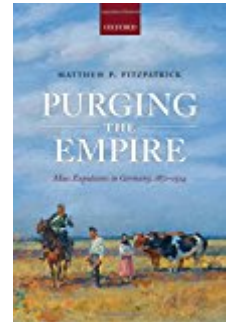


**Matthew P. Fitzpatrick.** *Purging the Empire: Mass Expulsions in Germany, 1871-1914.* Oxford: Oxford University Press, 2015. 304 pp. \$99.00, cloth, ISBN 978-0-19-872578-7.



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In 2016, the question of immigrants in Germany is in the news. Images flash of Syrian refugees filling the streets of the Federal Republic, and commentators ask whether the German state is up to the task of confronting these and other groups of migrants. Matthew P. Fitzpatrick's *Purging the Empire* is a welcome reminder that these questions are not new ones for Germany. In this book, he makes the argument that the many mass expulsions—including but not limited to political enemies, ethnic and religious minorities, and subjects of the overseas empire—that occurred in the imperial German state did not occur in extraconstitutional ways, but rather were due to the “normative processes of law” (p. 262). This conclusion is an ambivalent one. On the one hand, Fitzpatrick is clear that the state did not abandon its legal structure in order to radically exclude those who were perceived as its enemies. And at times, this legal structure acted to restrain the behavior of eager officials or an overzealous public. On the other, the capacity of the pre-World War I legal structure to accommodate radical expulsion is

troubling in its own right. Fitzpatrick's careful and subtle account of this history is impressive and thought-provoking both for scholars of the imperial period and for those interested in similar issues in the contemporary context.

This study has a resonance that goes beyond the circle of scholars interested in deportation or even minorities more broadly. Rather, the questions that Fitzpatrick is asking are absolutely central ones for any scholar of the Imperial period—to what degree was the imperial state a *Rechtsstaat*, a state governed by laws? To what degree was it an autocracy and to what degree did it respond to “civil society”? Using Foucault, Fitzpatrick demonstrates convincingly that “in imperial Germany power emanated from innumerable points” (p. 8). In some cases, imperial officials acted as a check upon the more radical demands of pressure groups. At other points, the opposite was true. And in almost all cases, the state itself contained representatives of a wide variety of positions. Reichstag debates were often quite substan-

tive clashes between different visions of the potential and limits of the law.

Perhaps the most fascinating demonstration of this comes in Fitzpatrick's discussion of the debate regarding deportation in Alsace Lorraine. Due to its conquest during the Franco-Prussian War, Alsace was an extrajudicial space within the empire, held by all the German states in common and under the "custodianship" of the kaiser. Furthermore, the chancellor and the Reichstag had very little ability to intervene directly in its governance. This would appear, as Fitzpatrick notes, to offer an example of a Schmittian exceptional space—one beyond the rule of normal laws and thus subject to the direct exercise of sovereign power. However, Fitzpatrick pushes back against such an interpretation, noting the ways in which even here, the rule of law still applied and there were considerable checks on the power of the kaiser and his administrators. Moreover, Fitzpatrick notes the even as pressure built in Berlin for a harsher policy towards French residents and optants in Alsace, the imperial governor moved cautiously. In this case, Fitzpatrick concludes that "the apparent *carte blanche* offered to the governors" allowed them to resist the clear wishes of nationalist pressure groups and the German chancellor for more expulsions of French people from this new German territory (pp. 227-228). Exceptionality was, in this case, not a reflection of a Schmittian concept of extra juridical harshness, but rather provided an opportunity for lenience. Indeed, legality, morality, democracy, bureaucratic infighting, and individual circumstances operated in complex and often contradictory ways not merely here, as shown throughout this book.

Almost by definition, this is a book that is filled with exceptional spaces and exceptional groups. There was no standard that could be applied to all of them, and, from this account, it did not appear that imperial German officials sought one. At times, officials brought up their dealings with socialists or Jesuits or Poles when talking

about other groups. However, they did so more by way of noting examples rather than in terms of legal dictates. For example, in the case of Alsace mentioned above, Fitzpatrick states that Bismarck "wished to see the contemporaneous expulsions of Poles ... replicated in Alsace-Lorraine" (p. 214). However, Fitzpatrick also makes clear that this replication was not automatic—indeed it never happened. Thus we are left with a German state that awkwardly fits with a normative concept of modernity. The state did not abandon its rules in adjudicating these seemingly exceptional situations; however, it also did not appear to be very interested in constructing a homogenous view of citizens or their Others. This creates a fascinating apparent contradiction between a legalistic "modern" regime and one beholden to a series of complex, seemingly early modern, relationships with various groups. And yet, this does not appear to have been seen as a contradiction or even a frustration by the officials that Fitzpatrick quotes.

On first glance, Fitzpatrick's conclusions appear as a rebuttal to the arguments made by Isabel Hull that imperial Germany was not a normal or rule-bound state, but rather one that was intent on writing new laws in order to impose its will. In her recent books, *Absolute Destruction* (2006) and *A Scrap of Paper* (2014), Hull notes how German military officials used the concept of military necessity to justify abandoning the rule of law in colonial conflicts and World War I. Fitzpatrick, in contrast, maintains the continued efficacy and flexibility of legal structures to deal with the supposed threat offered by exceptional groups and circumstances of all kinds. Indeed, he examines the same imperial territory over which Hull argued that the German army slid from an adherence to (admittedly violent) colonial legal norms to lawless genocide. Here Fitzpatrick states that as much as southwest Africa may have appeared unconnected to the legal framework of the metropole, "ties between the two were sufficiently strong that the [metropole] still had the capacity to regulate its satellite" (p. 256). The *Rechtsstaat*,

he argues “did not abandon its control over the colony entirely.” With a bit of distance, this appears in some ways to actually strengthen Hull’s moral claim, if not her legal one. If Germany maintained some control over the genocidal behavior of its colony, then what is, after all, the value or the meaning of the state’s own laws? Germany’s behavior in southwest Africa then was not a moral indictment of its colonial realm but rather of the moral insufficiencies of its own *Rechtsstaat*.

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