Ethnicising Politics:

Citizenship and Nationality in the British and in the Habsburg Empires around 1900

by Benno Gammerl, MA, BKVGE, Berlin

With "ethnicising politics" I want to describe processes that led to a growing relevanvce of ethnic differences and identities in the political sphere around 1900. My hypothesis is that during the 19th century politics was mainly an elitist phenomenon, centered around the state in a narrow sense of the word, stamped by the legal notion of sovereignity and focussed on foreign policy. The way in which power was exercised changed considerably during the turn of the 20th century. One aspect of this change was that the former a-ethnic form of politics was replaced by political practices that took ethnicity, both in a biological and a cultural sense, increasingly serious. This had major consequences especially for the legal and adminsitrative field of citizenship and nationality, within which questions of belonging to and of status within a political entity were addressed. In the two cases of my comparison, the British and the Habsburg Empires, the ethnicising of politics resulted e.g. in conflicts about the legal status of Czechs in Vienna, the treatment of Indian immigrants in South Africa etc. in the early 20th century. One reason for the growing relevance of ethnicity was that the groups that needed to be politically integrated grew quantitatively through territorial expansions, demographic developments and migratory movements as well as through democratisation and the extension of political participation. Another cause was the disintegration of traditional communities in economic and social modernisation processes and the need to replace them by new, ethnically defined forms of belonging. A third factor was the transition, in Michel Foucault's terms, from sovereignty to bio-power or, in my own terms, from a prohibitive to an enhancing exercise of power. In this new power regime populations were not any longer seen as passive material that could be formed according to the will of the sovereign, but as active and essential participants in the political game. In the biopolitical setting the population itself generates forces and developments that need to be furthered and adjusted, but must not be oppressed, by the government. These developments contributed to the ethnicising of politics around 1900.

In my paper I will argue that due to these three causes politics came to be ethnicised in both empires around 1900, but the ethnicising processes were stamped in thoroughly different ways in the British and the Habsburg case. These differences were for one rooted in the divergent political structures and legal traditions of the two empires. Austria as well as Hungary were governed by rather developed and complex statist administrations, and thus the

Habsburg Empire comprised two politcally rather homogenous states that were held together by a comparatively weak imperial administration. This constellation resulted in Austrian and Hungarian nationality laws developing independently from each other and along different lines. In my paper I will rather focus the Austrian half of the Habsburg Empire. In the British case the imperial government, being identical with the government of the United Kingdom, was much stronger, while at the same time the empire was politically much more heterogenous, due to mechanisms of indirect rule and due to the division into Dominions, Colonies, Protectorates and the Empire of India. Thus British nationality policy was not unitary either, but the fact that there was a common nationality status and the strength of the imperial governement resulted in one certain policy dominating the development within the British Empire. Another most important difference between the Habsburg and the British case refers to different legal traditions in respect of the concept of citizenship. In Austrian law "nationals" were called "Staatsbürger", whereas in British law they were called "subjects". This difference in terms reveals different perspectives on the notion of legal equality. Whereas the term "Staatsbürger" was introduced into Austrian law in the context of enlightened absolutism in order to (at least formally) overcome feudal inequalities[1], British law used the feudal term "subject" well into the 20th century. Interestingly, commentators in around 1900 stressed the origins of the term in the feudal relationship of allegiance between the crown and its subjects. Thus, they argued, the legal term "British subject" never implied any notion of equal rights for all British subjects, an argument that was of utmost importance for legal mechanisms of discrimination between different callses of British subjects[2].

Secondly, the differing ethnicising processes were also based on the fact that the British population grew more rapidly. Besides the considerable territorial expansion in the late 19th century, a second reason for the rapid growth of the British population was the fact that especially the UK and the Dominions attracted large scale immigration. Thus within the British context, the enhancement or restriction of immigration was a major political issue, whereas in Austria and in Hungary emigration was the main problem. In terms of migration politics, another most interesting point was the legal treatment of internal migration, which was intra-continental in the Habsburg and mostly trans-continental in the British case. In both cases these migratory movements raised questions about the migrants' legal status within their

[1] see Philipp Harras Ritter von Harrasowsky: Geschichte der Codification des österreichischen Zivilrechts. Wien 1868.
[2] John W. Salmond. Citizenship and Allegiance, in: The Law Quarterly Review. Bd. 69 (1902). S. 49-63. s.a. H. Henriques. The Law of Aliens and Naturalization. London 1906. Edward L. De Hart. The English Law of Natonality and Naturalisation, in: Journal of the Society of Comparative Legislation. London, N.S., No. 1 (1900). S. 11-26.

new places of abode. When in 1896 a law was passed in Austria that forced local administrations to grant local citizenship ("Heimatrecht") to all newcomers after 10 years of residence, especially the adminsitration of Vienna was reluctant to follow suit and in some instances tried to deny Czechs and Jews access to local citizenship rights. The Austrian state administration upon reports of Viennese misbehaviour made it quite clear that they were not willing to tolerate those attempts to implement an ethnically exclusive policy on the local level. Finally the Magistrat of Vienna was forced by a court decision in 1906 to comply with the official policy of ethnic neutrality and had to grant equal rights to all residents irrespective of their ethnic identities[3]. In the case of Indian migrants within the British Empire the story followed completely different lines. When the imperial government suggested a reform of the British naturalization laws in order to harmonise the legal treatment of nationality within the British Empire, the Dominion governments suspected that they should be forced to accept the assertion that all British subjects irrespective of their ethnic identities should enjoy equal rights throughout the empire. This would have affected local laws restricting the immigration of Indians or limiting the access of Indian subjects to political rights in the Dominions. At the Imperial Conference in 1911 the then Secretary of State for the Home Department Winston Churchill dispersed the Dominions' anxieties on behalf of the UK government by saying that „[n]othing now proposed would affect the validity and effectiveness of local laws regulating immigration or the like or differentiating between classes of British subjects"[4]. Thus the Dominions could stick to their policy of discrimination along racial lines.

A third explanation for the different forms the ethnicising of politics took within the Habsburg and the British context can be found in the divergent ways in which ethnicity was treated within the transition to bio-power. The conflict between forces who wanted to continue with the prohibitive exercise of power, and forces trying to implement enhancing power mechanisms can for the Habsburg context be traced in the debate about the legal treatment of emigrants. The imperial war ministry, on one side, wanted to interdict emigration, especially for young men who were liable to compulsory military service, and demanded that emigrants and their children should loose their Austrian nationality, as they did not fulfil their duties and as they eluded from state control by leaving the state's territory. On the other side, the Austrian ministry of commerce and the Austro-Hungarian Colonial Society argued that one could not stop emigration and suggested that one should instead try to adjust those inevitable

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[3] For the administrative practice of granting or denying local citizenship rights see: Vienna, AVA, MdI, Allgemein, 11/4: Ktn. 414: Heimatrecht, R-St, 1870-79 und Ktn. 413: Heimatrecht, A-L, 1890-1898. And on reactions by the state authorities to the local Viennese exclusion policy see: Vienna, AVA, MdI, Allgemein, 11/4, Ktn. 433: Heimatrecht in genere, 1900-1918.
[4] s. Ollivier, Maurice: The Colonial and Imperial Conferences. From 1887 to 1937. Ottawa 1954. Vol 2. S. 86f.

and natural population movements to the interests of the state. By freeing emigrants from their military obligations, by keeping them within the legal bond of nationality and by supporting the continuation of the emigrants' different ethno-cultural traditions and identities in the foreign countries, mainly in North and South America, it was possible, so they argued, to further the export of Austrian products and to gain economically from the emigrants' sending money back to their families in Austria. Whereas the prohibitive argumentation, that in this instance finally won the dispute, did not refer to ethnic differences at all and was formulated in ethnically neutral ways, the enhancing argumentation wanted to use the different national affiliations of Austrian Ukrainians, Germans, Poles, Croats etc. and thus it wanted to implement a politics of recognition of ethnic difference, according to each ethnic group the same value and the same rights[5]. This politics of recognition was actually implemented within Austria in terms of access to political citizenship rights. In the Moravian compromise of 1905 a complex equilibrium between the Czech and the German speaking population was reached by creating two ethnically differentiated voting registers in order to grant both groups far reaching autonomy in determining their own cultural life and in order to politically protect the minority from being democratically silenced by the majority in the Moravian diet[6]. Thus the compromise can be interpreted as an implementation of a politics of recognition in the context of an enhancing exercise of power in terms of enabling the population as political public(s) to express and to realize their wills and ideas. But it has at least to be noted that the Moravian compromise was also charcterised by the over-all restriction of popular participation and by the granting of political privileges to the class of large land-owners. Whereas thus in Austria the prohibitive exercise of power was connected with ethnic neutrality and the enhancing exercise of power tended towards a politics of recognition, the distinctions were differently drawn in the British case. There the difference between prohibition and enhancement coincided with the ethnic divide between whites and non-whites. Within the context of migration policy it can be shown that the British authorities aimed at granting white British subjects freedom of movement and at protecting them wherever they decided to settle, whereas non-white British subjects were forbidden certain migration routes and risked loosing their legal status and their privileges as British subjects once they did emigrate. The situation in Siam, a then independent state that had to grant certain legal privileges to resident nationals of European states, can exemplify this. Through the administrative practice of British consular

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[5] see: Vienna, HHStA, Admin. Reg., F 15, Ktn. 7, 10 and 31: Auswanderung und Auswanderungsgesetz.
[6] Alfred Freiherr von Skene: Der nationale Ausgleich in Mähren 1905. Wien 1910. R. Herrmann von Herrnritt: Die Ausgestaltung des österreichischen Nationalitätenrechts durch den Ausgleich in Mähren und in der Bukowina, in: Österreichische Zeitschrift für öffentliches Recht. Bd. 1 (1914). S. 583ff.

officials in Siam and by negotiations between the British and Siamese governments in the years after 1896 it was made sure that Indian subjects of the British Crown who emigrated to Siam would loose their British nationality and could not claim the privileges of British subjects in Siam, whereas the rights of the white British residents were fiercely protected by the British authorities[7]. Thus the white British subjects enjoyed the advantages of the enhancing exercise of power, while the non-white British subjects were subjugated to the prohibitive exercise of power. The same is true as well in terms of access to citizenship rights that were in most parts of the British Empire granted to whites and denied to non-whites.

In this sense the ethnicising of politics within the British Empire resulted in the dominance of a policy that discriminated along racial lines, privileging whites over non-whites. In Austria the effects of ethnicising processes were on the one hand less significant, as the notion of ethnic neutrality continued to be influential. On the other hand, when ethnicising was effective in the Austrian context, it led to the implementation of a politics of recognition. In Hungary that developed its own policy, as mentioned, citizenship and nationality law and practice between 1867 and 1918 were largely dominated by nationalizing processes in the context of the so called magyarisation policy. All these developments began or gained pace around the turn from the 19th to the 20th century. Thus the year 1900 as a rough common denominator can be seen as a decisive rupture and turning point. This is interesting in the context of GRACEH 2007 as in terms of a traditional and narrow political history the date 1900 is rather blank and insignificant. But if one alters the historiographical perspective and concentrates on legal logics and administrative practices rather than on great events and great men, one could argue that the changes around 1900 were even more decisive than those generated by the Great War. It is possible to come to this conclusion by stressing sub-surface continuities from the very early 20th century into its third and fourth decades, but here is not the space to thoroughly discuss those approaches. From the point of view of the history of historiography it is furthermore interesting to note that the ethnicising of politics around 1900 also coincided with attempts to overcome historism's focus on great men and great events and to integrate culture and society instead by working with wider approaches. This observation could raise the question, in how far today's debates about a new interpretation of political history are as well connected with decisive changes in the political sphere that are just about to happen.

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[7] see: London, PRO, FO 881/7550 and FO 881/6944: collections of printed Foreign Office papers.