highlight an ancillary finding made that begs further investigation. Three trends emerged from the analysis that when combined, were puzzling (Graph 6-1): ① the relatively rapid increase in levels of policy openness for subsidiary/humanitarian protections vis-à-vis those of recognized refugees and asylum seekers among OECD countries since the early 1980s; ② the sudden influx in asylum applicants in Europe starting in the late 1980s; and ③ the deterioration of detention conditions for internationally displaced persons across OECD countries since the late 1980s.

Graph 6-1. Trends in Policy Openness and Detention Conditions for Internationally Displaced Persons AND Number of Asylum Applicants

*Created by author using IMPIC (2017) and Eurostat (2017)
If each trend is observed individually in isolation, the rapid increase in policy openness for humanitarian protections status recipients and the deterioration of detention conditions for internationally displaced persons across OECD countries may seem like contradictory observations. However, putting everything together highlights a potential story with a puzzle that begs further inquiry:

Starting in the early 1990s, when asylum seeker inflows increased as populations were uprooted as a result of decolonization and the end of the Cold War, European states, as liberal democracies, struggled to simultaneously maintain social order and national security/interests and adhere to human rights norms. As refugee recognition is a very complex administrative process that requires documentation from vulnerable individuals who often lack documentation, states can (and have) circumvented refugee recognition by administratively “filtering out” applicants (i.e., more rejections due to “insufficient paperwork”). Detention emerged as an attractive means to ensure physical control over potentially “fake” asylum seekers while preventing those waiting for refugee recognition decisions from becoming “attached” to the local society by isolating them from it. But arbitrary or indefinite detention – especially of potential refugees – is internationally understood to be a cruel form of control, and invites international criticism and shame. States that face asylum seeker inflow pressures have therefore opted to provide alternative means of protections: subsidiary/complementary humanitarian protections statuses. While these statuses require lower burdens of proof (of persecution/danger) than refugees, enabling more applicants, they also entail the conferral of more limited welfare benefits than recognized refugees. Therefore, by providing more humanitarian protections status visas in lieu of refugee recognitions, a state could limit the number of individuals recognized as refugees who are entitled to a wide range of welfare services and state resources, while fulfilling their
international humanitarian protection responsibilities on their “own grounds” in which they can dictate the specific conditions of protections and control (e.g., through detention).

Although statuses based on “humanitarian protection” may have initially emerged in the early 1980s as an outgrowth of the international human rights regime and the extension of rights beyond citizens to natural persons, it became a “convenient” solution for states struggling with increased asylum seeker inflows in the 1990s. In many European states today, it uncomfortably coexists with increased detention trends. Therefore, at face value, the expansion of what may be a “nascent” international protection regime for humanitarian protections status recipients since the early 1980s may seem like a typical story involving the triumph of global human rights norms. But when further analyzed, it suggests the uneasy unfolding of the tensions between state interests and international normative pressures/influences in which a “new” protective regime which emerged to protect persons that fell outside of the initial definitional purview of “refugee” continued to grow because of – not despite of – states exercising their interests.

The study’s data and conceptual limitations, as well as the ancillary findings, highlight many future avenues for research. More ambitious attempts to collect data and improve the internal and external validities of the operationalized measures have been made as interests accumulate across disciplines in furthering our understandings of cross-national variations in immigration policies and the implications they have for the management of inflows of people and their rights and experiences. Therefore, the time may soon come when the data limitations of this study have been resolved so that more systematic cross-national and longitudinal studies on itinerant populations can be conducted to obtain more globally-generalizable results.

Furthermore, as the quality of data improves, it will become increasingly easier and more feasible for sociological institutionalists to add migrants and their rights to their battery of groups
and issue areas of inquiry. Doing so would help move the research program further forward, as it would foster debates and analyses on how the modern world culture interacts with state interests and power to institutionalize change in policies for individuals whose social and legal statuses and identities straddle the conceptual distinction of natural person and member of a state. My hope is that this study, its theoretical framework, and its analyses conducted using the best currently available data, may provide an early guide to future research endeavors that seek to address the limitations in both this study and the larger research program.
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