

## **The Transformation of Nineteenth-Century West European Expulsion Policy, 1880-1914**

*published in* Fahrmeier A. and P. Weil (Ed.), *Migration control in the North Atlantic World*. New York/Oxford: Berghahn, 2002, pp.120-137 (for the graphs see that publication).

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Alien policy took its contemporary shape in the first half of the twentieth century. By 1940 the distinction between tolerated and unwanted immigration, which is still valid today, was set throughout Western Europe. By the end of the nineteenth century, the transformation of alien policy had begun. This chapter is an outline of the logic of nineteenth-century alien policy which focuses on one aspect of alien policy, expulsion policy.

While, over the last two decades, the origins of twentieth-century alien policy have been well-researched by historians, they have paid little attention to nineteenth-century regulation of migration. One of the reasons for this lack of interest can be explained by a deficit of historical research on twentieth-century alien policy. Although historians have unravelled the intentions of twentieth-century policy makers, few have analysed to what extent these intentions materialised. This is a much more complex topic. While research on the officially proclaimed alien policy focuses on the central authorities, assessing the implementation of this legislation demands research on a local basis of a myriad of enforcement agencies, including the courts. It also has to take into account migrants' responsive strategies.

Nineteenth-century regulation of migration and even alien policy was not the sole jurisdiction of the central authorities. Local authorities had significant input in defining the stranger, who was not entitled to access their territory or their welfare community. Even the concept of alien was nebulous in this age of limited political centralisation.

The deficit of historical research becomes particularly apparent in the lack of research on expulsion policy. Expulsion has received only scant attention even in the, by now, vast literature on twentieth-century alien policy.<sup>1</sup> Analysis of expulsion procedure and practice is, however, key to the understanding of the changing logic of alien policy. Expulsion policy can also indicate how far alien policy extended beyond mere rhetoric and what resources were put at the disposal of the authorities to enforce their policy. In the nineteenth century, expulsion policy is also a key to understanding the aims of regulation of international migration. Who were the undesirable immigrants? What were the criteria for exclusion? First, I will provide an overview of the nineteenth-century alien policy and then a closer a look at expulsion policy.

### **1. Alien policy of the nineteenth century, focusing on aliens as criminal and political actors**

The nineteenth-century state withheld from intervening in the social sphere, so migration regulation was not considered a political matter. The limits of nineteenth-century state action in migration were strictly defined. The central aim of alien policy was to prevent aliens from disturbing public order. Disturbing public order had a political connotation;

subversive aliens had to be expelled. What subversion implied was, of course, subject to change. In Prussia, taking part in a strike was sufficient provocation to be brought to the border (Kulczycki, 1994: 62; Peters-Schildgen 1997: 52-53). The German obsession with subversion caused immigrants to be closely supervised during their stay. In Imperial Germany all aliens were required, by state law, to register with the local police authorities. They were compelled to obtain an official residence permit which could greatly vary in duration. Once the residence permits had lapsed, the authorities could refuse a renewal of this permit and thus order them to leave the country. In 1885, this was done on a large scale. About forty thousand immigrants, mostly Poles of Austrian-Hungarian and Russian nationality, some of whom were long-time residents, were expelled from Prussia. This radical decision can be attributed to the Prussian political strategy to create the German people. This mass expulsion did not aim at the regulation of the labour market, but at protecting a Nation which was (perceived as being) threatened by Polish nationalism. Poles (and Jews) were considered subversive immigrants and therefore security risks (Neubach 1967; Bade 1987, 1980; Wertheimer, 1987).

Besides subversive aliens, aliens who had committed a crime could be expelled after serving their prison sentence. Destitute immigrants were in many cases considered criminals, since begging and vagrancy were criminal offences. Foreign vagrants and beggars were, in most cases, not sentenced for this offence, but taken to the border.<sup>2</sup> European expulsion policy throughout the nineteenth century limited itself largely to those aliens who were not able to secure themselves a livelihood in the host country.

Subversive aliens were a minority within the total number of expellees. This group of political expellees has received the most attention in historical writings, and also the only ones to have been a topic in contemporary public discussion. Destitute aliens were, by and large, the largest group to be expelled. It was not the state which prevented them from earning a living, but the market. Throughout the whole of the nineteenth century the authorities did not concern themselves with industries calling upon foreign labour to supplement their labour force or even to supplant strikers. The authorities did not intervene when an immigrant did the work an unemployed national was willing to do, or if an entrepreneur of foreign nationality residing in the country successfully competed against a local producer. As long as the immigrant had sufficient means of support, he had no cause for concern (Noiriel, 1988: 74; Caestecker, 2000: 11f). Destitute immigrants were expelled to prevent their applying for social assistance.<sup>3</sup> The harshness of expulsion policy was mitigated by facilities for resident aliens. The liberal ideology of the nineteenth century wanted to protect the individual against arbitrary state powers. Inhabitants without citizenship were also considered worthy of protection. In this way resident aliens in liberal regimes were protected against administrative decisions in favour of expulsions. Based on the Alien Law of 1839, resident aliens in Belgium could only be expelled by a decision of the King (by Royal Decree), while in the Netherlands the expulsion of resident aliens, based on the Alien Law of 1849, depended on the Judiciary in the case of destitution, or on the King in the case of disturbing public order, in addition, those aliens in the Netherlands had the right to appeal. In France and Belgium, aliens could even acquire the status of *domicilié* which put them on a par with nationals, apart from the acquisition of political rights, which implied that they could not be expelled at all. In authoritarian Prussia (and later the German Reich) no facilities at all were provided for settled immigrants.

Liberalism even had its influence on the manner in which aliens were deported. From 1850 onwards, Belgium systematically granted a choice of border to their expellees. The Netherlands and France offered this possibility to some expellees only.<sup>4</sup> These liberal regimes accorded this facility to undesirable aliens in order to respect the procedure of extradition which stipulated that an alien could only be extradited if the crime he had committed was also considered a crime by the extraditing state. Deporting unwanted aliens, even if the expelling state ignored the fact that the alien was fleeing persecution in his or her country, could be equated with extradition. This provision was the result of a liberal ideology which acknowledged the very different regimes in Europe and the resulting different conceptions of what a crime was. Providing expellees with a choice of border also respected the principle of individual liberty which was the core of liberal ideology. The choice of border also demonstrates the lack of importance attached to nationality in the nineteenth century. Until the end of the nineteenth century, the direct relationship between state and citizen had hardly any importance for the majority of the population as the state was hardly present in daily life (Caestecker 1997: 328ff.; Noiriel 1991: 63-100). The concept of being returned to one's country was, therefore, not self-evident.

In order to convince undesirable aliens to leave permanently, legislation was enacted which punished non-compliance with an expulsion order. In France, Belgium and the Netherlands, mid-century legislation, largely instigated by the social fears of 1848, provided prison terms up to 6 months for *rupture de ban d'expulsion*. In Belgium and the Netherlands only resident expellees who had been expelled by Royal Decree (in the Netherlands also by a decision of the Judiciary) were criminally triable. Unwanted aliens who had been perfunctorily expelled ran no risk of a prison sentence upon return. In France, however, all returnees were liable to prison terms (Leenders 1993:265, Caestecker 2000:10, De Boeck 1929: 597, Barthelemy 1936:21).

## **2.The Transformation of Expulsion Policy at the End of the Nineteenth Century**

Graph 1 illustrates the expulsion policy in Belgium and the Netherlands. It refers to all aliens removed from Belgium, either at the border, or from within. For the Netherlands, it only refers to those removed from within the country. The number of expellees jumped steeply in the last quarter of the nineteenth century. This was the result of the recession during which the number of wandering poor rose considerably while occupational opportunities diminished. The spectacular rise in expulsions was, however, not merely a reflection of social and economic change; politics was its main determinant.

After 1860 no more aliens were stopped from entering Belgium which illustrates the spectacular change in the manner in which immigration was being controlled. Before 1860, immigration control within Europe had taken place at the border or in the border regions; after 1875, immigration control, or rather alien control, was taking place within the country.<sup>5</sup> At the same time, visa regulations were abolished (Wennemann 1997:94; Leenders 1993: 86 and 104). Notwithstanding these spectacular changes at the borders, immigration control throughout the nineteenth century hardly changed. The period 1860-1875 can not be considered a watershed in immigration control, as the logic behind immigration control had not changed.

The figures used for Graph 1 have to be looked at critically.<sup>6</sup> The way in which the

statistics were put together reflects specific interests behind them, as well as influencing our perception of reality. The statistics on expulsion expressed the diligence of the administration charged with executing alien policy, rather than reflecting the reality of the immigration of undesirable aliens. This is already clear by the way in which the counting was carried out. The number of expelled persons were not counted, but the number of expulsions. Thus a given person could be expelled numerous times in the course of a year, and each expulsion was counted separately in these figures. Therefore, these figures are rather a function of a specific state policy targeting undesirable aliens, and the rise in the number of expulsions is also a function of the more general increase of state presence in society. Throughout the nineteenth century state control increases. In particular, at the end of the nineteenth century, there was an increase in the number of policemen (Leenders 1993:136, Van Ostrive et al.1992:64ff.) This implied that unwanted aliens were increasingly confronted with the state. Not only did the number of aliens expelled, or rather the number of expulsions, rise considerably at the end of the nineteenth century, the manner in which aliens were expelled also underwent a crucial change.

#### *Free border choice or deportation to the country of origin*

Throughout the nineteenth century, Belgium, the Netherlands, and France granted a choice of border to their expellees. In Prussia (later the German *Reich*), however, unwanted expellees had no input into the direction in which they were deported. Expulsion in Prussia, certainly from the middle of the century onwards, seems to imply the return of the expellees to their so-called country of origin.<sup>7</sup> The Prussian authorities repatriated the expellees, or at least expelled them in the direction of their country of nationality. That the Prussian authorities (later German *Reich*) did not grant border choice to expellees was due to the authoritarianism of this regime.<sup>8</sup> In these regimes, there were no claims about the unwilling extradition of aliens.<sup>9</sup> There was also much less ideological commitment to individual liberty. In addition, in Prussia, and later in the German *Reich*, nationality was considered to be an important element in the identification of a person earlier than in any other country.<sup>10</sup>

The national logic in deportation procedure was imposed by Prussia even beyond the German *Reich*. Since 1849, the Prussian (later German) authorities had been asking the authorities of the neighbouring countries to select their undesirable aliens whom they expelled to Prussia (the German Reich) on the basis of state membership.<sup>11</sup> These requests were not taken into consideration, the border choice for expellees was a cherished tradition of liberal regimes. In 1884, the German authorities decided unilaterally to stop the "chaos" at their Western border. All vagrants, except for the German nationals who were expelled to the German Reich by the police force of the neighbouring countries were sent back. Only those third-country nationals, among the vagrants, who could document that they had to pass through the German Empire to return to their country and who had funding for the transit fare, would not be returned. The Belgian (and Dutch) authorities indignantly refused to pay for the repatriation of able-bodied aliens. All the third-country expellees whom the German authorities could catch at the border were returned. The Dutch authorities, given their geographical position, were seriously afflicted by the Germany's decision to close its border. Their first reaction was to deport any Spanish, French, or Italian vagrants, whom the Belgian

authorities had deported to the Netherlands, back to Belgium, as pushing them over the German border was no longer feasible. Finally, the Netherlands concluded a bilateral agreement with the German *Reich* -the German-Dutch Settlement Treaty (*vestigingsverdrag*) of 1906- which included provisions for deportation procedure. It stipulated that the signing parties accepted their nationals, and gave free passage to the destitute among them who had to pass through their territory to return to their country of nationality, if the transit fare were paid for. This Dutch-German agreement of 1906 implied that the Dutch authorities handed over the expellees and their documents to the German authorities (and *vice versa*) at agreed times and places.<sup>12</sup> Liberal claims about unwilling extradition of aliens were refuted by asserting that unwanted aliens could still voluntarily depart in the direction of the country of preference before being deported. In addition those aliens who were to be deported but were sought in Germany could still claim special treatment in order to prevent extradition. The Dutch authorities claimed this provision was even an improvement for the latter category because previously they had to leave the country, while now they could claim asylum (Krabbe 1912:68ff., Seppen and Walraven 1950:254ff.).

Although Belgium and France did not conclude agreements with Germany which stipulated the expulsion procedure in detail, both countries changed their expulsion procedure fundamentally. The free border choice was abolished. The French and Belgian authorities realised it was senseless to let foreign vagrants decide for themselves whether or not to be brought to the Dutch (or German) border. In this way, they would never get rid of them. This new expulsion procedure was not only due to German insistence, but at least in the Belgian case to technocrats in the administration, who were far more committed to the efficiency of their expulsion policy than to the liberal values cherished by the Belgian political authorities. These technocrats played an important role in outlining the new expulsion policy. They considered the free choice of border for the expellees to be a nuisance, which even promoted international vagrancy. They advocated a national solution to the plague of vagrants; every state had to discipline its own vagrants.

The effort to rationalise the removal of undesirable aliens on a national basis was sealed with diplomatic agreements. The already mentioned Dutch-German agreement (1906) had been preceded by a German-Swiss agreement (1890), a Belgian-Dutch agreement (1888), a French-German agreement (1891), a French-Belgian agreement (1896), a German-Belgian agreement (1896), a British-Belgian agreement (1897).... These treaties stipulated that every country had to accept its own nationals who had emigrated or give free passage to those who had to pass through their territory. The issue of the transit fare for third-country nationals, in most cases, was not mentioned in these agreements and continued to pose problems. The agreements made it impossible for the expelling state to force third-country nationals onto the territory of neighbouring states without the consent of that state. Expulsions were no longer a unilateral affair. Constraints were imposed by the neighbouring countries. Expellees could only "voluntarily" be made to cross the border of the neighbouring country of which they were not a citizen. Afterwards they could still be returned to the expelling state, but seen that their intrusion into the territory of the neighbouring state was voluntary the expelling state could no longer be accused of breaching the bilateral agreement (Barthelemy 1936:107, Caestecker 2000:39, De Boeck 1927: 580f, Martini 1909: 135).

The radical rupture of most European states with the traditional practice of free choice

was the result of a new, national, logic in all practices of the states of Western Europe. At the end of the nineteenth century, nationality became an all pervasive point of identification. This process is closely intertwined with the increasing state regulation of society. The active presence of the state in social life meant that membership of a state affected everyday activities. Through military service, the expansion of social policy, and democratic franchise, the state became much more present in daily life. State membership entailed more and more rights and obligations. In order to delineate nationals clearly, the criteria for state membership were rationalised and codified all over Europe at the end of the nineteenth and beginning of the twentieth centuries (Brubaker 1992, Caestecker 1997, 2000, Heijs 1995). Being a member of a state, which nationality one had, became a fundamental point for personal identification and also for deportation procedures.

The main difficulty in implementing these new deportation procedures was that the nationality of the expellee had to be clearly established in order to determine where they had to be expelled to. The mere attribution of nationality turned out to be extremely troublesome. During the sometimes long diplomatic negotiations to determine the nationality of undesirable aliens, they remained in the charge of the state which wanted to expel them (Martini 1909: 135, Darut 1902: 180, Schläpfer 1969:160, Hehemann 1987: 262, 324ff., 343ff.).

This important change in the manner in which undesirable aliens were expelled also caused refugee policy to become a distinct area within immigration policy. Throughout most of the nineteenth century, refugees, when expelled from their first country of asylum, could try their luck in a country other than their country of origin. From the 1880s onwards, when unwanted aliens were deported to their country of origin, which was for most refugees their country of persecution, this possibility was excluded. Liberal regimes such as Belgium and France, and, to a lesser extent, the Netherlands immediately and explicitly forbade the expulsion of refugees in order not to violate human rights. Special facilities were provided for the (politically) persecuted. All aliens who were to be expelled had to be questioned about whether they were pursued for political reasons. If so, the central authorities had to be informed about those who claimed to be refugees. Their allegations had to be verified and genuine refugees were not to be deported (Caestecker 2000:40f, Martini 1909: 137, Krabbe 1912:110).

### *The Repression of Returnees*

Regulation of expulsion on the basis of state membership was an expression of the willingness to make state intervention more efficient. At the same time, a repressive strategy to combat unwanted immigration was pursued. More resources were put at the disposal of the authorities to convince undesirable aliens to leave the country. At the end of the nineteenth century, the authorities considered that it was only by making unauthorised stays much more perilous that unwanted aliens would be dissuaded from staying put. In Belgium and France no legislative changes were introduced, but extensive use was made of the freedom which the existing legislation offered. In Belgium from 1881 onwards an increasing number of foreign vagrants, who were not residents, were expelled by Royal Decree. This enabled the authorities to bring those aliens to court, should they make a subsequent return (Caestecker 2000:32ff).

At the end of the century increasing numbers of foreigners in France who had been

sentenced for even minor offences were expelled. Executing an expulsion order no longer depended on the undesirable alien's willingness to leave the country. When an alien's presence on French territory was not considered beneficial to the country, the authorities increasingly resorted to deportation. For those whose nationality remained ambiguous, or where deportation could be unlawful extradition, the French Minister of Interiors ordered that they should be brought close to the border and given a short time to leave the country. If they did not do so, they were brought before the court for *rupture de ban d'expulsion*. In France, the creation of the undocumented alien in 1888, also gave an impetus to repression. From that year onwards, foreigners were obliged to declare their presence with the local authorities and, from 1893 onwards, to pay a residence tax if they were engaged in any kind of labour. This implied that the stay of foreigners was much more strictly regulated, with a much higher likelihood that a foreigner would break the law.<sup>13</sup>

Graph 2 illustrates the increased repression of unwanted aliens in Belgium and France. In the Netherlands, until the end of the 1880s, the central authorities did not consider it worthwhile to obtain more resources to combat unwanted immigration. In the 1890s, a change in mood occurred. Deportation policy after 1906 was perhaps an answer to this newly felt need.<sup>14</sup> During the sometimes long negotiations between the Dutch and German authorities (and for third-country nationals also authorities of other countries), the aliens to be deported were held in custody in the Netherlands. The local police authorities were responsible for these prisons. They could be held for a long time, as sometimes it took considerable time to have documentary proof of somebody's nationality and to get the necessary authorization for their deportation to Germany. This implied considerable cost for the Dutch authorities (Seppen en Walraven 1950:256, Krabbe 1912). It is possible that the Dutch authorities believed this investment would yield a return by diverting foreign vagrants away from the Netherlands.

#### Conclusion:

For most of the nineteenth century the destitute aliens were just a nuisance, but the determination to get rid of them clearly grew by the end of the century. This does not mean that most of the nineteenth century can be characterized as tolerant and cosmopolitan, rather that the state was indifferent to the fate of most people residing on its territory, of whatever nationality. At the end of that century, the distinction between national and alien acquired a relevance which it had not had during most of the nineteenth century. This is expressed in the intensified repression of unwanted aliens at the end of the nineteenth century. A dividing line between foreigners and nationals expressed the strong expansion of the socio-political intervening capacity of the state. This expansion of its sphere of action transformed the state into a nation-state. While, for most of the nineteenth century, the state was principally something that took (taxes and conscripts), by the end of the century it also gave. The transformed state -the nation-state- increasingly catered to the needs of its citizens, while at the same time excluding persons of foreign nationality on its territory from the benefits of its expanded tasks. This political change coincided with increasing international migration which amplified the effect of the change in alien policy.

With hindsight, the intensified repression of undesirable aliens (including the abolishment of free border choice) at the end of the nineteenth century was part of a process which ended in the restrictive alien legislation of the interwar period. The harsh

treatment of unwanted aliens is the negative side of a dialectical process, a process of inclusion (the creation of the citizen, member of the nation-state) and exclusion (the creation of the foreigner and in its most accentuated form, the illegal alien). A process that simultaneously created a welfare state and a new form of police state.

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#### List of Graphs:

Graph 1: Expulsion of aliens from Belgium and the Netherlands, 1835-1914

Graph 2: Condemnations for returning expellees in Belgium and France, 1860-1914

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<sup>1</sup>For example in the vast literature on refugee policy in the 1930s, the central authorities' decision-making process is carefully scrutinised, but the extent in which the decision to expel Jewish or political refugees was executed is largely taken for granted and has hardly been investigated. This lack of research on expulsion policy is partly due to the difficulty to investigate this part of policy as it requires analysis based on the personal files of (would-be) expellees. For an overview of the refugee policy in the 1930s (Caestecker and Moore 1999).

<sup>2</sup>Circular letter of Goblet, 16.3.1887. *Journal de droit international privé* (Clunet) 1887: 383. Circular letter of the Dutch Minister of Justice, 5.4.1851. *Algemeen Politieblad*, 1851, bijlagen. Report on the Laws of Foreign countries respecting the Debarkating or Entry of Political convicts, Paupers or others into such countries. House of Commons, 1873. ARA (Algemeen Rijksarchief Brussel), MJ(Ministerie van Justitie), 348. (Sachße and Tennstedt 1980: 245, Caestecker 2000: 7, De Boeck 1927:539).

<sup>3</sup>The codification of membership of the welfare community was meant to shield it against strangers. By the end of the nineteenth century the stranger mostly coincided with the foreign poor. This issue of membership of the welfare community was dependent on the transformation of social policy throughout the nineteenth century from an undifferentiated *caritas*, in which public welfare was less important than private welfare to a social policy with a dominant input of public welfare which aimed at the regulation of the labour market. How the authorities distinguished between deserving and undeserving poor within their modern social policy and to what extent membership in the local community or in the national community (citizenship) was necessary in order to be catalogued under the deserving poor is important for the understanding of alien policy and expulsion policy, but will not be addressed here in detail.

Since the middle of the fifteenth century public relief had been organised locally. The local authorities limited their expenses by refusing assistance to immigrants. If people born elsewhere became needy they were to be expelled to their *Heimat* or their *Heimat* had to reimburse the expenses. For aliens applying for public relief implied expulsion from the country. In the nineteenth century this *Heimatprinzip* was to give way to the principle of relief residence (*Unterstützungswohnsitz/Domicile de secours*) whereby one could apply for welfare in the place where one resided. This was introduced in France during the French Revolution and in Prussia in the middle of the nineteenth century. By the end of the long nineteenth century Belgium and all states in the German Reich (Bavaria only in 1916) also abstained from forcing nationals to leave the place of residence for their place of birth in the case of destitution. By the beginning of the twentieth century all countries had also designed criteria to exclude immigrants of foreign nationality from the welfare community. The welfare community was transformed from a local to a national community (Van Damme 1990a and b, Olshausen 1907, Guttmann 1992, Steinmetz 1993, Wagniar 1999:173ff.).

<sup>4</sup>In Belgium border choice for expellees was introduced in the alien law of 1835 which was prolonged every three years until it became a statute law in 1897. Although the law only explicitly granted border choice to resident aliens (those expelled by Royal Decree), it became applicable to all aliens from 1850/1852 onwards (Caestecker 2000:7). In the Netherlands, article 12 of the alien law of 1849 provided border choice for those resident aliens who were unwanted due to disturbing public order and expelled on order of

the King. This implied that aliens expelled for destitution (vagrants) could not claim this provision, but quite often this facility was also granted to this group of unwanted aliens (Leenders 1993: 106 and 112). However, it does not seem that the free border choice was systematically offered to all expellees in the Netherlands as was the case in Belgium. The *Procureur-generaal* of 's Hertogenbosch wrote to the *Administrateur* of the (Belgian) *Sûreté Publique* (SP) on 4.8.1881 that he himself would prefer that the border choice would be abolished altogether. According to him: "The expellee had to be brought to the border closest to his Fatherland, because, at least in most cases, one has the most chances in one's own country to find a job or some help by kinship. This policy was not only the best out of a humanitarian point of view but also out of a police point of view for the expelling as well as the receiving state. But also here exceptions have to be tolerated. If an alien can find a job in a certain region or city which is not directly situated in the direction of his region of birth I am not opposed to make an exception to the general rule." *Procureur-generaal* de Jans van Becken Dank, 's Hertogenbosch to the *Administrateur* of the *Sûreté Publique* (further SP), 4.8.1881. ARA, MJ, 367.

In France free border choice was not mentioned in the law, but in practice refugees and deserters were granted free border choice. Interior Department to Department of Foreign Affairs, 14.6.1882. Archives nationales, Ministère de l'Intérieur (F7-further AN F7), 12586. Note SP, 27.4.1876. ARA, MJ, 158. (Alphand 1910: 41ff., De Boeck 1927:580).

<sup>5</sup>From the mid-1880s onwards European authorities tried again to exercise a greater control at their borders over the migrants who passed through their country on their way to the New World as an increasing number of migrants were turned down at the American shore. After being repatriated to their European embarkation port (Antwerp, Hamburg, Bremen, Rotterdam, Calais) these migrants were stuck there penniless and became a burden on public welfare. The shipping companies agreed to reimburse all expenses for the upkeep of these stranded migrants, in exchange border control of transit-migrants was subcontracted to this private sector. For example at the Russian-Prussian border agents of the shipping companies decided which people were liable to be refused by American authorities and those would-be emigrants were refused access to the territory of the German Reich. For example in 1903 8827 Eastern European migrants were stopped at the border in this way (Just 1988: 98ff., Caestecker 2000:38).

<sup>6</sup>The Dutch figures for the 1910s refer to the number of persons deported to the German border (Riding 1913:210ff.) Hauptstaatsarchiv Düsseldorf, Regierung Aachen, 23.423. France also knew an increase in the number of expulsions: an average of 2,888 in the period 1876-1880 and 4,275 in 1885. Rapport du Garde des Sceaux sur l'administration de la Justice quoted in Barthelemy (1936:43). Expulsion from the German Reich (*Reichsverweisung*) was only applicable to criminals (in fact mainly beggars and vagrants) as it could only take place after a decision by the court. *Reichsverweisung* was only a very small number of the total expulsions from the German states. The individual states, member of the German Empire decided about most of the expulsions. For example in 1911 the Hansestadt Bremen expelled 140 aliens (*Landesverweisung*), while in the same town in the period 1881-1913 only twenty aliens were ordered to leave the Reich (*Reichsverweisung*). In 1908 4,798 persons were expelled from Prussia, 2,669 in 1909 and 3,480 in 1912 (Elsner 1985:43, Herder 1913:17, Barfuss 1986:174ff., Lucassen 1990: 367, Caestecker 2000:32).

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<sup>7</sup>Laws of foreign countries regarding the admission and continued residence of destitute aliens. Presented to both the Houses of Parliament by Command of her Majesty, September 1887. ARA, MJ, 347 (De Boeck 1927).

<sup>8</sup>The extent in which the liberal German states had liberal provisions in their expulsion policy is still to be investigated.

<sup>9</sup>For example, deserters and draft evaders, even if they were French nationals could not count on any compassion when they fled to Prussia. They were mercilessly deported to the country they had fled (Alphand 1910).

<sup>10</sup>Military service is a good case in point, the principle all over Europe in the nineteenth century was that all male residents, whether they were of foreign nationality or not had to fulfil their military obligations. Males of foreign nationality had to do this either in their country of nationality or in the country of immigration. The stateless had to fulfil their military obligations in the country of immigration. In France and Belgium, male immigrants were able to retain their foreign nationality, not only if they were enlisted on the lottery list (*list de tirage*), but even when they served in the French or Belgian army. In Germany those immigrants who fulfilled their military obligations in Germany were first compelled to entreat the German nationality. At the end of the nineteenth century, aliens residing in Prussia between 20 and 22 years of age who had not yet fulfilled their military obligations either in their own country or in Prussia had to choose either to leave Prussia or to entreat for Prussian nationality. This regulation is highly likely linked to the military build-up in Germany at the time (Förster 1996:470ff., Caestecker 1997: 33, 1999:252). ARA, MJ, 661. Administrative documents were also an expression of the importance of nationality in the German Reich. The document needed for the declaration of arrival in a municipality in the German Empire, the *Heimatschein* mentioned the nationality of the bearer while in neighbouring countries there was no mention of nationality in similar documents (Caestecker 1999:251).

<sup>11</sup>By the 1880s Switzerland, Italy, Bavaria and Spain also refused access to their territory to third countries nationals who were deported by the neighbouring countries (De Boeck, 1927: 582).

<sup>12</sup>The Dutch compliance was also due to the wish to protect Dutch citizens working in the German Reich. The large Dutch community in Germany was treated harshly by the German authorities because most men refused to do their military service in Germany. Dutch emigrants who had settled in Germany generations earlier preferred to fulfil their military obligations in the Netherlands because the militia law of 1860 exempted the Dutch living abroad from serving in the army. A change of law in 1901 which increased the military obligations for Dutchmen abroad changed little as those living abroad who were born before 1883 were exempt. The issue was settled by the agreement of 1906 according to which only those Dutch emigrants in Germany who bragged about this privilege to locals and stirred up dissatisfaction could still be expelled (Bundesarchiv Berlin, R1501, 8291; Krabbe 1912: 95ff., Förster 1994). It is surprising that neither Leenders nor Lucassen mention this Dutch-German agreement as it revolutionised Dutch deportation policy and had an important impact on respectively refugee policy and the deportation of gypsies.

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<sup>13</sup>Wagniart 1999:128 and 272. Martini 1919:55ff. AN F7, 112548 and 12586.

<sup>14</sup>In 1886 the Minister of Justice Modderman did not consider that returnees posed any problem: “vagrancy has only a temporary character, foreign vagrants can within a short time span start an industrious life and it would be unjust to punish them if they returned...Anyway when vagrants are time and again expelled when they return, they will stop returning” In the second half of the 1890s some Ministers advocated a tougher policy to stop unwanted aliens from returning. ARA, MJ, 367 ( Krabbe 1912: 58ff., Stokvis 1931:196ff.).