

Oliver Trevisiol. *Die Einbürgerungspraxis im Deutschen Reich 1871-1945*. Göttingen: V&R unipress, 2006. 237 S. EUR 38.90 (cloth), ISBN 978-3-89971-303-9.

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## Diverse Traditions in the History of German Naturalization Policies

Oliver Trevisiol's study emphasizes the diversity of approaches of German states to naturalization decisions in the period between the founding of the nation-state and the establishment of the Nazi regime. In particular, Trevisiol finds that before 1914 the policies of Baden and Bavaria were significantly more liberal than those of Prussia: "Polish-speaking applicants and applicants who were Jewish had far better chances of becoming citizens, under similar conditions, in Baden and Bavaria than in Prussia" (p. 201, and similarly pp. 21, 81, 149-151, 157). To the extent that Baden and Bavaria did adopt exclusionary Prussian policies, Trevisiol suggests that they did so as a result of pressure from Prussia rather than out of willing agreement with the Prussian approach (p. 149). After 1918 it was Prussia that adopted more liberal policies, and Bavaria that promoted exclusion, especially with respect to Jews. Trevisiol also concludes, however, that over time the naturalization policies of all German states tended to become increasingly restrictive. Economic criteria for the granting of citizenship were replaced by standards that stressed ethnic origin and "race" (pp. 199-200). Individual characteristics became less significant than "the desirability of the collective to which the applicant was considered to belong" (p. 200).

Trevisiol begins with a brief overview of the naturalization laws and policies of Baden, Bavaria, and Prussia in the period before 1870, a discussion of the relevant language of the national citizenship laws of 1870 and 1913, and a description of how interpretations of those laws changed under different political regimes. In the period covered by Trevisiol's book German laws required for-

eigners who wished to become German citizens to submit individual applications; no entitlement to citizenship was based on birth in Germany or a long period of residence. The major exception to the requirement for individual applications involved women who married Germans and thereby automatically acquired German citizenship. Before 1934 naturalization decisions were made by the administration of the German state in which the individual lived, from 1891 with limited and from 1914 more extensive oversight by the Bundesrat (after 1919 the Reichsrat) and, hence, other German states.

Trevisiol's second chapter analyzes statistical evidence regarding the number of individuals naturalized in different periods in these states. Among the most helpful of the charts that Trevisiol has prepared are those that show how many foreigners from different national groups were naturalized as a percentage of the total number of foreigners of that nationality then resident in each state (pp. 92-94). These calculations permit comparisons, albeit crude ones, over time and across state boundaries, of the readiness of each state to naturalize aliens. Trevisiol also provides statistics regarding the religion, occupation, income, and age of those naturalized. The next two chapters analyze the application of legal rules to individual petitions and the discrimination often practiced against Poles, Jews, and members of other disfavored groups. The last sections of the book examine a range of subjects, including attitudes towards dual citizenship and administrative practices during the Nazi period and in the first years of the Federal Republic of Germany.

Trevisiol supports his claim regarding the comparatively liberal character of naturalization decisions in Baden and Bavaria during the *Kaiserreich* by reference to the contemporary finding of the Verband der Deutschen Juden that in 1909 only 36 percent of the naturalizations of Jews took place in Prussia, although roughly 60 percent of the foreign Jews in Germany lived in that state. Jack Wertheimer also noted this statistic, in an article published in 1981, and concluded from it that “the naturalisation policies of ... [non-Prussian] states varied slightly” from that of Prussia.[1] Trevisiol wishes to make more of this distinction, which he terms “clear” and “serious” (“einen gravierenden Unterschied”; pp. 21, 157, 201). Trevisiol describes several instances, most involving Jews, in which Baden and Bavaria naturalized eastern Europeans (pp. 100, 150, 157). He notes criticisms of Prussian standards by officials of Baden and Bavaria. For example, in 1903 the Bavarian Foreign Office commented to the Bavarian Interior Ministry, regarding a petition for naturalization from a respected Jewish dentist in Nuremberg, that rejection would “amount to an unjustified hardship and also does not seem to be free of problems from the point of view of legality [vom Standpunkte des Rechtsstaates]” (p. 157). Trevisiol concludes that this example indicates that the Bavarian Foreign Ministry insisted on a more probing examination of individual characteristics than permitted by Prussian rules and that “Prussian policies were officially seen as being in opposition to the principles of the Rechtsstaat” (p. 157).

The view that German citizenship and naturalization policies were from the early nineteenth century exclusionary and, hence, illiberal, is a variant of the larger critique of German states and societies as especially illiberal. It is associated in particular with the work of Rogers Brubaker, an American sociologist. Brubaker argued, in a comparison of French and German citizenship and naturalization policies, that from the mid-nineteenth century laws that made citizenship readily available to resident aliens were “unthinkable in the German setting.” Brubaker went so far as to prognosticate that a law that granted citizenship to individuals born in Germany was “unimaginable,” in large part thanks to the absence of a “viable assimilationist tradition,” so that “the automatic transformation of immigrants into citizens remains unthinkable.”[2] Brubaker’s conclusions undoubtedly reflected the restrictive citizenship and naturalization regime that prevailed when he wrote his book, as well as the frustration of many on the political left and some in the center at the slow pace of change.

Several recently published books, often written in

part in response to Brubaker, have taken issue with the view that German citizenship policies have historically been especially exclusionary. Andreas Fahrmeir’s comparison of Germany and Britain, published in 2000, minimized the significance of differences in the citizenship and naturalization policies of the two countries in the period before the founding of the German state. Like Trevisiol, Fahrmeir de-emphasized the significance of Prussia’s domestic policies on this subject.[3] Patrick Weil concluded in 2002, in a discussion of the relationship between the citizenship laws of pre-1848 Prussia and those of France, that the key passages of the seminal Prussian law of 1842 were taken from the French Civil Code.[4] Dieter Gosewinkel’s *Habilitationsschrift*, published in 2001, found that the citizenship law of 1913, which Brubaker argued had “crystallized” an ethnic conception of the nation, in fact had multiple aims and characteristics. It was designed not only to promote anti-Semitic and anti-Polish policies, but also reflected the formal, ethnically neutral characteristics typical of modern, in a Weberian sense, legal structures. Gosewinkel found that the restrictions on naturalization sanctioned by the law of 1913 were not “fundamentally different from the restrictive immigration policies of other states in this time period” and, furthermore, that these restrictive policies often had a defensive character.[5] In focusing on differences between Prussia, on the one hand, and Baden and Bavaria, on the other, Trevisiol suggests another way in which German naturalization policies during the *Kaiserreich* cannot simply be characterized as exclusionary or oppressive.

As Trevisiol’s analysis suggests, the political traditions, confessional make-up, and economic structures and interests of Prussia and the south German states differed in significant respects and these differences in turn implied distinctive approaches with respect to citizenship and naturalization decisions, at least to the extent that the national laws on this subject granted states some independence. Trevisiol draws a telling contrast between the pressure exerted on Dutch citizens living in Prussia in the 1870s to become Prussian citizens, in order to promote the conscription of young men, and the far more relaxed approach of the government of Baden to Swiss immigrants (pp. 92-94). Although the evidence he provides is modest, Trevisiol is very likely correct in suggesting that the south German states’ refusal to limit Polish migrant workers to employment in agriculture, and, as this decision implied, the unwillingness to force their return to Russia or Austria-Hungary for a period every year, in contrast to policies in effect in Prussia in the years before

the First World War, led to greater willingness to naturalize Polish immigrants in this period.[6] The far smaller number of ethnic Poles and migrant Polish workers in the south German states, as compared with Prussia, doubtless also played a role.

On the other hand, Trevisiol's statistics do not always support his claim that during the entire period of the *Kaiserreich* Baden and Bavaria were significantly more liberal than Prussia in their policies regarding the naturalization of Poles and Jews. In 1890, in the aftermath of expulsions of foreign Poles and Jews from Prussia, the naturalization rates of foreigners from Russia fell to virtually nil in both Baden and Bavaria (pp. 93-94). Trevisiol's conclusion from these statistics, that "Prussian defensive policies were carried out with some delay by the south German states," is rather more modest than the claims he makes elsewhere regarding the differences between Prussia and the south German states (p. 94). This may suggest the need for more careful periodization when drawing general conclusions.

While Trevisiol writes that "in Bavaria there were no special naturalization rules regarding Jews" and that "the Jewish religion was not in itself grounds for rejection" of a naturalization petition (p. 157), he also notes that from the 1880s Bavaria prohibited the naturalization of individuals who were not desired on "economic, political, or national grounds" (p. 150). From the 1880s Jewish applications for naturalization were usually considered objectionable for all three reasons by the Prussian Interior Ministry.[7] In Bavaria local communities played a much more significant role in making naturalization decisions than in Prussia, with the result that instructions from the central administration were simply less encompassing than in Prussia. Evidence from individual cases also suggests that anti-Semitism continued to play a significant role in naturalization decisions in Baden and Bavaria. Trevisiol finds that during the *Kaiserreich* Jewish applicants for naturalization were "repeatedly [confronted] with charges arising from the spirit of antisemitism" and does not limit this generalization to Prussia (p. 117). For example, Trevisiol notes the reactions of officials in Baden in 1902 to the application of a Jewish man for naturalization. Inquiries in the local community revealed that "he is known as a businessman who has no scruples, and it is claimed that he engages in all sorts of unclean financial dealings, although it has not yet been possible to find any particular evidence of this" (p. 118). This application was rejected. In 1907, Bavarian officials examining the application of a Jewish store owner were instructed to inquire of area businessmen

("die übrigen Geschäftsleute") whether the prices the applicant charged led them to be "unjustifiably pressured" ("ungerechtfertigt gedrückt"; p. 98). This query was presumably addressed to the man's competitors, who would have objected to low prices. In this case the individual somehow passed all the hurdles placed before him and was granted citizenship.

While Trevisiol's study does not focus on the larger causes of the policies he analyzes, when he ventures into this area he tends to attribute naturalization policies to very general social and cultural forces. Here he follows both Brubaker and Gosewinkel.[8] Trevisiol's discussion of the anti-Semitic and anti-Polish character of naturalization policies during the period covered by his study is preceded by a brief discussion of the growing influence and radicalism of racist ideologies of various kinds (p. 143). The subsection on Prussian anti-Polish policies begins by emphasizing the role of "rampant nationalism" (*grassierende Nationalismus*; p. 148). Since Trevisiol wishes to emphasize the differences between the policies of Prussia, on the one hand, and those of Baden and Bavaria, on the other, the reader is left to wonder whether the diversity in approach Trevisiol's study documents can be taken as an expression of differences in the form or influence of racism or national feeling in different parts of Germany.

Trevisiol's analysis gives short shrift to the role played in naturalization policies by domestic and foreign political tensions and power relationships. Bismarck and his successors employed naturalization policies to promote the fortunes of political parties that supported their views and to punish groups that supported their opponents. It is impossible to understand the introduction of new and stringent limitations on the naturalization of foreign Jews and Poles in the early 1880s without analyzing the relationship of these policies to Bismarck's efforts to revive his political fortunes after electoral defeats in the fall of 1881 and again in 1884. The harsh treatment of foreign Jews and Poles also reflected tensions between Germany and Russia, and the subordinate status of both Poles and Jews within the Russian Empire. Again the reader is left to wonder how precisely the different policies of German states might have reflected the domestic and foreign challenges faced by the dominant political leaders in each state.[9]

Obviously, one book cannot respond to all questions on a subject of this magnitude. Trevisiol's work answers a range of questions and provokes others. It is a valuable contribution to the study of German naturalization

policies, especially in the era of the *Kaiserreich*.

#### Notes

[1]. Jack Wertheimer, "The Unwanted Element: East European Jews in Imperial Germany," *Leo Baeck Institute Yearbook* 26 (1981): 31. Trevisiol discusses Wertheimer's findings on pp. 80-81.

[2]. Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge: Harvard University Press, 1992), 120, 177, 185.

[3]. Andreas Fahrmeir, *Citizens and Aliens: Foreigners and the Law in Britain and the German States 1789-1870* (New York: Berghahn, 2000), 28-29, 52-54, 210.

[4]. Patrick Weil, *Qu'est-ce qu'un Français? Histoire de la Nationalité Française depuis la Révolution* (Paris: Bernard Grasset, 2002). The second edition of Weil's book, published in 2005, contains several modifications in the treatment of the evidence on this subject.

[5]. Dieter Gosewinkel, *Einbürgern und Ausschliessen: Die Nationalisierung der Staatsangehörigkeit vom Deutschen Bund bis zur Bundesrepublik Deutschland* (Göttingen: Vandenhoeck & Ruprecht, 2001), 426-427, 433; Brubaker, 114. Brubaker wrote of the 1913 law that "in the context of a large and growing immigrant population and demands for easier naturalization ... the decision to preserve pure jus sanguinis invested that legal principle with new meaning, transforming it from a taken-for-

granted fact into a self-conscious normative tradition" (119).

[6]. See the discussion on this subject in Rene Del Fabbro, *Transalpini: Italienische Arbeitswanderung nach Süddeutschland im Kaiserreich 1870-1918* (Osnabrück: Universitätsverlag Rasch, 1996), 116-129. Trevisiol refers to this section of Del Fabbro's study on 149, n. 48.

[7]. Confidential Prussian Administrative Treatise on Naturalization of 1904, Geheimes Staatsarchiv Preussischer Kulturbesitz, Berlin-Dahlem, PK, HA I, Rep. 77, Tit. 227, Nr. 53, Beiheft 2, pp. 69, 73.

[8]. Gosewinkel wrote that "in the naturalization policies practiced during the Kaiserreich, over the course of nearly half a century, national preferences came to be firmly established that went beyond mere administrative practices, and even more inform us about deep-seated national mentalities, which were transformed into practical policy decisions by the (Prussian) bureaucracy" (259).

[9]. The roles played by ideology and interest in the development of German citizenship policies is one of the main focuses of my own study of this subject: Eli Nathans, *The Politics of Citizenship in Germany: Ethnicity, Utility and Nationalism* (Oxford: Berg, 2004). Trevisiol includes this book in his bibliography and mentions it in his introduction, but it seems to have appeared too late for him to take account of its findings in the body of his dissertation.

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