

way unqualified praise for Hagen's book, which has to be understood as a standard work on its subject and, by virtue of its importance for Early Modern Central European history as a whole, a standard work for anyone interested in this broader field.

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Citizens and Aliens: Foreigners and the Law in Britain and the German States 1789–1870. By Andreas Fahrmeir. New York: Berghahn Books. 2000. Pp. 258. \$69.95. ISBN 1–57181–717–4.

Since the early 1990s, scholarship on citizenship has revolved around the binary opposition of two ideal types of citizenship regimes and conceptions of national identity proposed by the sociologist Rogers Brubaker. This opposition distinguishes between an ethno-cultural, descent-based conception expressed by the *ius sanguinis* and exemplified by post-1871 Germany and a national-state, territorial-based conception expressed in the *ius solis* and exemplified by France. In this ambitious and successful revision of his University of Cambridge history dissertation, Andreas Fahrmeir escapes the constraints of this artificial polarity, explicates a multifarious and technical evidentiary basis for legal enactment and administrative practice, and in so doing provides a far more nuanced analysis, sensitive to the complexity, variation, and change over time that characterized citizenship policy in Germany and Britain through the first two-thirds of the nineteenth century.

Fahrmeir's book is innovative in three ways. First it is truly comparative, not only between the two hypothetical extremes of "Germany" and Britain, but also within the variegated states of the German Confederation, drawing primarily upon the states of Hesse (Hesse-Darmstadt, Hesse-Kassel, the Duchy of Nassau, and the Bavarian Palatinate) but also the states of Thuringia and larger kingdoms such as Prussia and Bavaria. Second, it focuses squarely upon what Fahrmeir persuasively identifies as the neglected era in migration and citizenship studies, namely that which falls between the cameralist migration policies of the ancien régime and the full-fledged "modern" citizenship regimes of the post-1871 era. Fahrmeir chooses this time frame precisely because it allows him to see the transition to the modern system of citizenship regulation. Third, the author braves the territorial, legal, and administrative complexity of the German states in the German Confederation, looking at multiple state-level and local legal frameworks and actual administrative practice of at least the four states of Hesse with regard to every issue that he examines, and he has consulted an enormous number of difficult and technical archival and printed sources.

In pursuing his ambition to “reconstruct the legal and administrative definitions of citizenship in the nineteenth century,” to gain insight into the “official mind” of those who administered the citizenship regime (p. 5), Fahrmeir methodically examines the panoply of issues surrounding the concept in chapters that treat citizenship, naturalization, passports and the control of foreign travelers, as well as residence abroad. He then devotes a chapter to explaining the differences that his study establishes between the British and German citizenship regimes, and provides a conclusion that connects his work to the ongoing debate about the nature and origins of nationalism between “primordialists” and “modernists.” Indeed, Fahrmeir’s analysis throughout remains broader than his title suggests.

His goal is explicitly revisionist: to overturn the received conception that states, during the transition from a society of estates or ranks to a society of citizens formally equal but divided by fissures of class, lacked interest in monitoring and influencing migration and thus paid little attention to the bundle of rights bound up in the concept of citizenship. He liberates the citizenship policies of the German states from overdetermination by subsequent developments, showing how in the early nineteenth century they adopted citizenship policies *not* based on the law of descent and that did *not* distinguish between “German” foreigners and non-“German” foreigners. These policies sought rather to gain for the German states the military advantages of the French model of a society of equal citizens and to codify a new consensus in legal theory that a citizen could not be expelled from his state of citizenship involuntarily, while continuing to control the economic burden of providing poor relief as well as the new brew of revolutionary ideas, including that of nationalism. In Germany, domicile became the key to citizenship, and the emergent citizenship regime favored the grant of citizenship to any person possessed of sufficient economic and cultural capital to acquire legal domicile in a given state. The complex maze of citizenship laws of the German confederation drew no distinction between “German” and non-“German” foreigners and thus advanced no arguments about descent or “blood.”

Naturalization, passports and the control of travelers, and the rights and treatment of resident aliens became test cases to establish the limits and contours of this regime. Naturalization could be formal, by private act of Parliament or royal warrant, by means of a uniform naturalization statute administered by officials who had substantial room for discretion, or informal, by virtue of extended residence abroad (usually with the attendant loss of one’s original citizenship), by marriage to a foreign citizen, or by adoption by a foreign citizen. Fahrmeir treats each of these methods at length, outlining the legal and regulatory framework and records of actual practice, including such statistics on alien population and naturalization as he can find or construct, both for the states of Hesse and for Britain. He finds that the states of Germany actually naturalized a greater

percentage of culturally alien foreigners than Britain did during the period under study, and that tests of cultural assimilation such as language proficiency were innovations of the late nineteenth and early twentieth centuries in both cases.

Passports emerged in the era of the French Revolution and became substantially universal prior to the 1850s. Their function was to establish a state monopoly as against guilds and corporations in providing identity documents for travelers, and of course they eased the state's ability to distinguish between citizens and noncitizens. In the German *Vormärz*, states increased their surveillance of borders and highways and introduced the now-familiar systems of mandatory registration with local police in response to unemployment and to the spread of revolutionary agitation. Yet movement toward economic liberalism, such as the Zollverein and the introduction of *Gewerbefreiheit*, as well as the cost and practicability of surveilling borders and highways, by the 1850s created a new system whereby passports tended not to be examined upon entry, but were universally useful in fulfilling the obligation to register with local authorities and to prove one's identity to the police upon demand. Individual contexts of economic conjuncture and fiscal policies of the state led to widely varied policies and applications of policies at different places and times.

German legal systems on the surface were much more restrictive for resident aliens than the British systems. Again, practice proved different from theory, for propertied residents not only gained rights to domicile more easily in the German states but also found the way to naturalization easier than in Britain. Both places saw a differential application of laws to marginal groups, particularly itinerant peddlers but also other outsiders such as Jews, Catholics (especially in Britain), Irish, and paupers and vagrants. Fahrmeir finds the test often to be one of perception; Britain's more liberal system perceived aliens as primarily wealthy and thus contributing to the well-being of society. In Germany, they were often viewed as paupers and the cause of unemployment, and officials thus applied laws more harshly to aliens than to citizens, including forcible deportation (something far simpler and cheaper in Hesse than in Britain!). Still, civil law in German states provided widespread equality of rights for resident aliens and citizens in matters of inheritance, contract, and access to courts, again undercutting the received notion of relentless persecution of aliens in Germany.

Fahrmeir's lucid and valuable study thus establishes not only that German conceptions and systems of citizenship predate the victory of German nationalist (and nativist) thought, but also that, despite the greater liberality of the British system in most respects, the German regime had many attributes more liberal than the British. What changed after 1870, in Germany and elsewhere, was not the institutional or conceptual framework of citizenship, but the dominant legitimacy of the idea of nationalism. By virtue of his scrupulous and searching exploration of the "in-between" era in which citizenship regimes

emerged, Fahrmeir strikes a telling and persuasive blow for the “modernist” account of nationalism against the “primordialists.”

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Mutter ledig — Vater Staat: Das Gebär- und Findelhaus in Wien, 1784–1910. By Verena Pawlowsky. Innsbruck: Studien Verlag, 2001. Pp. 340. Eur 33.00. ISBN 3–7065–1548–2.

Verena Pawlowsky’s new book, *Mutter ledig — Vater Staat*, on the birthing and foundling hospital in Vienna represents the very best in a social history of an institution. The author has skillfully combined a great amount of research on one of the more interesting of late eighteenth-century Austria’s new social institutions. The book discusses in detail and with penetrating analysis the issue of children born out of wedlock in the Habsburg capital. How to handle illegitimate children was a major problem in a modernizing society. In Vienna, the situation was similar to that in many other European capitals: a special institution was established for the care of foundling children. And as in several other European cities, the Viennese hospital cared first for the mothers of illegitimate children and then for the children themselves. Indeed, with rare exception it was a condition for acceptance by the foundling hospital that a child’s mother had delivered the child in the same institution. For this reason, the mothers were well known to the medical staff and thorough records on both mothers and children were created.

Pawlowsky uses these records effectively to give the reader several different and important historical contexts for understanding the phenomenon of illegitimacy and the fate of illegitimate children in Vienna. Thus, we learn much about the mothers through a discussion of their social standing, occupation, age, and religious affiliation. Regional background and migration patterns also figure into the profile of the mothers. Equally thorough is the author’s treatment of the children’s life inside and outside of the foundling institution. Pawlowsky has worked out the economics of the institution to a fine degree. In addition, she examines issues such as the spread of disease and immunization within the hospital and the care of children by wet-nurses outside of it. These are highly effective sections of the book, which continually place the story of illegitimate children, their mothers, and those who cared for both in several important and interlocking social and cultural contexts.

Pawlowsky also dedicates an entire chapter to a discussion of mortality rates and the causes of death of foundling children. This chapter is a good analysis of the very difficult social circumstances that characterized the lives of lower-class